MINUTE ITEM
This Calendar Item No. C07 was approved as Minute Item No. 07 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C07

A 4

S 1

Prc 3659

08/17/04
WP 3659.1
B. Dugal

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

A. Nathaniel Goldhaber and Marilyn K. Goldhaber and Paula Turtletaub, Trustee u/t/a dtd. June 13, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, located near Brockway, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use rock crib pier, boathouse, and boat lift previously authorized by the Commisson and the retention of two existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

Ten years, beginning December 1, 2001.

CONSIDERATION:

$202 per year for the portion of the lease premises that is occupied by the boathouse; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease. No monetary consideration for the joint-use rock crib pier, boat lift and mooring buoys pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $500,000.

Other: This lease is conditioned on Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. The Applicants own the upland parcels and have agreed to share the use of the existing rock crib pier, boathouse, boat lift and mooring buoys. The existing rock crib pier extends from the Goldhaber property and continues into Lake Tahoe in front of both the Goldhaber and Turtletaub properties. The Applicants have entered into an agreement that provides for the joint-use of the improvements and have jointly submitted an application to replace the expired lease.

2. **Rock Crib Pier, Boathouse and Boat lift:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. **Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency – Pier
United States Army Corps of Engineers – Pier and buoys

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency - Buoys

EXHIBIT:

A. Site and location map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

JOINT-USE ROCK CRIB PIER, BOATHOUSE AND BOAT LIFT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

MOORING BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

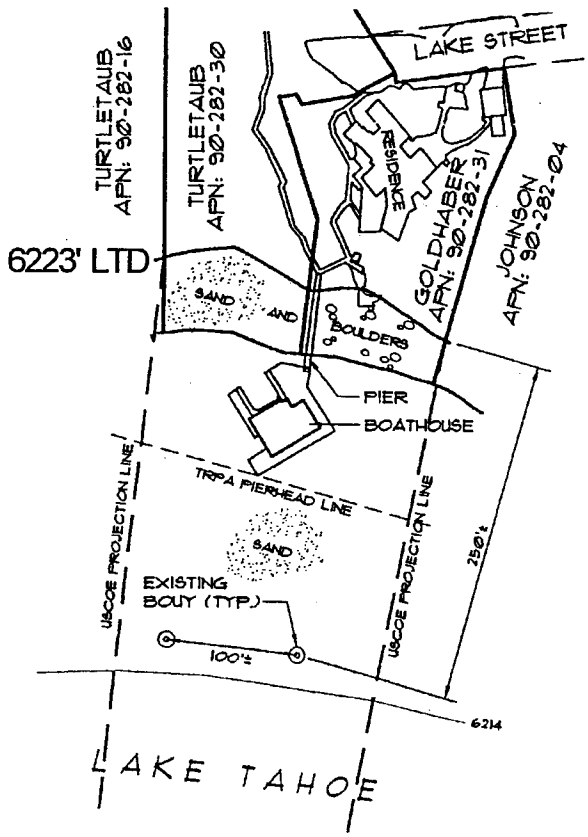
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

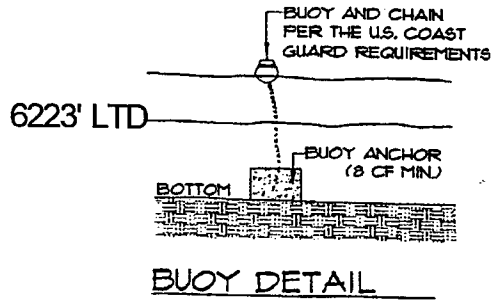
AUTHORIZATION:

AUTHORIZE ISSUANCE TO A. NATHANIEL GOLDHABER AND MARILYN GOLDHABER AND PAULA TURTLETAUB, TRUSTEE U/T/A DTD. JUNE 13, 2001, OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING DECEMBER 1, 2001, FOR A TERM OF TEN YEARS, FOR AN EXISTING JOINT-USE ROCK CRIB PIER, BOATHOUSE, BOAT LIFT AND THE RETENTION OF TWO EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT FOR THE BOATHOUSE IN THE AMOUNT OF $202, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION FOR THE JOINT-USE ROCK CRIB PIER, BOAT LIFT AND MOORING BUOYS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $500,000.

