

**CALENDAR ITEM
C25**

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12/18/15
PRC 4850.1
M. Schroeder

**RESCISSION OF APPROVAL AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Richard L. Martucci and Carol T. Martucci; Margaret M. Dolan, Trustee of the Dolan Family Trust, Under Declaration of Trust dated November 2, 1995, for the Benefit of John P. Dolan and Margaret M. Dolan and Others; Maureen B. Booker, as Trustee of the Maureen B. Booker Trust, UDT dated August 25, 2009; Maureen B. Booker; Francis J. Dolan and Catherine Lisa Dolan, Trustees of the Frank and Lisa Dolan Revocable Trust dated April 9, 1999; Francis J. Dolan; Erin Dolan; Brenda Flegal; and Margaret McNamara.

APPLICANT:

Richard L. Martucci and Carol T. Martucci; and Dolan Lake Tahoe Home, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5736 and 5744 North Lake Boulevard, near Agate Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and boathouse previously authorized by the Commission; and the use and maintenance of two existing boat lifts and two mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 23, 2015.

CONSIDERATION:

\$2,269 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.

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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.
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 uplands adjoining the lease premises.
2. On October 7, 1988, the Commission authorized a 10-year Recreational Pier Permit to William A. Shaw for an existing pier and boathouse adjacent to 5744 North Lake Boulevard. That permit expired on October 6, 1998.
3. On April 23, 2014, the Commission authorized a General Lease – Recreational Use to Richard L. Martucci and Carol T. Martucci; Margaret M. Dolan, Trustee of the Dolan Family Trust, Under Declaration of Trust dated November 2, 1995, for the Benefit of John P. Dolan and Margaret M. Dolan and Others; Maureen B. Booker, as Trustee of the Maureen B. Booker Trust, UDT dated August 25, 2009; Maureen B. Booker; Francis J. Dolan and Catherine Lisa Dolan, Trustees of the Frank and Lisa Dolan Revocable Trust dated April 9, 1999; Francis J. Dolan; Erin Dolan; Brenda Flegal; and Margaret R. McNamara for a joint-use pier, boathouse with two boat lifts, and two mooring buoys. The lease was never fully executed. On November 26, 2014, Margaret Dolan, Trustee, et al. transferred ownership to Dolan Lake Tahoe Home, LLC. The Applicant is now applying for a new General Lease – Recreational Use. Due to the change in ownership, staff requests that the authorization made by the Commission at the April 23, 2014 meeting be rescinded and a new lease issued to the Applicant. .
4. Although the pier and boathouse with two boat lifts extends from 5744 North Lake Boulevard (owned by Richard L. Martucci and Carol T. Martucci), they are now shared with 5736 North Lake Boulevard, which is owned by Dolan Lake Tahoe Home, LLC.

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5. The Applicant's two boat lifts and two mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the two boat lifts and two mooring buoys under lease.
6. Rescission 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, section 15378, subdivision (b)(5).

7. The staff recommends that the Commission find that the 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.

8. 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 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).

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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. Rescind Lease No. PRC 4850.1, a General Lease – Recreational Use, approved by the Commission on April 23, 2104, to Richard L. Martucci and Carol T. Martucci; Margaret M. Dolan, Trustee of the Dolan Family Trust, Under Declaration of Trust dated November 2, 1995, for the Benefit of John P. Dolan and Margaret M. Dolan and Others; Maureen B. Booker, as Trustee of the Maureen B. Booker Trust, UDT dated August 25, 2009; Maureen B. Booker; Francis J. Dolan and Catherine Lisa Dolan, Trustees of the Frank and Lisa Dolan Revocable Trust dated April 9, 1999; Francis J. Dolan; Erin Dolan; Brenda Flegal; and Margaret R. McNamara.

2. Authorize issuance of a General Lease – Recreational Use to Richard L. Martucci and Carol T. Martucci; and Dolan Lake Tahoe Home, LLC, beginning April 23, 2015, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier and boathouse previously authorized by the Commission; and the use and maintenance of two existing boat lifts and two mooring buoys not previously authorized by the Commission 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 \$2,269, with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4850.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 15, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – JOINT-USE PIER

All those lands underlying an existing pier, boathouse with 2 boat lifts and catwalks lying adjacent to that Lot as described in Exhibit A of that Grant Deed recorded November 26, 2014 as Document Number 2014-0085361 and Exhibit “A” of that Grant Deed recorded February 19, 1998 as Document Number 98-0010341 in Official Records of said County.

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

PARCELS 2 & 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Lot.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 28, 2014 by the California State Lands Commission Boundary Unit.





