

**CALENDAR ITEM
C17**

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S 1

08/15/14
PRC 8522.1
J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

David A. Brown, Trustee of the Lowell W. Brook 2007 Residence Trust; David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Karen L. Brown; David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Kristen A. Brown; and David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Tara L. Brown

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8317 Meeks Bay Avenue, near Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of one existing mooring buoy.

LEASE TERM:

10 years, beginning May 1, 2014.

CONSIDERATION:

\$377 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. The proposed lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) 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. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District

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Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as 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 EIS and ordinance issues.

2. Lessees 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.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 5, 2004, the Commission authorized a 10-year Recreational Pier Lease to David A. Brown, Trustee, Brown Family Trust U/T/D April 27, 1993, for the continued use and maintenance of one existing mooring buoy. That lease expired on April 30, 2014. On June 19, 2007, ownership of the upland parcel was transferred to David A. Brown, Trustee of the Lowell W. Brook 2007 Residence Trust; David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Karen L. Brown; David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Kristen A. Brown; and David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Tara L. Brown. The Applicants are 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

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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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to David A. Brown, Trustee of the Lowell W. Brook 2007 Residence Trust; David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Karen L. Brown; David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Kristen A. Brown; and David A. Brown, Trustee of the David A. Brown 2007 Residence Trust F/B/O Tara L. Brown beginning May 1, 2014, for a term of 10 years, for the continued use and maintenance of one existing mooring buoy as described on Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, annual rent in the amount of \$377, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8522.1

LAND DESCRIPTION

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 28, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of El Dorado, State of California, more particularly described as follows:

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded June 19, 2007, as Document Number 2007-0040503-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/22/2014 by the California State Lands Commission Boundary Unit.



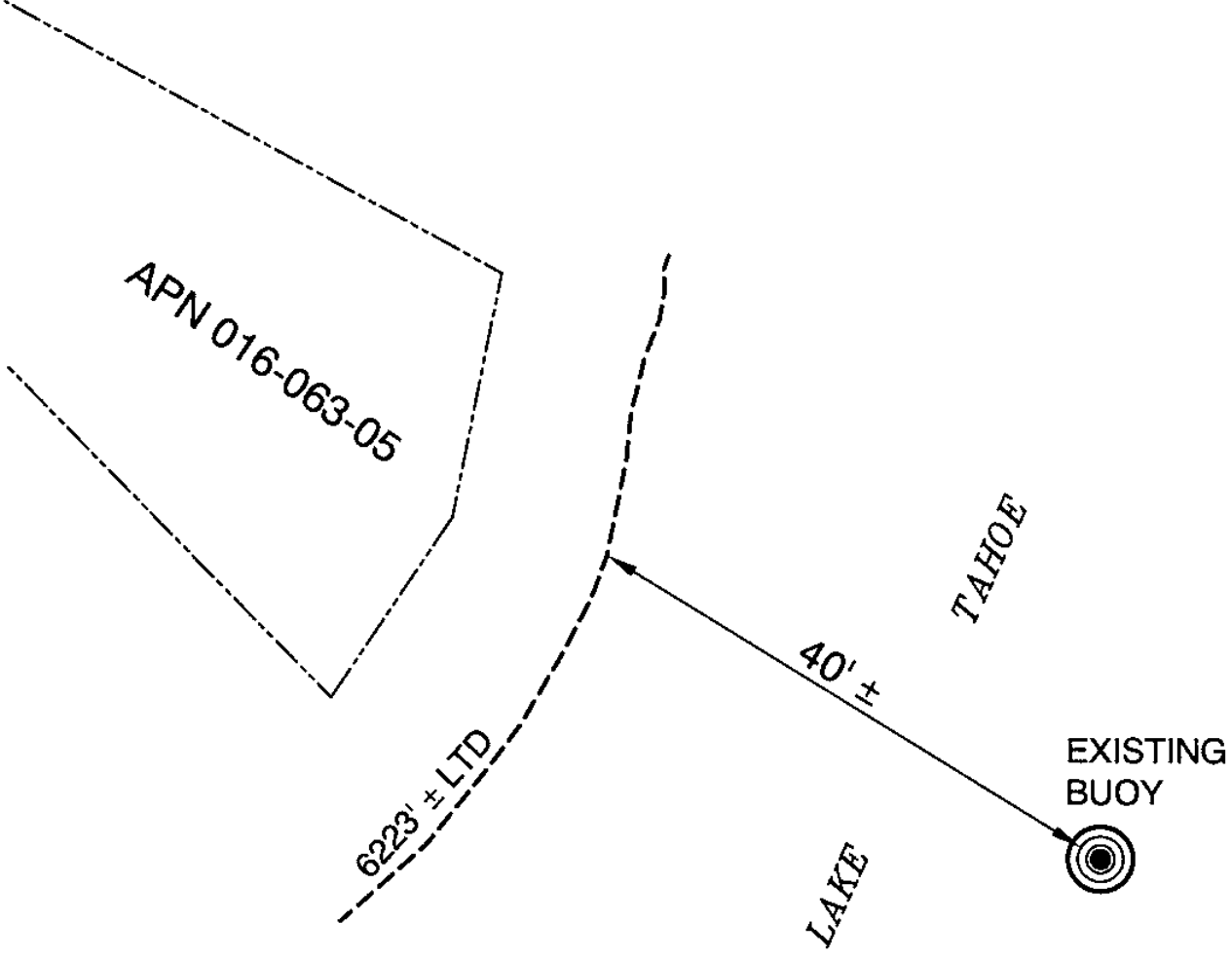


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8522.1, BROWN FAMILY TRUST
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



APN 016-063-05

6223' ± LTD

40' ±

TAHOE

LAKE

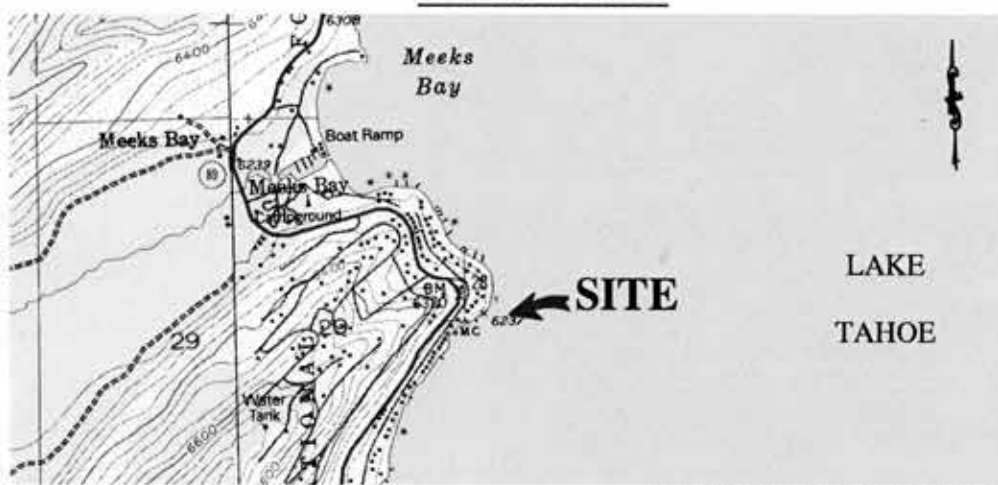
EXISTING BUOY



8317 MEEKS BAY AVENUE, TAHOMA

NO SCALE

LOCATION



LAKE
TAHOE

MAP SOURCE: USGS QUAD

Exhibit B

PRC 8522.1
BROWN FAMILY TRUST
APN 016-063-05
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



SITE

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.