

**CALENDAR ITEM  
C71**

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06/28/10  
WP 4183.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Shirley H. Allen, Trustee, or the Acting Successor Trustee of the Allen Family Trust for the Benefit of David and Shirley Allen, under instrument dated December 29, 1995

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

Sovereign land in Lake Tahoe, adjacent to 5472 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

Ten years, beginning January 25, 2009.

**CONSIDERATION:**

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

Sundeck with Stairs: \$647 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, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50% of the base value of the sundeck, then the sundeck must be removed from the lease premises.

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**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a ten-year Recreational Pier Lease with David M. Allen and Shirley H. Allen. That lease expired on January 24, 2009. On November 29, 2001, the littoral property was transferred to David M. Allen and Shirley H. Allen, Trustees, or the Acting Successor Trustee of the Allen Family Trust for the Benefit of David and Shirley Allen, under instrument dated December 29, 1995. David M. Allen is now deceased and Shirley H. Allen, the Successor Trustee, is now applying for a new General Lease – Recreational Use.
3. Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling. The existing pier, boathouse, and two mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. The sundeck with stairs does not qualify for rent-free status because it is not constructed for the docking and mooring of boats.
4. The boathouse and two mooring buoys were permitted by the Tahoe Regional Planning Agency on October 8, 2009.
5. 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.

6. 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

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**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 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 Shirley H. Allen, Trustee, or the acting Successor Trustee of the Allen Family Trust for the Benefit of David and Shirley Allen, under instrument dated December 29, 1995, beginning January 25, 2009, for a term of ten years, for the continued use and maintenance of an existing pier, boathouse, 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 \$647 for the sundeck with stairs, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; no monetary consideration pursuant to Public Resources Code section 6503.5 for the pier, boathouse, and two mooring buoys; and liability insurance with coverage of no less than \$1,000,000.