CALENDAR ITEM

C26

A 4 12/17/09

WP 8316.1

S 1 B. Terry

TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEES:

Melvin B. Lane and Joan F. Lane, as Trustees of the Melvin B. Lane Qualified Personal Residence Trust dated August 20, 1999, and Melvin B. Lane and Joan F. Lane, as Trustees of the Joan F. Lane Qualified Personal Residence Trust dated August 20, 1999

APPLICANT:

Julie Lane Gay

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 181 and 185 Paradise Flat Lane, near Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boatlift and two mooring buoys and the retention of one swim float as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 17, 2009.

CONSIDERATION:

Pier, boatlift, and two mooring buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Swim Float: $340 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 is conditional upon the Applicant obtaining authorization from the Tahoe Regional Planning Agency for the mooring buoy(s) by October 22, 2010, which is two years after the October 22, 2008 adoption of the Final Environmental Impact Statement (FEIS) and the approval of the Lake Tahoe Shorezone Ordinance Amendments based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. In 2003, the Commission authorized a ten-year Recreational Pier Lease with Melvin B. Lane and Joan F. Lane, as Trustees of the Melvin B. Lane Qualified Personal Residence Trust dated August 20, 1999, and Melvin B. Lane and Joan F. Lane, as Trustees of the Joan F. Lane Qualified Personal Residence Trust dated August 20, 1999. That lease will expire on December 31, 2013. On February 6, 2003, one-half interest in the littoral parcels, Assessor Parcel Numbers (APNs) 017-021-22 and 23, was deeded to Julie Lane Gay, who subsequently obtained full ownership on January 31, 2005, and is now applying for a new lease.

3. The previously authorized pier, boatlift, and two mooring buoys are located adjacent to APN 017-021-22. The swim float is located adjacent to APN 017-021-23 and has existed for many years. On April 17, 2006, the Tahoe Regional Planning Agency (TRPA) completed a review regarding the legal existence of the swim float and determined that the swim float legally exists and is therefore considered authorized by TRPA.

4. The Applicant is a natural person who owns the littoral parcels, each of which is improved with a single-family dwelling. The existing pier, boatlift and two mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. The swim float does not qualify for rent-free status because it is not constructed for the docking or mooring of boats.

5. Staff is recommending that the Commission consider accepting rent in the amount of $1,170 for the period of January 31, 2005, the date Applicant obtained full ownership, through December 16, 2009.

6. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California code of Regulations, sections 15060 (c)(3) and 15378.

5. **Issuance of New Lease:** 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 Regulation, 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. **Retention of Existing Swim Float:** 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)(4).

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

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:

TERMINATION OF AN EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW LEASE: 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).

RETENTION OF AN EXISTING SWIM FLOAT: 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)(4).

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:

1. AUTHORIZE TERMINATION, EFFECTIVE DECEMBER 16, 2009, OF LEASE NO. PRC 8316.9, A RECREATIONAL PIER LEASE, ISSUED TO MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE MELVIN B. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999 AND MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE JOAN F. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999.

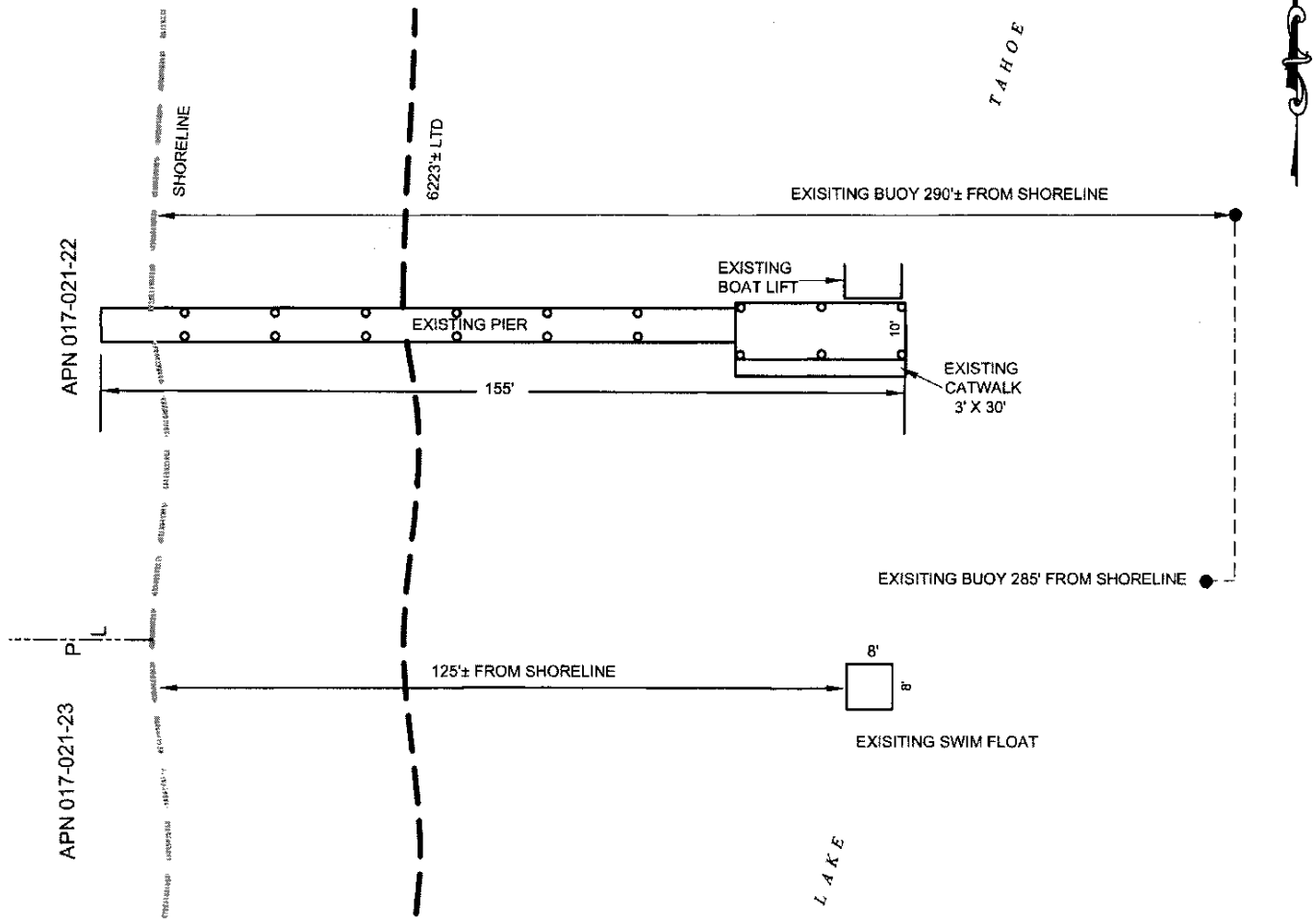
2. AUTHORIZE ACCEPTANCE OF RENT IN THE AMOUNT OF $1,170 FOR THE PERIOD OF JANUARY 31, 2005 THROUGH

