

MINUTE ITEM

This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to 0 at its 11/07/97 meeting.

CALENDAR ITEM

C57

A 4
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11/07/97
PRC5177 WP 5177.1
B. Young

**TERMINATION OF GENERAL LEASE AND
ISSUANCE OF NEW GENERAL LEASE - RECREATIONAL USE**

LESSEES:

Wells and Bennett Realtors
1451 Leimert Boulevard
Oakland, California 94602

APPLICANTS:

Edward R. Frazer and Lori Frazer
P.O. Box 12052
Reno, NV 89510

AREA, LAND TYPE, AND LOCATION:

0.03 acre, more or less, of sovereign lands in Lake Tahoe, Carnelian Bay, Placer County.

AUTHORIZED USE:

Modification, use and maintenance of an existing pier/cabin, boat lift, and two mooring buoys, as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning June 30, 1995.

CONSIDERATION:

\$50 per year for a portion of the project area that is occupied by the cabin; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease. No monetary consideration for the pier, boat lift and two mooring buoys pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000

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Other:

The lease is conditioned on lessee obtaining authorization from the Tahoe Regional Planning Agency for the buoys within two years from the effective date of the authorization of the buoys by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On April 1, 1979, the Commission authorized issuance of a 20-year General Lease - Recreational Use, No. PRC 5177.1, to Wells and Bennett Realtors for the use and maintenance of a pier, boathouse/dwelling structure. The property was sold, on June 30, 1995, to Edward R. and Lori Frazer.
3. Because the Wells and Bennett Realtor lease did not expire until March 31, 1999, staff sent a quitclaim deed to Lessee for signature on two separate occasions. The Lessee never responded.
4. The portion of the project area which is covered by the existing cabin does not qualify to be rent free.
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 pier and boathouse are exempt under Class 2, Replacement or Reconstruction; Title 14, California Code of Regulations section 15302 (c). The boat lift is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303 (e). Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300. The buoys are exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c) (3). 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

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that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, Tahoe Regional Planning Agency

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, California State Lands Commission,

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 28, 1997

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. THE PIER AND BOATHOUSE ARE EXEMPT UNDER CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15302 (c). THE BOAT LIFT IS EXEMPT UNDER CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303 (e). THE TWO MOORING BUOYS ARE EXEMPT UNDER CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c) (3).

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.

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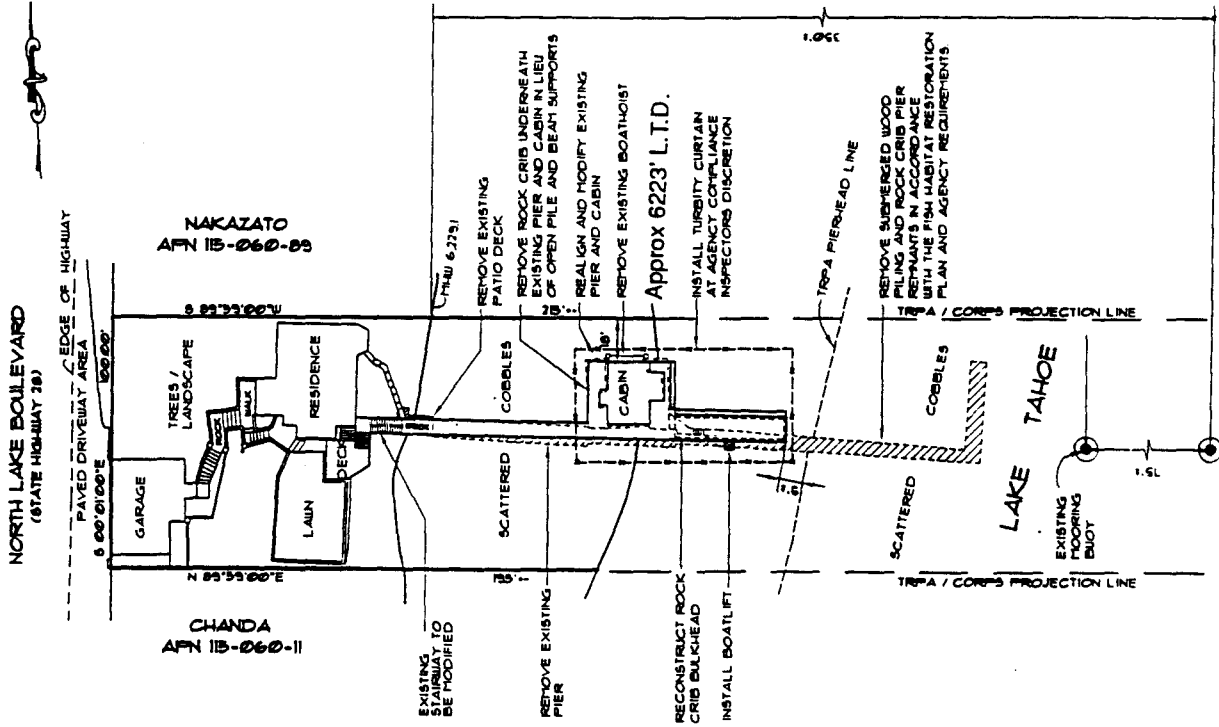
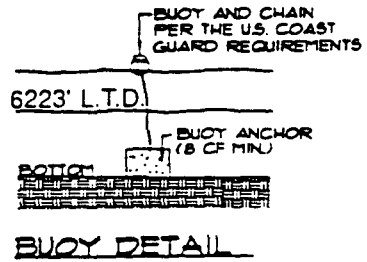
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF LEASE NO. PRC 5177.1 ISSUED TO WELLS AND BENNETT RELATORS AND APPROVED BY THE COMMISSION ON APRIL 24, 1979, CALENDAR ITEM C 28, FOR THE VACATION OF THE LEASE PREMISES DURING THE LEASE TERM.

