

**CALENDAR ITEM
C07**

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05/24/12
PRC 7353.1
R. Boggiano

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Joseph William May and Betty L. May, Trustees or their successors in trust under the Joseph William May and Betty L. May Declaration of Trust dated 05-28-93.

APPLICANT:

Meeks Bay Lakeside, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8209 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning June 16 , 2011.

CONSIDERATION:

\$2,065 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 the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy(s) 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

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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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On May 10, 2007, the Commission authorized a 10-year Recreational Pier Lease with Joseph William May and Betty L. May, Trustees or their successors in trust under the Joseph William May and Betty L. May Declaration of Trust dated 05-28-93. On February 7, 2008, ownership of the upland transferred to Marshall Meeks Bay LLC, an Arizona Limited Liability Company. On January 24, 2011, ownership of the upland transferred to Godfrey Sullivan and Suzanne Sullivan, Trustees of the Godfrey and Suzanne Sullivan Revocable Trust dated 12/5/2000. On June 16, 2011, ownership of the upland was transferred to Meeks Bay Lakeside, LLC. The above Lessee and interim owners of the upland did not notify the Commission of the transfers of ownership. The Applicant is now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became 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. The new section 6503.5 provides that the State lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The Applicant does not qualify for rent-free status under the new law.
4. **Termination of Existing Lease:** 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 New Lease:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §

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15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. For the existing facilities, 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.

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:

Termination of Existing Lease: 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 activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New 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.

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AUTHORIZATION:

1. Authorize termination, effective April 22, 2011, of Lease No. PRC 7353.9, a Recreational Pier Lease, issued to Joseph William May and Betty L. May, Trustees or their successors in trust under the Joseph William May and Betty L. May Declaration of Trust dated 05-28-93.

2. Authorize issuance of a General Lease – Recreational Use to Meeks Bay Lakeside, LLC, beginning April 23, 2011, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys 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 \$2,065, 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 the amount of no less than \$1,000,000.

EXHIBIT A

PRC 7353.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and boat lift lying adjacent to Parcel 2 as described in that Grant Deed recorded June 16, 2011 as Document Number 2011-027676-00 in Official Records of said County.

TOGETHER WITH a ten (10) foot use area.

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

PARCEL 2 & 3 – BUOYS

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 22, 2012 by the California State Lands Commission Boundary Unit.





L A K E

T A H O E



EXISTING BUOYS (2)

EXISTING CATWALK
3' X 30'

EXISTING PIER

10' USE AREA

EXISTING PILINGS

EXISTING BOAT LIFT

110'

6223'± LTD

8'

