

**CALENDAR ITEM
C13**

A 1
S 1

12/18/15
PRC 3879.1
S. Kreutzburg

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE:

David Clinton DeForest and Laura Louise DeForest, Co-Trustees or Successor Trustees of the David Clinton DeForest and Laura Louise DeForest Revocable Living Trust under Trust Agreement dated December 4, 2000, as amended by a Second Restatement of Trust dated April 26, 2010; and Stephen Kellogg DeForest, Trustee of the Stephen Kellogg DeForest Trust under Article XIII of the Donald S. DeForest and Jane C. DeForest Revocable Trust dated February 12, 1990, as Amended by the Restatement of the Donald S. DeForest and Jane C. DeForest Revocable Trust dated November 4, 2004

APPLICANT:

525 Howard, LLC, a California limited liability company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4230 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and one mooring buoy.

LEASE TERM:

10 years, beginning December 18, 2015.

CONSIDERATION:

\$847 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

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Other:

1. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoy 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 buoy.
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.
3. Lessee acknowledges that a portion of the existing pier exists within the State administered Public Trust Easement, which exists between the locations of the ordinary high water mark and the low water mark of Lake Tahoe. Lessee agrees to allow the public to pass and re-pass via stairs on each side of the pier to allow continuous access to and along the Public Trust Easement below elevation 6,228.75 feet, Lake Tahoe Datum.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On March 29, 2012, the Commission authorized a General Lease - Recreational Use to David Clinton DeForest and Laura Louise DeForest, Co-Trustees or Successor Trustees of the David Clinton DeForest and Laura Louise DeForest Revocable Living Trust under Trust Agreement dated December 4, 2000, as amended by a Second Restatement of Trust dated April 26, 2010; and Stephen Kellogg DeForest, Trustee of the Stephen Kellogg DeForest Trust under Article XIII of the Donald S. DeForest and Jane C. DeForest Revocable Trust dated February 12, 1990, as Amended by the Restatement of the Donald S. DeForest and Jane C. DeForest Revocable Trust dated November 4, 2004. On November 20, 2014, the upland parcel was deeded to 525 Howard, LLC, a California limited liability company. The Applicant is now applying for a General Lease – Recreational Use.
3. Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the upland property without executing a quitclaim deed.

CALENDAR ITEM NO. **C13** (CONT'D)

4. Staff recommends that the Commission accept compensation in the amount of \$918 for the unauthorized occupation of state lands for the period beginning November 20, 2014, when the applicant took ownership, through December 17, 2015.
5. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15378 subdivision (b)(5).

6. The staff recommends that the Commission find that issuance of the 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.

7. 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 issuance of the lease 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).

CALENDAR ITEM NO. **C13** (CONT'D)

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 17, 2015, of Lease No. PRC 3879.9, a General Lease – Recreational Use, issued to David Clinton DeForest and Laura Louise DeForest, Co-Trustees or Successor Trustees of the David Clinton DeForest and Laura Louise DeForest Revocable Living Trust under Trust Agreement dated December 4, 2000, as amended by a Second Restatement of Trust dated April 26, 2010; and Stephen Kellogg DeForest, Trustee of the Stephen Kellogg DeForest Trust under Article XIII of the Donald S. DeForest and Jane C. DeForest Revocable Trust dated February 12, 1990, as Amended By the Restatement of the Donald S. DeForest and Jane C. DeForest Revocable Trust dated November 4, 2004.
2. Authorize acceptance of compensation in the amount of \$918 for the unauthorized occupation of state lands, for the period of November 20, 2014, through December 17, 2015.
3. Authorize issuance of a General Lease – Recreational Use to 525 Howard, LLC, a California limited liability company, beginning December 18, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and one mooring buoy, 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 \$847 with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 3879.1

LAND DESCRIPTION

Two parcels of submerged lands situate in the bed of Lake Tahoe, adjacent to Lot 2 of fractional Section 28, Township 16 North, Range 17 East, M.D.B.&M., as shown on official government township plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier with boatlift and catwalk lying adjacent to that parcel described in Exhibit A of Grant Deed recorded November 20, 2014 as Document Number 2014-0083405 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 – BUOY

A circular parcel of land, being 50 feet in diameter, the center of which underlies an existing buoy lying adjacent to that parcel described in Exhibit A of Grant Deed recorded November 20, 2014 as Document Number 2014-0083405 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared 3/17/2015 by the California State Lands Commission Boundary Unit.



