

**CALENDAR ITEM  
C27**

A 1  
S 1

04/26/13  
PRC 8332.1  
W. Hall

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Robert DeVall May and Judith Thompson May, Trustees of The May Family Trust as Amended and Restated in 2001, u/a dated November 5, 2001.

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

Sovereign land in Lake Tahoe, adjacent to 1406 West Lake Boulevard, near Tahoe City, Placer County

**AUTHORIZED USE:**

Continued use and maintenance of one existing mooring buoy.

**LEASE TERM:**

10 years, beginning March 1, 2013.

**CONSIDERATION:**

\$377 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 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 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

CALENDAR ITEM NO. **C27** (CONT'D)

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. Applicants have a right to use the upland adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a General Lease – Recreational Use to Robert D. May and Judith T. May. That lease expired on February 28, 2011. On November 20, 2001, the Mays transferred ownership of their parcel to Robert DeVall May and Judith Thompson May, trustees of The May Family Trust as Amended and Restated in 2001, u/a dated November 5, 2001.
3. The Applicants are the former owners of the littoral parcel. On May 12, 2000, the Applicants sold the littoral parcel to John and Cynthia Lovewell, and retained the adjoining upland parcel north of the littoral parcel. By recorded agreement, an appurtenant easement was created across the littoral parcel granting the Applicants access rights for the use and maintenance of the mooring buoy.
4. The Lovewells also have an application before the Commission at this meeting for a new General Lease – Recreational Use for the continued use and maintenance of an existing pier, boat lift, and one mooring buoy, adjacent to the littoral parcel, under Lease No. PRC 4141.1.
5. After the prior lease expired, the Applicants continued to pay the annual rent in effect during the term of that lease. Pursuant to the expired lease, the annual rent in effect during any holding-over period shall be increased by 25 percent. Staff is recommending that the Commission accept the additional 25 percent holdover rent in the amount of \$46.50 for the period beginning March 1, 2011, through February 28, 2013.
6. 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.

CALENDAR ITEM NO. **C27** (CONT'D)

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:**

1. Authorize acceptance of additional holdover rent in the amount of \$46.50 for the period of March 1, 2011 through February 28, 2013.
2. Authorize issuance of a General Lease – Recreational Use to Robert DeVall May and Judith Thompson May, Trustees of The May Family Trust as Amended and Restated in 2001, u/a dated November 5, 2001, beginning March 1, 2013, for a term of 10 years, for the continued use and maintenance of one existing mooring buoy 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 \$377, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8332.1**

**LAND DESCRIPTION**

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 18, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 – BUOY**

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded May 12, 2000 as Document Number 2000-0032830 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 01/03/2013 by the California State Lands Commission Boundary Unit.





APN 083-162-026

APPROX.  
SHORELINE

6223'± LTD

200'±

LAKE TAHOE

EXISTING  
BUOY

### EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 8332.1, MAY TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

### SITE

APN 083-162-026

APPROX. SHORELINE

6223'± LTD

200'±

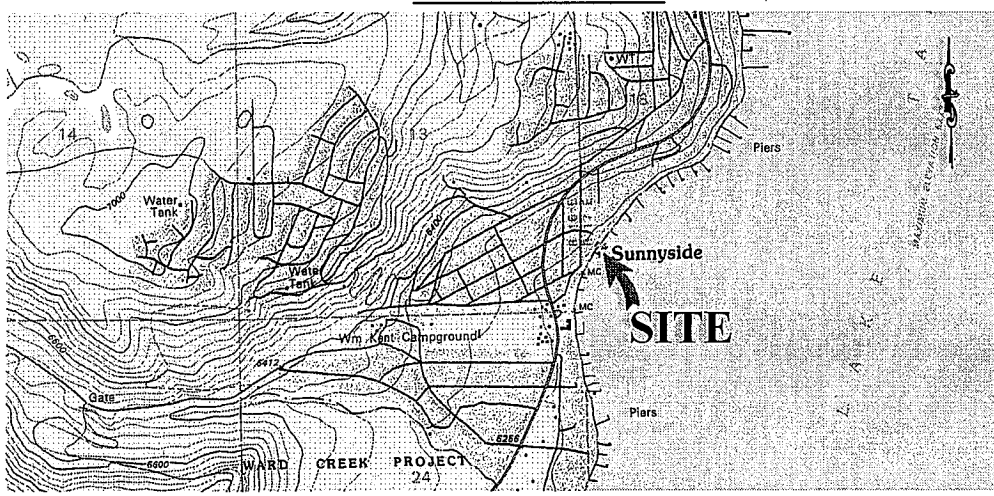
LAKE TAHOE

EXISTING BUOY

1406 WEST LAKE BLVD., TAHOE CITY

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 8332.1  
MAY TRUST  
APN 083-162-026  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY

SITE

