

**CALENDAR ITEM
C30**

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08/19/15
PRC 8621.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Leland F. Porteous and Mary L. Porteous, Trustees of the Leland and Mary Porteous Revocable Trust created August 18, 1997; Leland F. Porteous and Mary L. Porteous; George J. Sornborger and Margaret E. Sornborger, Trustees of the George and Margaret Sornborger Family Trust dated October 12, 1987; Robert M. Diel and Joan S. Diel (formerly known as Joan E. Diel); and Robert M. Diel and Joan S. Diel (formerly known as Joan E. Diel), Trustees of the Robert Mann Diel and Joan S. Diel Revocable Family Trust dated February 28, 1996

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3275 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning August 1, 2015.

CONSIDERATION:

\$754 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.

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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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On August 8, 2005, the Commission authorized a Recreational Pier Lease to Leland F. Porteous, Mary L. Porteous, George J. Sornborger, and Margaret E. Sornborger for two existing mooring buoys. The lease expired on July 31, 2015. Since then, interest in the upland has been deeded to the Applicant. 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

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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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Leland F. Porteous and Mary L. Porteous, Trustees of the Leland and Mary Porteous Revocable Trust created August 18, 1997; Leland F. Porteous and Mary L. Porteous; George J. Sornborger and Margaret E. Sornborger, Trustees of the George and Margaret Sornborger Family Trust dated October 12, 1987; Robert M. Diel and Joan S. Diel (formerly known as Joan E. Diel); and Robert M. Diel and Joan S. Diel (formerly known as Joan E. Diel), Trustees of the Robert Mann Diel and Joan S. Diel Revocable Family Trust dated February 28, 1996, beginning August 1, 2015, for a term of 10 years, for the continued use and maintenance of two existing 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 \$754, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8621.1

LAND DESCRIPTION

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 25, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCELS 1 & 2 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Quitclaim Deed recorded May 26, 2011 as Document Number 2011-0041169-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/20/2014 by the California State Lands Commission Boundary Unit.