DECEMBER 16, 2009, AND WAIVE ANY PENALTY AND INTEREST THAT MAY HAVE ACCRUED.

3. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO JULIE LANE GAY, BEGINNING DECEMBER 17, 2009, FOR A TERM OF TEN YEARS, FOR THE USE AND MAINTENANCE OF AN EXISTING PIER, BOATLIFT AND TWO MOORING BUOYS AND THE RETENTION OF AN EXISTING SWIM FLOAT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE EXISTING PIER, BOATLIFT, AND TWO MOORING BUOYS: NO MONETARY CONSIDERATON PURSUANT TO PUBLIC RESOURCES CODE 6503.5; CONSIDERATION FOR THE EXISTING SWIM FLOAT: ANNUAL RENT IN THE AMOUNT OF $340, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

NO SCALE

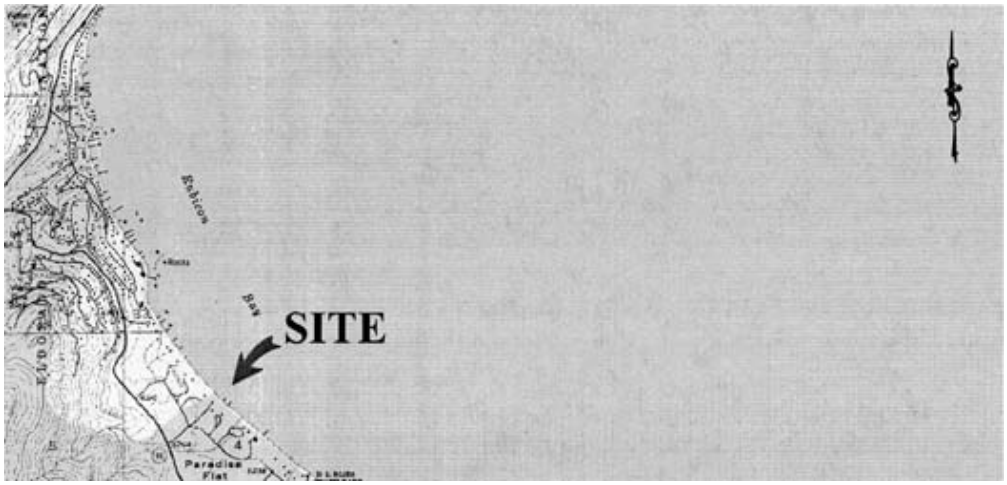
SITE



181 &185 PARADISE FLAT LANE, NEAR TAHOMA

NO SCALE

LOCATION

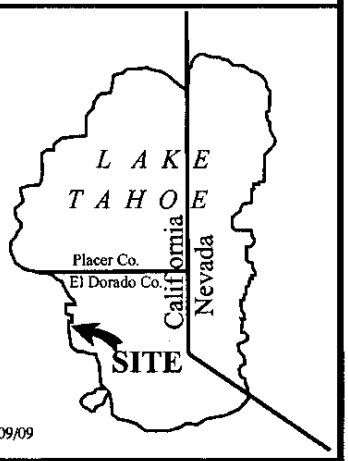


MAP SOURCE: USGS QUAD

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 8316.1
GAY
APN 017-021-22 &23
GENERAL LEASE
RECREATIONAL USE
EL DORADO COUNTY



MJ 09/09