

**CALENDAR ITEM
C14**

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10/20/05
PRC 8637 W 26036
R. Barham

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Samuel M. Livermore, as Trustee of the Samuel M. Livermore 1993 Trust, established under Trust Agreement dated April 7, 1993, and Norman B. Livermore III, as Trustee of the Norman B. Livermore 1994 Trust, established under the Trust Agreement dated August 31, 1994, and Pauline L. Jeffers, as Trustee of the Pauline Jeffers Revocable Living Trust, established under the Trust Agreement dated March 31, 1995, and David P. Livermore, Trustee of the David P. Livermore Revocable Trust on February 6, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Paradise Flat, El Dorado County.

AUTHORIZED USE:

Retention of four existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 1, 2005.

CONSIDERATION:

No monetary consideration for two buoys pursuant to Public Resources Code section 6503.5 and \$186 per annum for two buoys; 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 \$500,000.

Other:

This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-

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Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. Applicants own two contiguous littoral parcels with two buoys located waterward of each upland parcel. Applicants do not qualify for a rent-free lease pursuant to Public Resources Code section 6503.5 because the Applicants have a single family dwelling on only of the contiguous littoral parcels, not both parcels.
2. Applicants are now applying for the retention of four existing mooring buoys, not previously authorized by the Commission.
3. 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 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.

4. 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.

APPROVALS REQUIRED:

Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

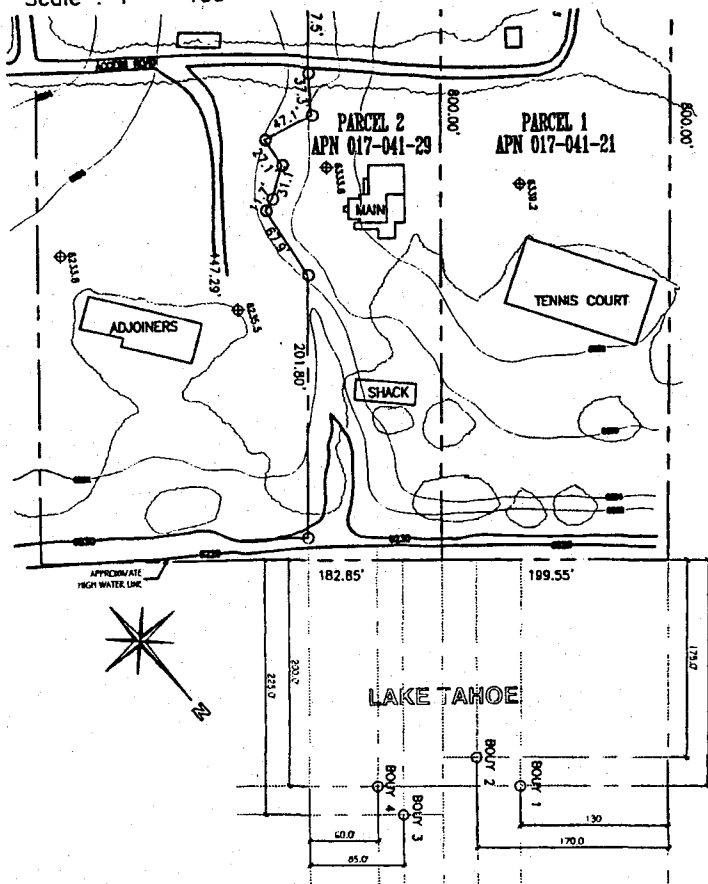
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO SAMUEL M. LIVERMORE, AS TRUSTEE OF THE SAMUEL M. LIVERMORE 1993 TRUST, ESTABLISHED UNDER TRUST AGREEMENT DATED APRIL 7, 1993, AND NORMAN B. LIVERMORE III, AS TRUSTEE OF THE NORMAN B. LIVERMORE 1994 TRUST, ESTABLISHED UNDER THE TRUST AGREEMENT DATED AUGUST 31, 1994, AND PAULINE L. JEFFERS, AS TRUSTEE OF THE PAULINE JEFFERS REVOCABLE LIVING TRUST, ESTABLISHED UNDER THE TRUST AGREEMENT DATED MARCH 31, 1995, AND DAVID P. LIVERMORE, TRUSTEE OF THE DAVID P. LIVERMORE REVOCABLE TRUST ON FEBRUARY 6, 1998, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING OCTOBER 1, 2005, FOR A TERM OF TEN YEARS FOR THE RETENTION OF FOUR EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION FOR TWO BUOYS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 AND CONSIDERATION BEING \$186 PER ANNUM FOR TWO BUOYS WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

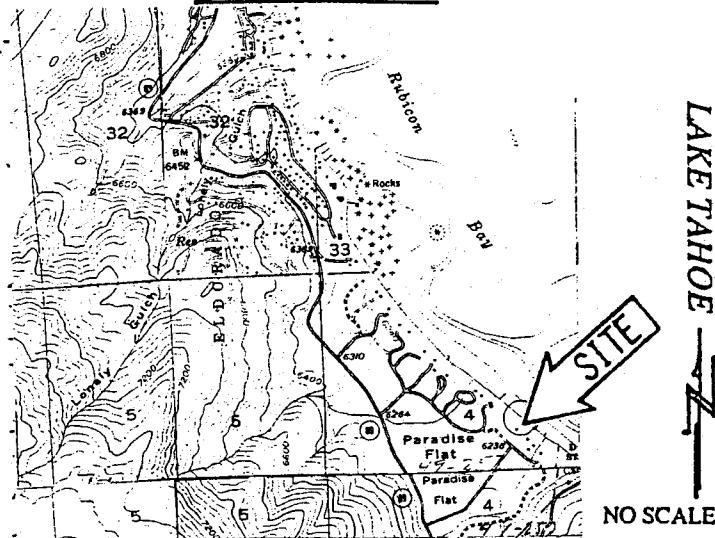
EXISTING BUOY LOCATIONS

Scale : 1" = 100'



NO SCALE

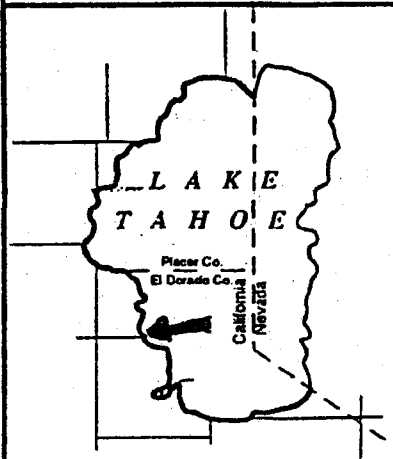
LOCATION MAP



NO SCALE

EXHIBIT A W 26036

APN: 017-041-21, 29
Lake Tahoe
EL DORADO COUNTY



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.

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MINUTE PAGE

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