

**CALENDAR ITEM
C13**

A 4
S 1

10/22/09
WP 4893.1
R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Belle Haven Realty, a California Corporation
801 Brewster Avenue
Redwood City, CA 94063

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 710 West Lake Boulevard, near
Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys as
shown on Exhibit A.

LEASE TERM:

Ten years, beginning February 1, 2009.

CONSIDERATION:

\$1,675 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 for the mooring
buoy within two years after the adoption of the Lake Tahoe Shorezone
Amendments-Final Environmental Impact Statement (FEIS) and approval
of the ordinances based on the FEIS.

CALENDAR ITEM NO. **C13** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.
2. On April 13, 1999, the Commission authorized a General Lease – Recreational Use with Belle Haven Realty, a California Corporation. That lease expired on January 31, 2009.
3. Applicant does not qualify for a rent-free Recreational Pier Lease because the Applicant does not own the littoral property as a natural person(s) pursuant to Public Resource Code section 6503.5. Applicant is now applying for a new General Lease - Recreational Use for the pier and two mooring buoys.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff 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 (a)(2).

6. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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).

CALENDAR ITEM NO. **C13** (CONT'D)

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 GENERAL LEASE – RECREATIONAL USE, BEGINNING FEBRUARY 1, 2009, FOR A TERM OF TEN YEARS FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEROF; ANNUAL RENT IN THE AMOUNT OF \$1,675, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.