

**CALENDAR ITEM
C19**

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06/28/10
WP 5913.1
R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Gates Tahoe House, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 1320 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, boatlift, sundeck with stairs, and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning June 1, 2010.

CONSIDERATION:

\$3,916 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:

The lease contains provisions that the existing sundeck and stairs, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing sundeck and stairs cost more than 50% of the base value of the sundeck and stairs, then the sundeck and stairs must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On May 9, 1996, the Commission authorized a ten-year Recreational Pier Lease with Milo Sedgwick Gates, Trustee of the Gates Qualified Personal

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Residence Trust. That lease expired on August 21, 2005. On January 30, 2006, the upland property ownership was deeded to Gates Tahoe House, LLC, a California Limited Liability Company, which is now applying for a new General Lease - Recreational Use.

3. Applicant does not qualify for rent-free status because the Applicant does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5.
4. Applicant obtained permits for the mooring buoys from the Tahoe Regional Planning Agency on October 15, 2009.
5. Staff is recommending that the Commission accept rent in the amount of \$14,347 for the period beginning January 30, 2006, which is when the uplands were transferred to the Applicant, to May 31, 2010.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), 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.

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.

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 CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a

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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:

1. Authorize acceptance of rent in the amount of \$14,347 for the period of January 30, 2006 through May 31, 2010 and waive any penalty and interest that may have accrued.

2. Authorize issuance of a General Lease – Recreational Use to Gates Tahoe House, LLC, a California Limited Liability Company, beginning June 1, 2010, for a term of ten years, for the continued use and maintenance of an existing pier, boathouse, boatlift, sundeck with stairs, and two mooring buoys as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$3,916, 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.