

**CALENDAR ITEM
C46**

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S 1

06/01/09
WP 5358.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Ronald M. Fadelli and Joan R. Fadelli; The Fadelli Limited Partnership; and William G. Combs and Norma L. Combs, Co-Trustees under Declaration of Trust dated December 13, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 5270 and 5274 North Lake Boulevard, near Carnelian Bay, Placer County

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boatlifts, and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning April 1, 2007.

CONSIDERATION:

\$411 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. Applicants own the uplands adjoining the lease premises.
2. On May 12, 1997, the Commission authorized a Recreational Pier Lease with William G. Combs, Norma L. Combs, Ronald M. Fadelli, Joan R. Fadelli, Andrew A. Fadelli, and Patricia A. Fadelli. That lease expired on March 31, 2007. The ownership of the two littoral properties has changed since the lease was authorized by the Commission. APN 115-020-014 is now owned by William G. Combs and Norma L. Combs, Co-trustees under Declaration of Trust dated December 13, 1990, and APN 115-020-

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013, is now owned by Ronald M. Fadelli and Joan R. Fadelli and The Fadelli Limited Partnership. Applicants are now applying for a new General Lease – Recreational Use.

3. William G. Combs and Norma L. Combs, and Ronald M. Fadelli and Joan R. Fadelli qualify for rent-free status because they are natural persons who own the littoral properties that are improved with single-family dwellings. However, the Fadelli Limited Partnership does not qualify for rent-free status because it does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5. Therefore, the annual rent has been prorated based on the Fadelli Limited Partnership's 25 percent interest in the joint-use pier and its 50 percent interest in the mooring buoy adjacent to APN 115-020-013.
4. Staff is recommending that the Commission accept back rent from the Fadelli Limited Partnership in the amount of \$1,593 for the period when the littoral ownership was transferred to the Fadelli Limited Partnership, January 4, 2001 through March 31, 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 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

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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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ACCEPTANCE FROM THE FADELLI LIMITED PARTNERSHIP OF BACK RENT IN THE AMOUNT OF \$1,593 FOR THE PERIOD OF JANUARY 4, 2001 THROUGH MARCH 31, 2009, AND WAIVE ANY PENALTY OR INTEREST THAT MAY HAVE ACCRUED.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO RONALD M. FADELLI AND JOAN R. FADELLI; THE FADELLI LIMITED PARTNERSHIP; AND WILLIAM G. COMBS AND NORMA L. COMBS, CO-TRUSTEES UNDER DECLARATION OF TRUST DATED DECEMBER 13, 1990, BEGINNING APRIL 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER, TWO BOATLIFTS, AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$411, 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.