

# Staff Report 18

## **LESSEE/ASSIGNOR**

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John H. Scully, Trustee of the John H. Scully Living Trust, Dated October 1, 2003

## **APPLICANT/ASSIGNEE:**

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1360 West Lake LLC, a California Limited Liability Company

## **PROPOSED ACTION:**

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Assignment of a General Lease- Recreational Use.

## **AREA, LAND TYPE, AND LOCATION**

Sovereign land in Lake Tahoe, adjacent to 1360 West Lake Boulevard, Tahoe City, Placer County.

## **AUTHORIZED USE:**

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

## **TERM:**

10 years, beginning June 25, 2015.

## **CONSIDERATION:**

\$1,695 per year, with an annual Consumer Price Index adjustment.

## **SPECIFIC PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from Tahoe Regional Planning Agency (TRPA) or any other regulatory agency for the improvements authorized by the Commission.

- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing, and lake-related recreational uses.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5;  
California Code of Regulations, title 2, sections 2000 and 2003.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On June 29, 2015, the Commission authorized a General Lease – Recreational Use to John H. Scully, Trustee of the John H. Scully Living Trust, dated October 1, 2003 ([Item C28, June 29, 2015](#)). That lease will expire June 24, 2025.

On May 5, 2020, the upland property was deeded to the Applicant. The Applicant is applying for an assignment of the lease for the continued use and maintenance of the existing pier, boat lift, and two mooring buoys. The Applicant registered the buoys with TRPA on October 14, 2020 (Registration #10844). The effective date of the assignment will be May 5, 2020 to coincide with Assignee's purchase of the upland property.

Approval of this lease assignment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the foreseeable term of the lease. For these reasons, staff recommends finding that approval of this assignment is in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

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1. The Commission cannot unreasonably deny an assignment to a qualified party. The Assignee is qualified to hold the lease and no information has been discovered that would provide a basis for withholding the assignment. Upon expiration or prior termination of the lease, neither the lessee nor the assignee have any right to a new lease or to renewal of any previous lease. If no new lease is granted the lessee may be required to remove the pier, boat lift, and two mooring buoys and restore the premises to their original condition.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under

the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

3. Assignment of the lease is not a project as defined by the California Environmental Quality Act 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).

## **EXHIBITS:**

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- A. Land Description
- B. Site and Location Map

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed assignment of the lease will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining term of the lease; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 7380, a General Lease – Recreational Use of sovereign land, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof, from John H. Scully, Trustee of the John H. Scully Living Trust, dated October 1, 2003, to 1360 West Lake LLC, a California Limited Liability Company, effective May 5, 2020.

## EXHIBIT A

LEASE 7380

### LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to 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 – PIER

All those lands underlying an existing pier, catwalk, steps and boat lift lying adjacent to those parcels as described in Grant Deed recorded May 5, 2020 in Document 2020-0041058-00 in Official Records of said County.

TOGETHER WITH an 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

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels as described in Grant Deed recorded May 5, 2020 in Document 2020-0041058-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared August 18, 2020 by the California  
State Lands Commission Boundary Unit.



APN 083-162-031

APPROX.  
SHORELINE

6223'± LTD

EXISTING  
PIER  
6' x 220'

EXISTING  
STEPS  
2' x 14'

9' IMPACT  
AREA

EXISTING  
CATWALK  
3' x 30'

EXISTING  
BOAT LIFT &  
IMPACT AREA  
9' x 10'

EXISTING  
BUOYS (2)

143'±

135'±

LAKE

TAHOE

## EXHIBIT A

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TS 08/18/2020

LAND DESCRIPTION PLAT  
LEASE 7380, 1360 WEST LAKE, LLC  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



