

**CALENDAR ITEM
C28**

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S 1

06/29/15
PRC 7380.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

John H. Scully, Trustee of the John H. Scully Living Trust, dated October 1, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 1360 West Lake Boulevard, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning June 25, 2015.

CONSIDERATION:

\$1,698 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization 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. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

CALENDAR ITEM NO. **C28** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 8, 2005, the Commission authorized a Recreational Pier Lease to John H. Scully, Trustee of the John H. Scully Living Trust, dated October 1, 2003, for an existing pier, boat lift, and two mooring buoys. The lease expires on June 24, 2015. The Applicant is now applying for a General Lease – Recreational Use.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

4. 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:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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.

CALENDAR ITEM NO. **C28** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to John H. Scully, Trustee of the John H. Scully Living Trust, dated October 1, 2003, beginning June 25, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, 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 \$1,698, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7380.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 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 pier, catwalk, steps and boat lift lying adjacent to those parcels as described in Exhibit A of that Interspousal Transfer Deed recorded April 9, 2004 in Document 2004-0041983 of said County.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

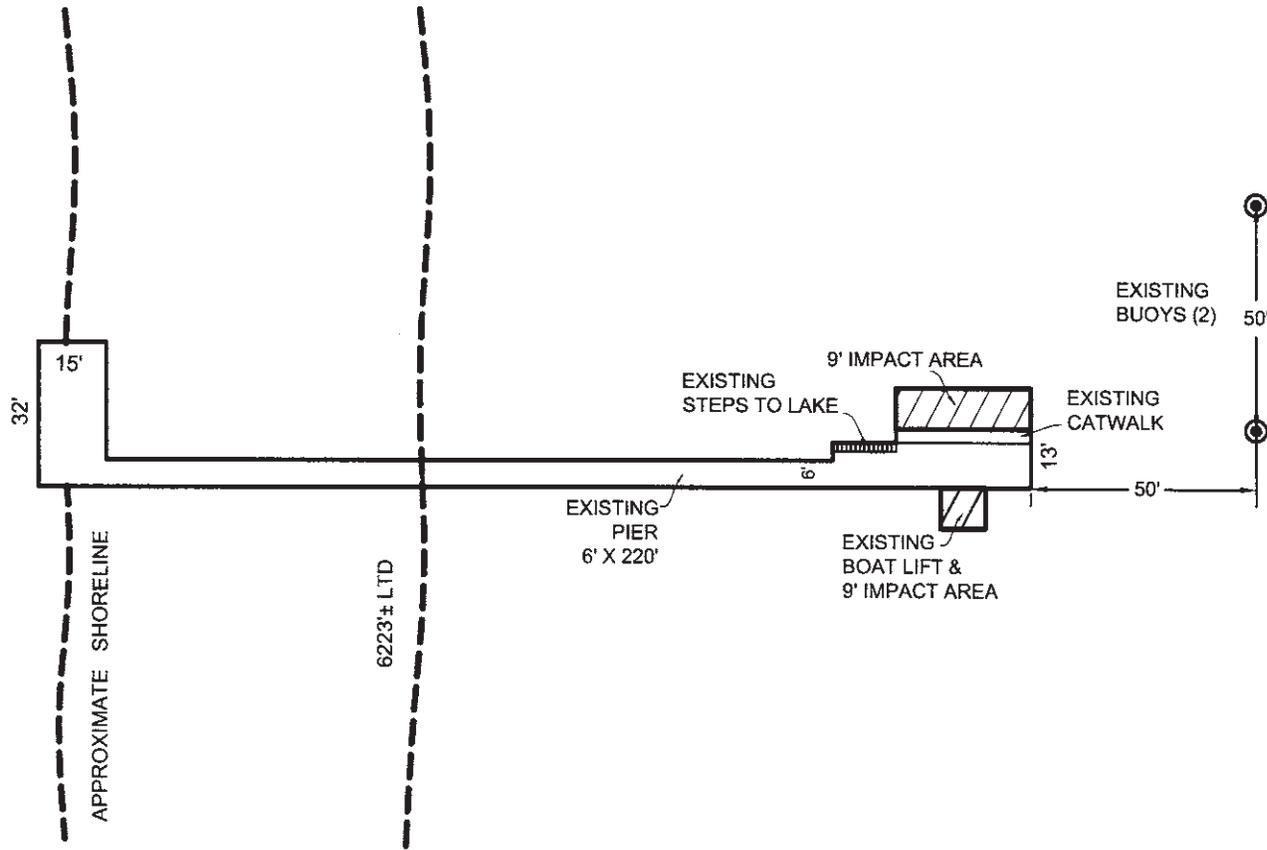
Prepared November 13, 2014 by the California State Lands Commission Boundary Unit.





