CALENDAR ITEM

C12

A 4 04/06/10

WP 4250.1

S 1 B. Terry

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

LESSEES:

Harding Clegg, Trustee of the Harding Clegg Revocable Trust dated June 16, 1942; Lindsey Clegg Pierce Revocable Living Trust; Christopher Clegg and Hazel D. Clegg, Trustee of the CFT Trust u/d/t December 9, 1998; Kay Clegg; Sharon Clegg; William A. Clegg; Ann C. Tuohy; David H. Clegg, as Trustee of Veronica Clegg Exemption I; David H. Clegg, as Trustee of Veronica Clegg Exemption Trust II; David H. Clegg, as Trustee of Veronica Clegg Marital Trust

APPLICANTS:

Kevin Douglas and Michelle Douglas, Co-Trustees of the K&M Douglas Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2380 Sunnyside Lane, near Sunnyside, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning August 15, 2008.

CONSIDERATION:

$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:

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 8, 2005, the Commission authorized a Recreational Pier Lease with Harding Clegg, Trustee, et al, for a pier and two mooring buoys. That lease will expire on June 30, 2015. On August 15, 2008, the ownership of the upland property was deeded to Kevin Douglas and Michelle Douglas, Co-Trustees of the K&M Douglas Trust. Applicants are now applying for a new General Lease – Recreational Use.

3. The swim float has not been previously authorized by the Commission, but has been recognized by the Tahoe Regional Planning Agency (TRPA) as existing prior to1972. Both buoys and the swim float were conditionally permitted by TRPA on September 30, 2009.

4. The Applicants are natural persons who own the upland property as natural persons. The pier and two mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. However, the swim float does not qualify for rent-free status because it is not constructed for the mooring and docking of boats.

5. **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 CEQA because it is not a "project" as defined by 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.

6. **Issuance of New Lease:**
   Existing Pier and 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 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.

   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 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 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:

Termination of an Existing Lease: Find that the activity is not subject to the requirements of 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:

Existing Pier and Buoys: Find that the activity is exempt from the requirements of 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).

Existing Swim Float: Find that the activity is exempt from the requirements of 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.

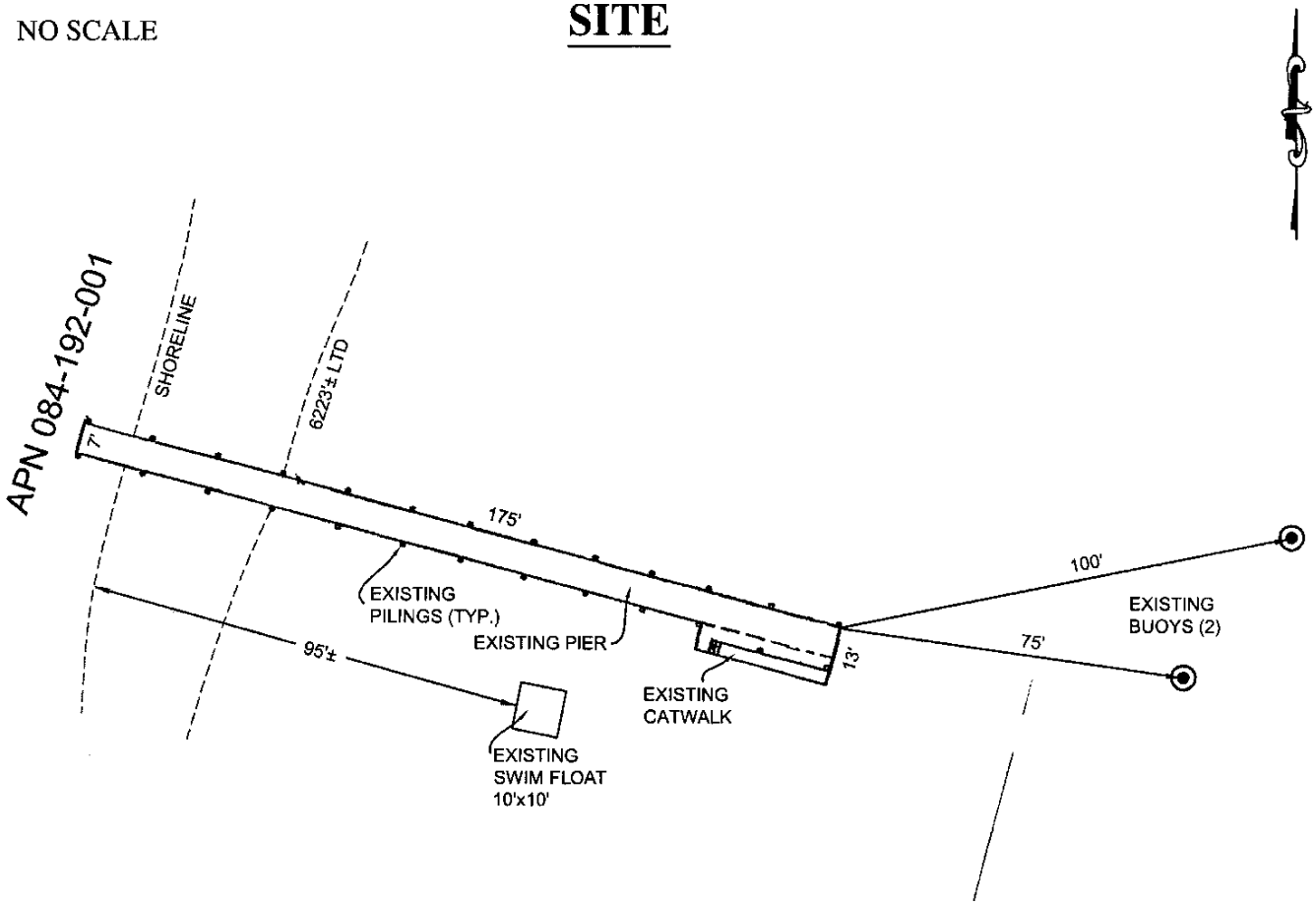
AUTHORIZATION:

