

**CALENDAR ITEM
C08**

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02/20/15
PRC 3905.1
S. Kreutzburg

**TERMINATION OF A RECREATIONAL PIER LEASE AND
ISSUANCE OF A GENERAL LEASE - RECREATIONAL USE**

LESSEE:

James Alan Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98; and John Stannard and Cathy Stannard

APPLICANT:

Tahoe Belleview LLC, A California Limited Liability Company, and John William Stannard, Sr., and Cathy J. Stannard, Trustees of the Cathy and John Stannard 2005 Trust as Amended and Restated October 13, 2010

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 3915 Belleview Avenue, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and two mooring buoys.

LEASE TERM:

10 years, beginning December 13, 2013.

CONSIDERATION:

\$1,378 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is

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a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the US District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA EIS and ordinance issues.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Tahoe Belleview, LLC, owns the upland adjoining the lease premises, and John William Stannard, Sr., and Cathy J. Stannard, Trustees of the Cathy and John Stannard 2005 Trust as Amended and Restated October 13, 2010, have an easement to cross the upland to use the pier and the boat lift.
2. On August 20, 2010, the Commission authorized a 10-year Recreational Pier Lease to James Allen Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, Dated 5/20/98; and John Stannard and Cathy Stannard. The Lease will expire on April 14, 2020.
3. On March 31, 2011, John Stannard and Cathy Stannard transferred ownership of their upland parcel to John William Stannard, Sr., and Cathy J. Stannard, Trustees of the Cathy and John Stannard 2005 Trust as Amended and Restated October 13, 2010.
4. On December 13, 2013, the upland parcel owned by James Allen Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98, was transferred to Tahoe Belleview, LLC, a California Limited Liability Company. The Applicants are now applying for a General Lease – Recreational Use.
5. Staff recommends terminating the existing lease because Mr. Hetfield cannot be located for execution of a lease quitclaim deed.
6. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the

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environment and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

7. **Issuance of a New Lease:** The staff recommends that the Commission find that the issuance of a lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: Find that the issuance of a lease is exempt from the requirements of CEQA as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective December 12, 2013, of Lease No. PRC 3905.9, a Recreational Pier Lease, issued to James Allen Hetfield, Trustee of the James and Francesca Hetfield Revocable trust, dated 5/20/98; and John Stannard and Cathy Stannard.

2. Authorize issuance of a General Lease – Recreational Use to Tahoe Belleview, LLC, A California Limited Liability Company, and John William Stannard, Sr., and Cathy J. Stannard, Trustees of the Cathy and John Stannard 2005 Trust as Amended and Restated October 13, 2010, beginning December 13, 2013, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, two boat lifts, and two mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$1,378, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3905.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 36, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved April 11, 1884, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing joint-use pier, one (1) catwalk, and two (2) boat lifts, lying adjacent to those parcels as described in that Grant Deed recorded December 13, 2013 as Document Number 2013-0114029 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2 & 3 – BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 28, 2014 by the California State Lands Commission Boundary Unit.