L A K E

T A H O E

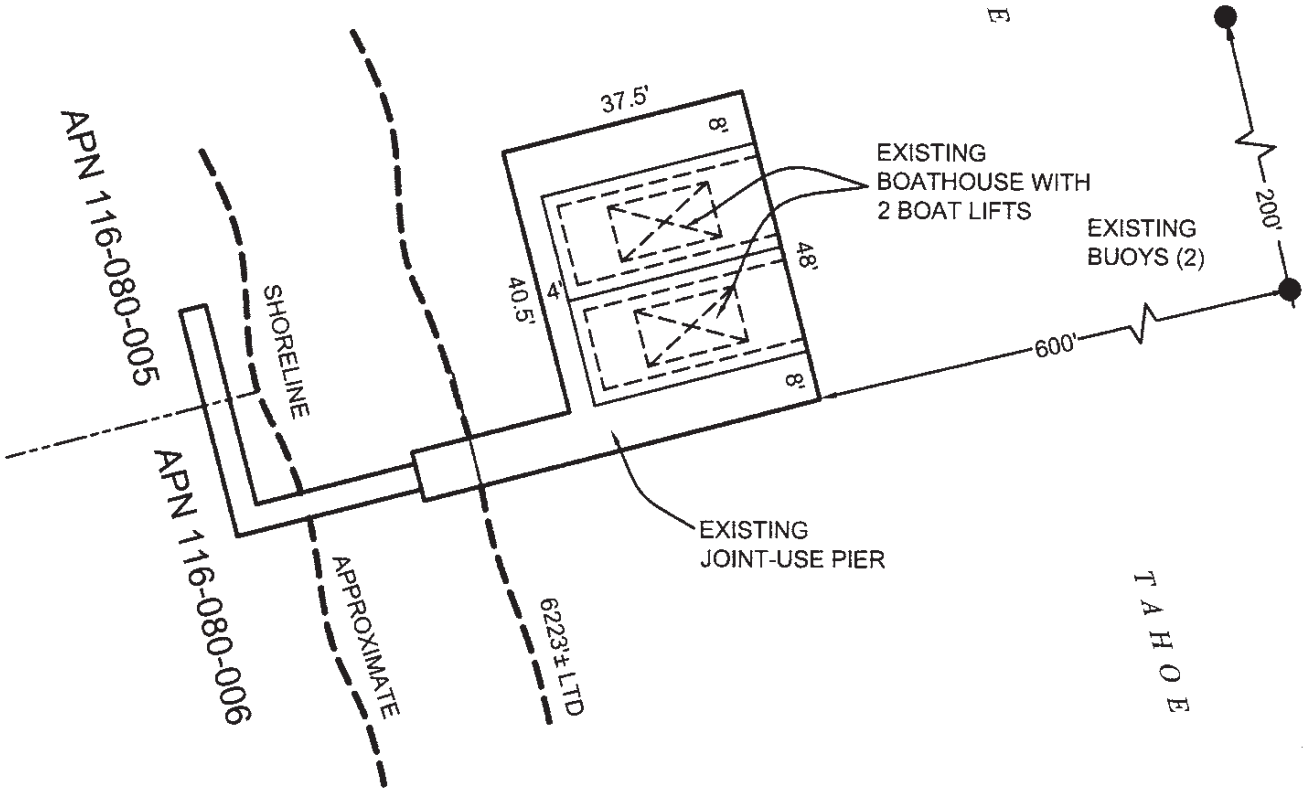


EXHIBIT A

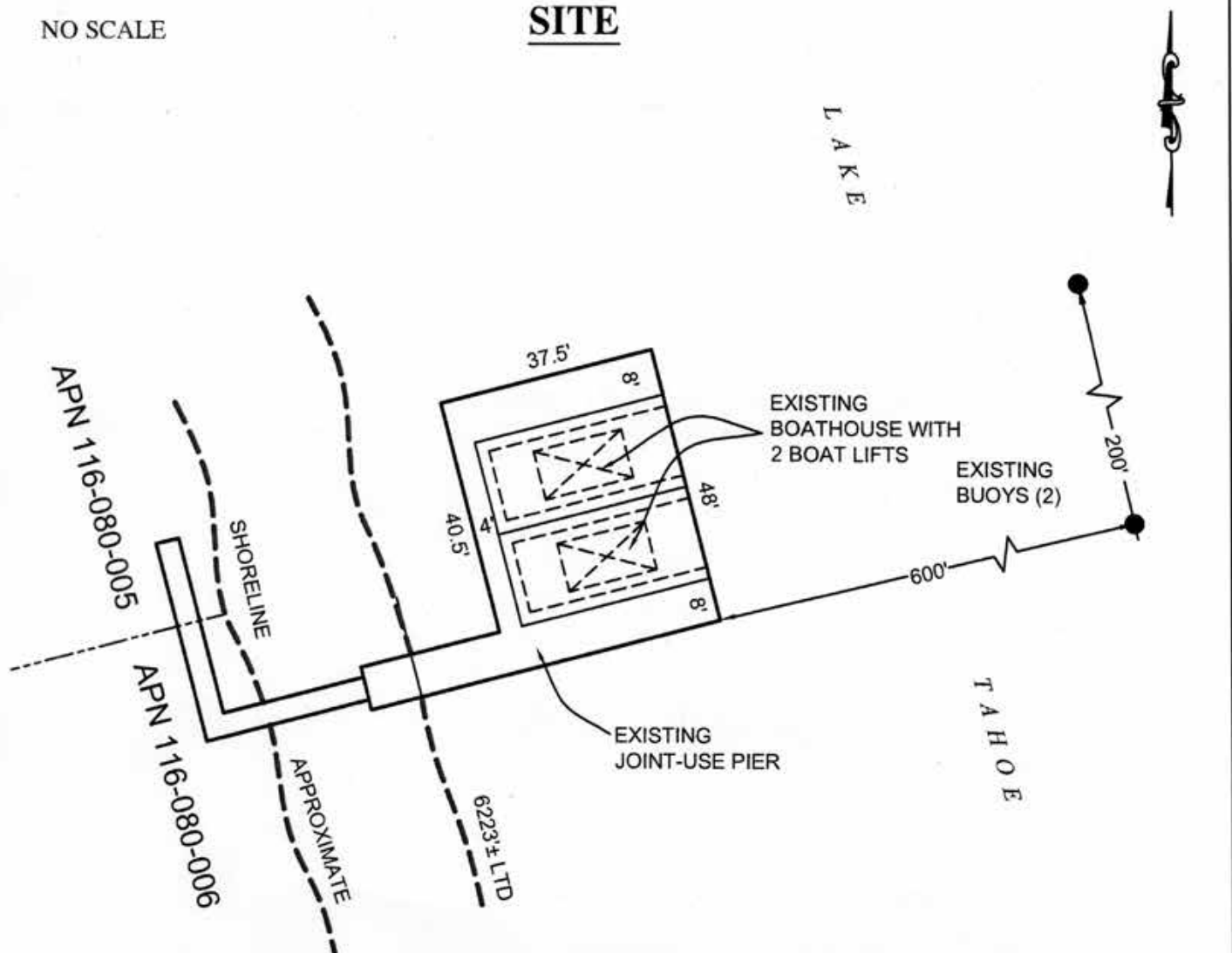
LAND DESCRIPTION PLAT
 PRC 4850.1, MARTUCCI /
 DOLAN LAKE TAHOE HOME, LLC
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