APN 085-260-034

APPROX. SHORELINE

6223' ± LTD

150' ±

120' ±

TAHOE

LAKE

EXISTING BUOYS

EXHIBIT A

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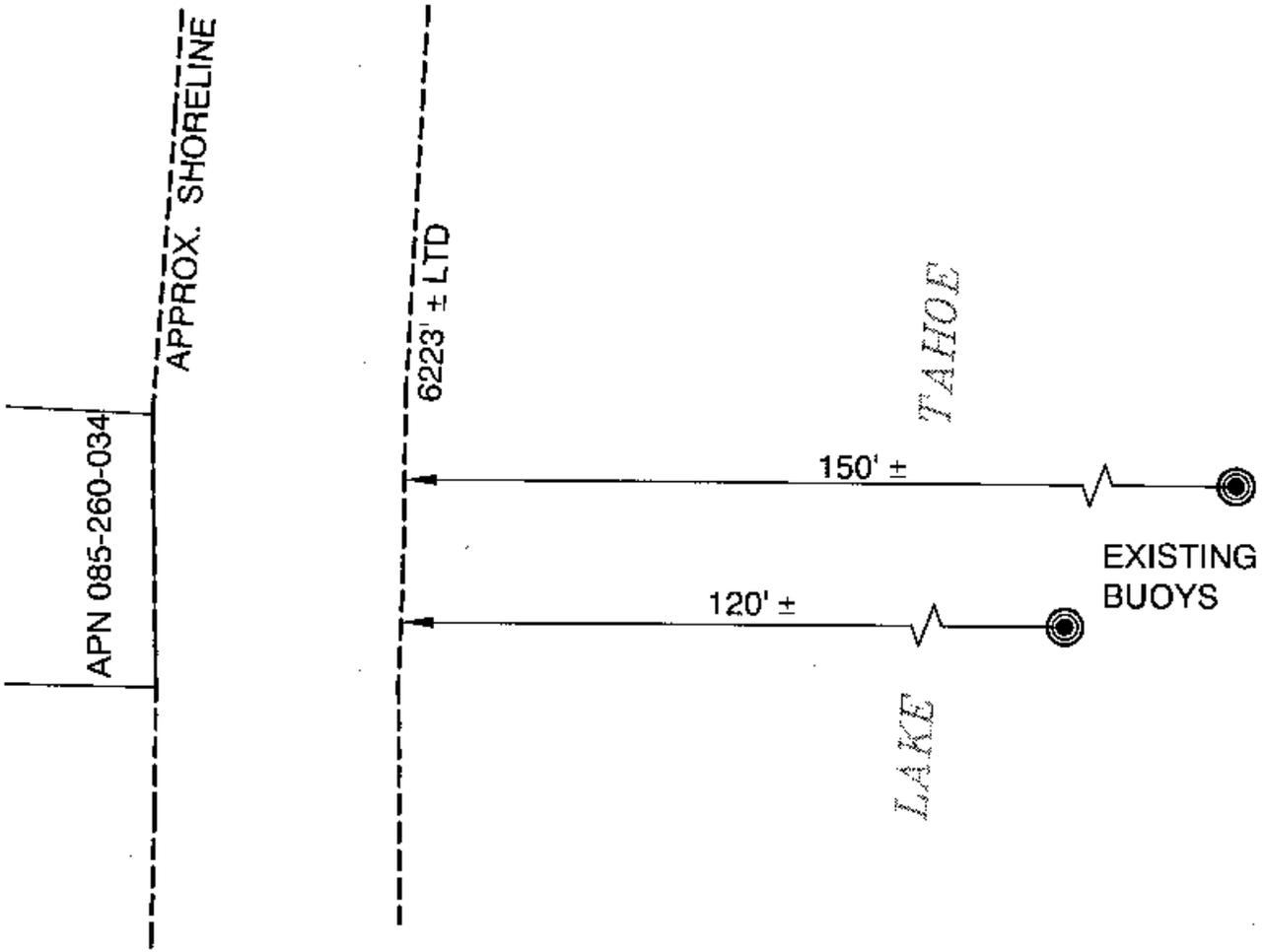
LAND DESCRIPTION PLAT
PRC 8621.1, PORTEOUS TRUST/DIEL
TRUST/SORNBORGER TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

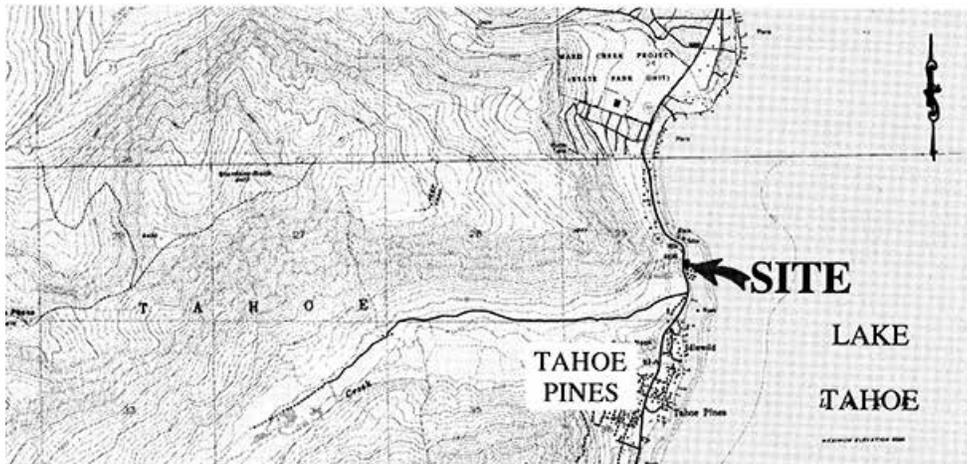
SITE



3275 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 8621.1
 PORTEOUS TRUST/DIHL
 TRUST/ SORNBORGER TRUST
 APN 085-260-034
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY



TS 08/20/14