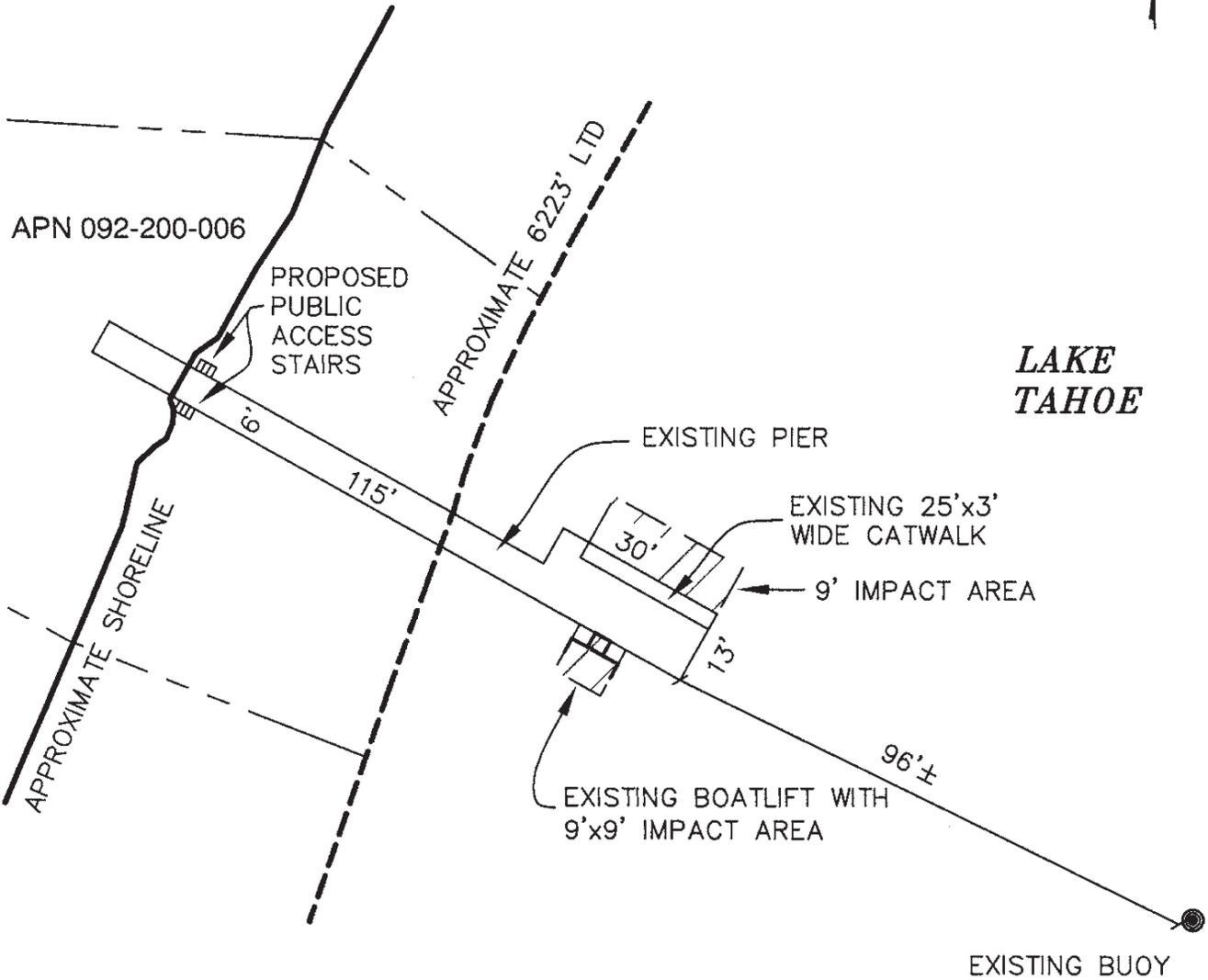


EXHIBIT A

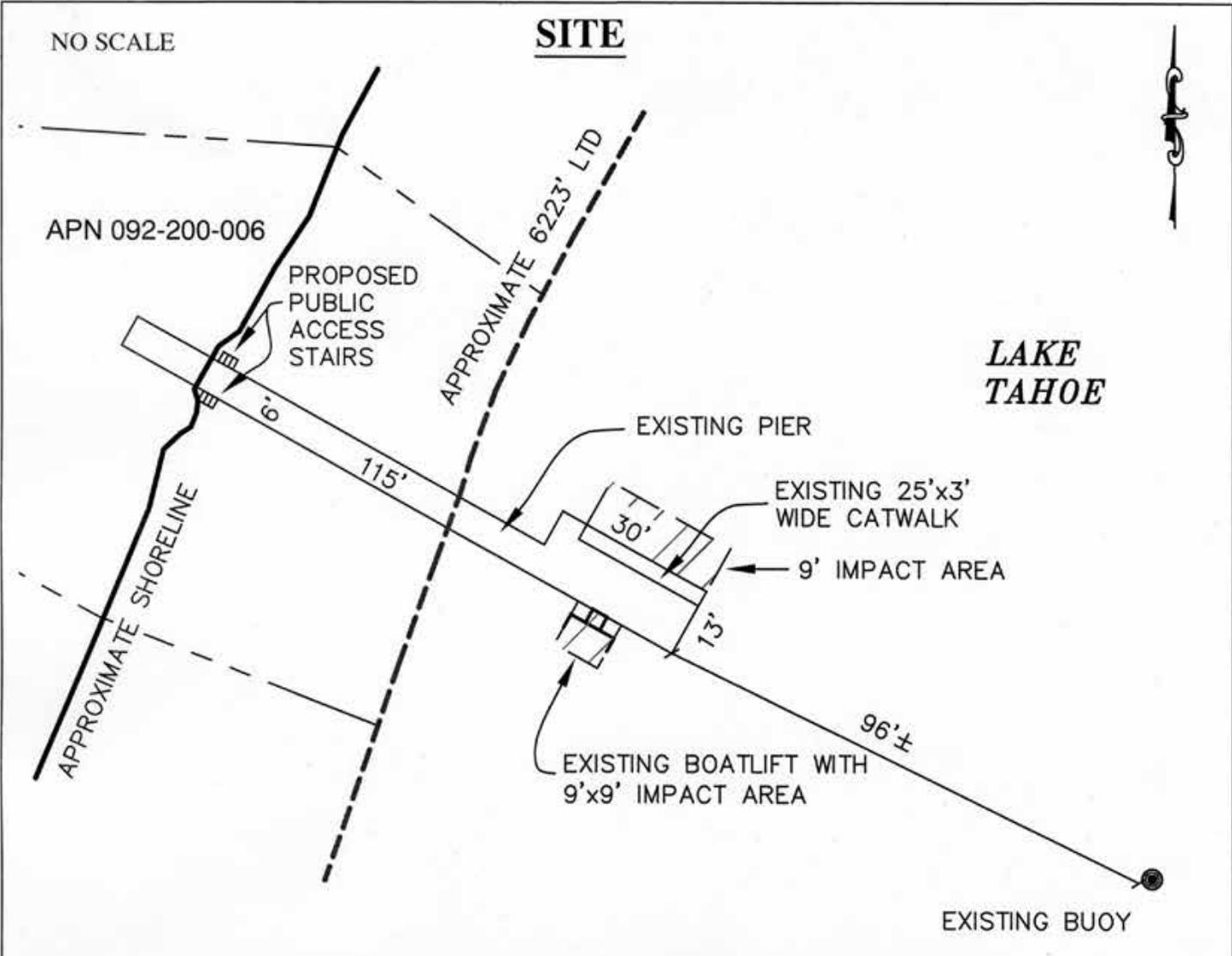
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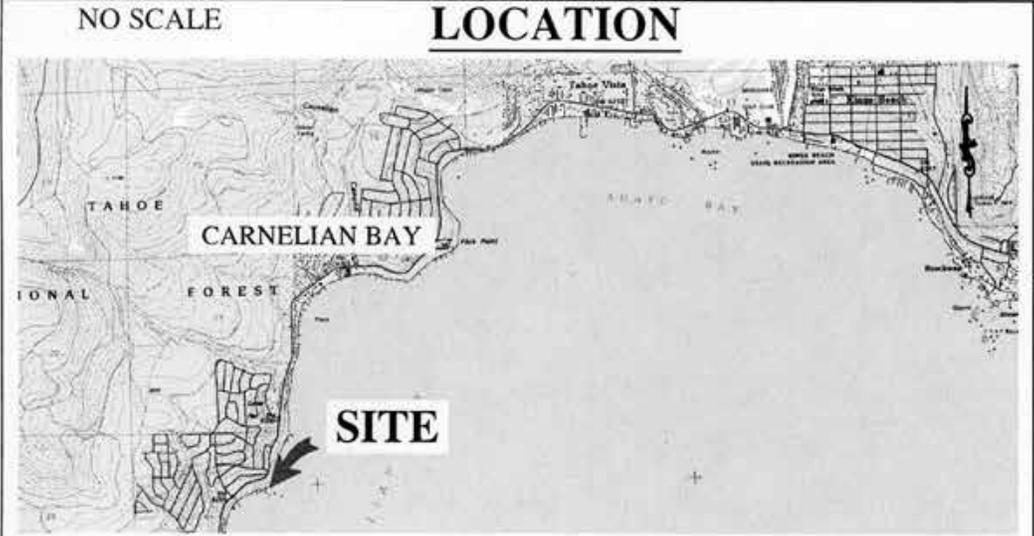
LAND DESCRIPTION PLAT
PRC 3879.1, 525 HOWARD, LLC
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





4230 NORTH LAKE BLVD., NEAR CARNELIAN BAY



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3879.1
 525 HOWARD, LLC
 APN 092-200-006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



DJF 10/26/2015

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.