

**CALENDAR ITEM
C31**

A 4
S 1

02/08/11
WP 5267.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Randolph K. Yackzan and Lynne U. Yackzan, Trustees of the Yackzan Family Revocable Trust dated October 15, 1997; and Unger Enterprises LP, a California Limited Partnership

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 open-sided boathouse and the retention of an existing boat hoist as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning September 7, 2010.

CONSIDERATION:

\$1,126 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 open-sided boathouse with boat hoist 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.

CALENDAR ITEM NO. **C31** (CONT'D)

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 Applicants' pier and open-sided boathouse with boat hoist.
2. On April 24, 2001, the Commission authorized a General Lease – Recreational Use with Felton Mark Wyatt and Ann Appleton Wyatt, as Trustees of the Wyatt Trust of 1989. On January 4, 2010, the ownership transferred to Randolph K. Yackzan and Lynne U. Yackzan, Trustees of the Yackzan Family Revocable Trust dated October 15, 1997, and Unger Group, LLC. On September 7, 2010, Unger Group, LLC transferred its interest to Unger Enterprises LP, a California Limited Partnership. The lease expired December 22, 2010. 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. **Pier and Open-Sided Boathouse:** 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.

5. **Boat Hoist:** 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 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.

6. 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

CALENDAR ITEM NO. **C31** (CONT'D)

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:

Pier and Open-Sided Boathouse: 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 Hoist: 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:

Authorize issuance of a General Lease – Recreational Use to Randolph K. Yackzan and Lynne U. Yackzan, Trustees of the Yackzan Family Revocable Trust dated October 15, 1997; and Unger Enterprises LP, a California Limited Partnership beginning September 7, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier and an open-sided boathouse and the retention of an existing boat hoist as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$1,126, 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.