AUTHORIZE ISSUANCE TO EDWARD R. FRAZER AND LORI FRAZER OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING JUNE 30, 1995, FOR A TERM OF TEN YEARS, FOR A PIER/CABIN, BOAT LIFT, AND TWO MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: \$50 PER YEAR FOR THAT PORTION OF THE AREA WHICH IS OCCUPIED BY THE CABIN; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION FOR THE PIER, BOAT LIFT, AND THE TWO MOORING BUOYS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NOTES:

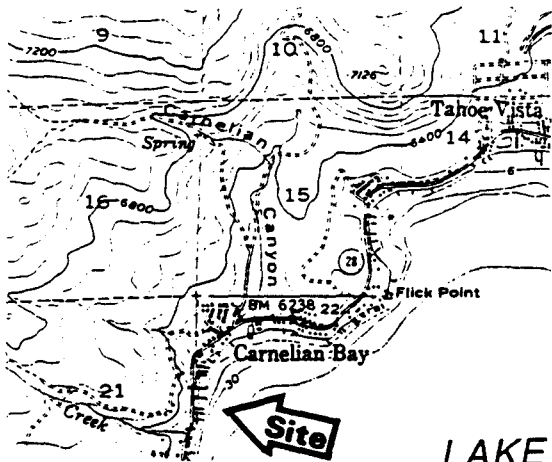
- 1) THE PROPOSED PROJECT INVOLVES MODIFYING AN EXISTING PIER TOWARDS CONFORMANCE WITH CURRENT AGENCY STANDARDS.
- 2) THE REMOVAL AND DISPERSAL OF THE SUBMERGED PIER REMNANTS WILL REMOVE A U.S. ARMY CORPS OF ENGINEERS NAVIGATION HAZARD FROM LAKE TAHOE.



4796 North Lake Blvd.

NO SCALE

LOCATION MAP

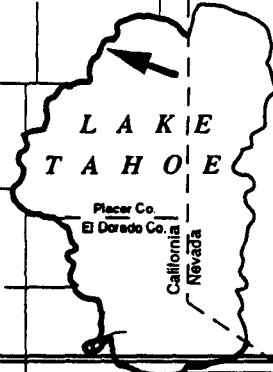


LAKE TAHOE

NO SCALE

This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

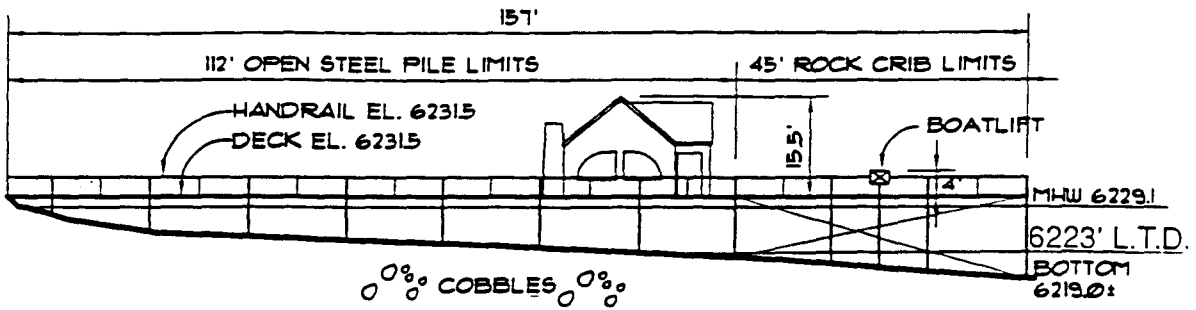
Exhibit A
PRC 5177.1
APN 115 - 060 - 10
Lake Tahoe
PLACER COUNTY
Sheet 1 of 2 Sheets



