

**CALENDAR ITEM
C37**

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12/02/13
PRC 8250.1
W. Hall

TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEES:

Frank Slooman and Brenda Slooman, Trustees of the Slooman Living Trust
Dated September 8, 1999.

APPLICANT:

Jarloslaw Glembocki, or his successor(s), Trustee under Revocable Trust
Agreement date August 24th, 2001, as amended.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5090 West Lake Boulevard, near
Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two mooring buoys.

LEASE TERM:

10 years, beginning August 7, 2012.

CONSIDERATION:

\$754 per year, with the State reserving the right to fix a different rent periodically
during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. The proposed lease contains a provision requiring 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.

CALENDAR ITEM NO. **C37** (CONT'D)

This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When 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 FEIS and amended ordinance issues.

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 March 29, 2012, the Commission approved a General Lease - Recreational Use with Frank Slooman and Brenda Slooman, Trustees of the Slooman Living Trust Dated September 8, 1999. That lease will expire on March 28, 2022.
3. On August 7, 2012, the upland was deeded to Jarloslaw Glembocki, or his successor(s), Trustee under Revocable Trust Agreement date August 24th, 2001, as amended. The Applicant is now applying for a new General Lease – Recreational Use. Because staff has been unable to locate the Lessee to execute a quitclaim deed, staff recommends termination of the existing lease and issuance of a new lease to the Applicant.
4. **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 a reasonably foreseeable indirect physical change in the 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.

5. **Issuance of Lease:** The staff recommends that the Commission find that this activity 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).

CALENDAR ITEM NO. **C37** (CONT'D)

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

6. 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 Lease: 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.

AUTHORIZATION:

1. Authorize termination, effective August 6, 2012, of Lease No. PRC 8250.9, a General Lease - Recreational Use, issued to Frank Slooman and Brenda Slooman, Trustees of the Slooman Living Trust Dated September 8, 1999.

CALENDAR ITEM NO. **C37** (CONT'D)

2. Authorize issuance of a General Lease – Recreational Use to Jarloslaw Glembocki, or his successor(s), Trustee under Revocable Trust Agreement date August 24th, 2001, as amended beginning August 7, 2012, 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 the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8250.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 1, Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 & 2 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those parcels as described in that Grant Deed recorded August 7, 2012 as Document Number 2012-0071246 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 22, 2013 by the California State Lands Commission Boundary Unit.





