

**CALENDAR ITEM  
C20**

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12/10/10  
WP 2284.1  
C. Hudson

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Robert W. Field; Jr., James L. Field; and Kendall J. Field

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

Sovereign land in Lake Tahoe, adjacent to 3900 North Lake Boulevard, near Carnelian Bay, Placer County

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning September 26, 2008.

**CONSIDERATION:**

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

**Covered Cabana:** \$125 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:

1. The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA

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adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

2. The lease contains provisions that the existing covered cabana, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing cabana cost more than 50 percent of the base value of the cabana, then the cabana must be removed from the lease premises.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a Recreational Pier Lease with Peggy Field Love, Trustee of the Field 1987 Living Trust. That lease expired on December 31, 2007. On September 26, 2008, the ownership of the upland property was deeded to Robert W. Field, Jr., James L. Field, and Kendall J. Field. The Applicants are now applying for a new General Lease – Recreational Use for the continued use and maintenance of an existing pier, covered cabana, boat lift, and two mooring buoys.
3. The Applicants are natural persons who own the upland property that is improved with a single-family dwelling. The pier, boat lift, and two mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. However, the cabana does not qualify for rent-free status because it is not constructed for the mooring and docking of boats.
4. Pursuant to the Commission's delegation of authority and the 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.

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5. 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 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).

**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 Robert W. Field, Jr., James L. Field, and Kendall J. Field, beginning September 26, 2008, for a term of 10 years, for the continued use and maintenance of an existing pier, covered cabana, boatlift, and two mooring buoys as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing pier, boat lift, and two mooring buoys: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the existing covered cabana: annual rent in the amount of \$125 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.