**CALENDAR ITEM**

# C30

A 4 02/08/11
WP 4467.1
S 1 B. Terry

## GENERAL LEASE – RECREATIONAL USE

**APPLICANTS**:

Dennis H. Grimsman and Diane S. Grimsman, Trustees of the Grimsman Family Living Trust Dated July 15, 1996

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

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 092-180-008, near Carnelian Bay, Placer County.

**AUTHORIZED USE**:

Continued use and maintenance of an existing pier and retention of an existing boat lift as shown on the attached Exhibit A.

**LEASE TERM**:

10 years, beginning June 30, 2010.

**CONSIDERATION**:

$2,420 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 a provision that the Applicants must obtain and maintain continuous authorization from the littoral property owner, Cedar Flat Improvement Association (Association), to access and maintain the pier and boat lift on the littoral property (APN 092-180-008) adjacent to the lease premises. The lease shall terminate if the Association's consent lapses or is revoked.

**OTHER PERTINENT INFORMATION:**

1. Applicants have the right to use the uplands adjoining the lease premises, which is owned by the Association. The right granted to the Applicants by

the Association is limited to the use and maintenance of the Applicant's pier and boat lift.

2. On November 7, 1997, the Commission authorized a General Lease – Recreational Use with Dennis H. Grimsman and Diane S. Grimsman. That lease expired on June 29, 2007. On January 27, 2003, the ownership was transferred to Dennis H. Grimsman and Diane S. Grimsman, Trustees of the Grimsman Family Living Trust Dated July 15, 1996. Applicants are now applying for a new General Lease – Recreational Use.

3. The Applicants do not qualify for rent-free status because the Applicants do not own the littoral property adjacent to the lease premises.

4. Staff is recommending that the Commission accept additional hold over rent in the amount of $582 for the period beginning June 30, 2007, the day after the prior lease expired, through June 29, 2010, the day before the effective date of the new Lease.

5. **Pier:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined 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. **Boat Lift:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. but such activity will not affect those significant lands. Based upon

staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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:**

**Pier:** 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).

**Boat Lift:** 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 or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