L A K E

T A H O E

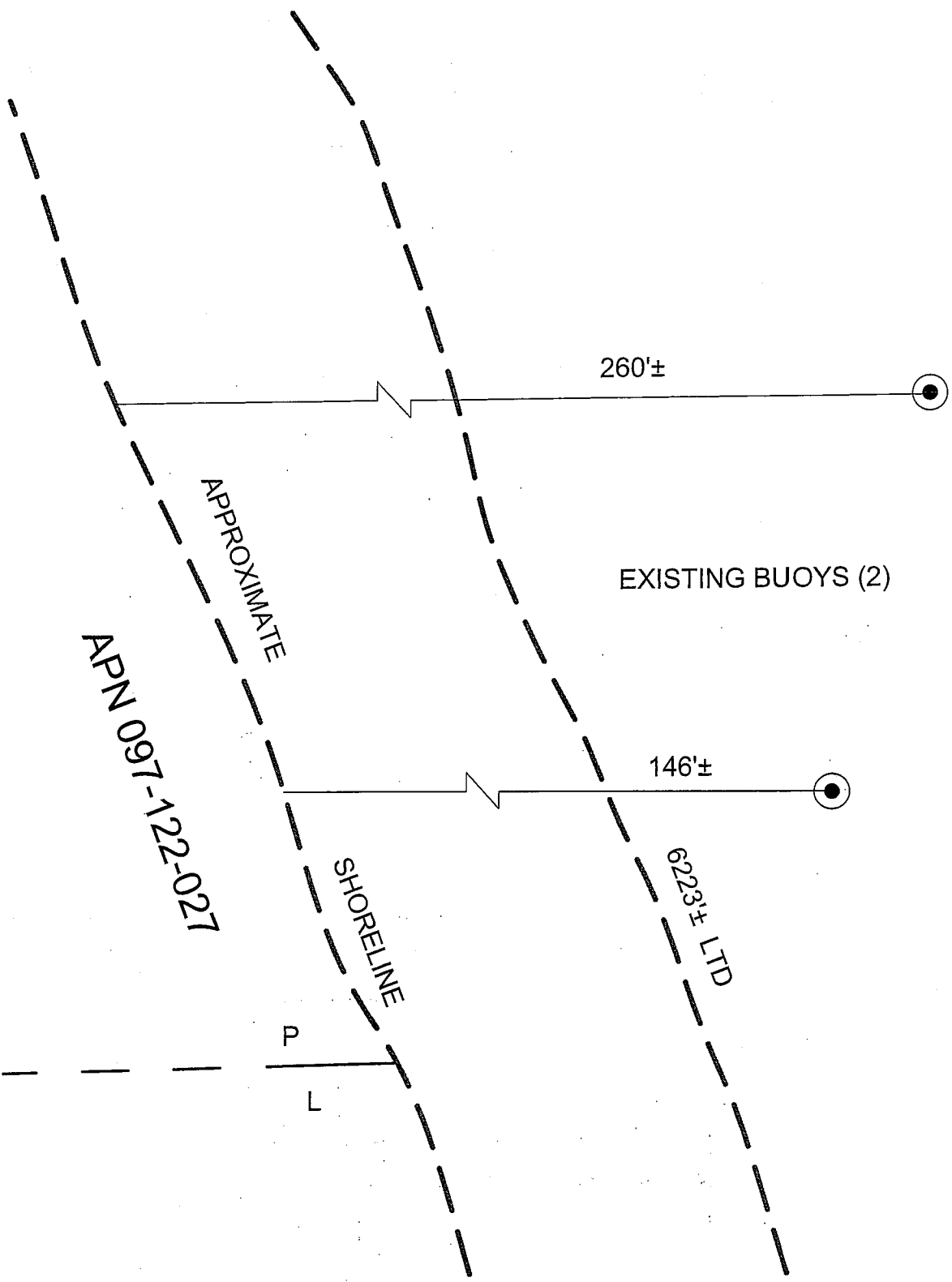


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 8250.1, GLEMOCKI
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