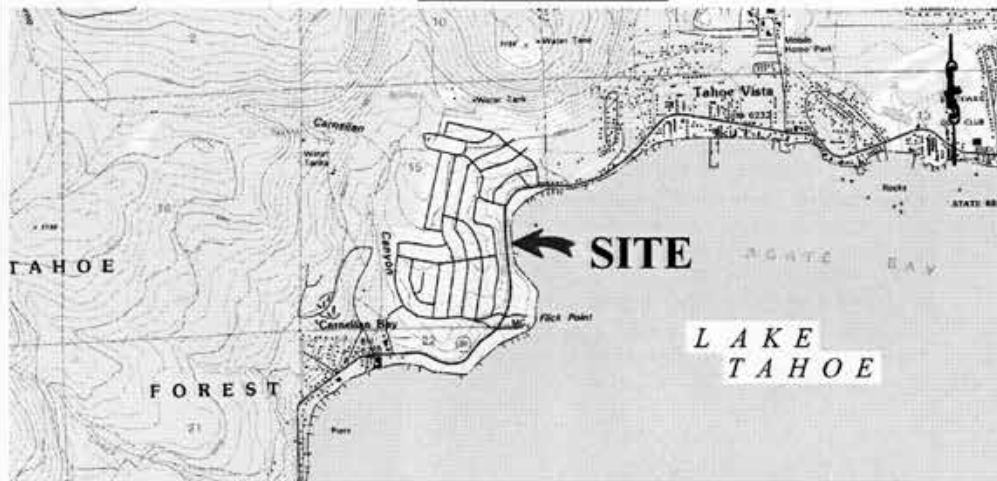
SITE



5736 AND 5744 NORTH LAKE BLVD., NEAR AGATE BAY

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 4850.1
 MARTUCCI/
 DOLAN LAKE TAHOE HOME, LLC
 APN 116-080-005 & 006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 10/21/15