CALENDAR ITEM

C29

A 4 12/17/09

WP 7690.1

S 1 B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Robert E. James, III and Mindy E. Cooper-Smith, Trustees, Cooper-Smith/James 2001 Family Trust, Dated 4/21/2001

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 3230 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning June 21, 2008.

CONSIDERATION:

$680 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:

Liability insurance in the amount of no less than $1,000,000.

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 Mindy Cooper-Smith and Robert E. James, III. That lease expired on June 20, 2008. The ownership has since transferred to the Applicants, Robert E. James, III and Mindy E. Cooper-Smith, Trustees, Cooper-Smith/James 2001 Family Trust, Dated 4/21/2001, who are now applying for a new General Lease – Recreational Use.

3 The Applicants upland property consists of two separate assessor parcels. One parcel is located between Lake Tahoe and the east side of Highway 89, but it is a small and undevelopable vacant lot. The second parcel, which is located on the west side of Highway 89, is improved with a duplex. While the Applicants property is considered to be littoral, the Applicants do not qualify for a Recreational Pier Lease pursuant to Public Resources Code 6503.5, because the upland parcel is vacant and is not improved with a single family dwelling.

4. 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.

5. 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).

SIGNIFICANT LANDS INVENTORY FINDING:

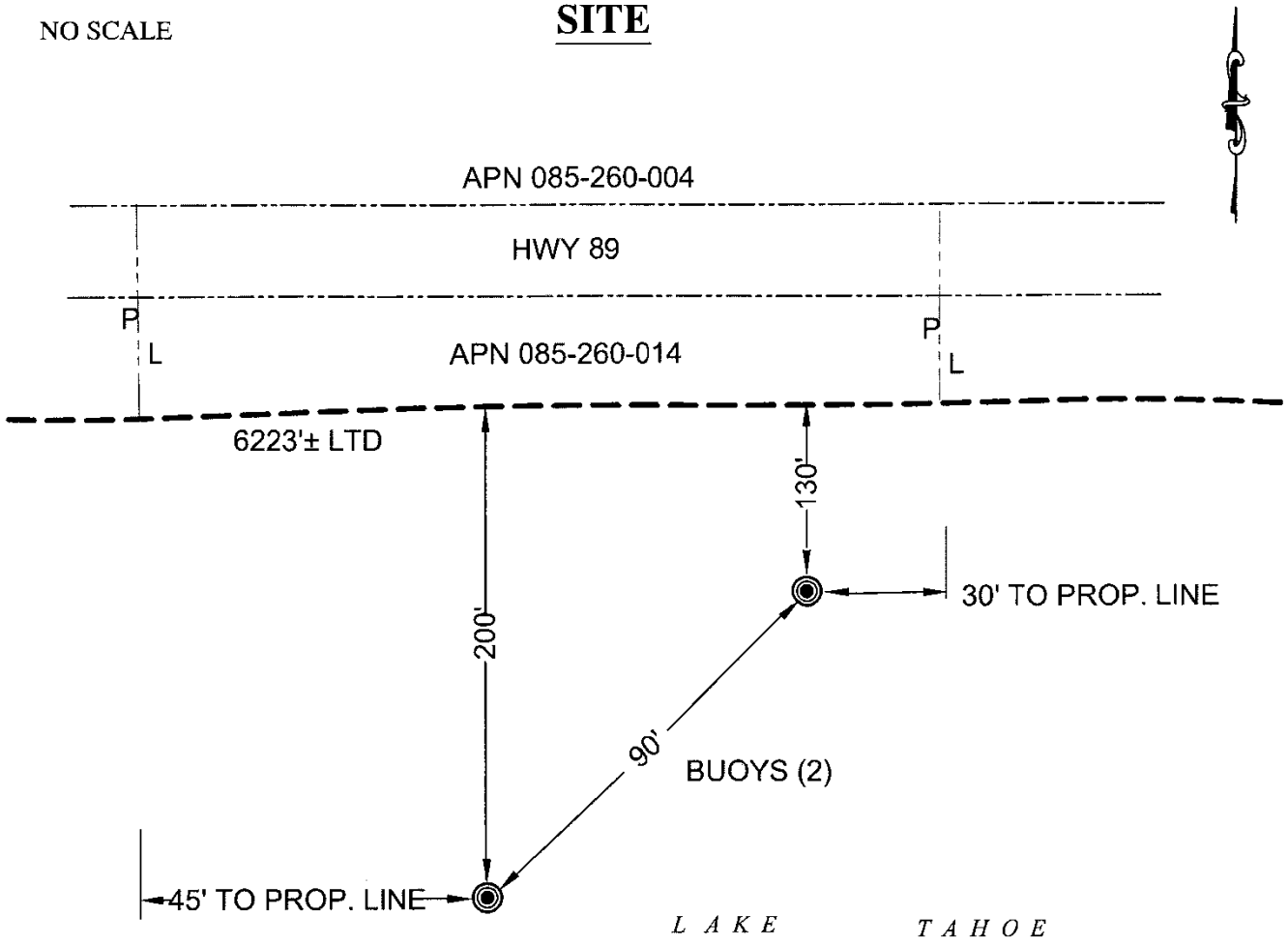
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO ROBERT E. JAMES, III AND MINDY E. COOPER-SMITH, TRUSTEES, COOPER-SMITH/JAMES 2001 FAMILY TRUST, DATED 4/21/2001, BEGINNING JUNE 21, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $680, 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

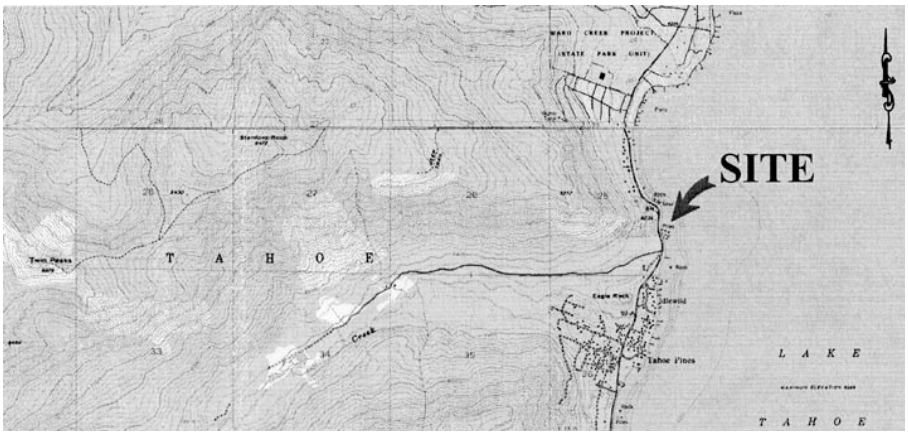
SITE



3230 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

LOCATION

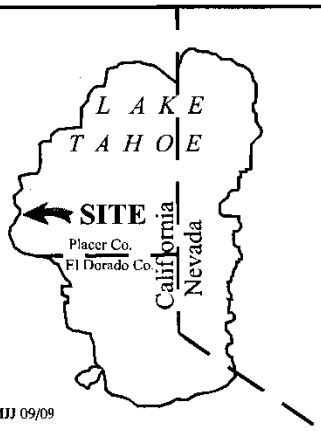


MAP SOURCE: USGS QUAD

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 7690.1
JAMES, III/COOPER-SMITH
APN 085-260-004 AND 014
GENERAL LEASE-
RECREATIONAL USE
PLACER COUNTY



MJJ 09/09