1. Authorize termination, effective August 14, 2008, of Lease No. PRC 4250.1, a Recreational Pier Lease, issued to Harding Clegg, Trustee, et al.

2. Authorize issuance of a General Lease – Recreational Use to Kevin Douglas and Michelle Douglas, Co-Trustees of the K&M Douglas Trust, Beginning August 15, 2008, for a term of ten years, for the continued use and maintenance of an existing pier 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 and two mooring buoys: no monetary consideration 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

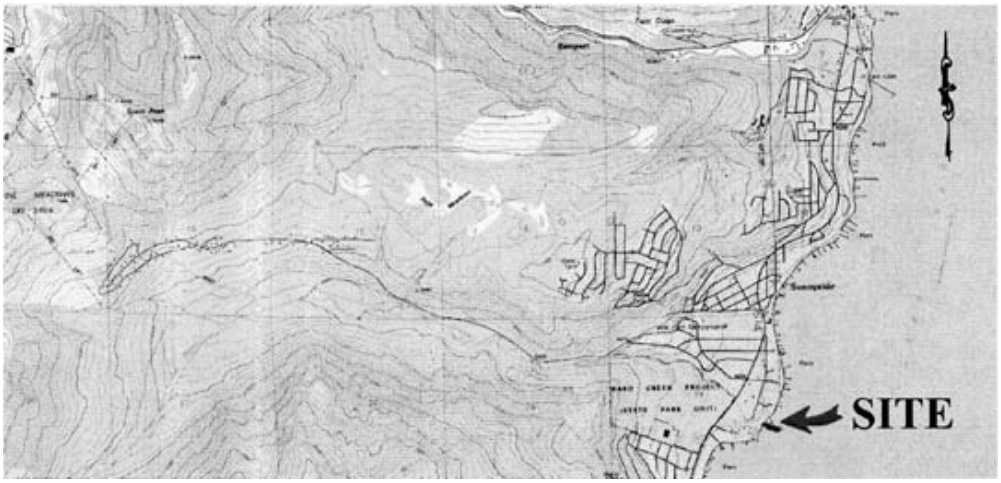
SITE



2380 SUNNYSIDE LANE, NEAR SUNNYSIDE

NO SCALE

LOCATION

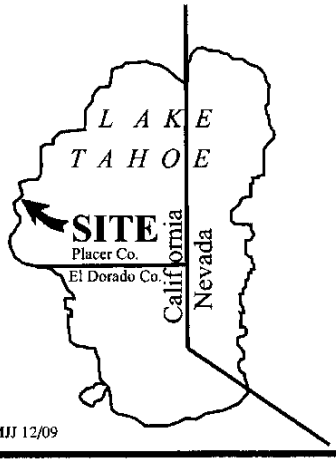


MAP SOURCE: USGS QUAD

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.

Section 3

PRC 4250.1
DOUGLAS
APN 084-192-001
GENERAL LEASE
RECREATIONAL USE
PLACER COUNTY



MJJ 12/09