APPROXIMATE

SHORELINE

APN 016-051-35

EXHIBIT A

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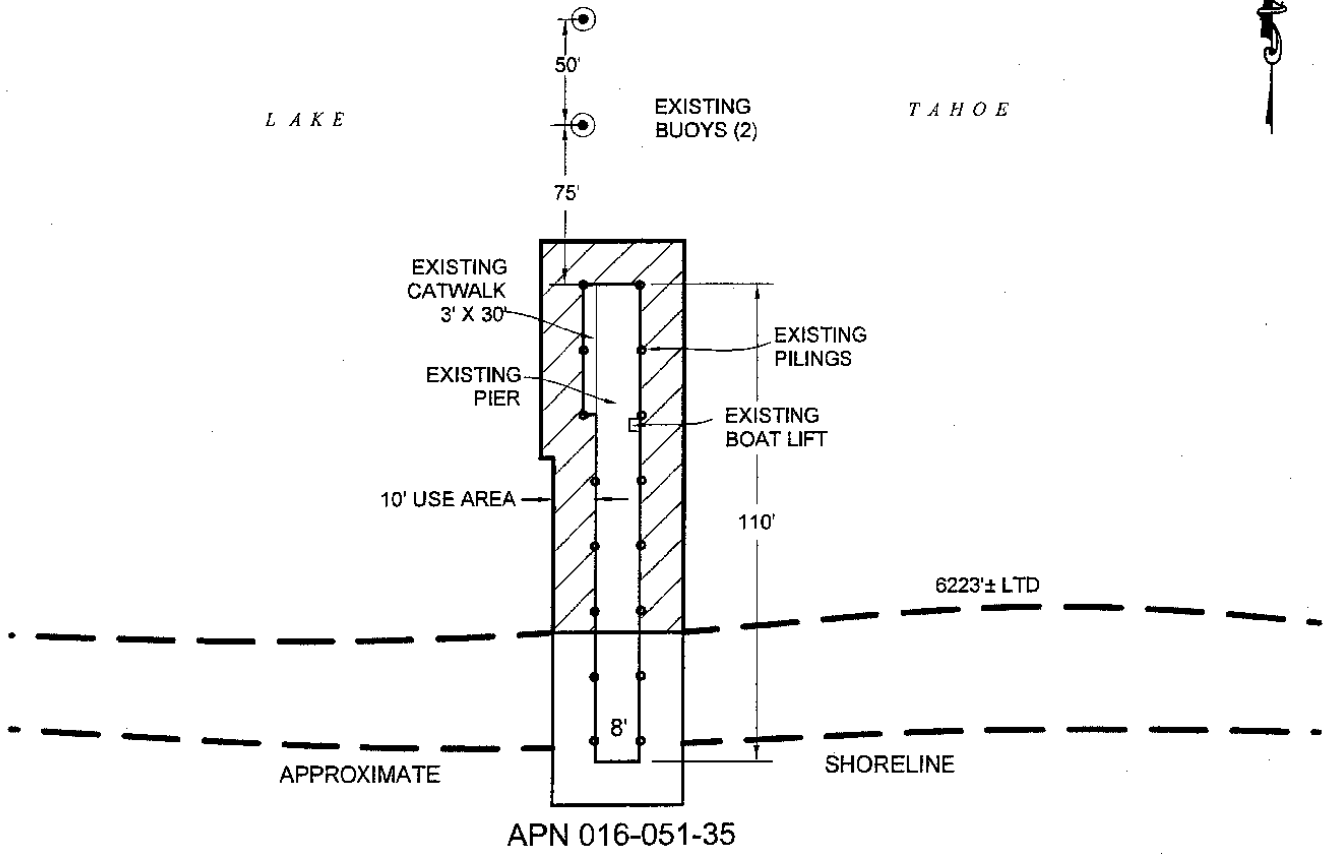
LAND DESCRIPTION PLAT
 PRC 7353.1, MEEKS BAY LAKESIDE, LLC
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

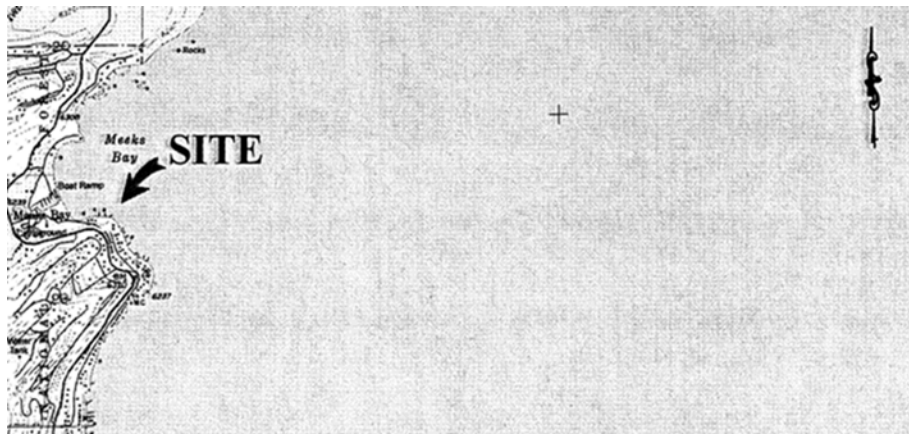
SITE



8209 MEEKS BAY AVE., MEEKS BAY

NO SCALE

LOCATION

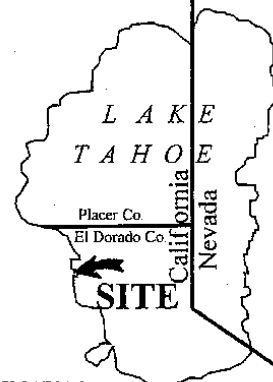


MAP SOURCE: USGS QUAD

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 7353.1
 MEEKS BAY LAKESIDE, LLC
 APN 016-051-35
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MJJ 04/09/12