CALENDAR ITEM

C41

A 4 03/25/08

WP 5164.1

S 1 C. Hudson

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

George C. Everett, Jr. and Andrea C. Everett, Trustees of the Everett Family Trust dated April 18, 1996

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, two mooring buoys, and retention of an existing breakwater as shown in Exhibit A.

LEASE TERM:

Ten years, beginning July 15, 2007.

CONSIDERATION:

Pier and Two Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Breakwater: $965 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:

This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendment – Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

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OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On December 16, 1998, the Commission authorized a ten-year Recreational Pier Lease with George C. Everett, Jr. and Andrea C. Everett, Trustees of the Everett Family Trust dated April 18, 1996. That lease expired on July 14, 2007. Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. The Applicants qualify for rent free use of the pier and two buoys because the Applicants are natural persons who own the littoral land that is improved with a single family dwelling pursuant to Public Resource Code 6503.5. The breakwater does not qualify for rent-free status because it is a structure not constructed for the docking and mooring of boats.

4. The breakwater has existed for many years, but was not previously authorized by the Commission. Staff has determined that a portion of the existing breakwater is located within the Commission's jurisdiction and the proposed lease includes the retention of the existing breakwater as shown on the attached Exhibit A.

5. **Pier and Two Mooring 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 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.

6. **Breakwater:** 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 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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

7. 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.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND TWO 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BREAKWATER: 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 4, MINOR ALTERATIONS OF LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

SIGNIFICANT LANDS INVENTORY FINDING:

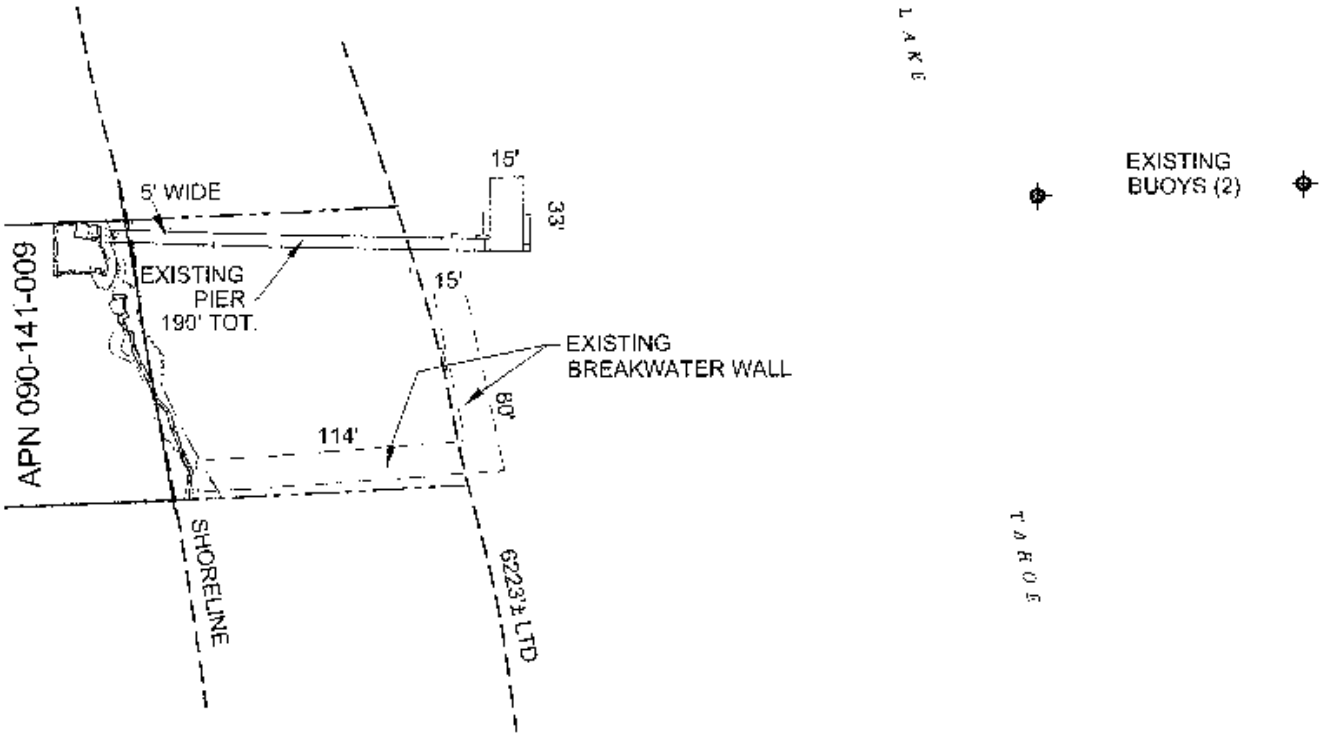
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A TEN YEAR GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO GEORGE C. EVERETT, JR. AND ANDREA C. EVERETT, TRUSTEES OF THE EVERETT FAMILY TRUST DATED APRIL 18, 1996, BEGINNING JULY 15, 2007, FOR AN EXISTING PIER AND TWO MOORING BUOYS, AND THE RETENTION OF AN EXISTING BREAKWATER AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; PIER AND TWO MOORING BUOYS: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BREAKWATER: ANNUAL RENT IN THE AMOUNT OF $965, 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.