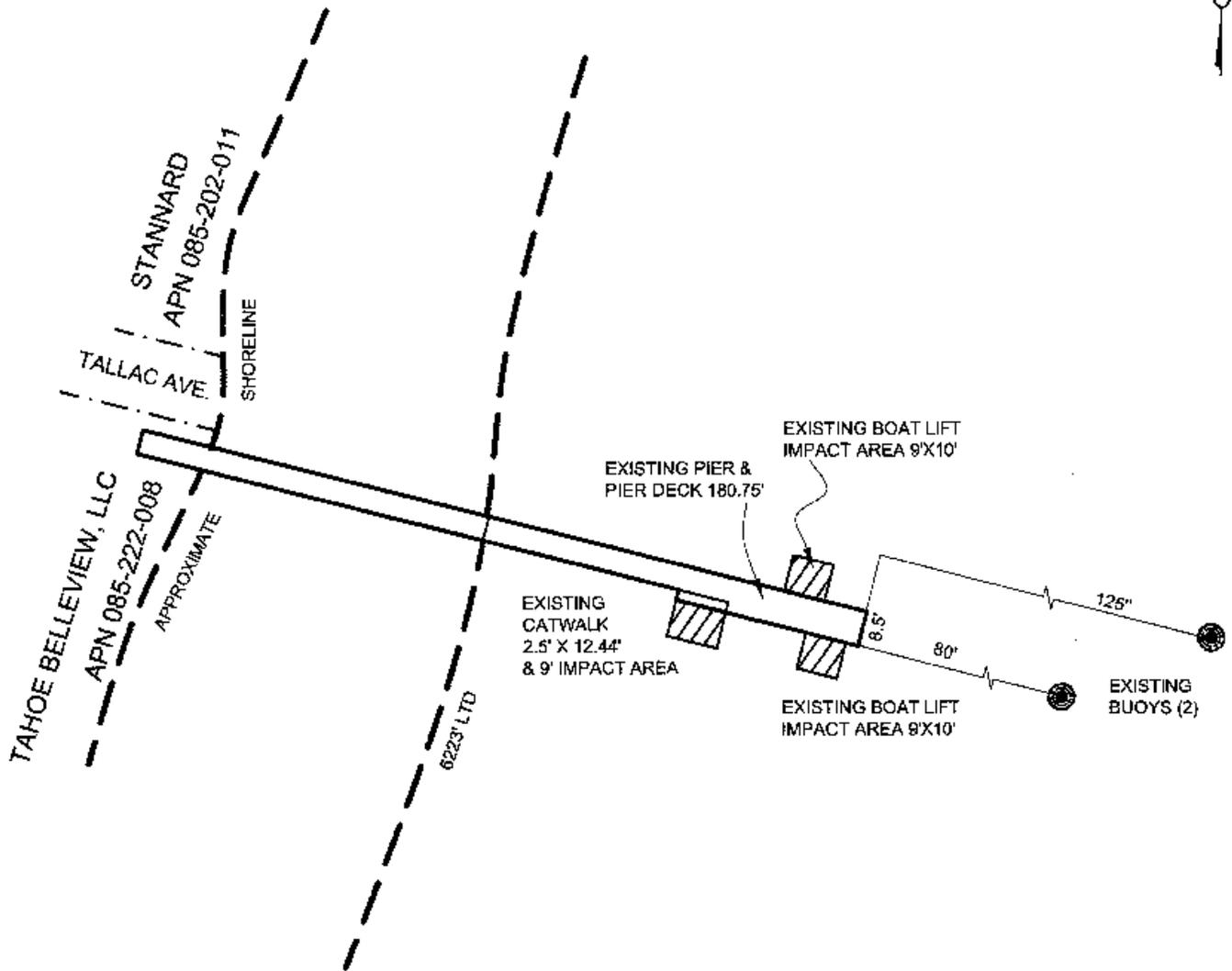


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 3905.1, TAHOE BELLEVIEW, LLC
 & STANNARD
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



