

**CALENDAR ITEM
C107**

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06/23/11
WP 3674.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Philip D. Chapman and Sarah D. Chapman, Trustees of the Chapman Family Living Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3890 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, open-sided boat house, and two mooring buoys; and an existing boat lift and sundeck with stairs not previously authorized by the Commission, as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning December 1, 2010.

CONSIDERATION:

Pier, open-sided boat house with boat lift, and two mooring buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Sundeck with stairs: \$542 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

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Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. 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 amended ordinance issues.

2. The lease contains provisions that the existing sundeck and stairs, as shown on the attached Exhibit A, may not be expanded or improved, and if repairs to any portion of the existing sundeck or stairs cost more than 50% of the base value of the sundeck and stairs, then the sundeck and stairs must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On February 5, 2001, the Commission authorized a Recreational Pier Lease with Philip D. Chapman and Sarah D. Chapman, Trustees of the Chapman Family Living Trust. That lease expired on November 30, 2010. Applicants are now applying for a new General Lease – Recreational Use.
3. The Commission's files indicated that the sundeck and stairs have existed on the pier prior to the Commission's approval of the current lease, but have not been previously authorized by the Commission. Staff recommends allowing the existing sundeck and stairs to remain on the lease premises.
4. The existing pier, open-sided boat house with boat lift, and two mooring buoys are exempt from paying rent pursuant to Public Resource Code section 6503.5, because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling. However, the sundeck with stairs does not qualify for rent-free status under section 6503.5 because it is not constructed for the docking and mooring of boats.
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 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).

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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., but such activity will not affect those significant lands. 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 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 Philip D. Chapman and Sarah D. Chapman, Trustees of the Chapman Family Living Trust, beginning December 1, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier, open-sided boat house, and two mooring buoys; and an existing boat lift and sundeck with stairs not previously authorized by the Commission, as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$542, for the sundeck with stairs, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; no monetary consideration pursuant to Public Resources Code section 6503.5 for the pier, open-sided boat house with boat lift, and two mooring buoys; and liability insurance with coverage of no less than \$1,000,000.