

**CALENDAR ITEM  
C41**

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06/28/10  
WP 4058.1  
C. Hudson

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

**LESSEE:**

Anne Fletcher Jensen, as Trustee of the Anne Fletcher Jensen Revocable Trust

**APPLICANTS:**

Lloyd T. Rochford and Carol A. Rochford, Trustees of the Rochford Living Trust,  
dated December 1, 1999

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 3740 North Lake Boulevard, near  
Carnelian Bay, Placer County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

Ten years, beginning June 28, 2010.

**CONSIDERATION:**

**Pier, Boathouse, Boat Hoist, and Two Mooring Buoys:** No monetary  
consideration pursuant to Public Resources Code section 6503.5.

**Sundeck with Stairs:** \$381 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 with coverage of no less than \$1,000,000.

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Other:

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On April 26, 2005, the Commission authorized a Recreational Pier Lease with Anne Fletcher Jensen, as Trustee of the Anne Fletcher Jensen Revocable Trust. That lease will expire on January 26, 2015. On October 19, 2006, the ownership of the upland property was deeded to Lloyd T. Rochford and Carol A. Rochford, Trustees of the Rochford Living Trust, dated December 1, 1999. Applicants are applying for a new General Lease – Recreational Use for the continued use and maintenance of an existing pier, boathouse with sundeck and stairs, boat hoist, and two mooring buoys.
3. The Applicants obtained Tahoe Regional Planning Agency permits for the two mooring buoys and boathouse on October 8, 2009.
4. The Applicants are natural persons who own the upland property as natural persons. The pier, boathouse, boat hoist, and two mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. However, the sundeck with stairs does not qualify for rent-free status because it is not constructed for the mooring and docking of boats.
5. Staff is recommending that the Commission consider accepting rent in the amount of \$1,351 for the period beginning October 19, 2006, the date ownership of the upland parcel transferred to the Applicants, through June 27, 2010.
6. **Termination of 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.

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7. **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 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.

8. 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:**

**Termination of 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 Lease:** 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).

**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.

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**AUTHORIZATION:**

1. Authorize termination, effective June 27, 2010, of Lease No. PRC 4058.9, a Recreational Pier Lease, issued to Anne Fletcher Jensen, as Trustee of the Anne Fletcher Jensen Revocable Trust.
2. Authorize acceptance of rent in the amount of \$1,351 for the period of October 19, 2006 through June 28, 2010, and waive any penalty and interest that may have accrued.
3. Authorize issuance of a General Lease – Recreational Use to Lloyd T. Rochford and Carol A. Rochford, Trustees of the Rochford Living Trust, dated December 1, 1999, beginning June 28, 2010, for a term of ten years, for the continued use and maintenance of an existing pier, boathouse with sundeck and stairs, boat hoist, and two mooring buoys as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing pier, boathouse, boat hoist, and two mooring buoys: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the existing sundeck and stairs: annual rent in the amount of \$381 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.