**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.

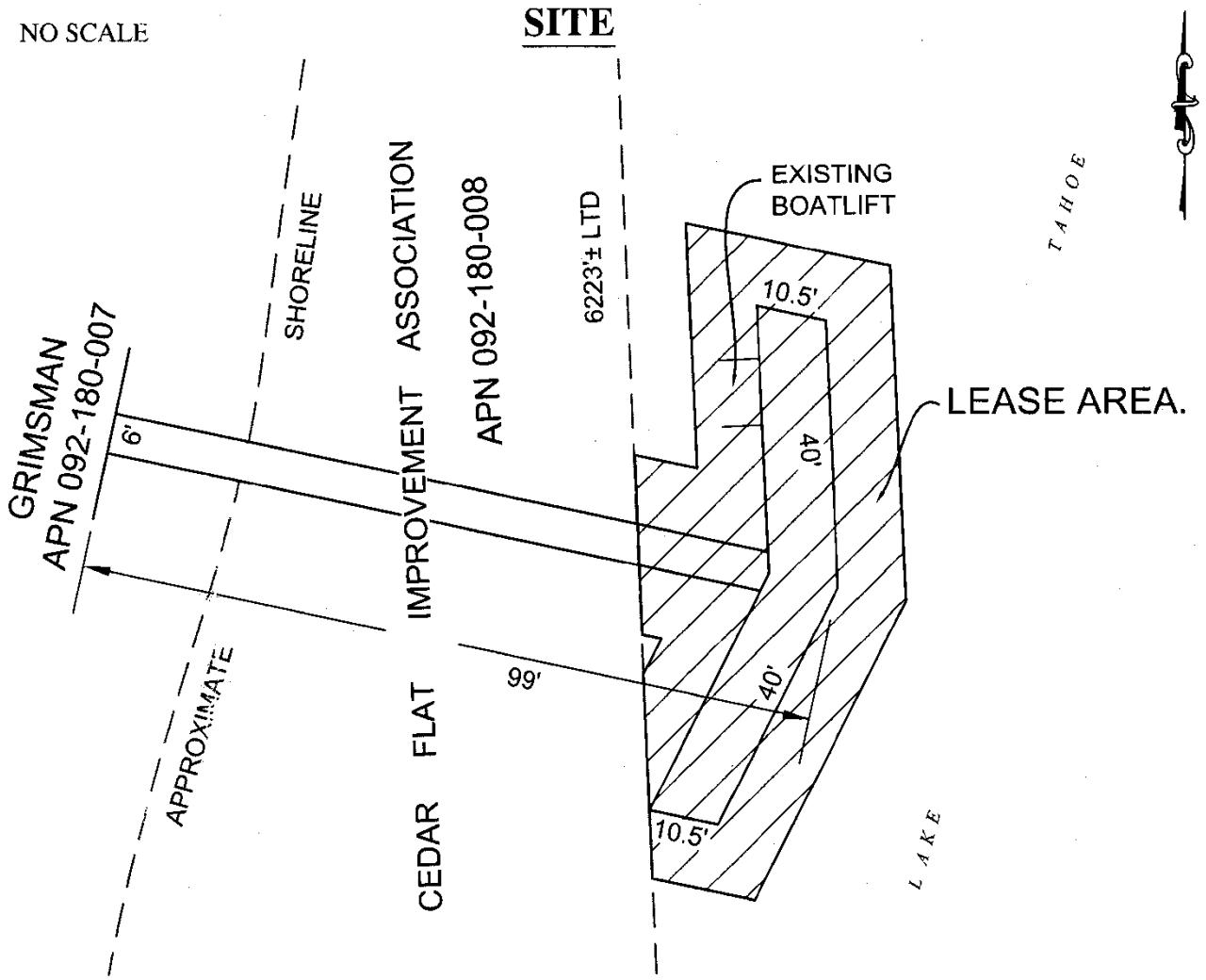
**AUTHORIZATION:**

1. Authorize acceptance of additional holdover rent in the amount of $582 for the period of June 30, 2007 through June 29, 2010, and waive any penalty and interest that may have accrued.

2. Authorize issuance of a General Lease – Recreational Use to Dennis H. Grimsman and Diane S. Grimsman, Trustees of the Grimsman Family Living Trust Dated July 15, 1996, beginning June 30, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier and retention of an existing boat lift as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of $2,420 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.

NO SCALE

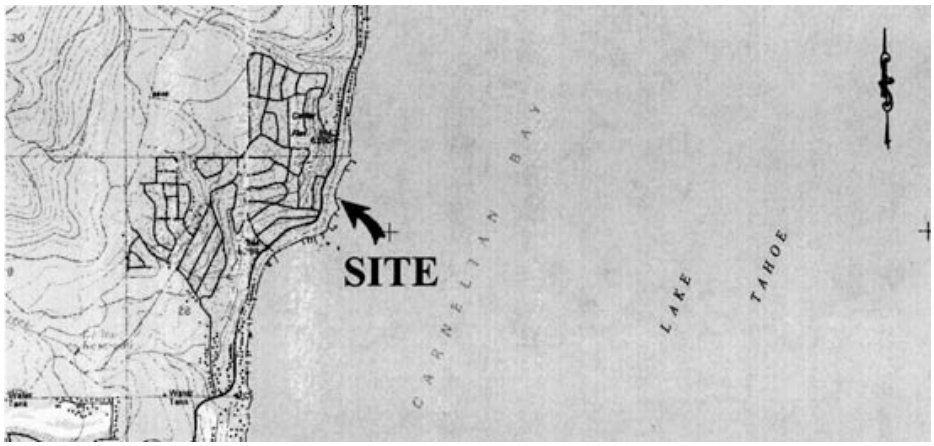
## SITE




4390 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

## LOCATION

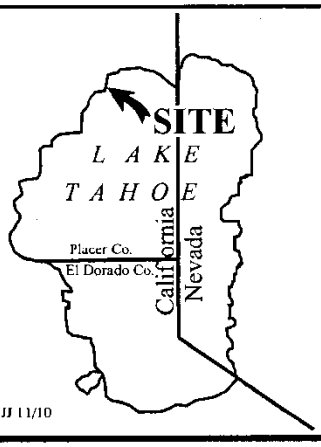



MAP SOURCE: USGS QUAD

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.

# Exhibit A

PRC 4467.1
GRIMSMAN
APN 092-180-007
GENERAL LEASE
RECREATIONAL USE
PLACER COUNTY




MJJ 11/10