

**CALENDAR ITEM
C10**

A 1
S 1

04/23/15
PRC 5022.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Andrew Sweet, Edward Sweet and Shelley Sweet, as Trustees of the 1999 Sweet Family Residence Trust; Linda C. Youngs, Trustee of The George Avanesian and Patricia Avanesian Trust u/a/d December 21, 1992; and Joseph Venosa and Joy Neomi Venosa Revocable Trust Dated November 1, 1996.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8676 and 8678 Brockway Vista Drive, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and two mooring buoys.

LEASE TERM:

10 years, beginning July 10, 2014.

CONSIDERATION:

\$1,343 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. 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.

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2. Lessee 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. Andrew Sweet, Edward Sweet, and Shelley Sweet, as Trustees of the 1999 Sweet Family Residence Trust, own the upland adjoining the lease premises. Linda C. Youngs, Trustee of The George Avanesian and Patricia Avanesian Trust u/a/d December 21, 1992, and Joseph Venosa and Joy Neomi Venosa Revocable Trust Dated November 1, 1996, own the neighboring upland parcel, and have an easement to cross the Sweets' parcel to use the facilities.
2. On August 17, 2004, the Commission authorized a 10-year Recreational Pier Lease to Donald Sweet as Trustee of the 1999 Don Sweet Qualified Personel Residence Trust; Joseph Venosa and Joy Neomi Venosa Revocable Trust Dated November 1, 1996; and George Avanesian and Patricia Avanesian, Trustees for the Avanesian Revocable Trust Dated December 21, 1992. The lease expired on July 9, 2014.
3. On May 7, 2007, the Sweets' parcel transferred to Andrew Sweet, Edward Sweet and Shelley Sweet, as Trustees of the 1999 Sweet Family Residence Trust. On November 30, 2012, the Avanesians' interest in the neighboring parcel was deeded to Linda C. Youngs, Trustee of The George Avanesian and Patricia Avanesian Trust u/a/d December 21, 1992. The Applicant is now applying for a General Lease – Recreational Use.
4. The staff recommends that the Commission find that the issuance of a 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.

5. 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 issuance of a lease is exempt from the requirements of CEQA 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 Andrew Sweet, Edward Sweet and Shelley Sweet, as Trustees of the 1999 Sweet Family Residence Trust; Linda C. Youngs, Trustee of The George Avanesian and Patricia Avanesian Trust u/a/d December 21, 1992; and Joseph Venosa and Joy Neomi Venosa Revocable Trust Dated November 1, 1996; beginning July 10, 2014, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, two boat lifts, and two 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; annual rent in the amount of \$1,343, with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 5022.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 of fractional Section 19, Township 16 North, Range 18 East, MDM., as shown on Official Government Township Plat approved January 24, 1875, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing joint-use pier, two stairs & two boat lifts lying adjacent to those parcels as described in that Grant Deed recorded November 21, 1996 in Document Number 96-0069203 and Grant Deed recorded June 2, 2000 in Document Number 2000-0038916 of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCELS 2 & 3- BUOYS (2)

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 13, 2015 by the California State Lands Commission Boundary Unit.