NO SCALE

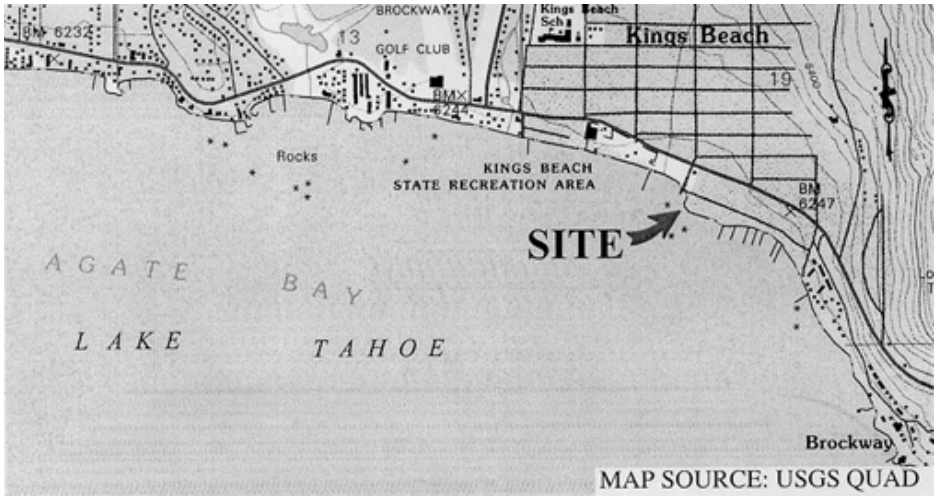
SITE



8690 BROCKWAY VISTA AVENUE, KINGS BEACH

NO SCALE

LOCATION

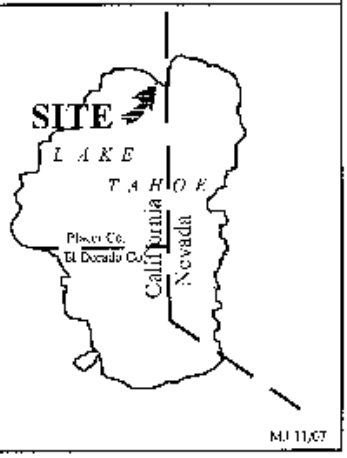


MAP SOURCE: USGS QUAD

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 A

PRC 5164
EVERETT
APN 090-141-009
GENERAL LEASE
RECREATIONAL USE
PLACER COUNTY



M.J 11/07