

**CALENDAR ITEM  
C32**

A 4  
S 1

03/29/12  
WP 8158.9  
C. Hudson

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Lorenz P. Robinson and Frances D. Robinson, as Trustees of the Robinson Family Living Trust dated February 1, 2000, and Lawrence H. Black and Janet A. Black, Trustees of the Black Trust dated September 29, 1995, as tenants in common

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 6780 and 6784 North Lake Boulevard, near Tahoe Vista, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning March 29, 2012.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland parcel, Assessor's Parcel Number (APN) 117-072-017, adjoining the lease premises.
  
2. On April 20, 2000, the Commission authorized a Recreational Pier Lease with Lorenz P. Robinson and Frances D. Robinson, Trustees of the Robinson Family Trust dated November 3, 1987, and Lawrence H. Black and Janet A. Black, Trustees of the Black Trust dated September 29, 1995, as tenants in common. That lease expired on January 31, 2010. During the term of the lease, the Robinsons subsequently deeded their ownership interests in the upland parcels to Lorenz P. Robinson and

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Frances D. Robinson, as Trustees of the Robinson Family Living Trust dated February 1, 2000. The Applicants are now applying for a new General Lease – Recreational Use.

3. During the term of the last lease, the upland parcel, APN 117-072-011, was divided into three APNs numbered 117-072-015, 117-072-016, and 117-072-017. The Robinsons own APN 117-072-015 and the Blacks own APN 117-072-016, each improved with single-family residences. APN 117-072-017, the littoral parcel, is known as common area Parcel A surrounding the other parcels with similar characteristics as a homeowner's association common area and is owned equally by both the Robinsons and the Blacks.
4. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicants qualify for rent-free status because the application was submitted by the Applicants to the Commission prior to March 31, 2011, and therefore, meets the statutory requirements for an exception from rent.

5. A pier and two mooring buoys are located adjacent to the upland parcel; however, the pier does not extend beyond elevation 6223 feet, Lake Tahoe Datum onto State sovereign land. Therefore, the pier is not included within the lease premises.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1,

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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 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 Lorenz P. Robinson and Frances D. Robinson, as Trustees of the Robinson Family Living Trust dated February 1, 2000, and Lawrence H. Black and Janet A. Black, Trustees of the Black Trust dated September 29, 1995, as tenants in common, beginning March 29, 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; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8158.9**

**LAND DESCRIPTION**

Two (2) circular parcels of submerged land, in the bed of Lake Tahoe, lying adjacent to Lot 2, fractional Section 14, Township 16 North, Range 17 East, Mount Diablo Base & Meridian as shown on the Official Government Township Plat approved September 25, 1907 County of Placer, State of California, and more particularly described as follows:

**PARCELS 1 & 2 – BUOYS**

Two (2) parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to Parcel Two as described in Exhibit "A" of that Grant Deed recorded May 1, 2006 in Document 2006-0046658 of Official Records of said County.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared December 29, 2011 by the California State Lands Commission Boundary Unit