NO SCALE

SITE MAP





9818 Lake Street - 123 Speedboat

NO SCALE

LOCATION MAP

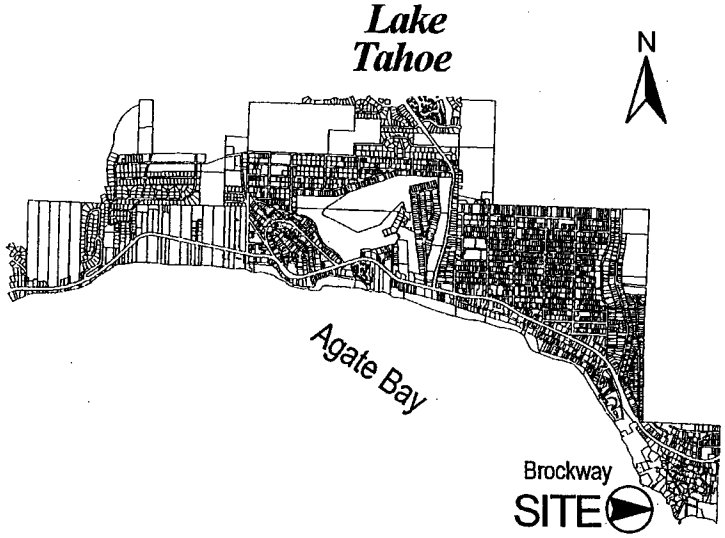
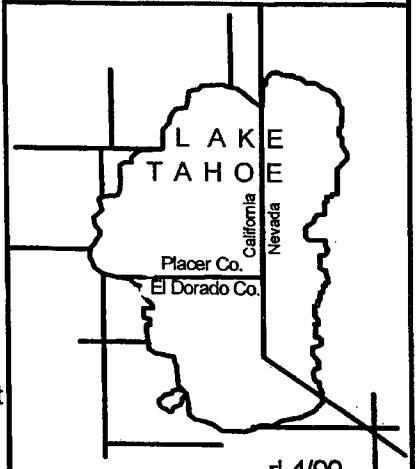


Exhibit A
PRC3659
APN 090-282-30,31
Lake Tahoe
PLACER COUNTY
Sheet 1 of 2



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

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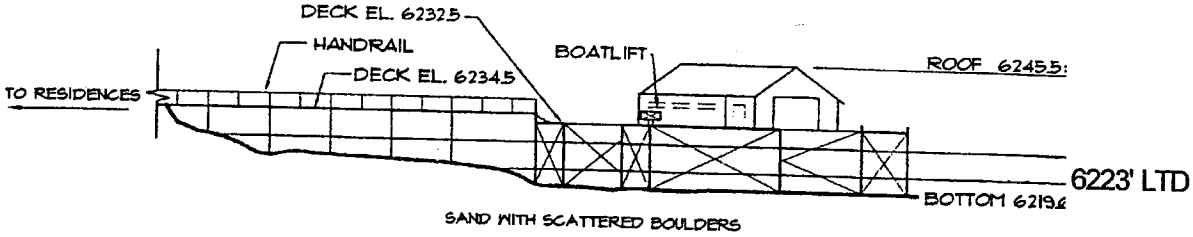
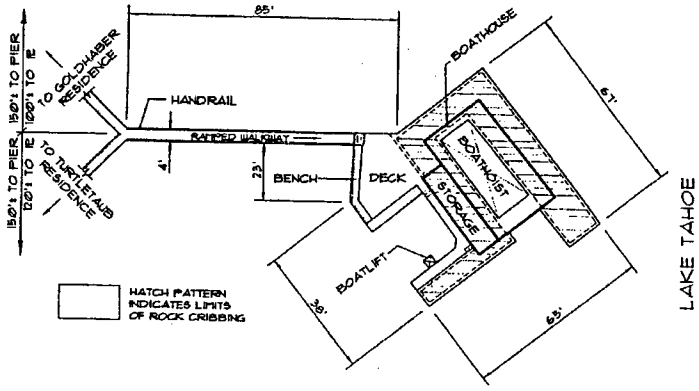
NO SCALE

SITE MAP



PROFILE

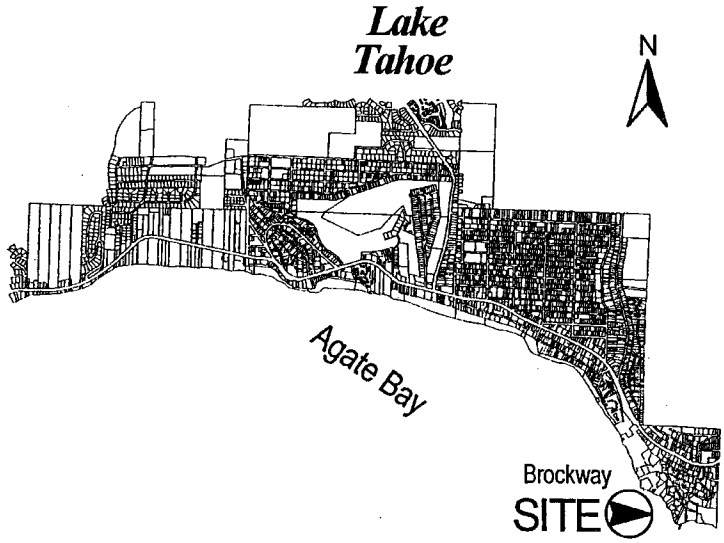


PLAN

9818 Lake Street - 123 Speedboat

NO SCALE

LOCATION MAP



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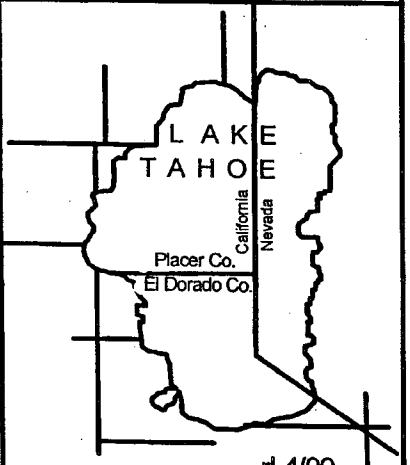
Sheet 2 of 2



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