

**CALENDAR ITEM
C29**

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10/16/08
WP 1985.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Carswell Partners, L.P., a California Limited Partnership
621 Marina Circle
Davis, CA 95616

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 4840 West Lake Boulevard, near
Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning July 26, 2008.

CONSIDERATION:

\$900 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 of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a Recreational Pier Lease with John Arthur Turner and Jo An M. Strande, Trustees of the J & J Revocable Living Trust, Mary Alice Carswell, Elizabeth Madigan, Catherine Crumpton, Sarah Franko, Bruce Carswell, Jr. and Bruce M. Carswell. That lease expired on July 25, 2008. The upland ownership has since been deeded to Carswell Partners, L.P., a California Limited Partnership. Applicant is now applying for a new General Lease – Recreational Use.

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3. The 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 \$2,652 for the period starting from the date ownership transferred to the Applicant, September 19, 2002.
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 the 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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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 SECTION 6370, ET SEQ.

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AUTHORIZATION:

1. AUTHORIZE ACCEPTANCE OF BACK RENT IN THE AMOUNT OF \$2,652 FOR THE PERIOD OF SEPTEMBER 19, 2002, THROUGH OCTOBER 15, 2008.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO CARSWELL PARTNERS, L.P., A CALIFORNIA LIMITED PARTNERSHIP BEGINNING OCTOBER 16, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$900, 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.