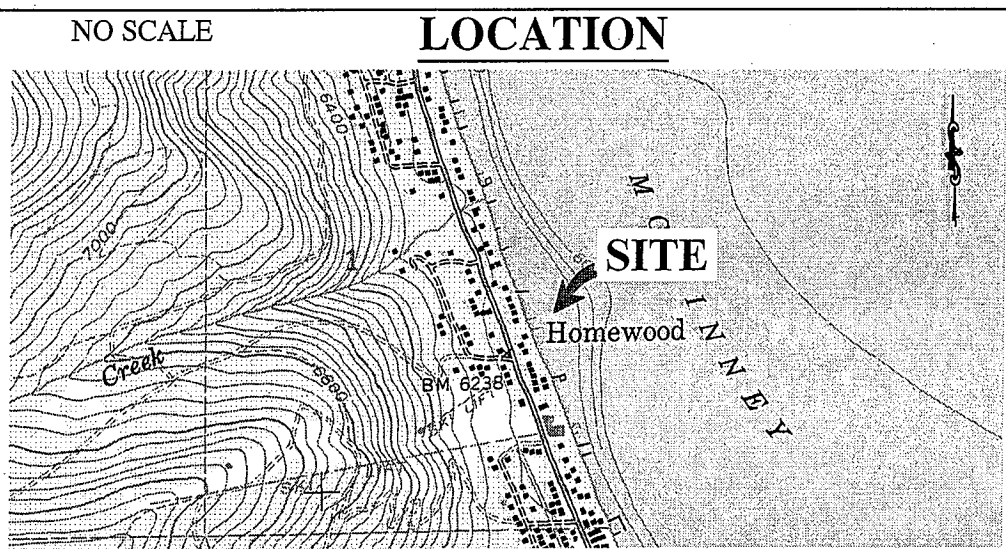
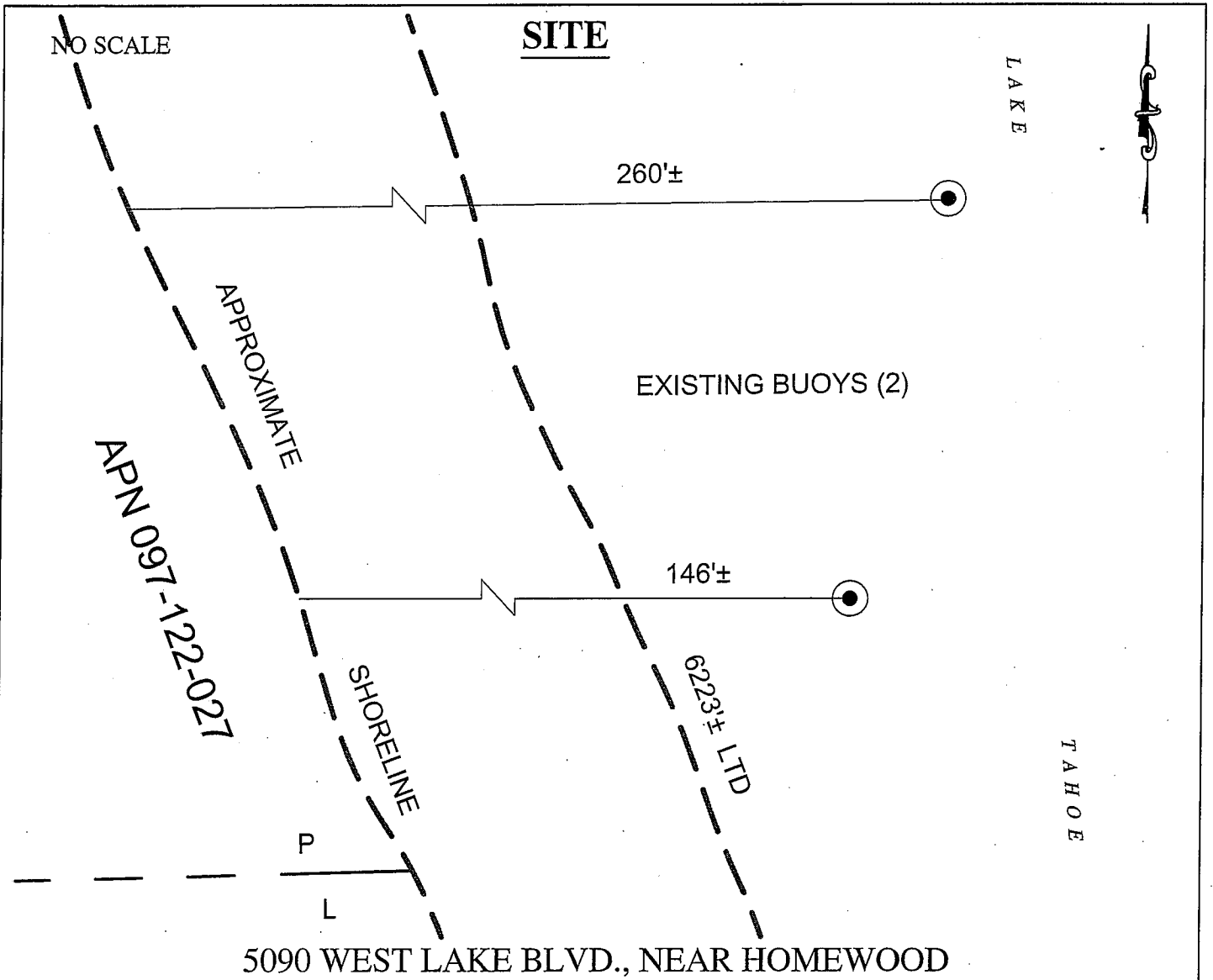
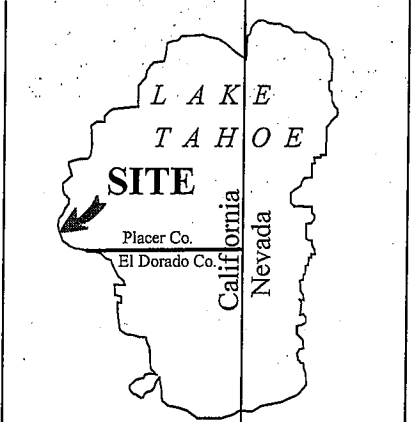


Exhibit B
 PRC 8250.1
 GLEMBOCKI
 APN 097-122-027
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.