

**CALENDAR ITEM
C73**

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06/28/10
WP 4158.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Tahoe CRT, LLC, a Nevada Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2500 West Lake Boulevard, near Hurricane Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with two boat slips, one boat lift, and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning June 1, 2010.

CONSIDERATION:

\$5,600 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. Applicant owns the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a ten-year General Lease - Recreational Use with Western Equities, LLC. That lease expired on March 30, 2009. On December 29, 2008, the ownership of the upland property was deeded to Tahoe CRT, LLC, a Nevada Limited Liability Company (Applicant). The Applicant is now applying for a new General Lease – Recreational Use.

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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 Resource Code section 6503.5.
4. Staff is recommending that the Commission accept back rent in the amount of \$5,019 for the period beginning March 31, 2009, the day after the prior lease expired, through May 31, 2010, the day before the effective date of the new Lease.
5. The boat lift and mooring buoys were permitted by the Tahoe Regional Planning Agency on October 7, 2009.
6. 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.

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 categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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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 \$5,019 for the period of March 31, 2009 through May 31, 2010, and waive any penalty and interest that may have accrued.

2. Authorize issuance of a General Lease – Recreational Use to Tahoe CRT, LLC, a Nevada Limited Liability Company, beginning June 1, 2010, for a term of ten years, for an existing pier with two boat slips, one boat lift, and two mooring buoys as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$5,600, 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.