TAHOE

APN 083-162-031



LAKE

EXHIBIT A

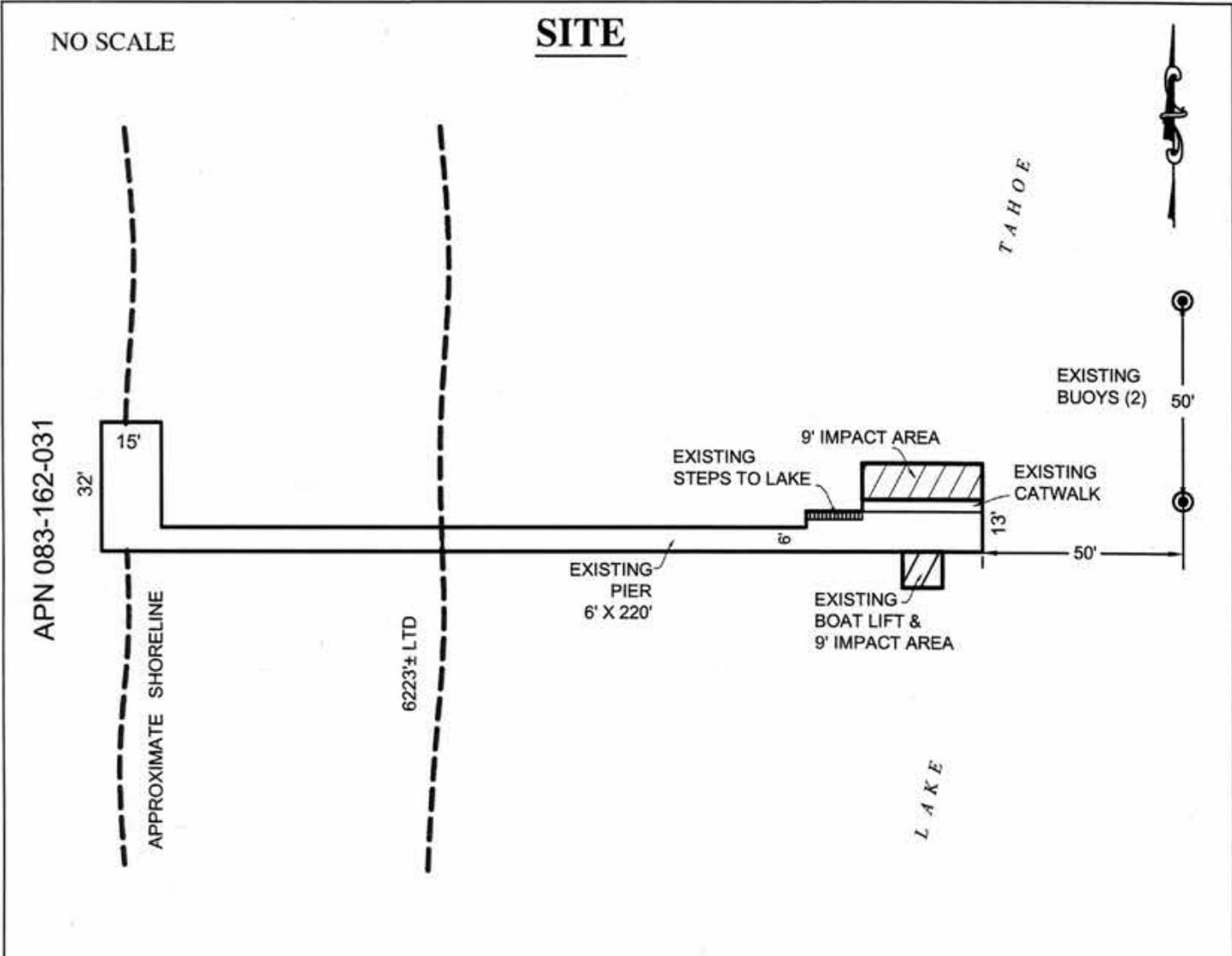
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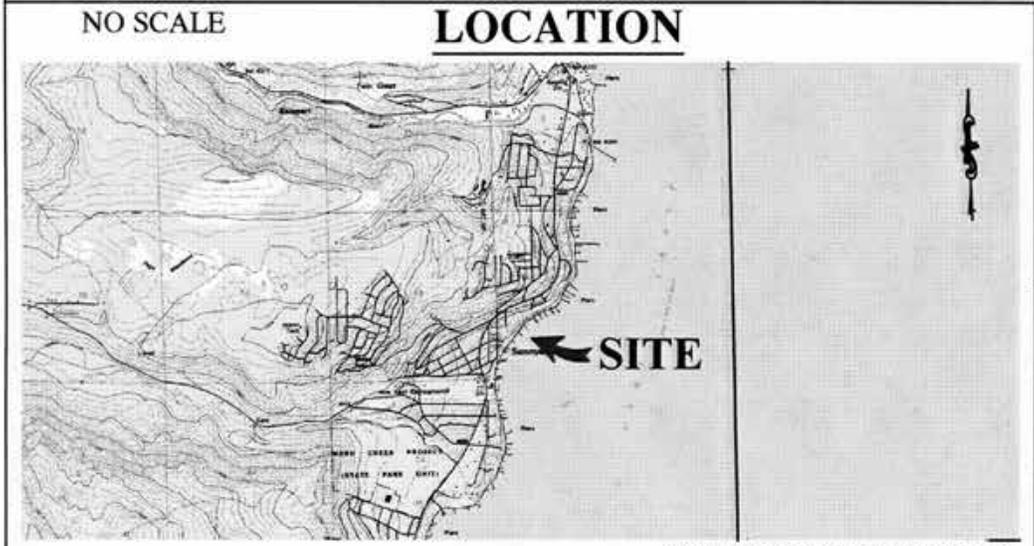
LAND DESCRIPTION PLAT
 PRC 7380.1, SCULLY TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION





1360 WEST LAKE BLVD., NEAR TAHOE CITY



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 7380.1
 SCULLY TRUST
 APN 083-162-031
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 11/11/2014

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.