

MINUTE ITEM
This Calendar Item No. C58 was approved as
Minute Item No. 58 by the California State Lands
Commission by a vote of 3 to 0 at its
05/10/07 meeting.

**CALENDAR ITEM
C58**

A 4
S 1

05/10/07
PRC5055 WP 5055.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Union Bank of California, National Association, a National Banking Association,
as Trustee under that certain Declaration of Trust by George A. Pope dated
December 30, 1935

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, two mooring
buoys and the retention of three boat hoists and a sundeck as shown on the
attached Exhibit A.

LEASE TERM:

Ten years, beginning January 1, 2007.

CONSIDERATION:

\$90 per year; with the State reserving the right to fix a different rent periodically
during the lease terms, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The 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 the Lake Tahoe
Shorezone Amendments-Final Environmental Impact Statement (FEIS)
and approval of the ordinances based on the FEIS.

CALENDAR ITEM NO. C58 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant has been deemed to qualify as a natural person because the Applicant is acting as the representative of a personal trust, which is the littoral owner.
2. On February 12, 1997, the Commission authorized a ten-year Recreational Pier Lease with Bank of California, N.A., Trustee for Emily Taylor Andrews. That lease expired on December 31, 2006. The upland ownership is now held by Union Bank of California, National Association, a National Banking Association, as Trustee under that certain Declaration of Trust by George A. Pope dated December 30, 1935. The Applicant is now applying for a new General Lease-Recreational Use.
3. The Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. Therefore, the pier, boathouse, three boat hoists, and two mooring buoys qualify for rent free status pursuant to Public Resource Code Section 6503.5. The sundeck is not used for the mooring and docking of boats and is subject to rent.
4. In 1975, the pier was reconstructed and modified with a covered boathouse. Sometime later, the prior owner modified the boathouse to include a sundeck. The Commission previously approved a replacement lease after learning of the sundeck. Since the sundeck is existing, staff is now recommending the sundeck be included in the lease to the Applicant. The proposed lease contains conditions that the existing sundeck, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50% of the base value of the sundeck, then the sundeck must be removed from the lease premises.
5. **Pier, Boathouse and Two Mooring Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

CALENDAR ITEM NO. C58 (CONT'D)

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

6. **Three Boat Hoists and Sundeck:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER, BOATHOUSE AND TWO MOORING BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

CALENDAR ITEM NO. C58 (CONT'D)

SUNDECK AND THREE BOAT HOISTS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