APN 117-072-017

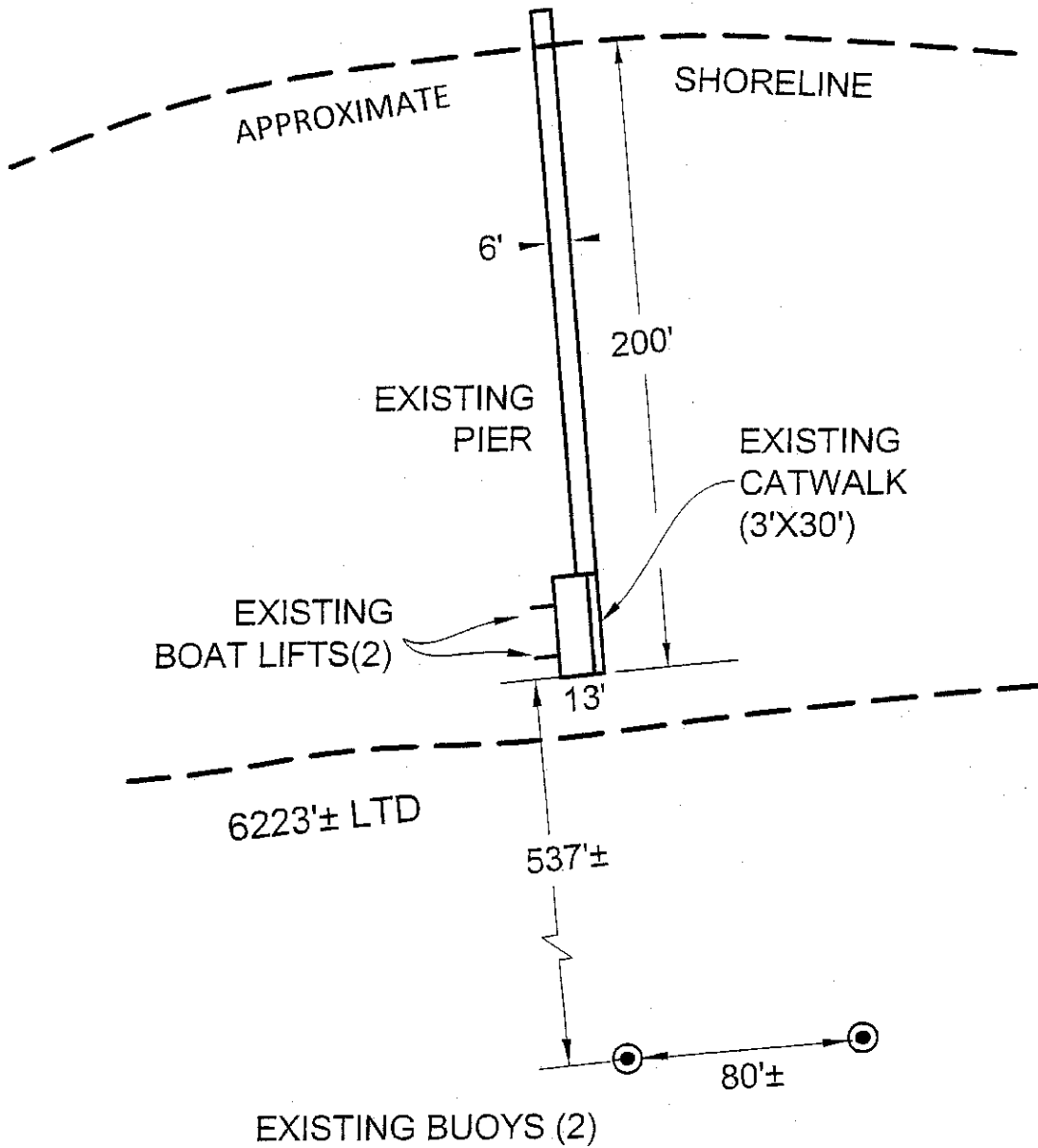


EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 8158.9, ROBINSON & BLACK  
PLACER COUNTY

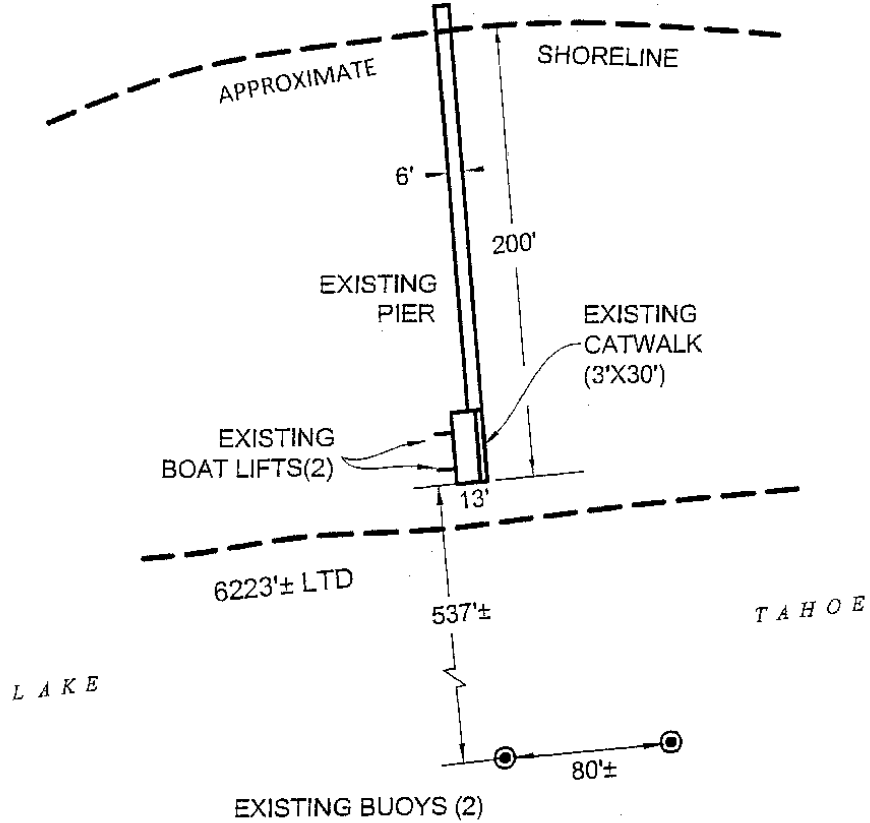
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

### SITE

APN 117-072-017



6780 & 6784 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

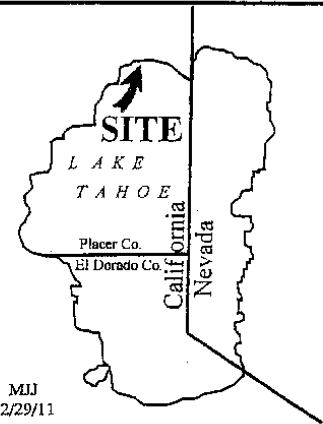
### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 8158.9  
 ROBINSON & BLACK  
 APN 117-072-017  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



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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.