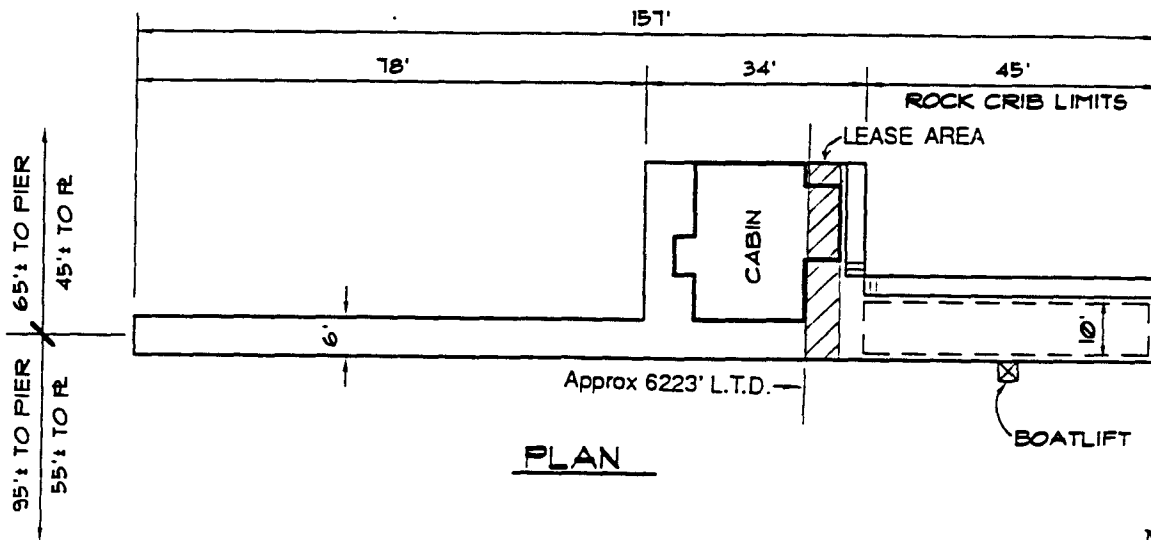
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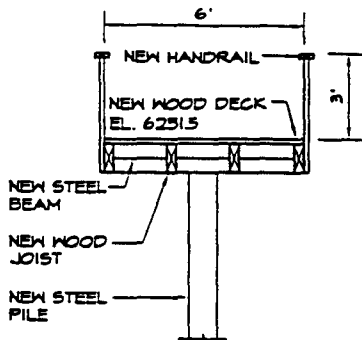


PROFILE

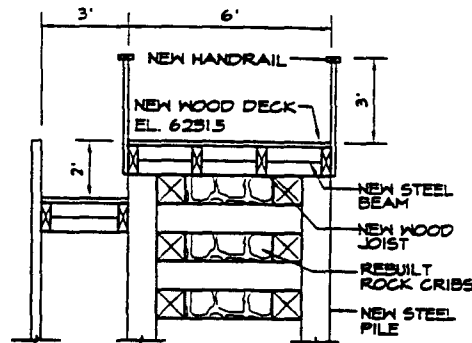


PLAN

NO SCALE

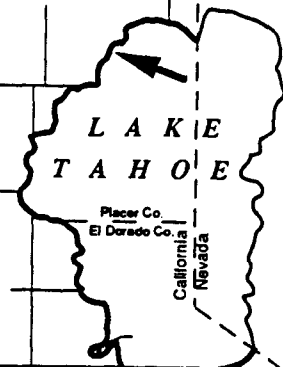


TYPICAL PIER WALKWAY
NO SCALE



TYPICAL PIERHEAD SECTION
NO SCALE

Exhibit A
PRC 5177.1
APN 115 - 060 - 10
Lake Tahoe
PLACER COUNTY
Sheet 2 of 2 Sheets



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