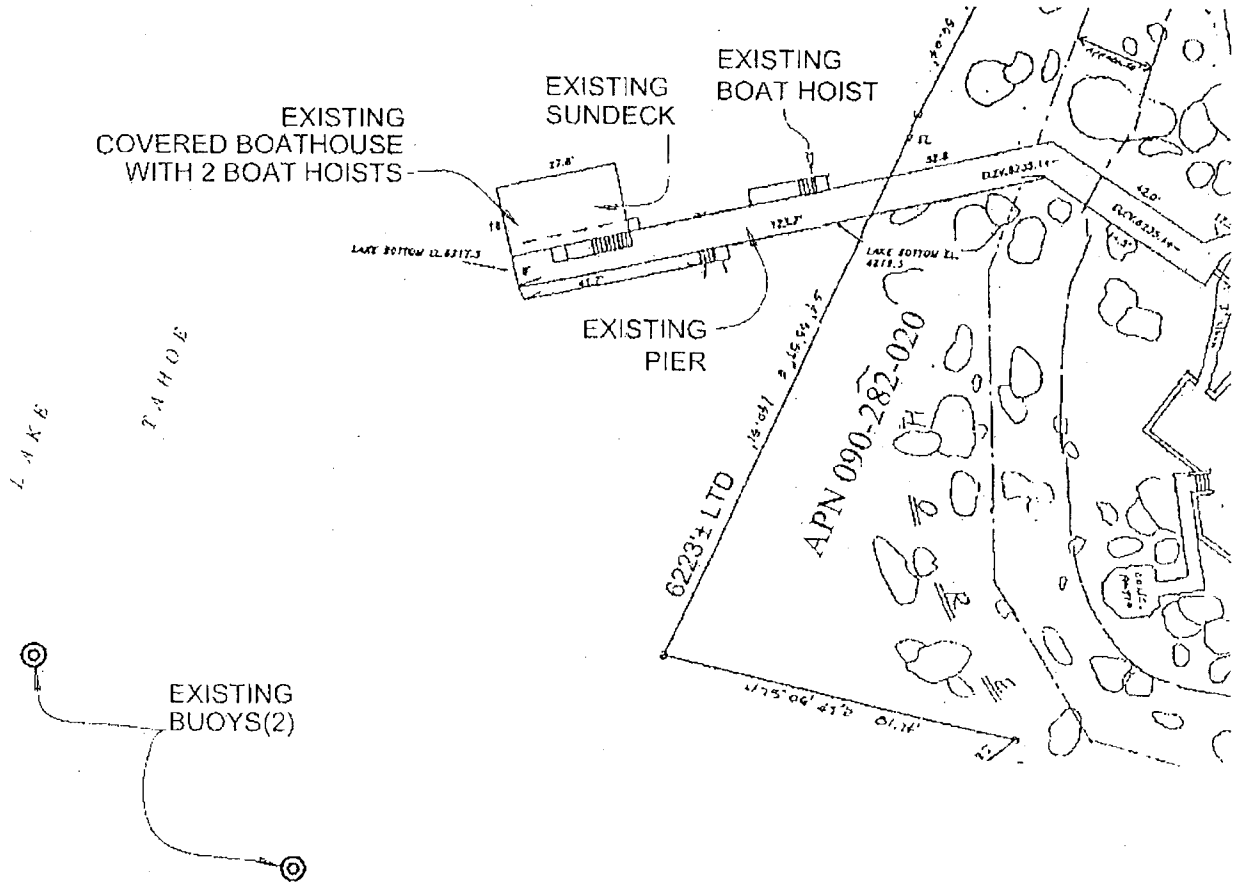
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER THAT CERTAIN DECLARATION OF TRUST BY GEORGE A. POPE DATED DECEMBER 30, 1935, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING JANUARY 1, 2007, FOR A TERM OF TEN YEARS FOR THE CONTINUED USE AND MAINTENANCE OF A PIER, BOAT HOUSE AND TWO MOORING BUOYS, AND THE RETENTION OF THREE BOAT HOISTS AND SUNDECK AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$90, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



9800 BROCKWAY SPRINGS DR., NEAR KINGS BEACH

NO SCALE

LOCATION

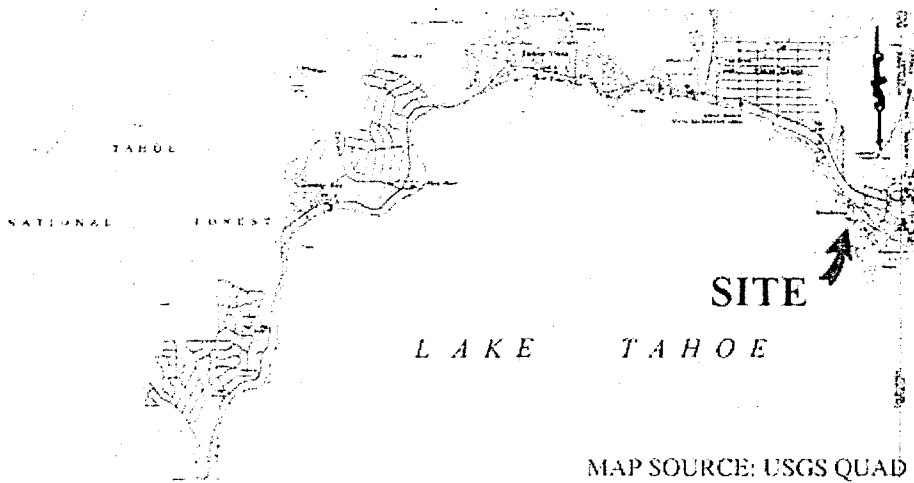
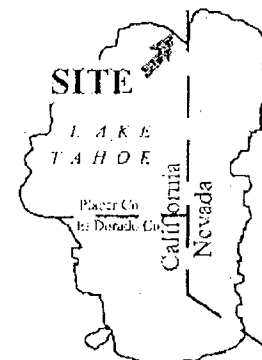


Exhibit A

PRC 5055.1
 BANK OF CALIFORNIA
 APN 090-282-020
 GENERAL LEASE
 RECREATIONAL USE
 PLACER COUNTY



MJ01/07

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.