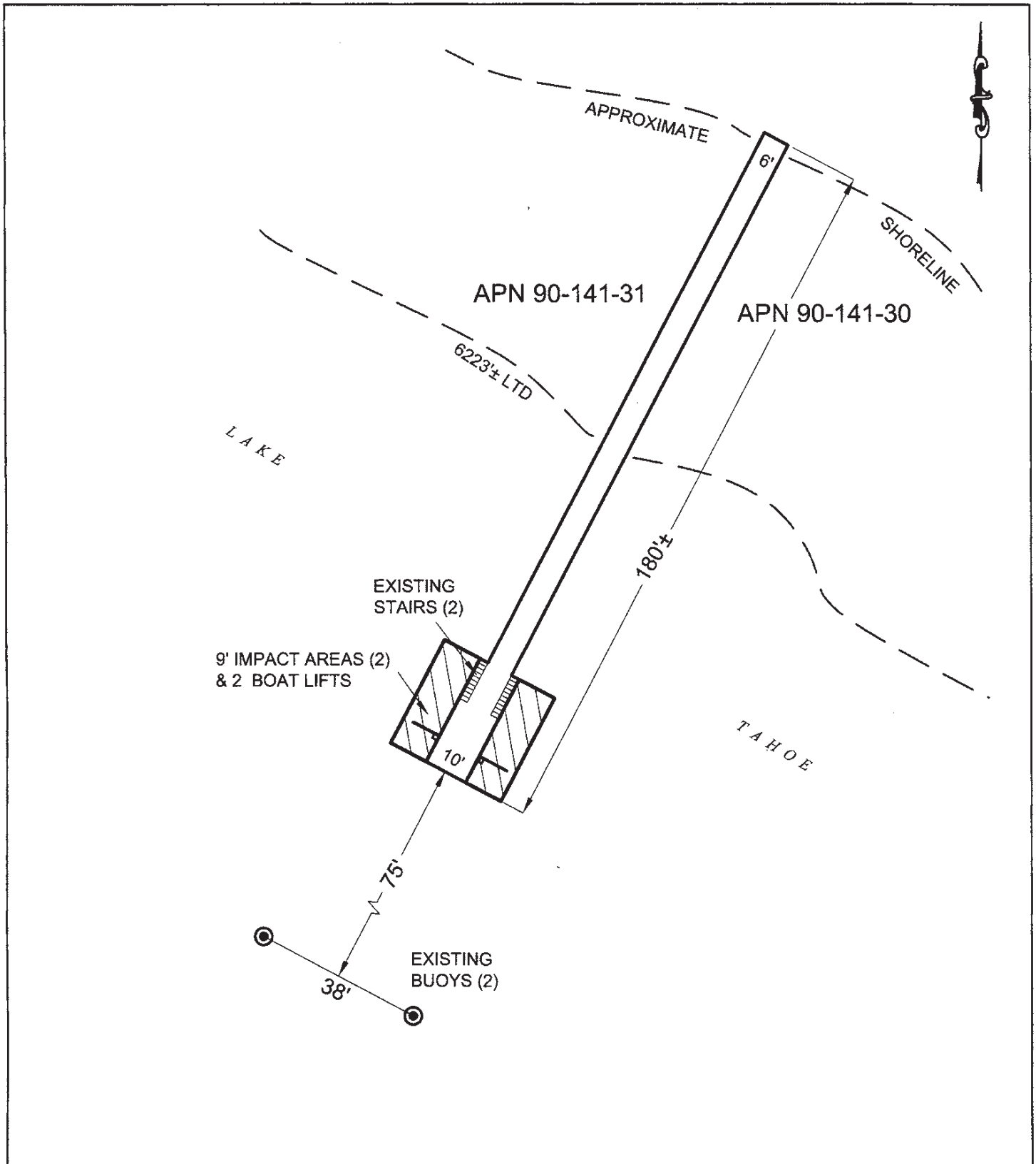


EXHIBIT A

MJJ 1/13/2015

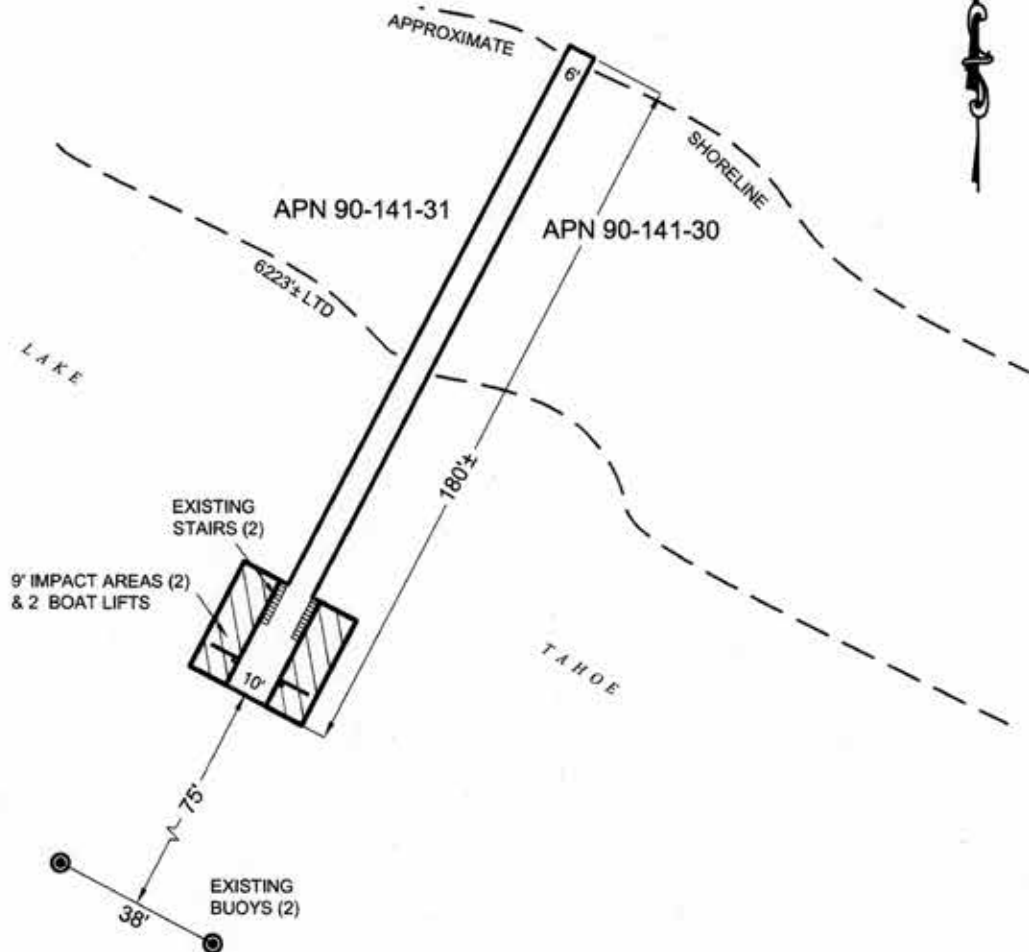
LAND DESCRIPTION PLAT
 PRC 5022.1, 1999 SWEET FAMILY
 RESIDENCE TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



8676 & 8678 BROCKWAY VISTA DRIVE, NEAR KINGS BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5022.1
 1999 SWEET FAMILY
 RESIDENCE TRUST
 APN 90-141-30 & 31
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.

MJJ 01/12/2015