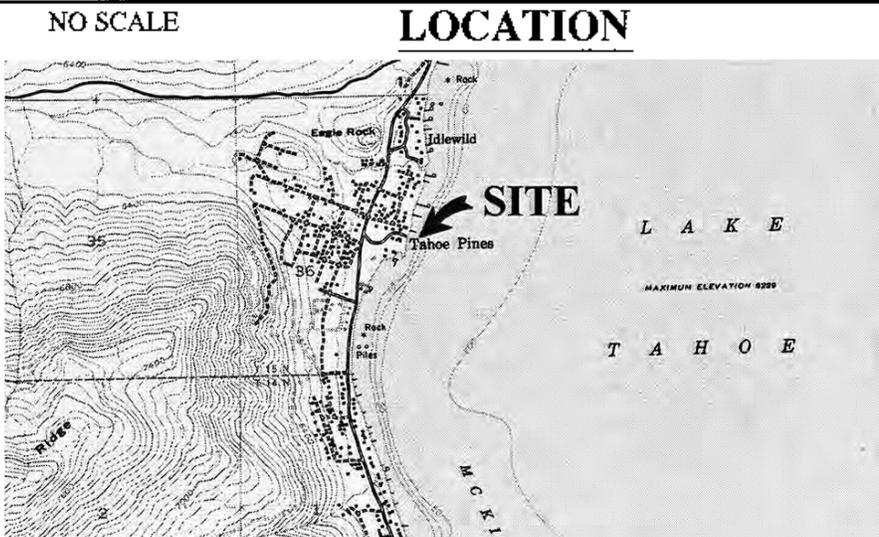
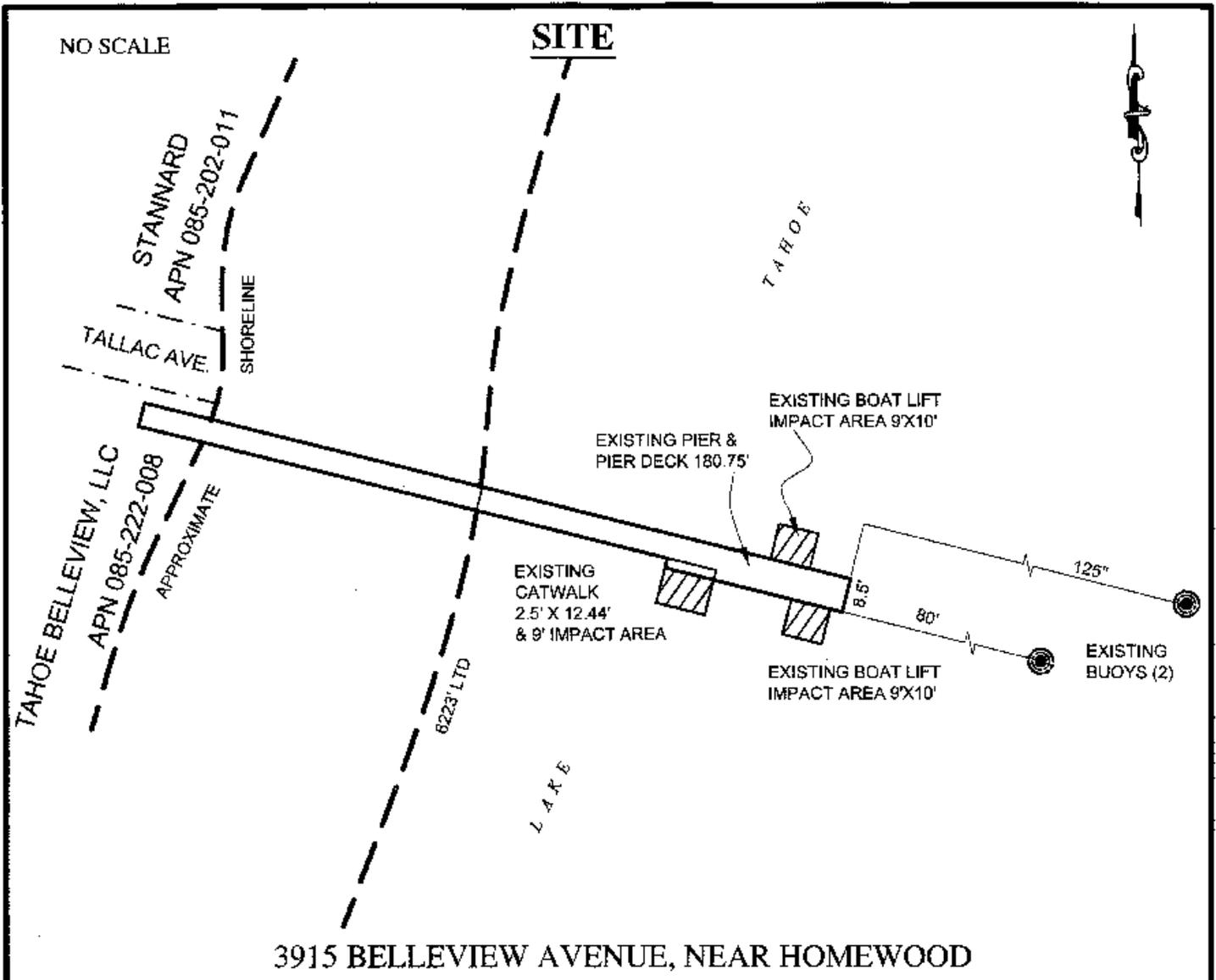
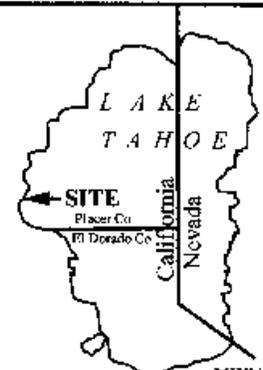


Exhibit B
 PRC 3905.1
 TAHOE BELLEVIEW, LLC
 & STANNARD
 APN 085-222-008 &
 APN 085-202-011 &
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.