

MINUTE ITEM

This Calendar Item No. C37 was approved as
Minute Item No. 37 by the California State Lands
Commission by a vote of 2 to 1 at its
10-30-07 meeting.

**CALENDAR ITEM
C37**

A 4
S 1

PRC 3813

10/30/07
WP 3813.1
B. Terry

GENERAL LEASE - RECREATIONAL PIER LEASE

APPLICANT:

Sunnyside Lane, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoe City, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning August 21, 2006.

CONSIDERATION:

\$5,152 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:

This lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendment – Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjacent to the lease premises.

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2. On August 21, 1996, the Commission authorized a ten-year Recreational Pier Lease with Richard L. Greene, Trustee of the Quist Income Trust. That lease expired on August 20, 2006.
3. On January 29, 2004, the upland property ownership transferred to Sunnyside Lane, LLC, without benefit of an approval of assignment from the Commission. At that time, the lease no longer qualified as a rent free Recreational Pier Lease because the Applicant did not own the littoral property as a natural person pursuant to Public Resources Code Section 6503.5. Staff is recommending that the Commission accepts back rent in the amount of \$3,584, from January 29, 2004, the date the ownership transferred to the Applicant through August 20, 2006, the expiration date of the lease. Applicant is now applying for a new General Lease – Recreational Use.
4. 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 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. 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.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. **C37** (CONT'D)

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, 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.

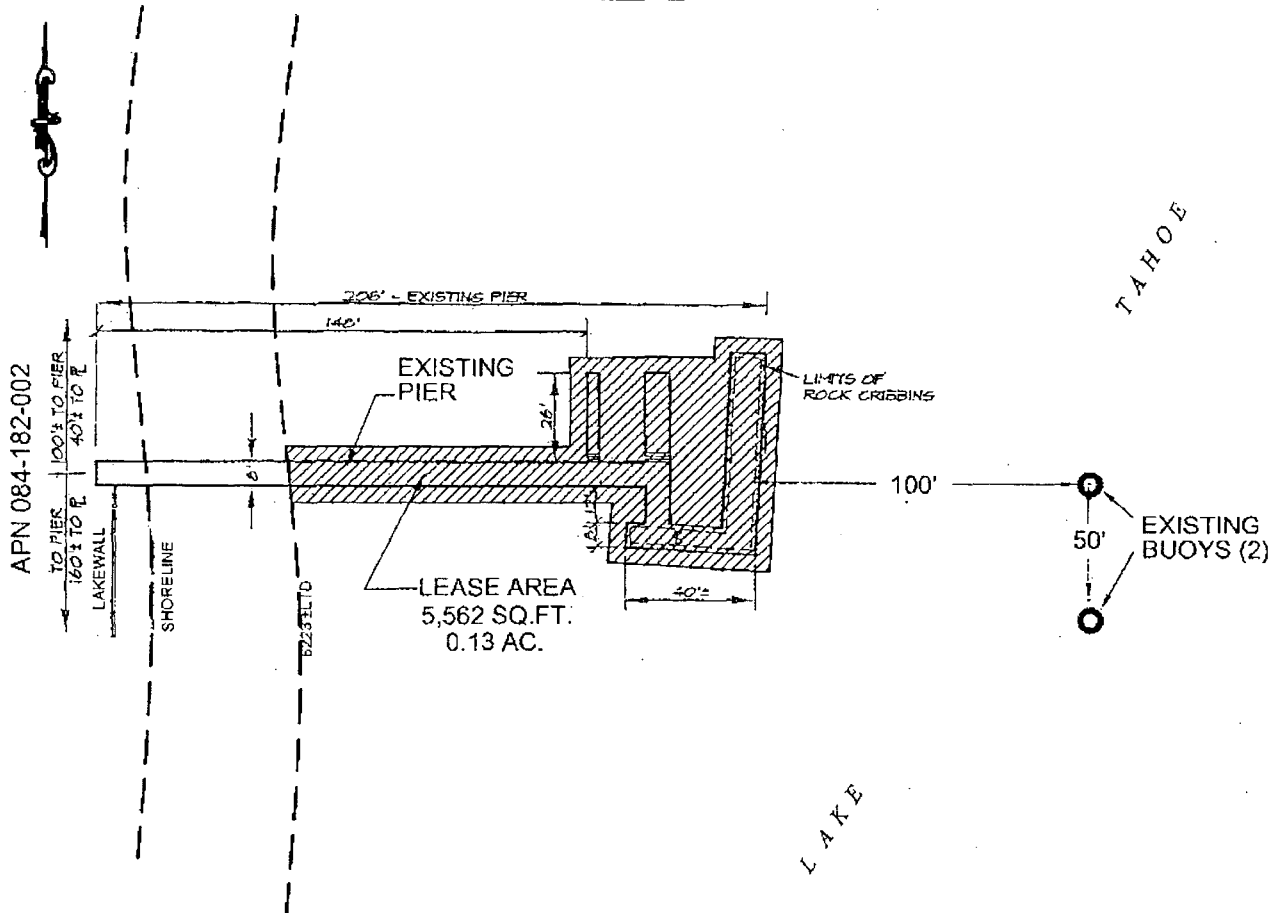
AUTHORIZATION:

AUTHORIZE ACCEPTANCE OF BACK RENT IN THE AMOUNT OF \$3,584 FROM JANUARY 29, 2004, TO AUGUST 20, 2006.

AUTHORIZE ISSUANCE TO SUNNYSIDE LANE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING AUGUST 21, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, TWO BOAT SLIPS AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$5,152, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.

NO SCALE

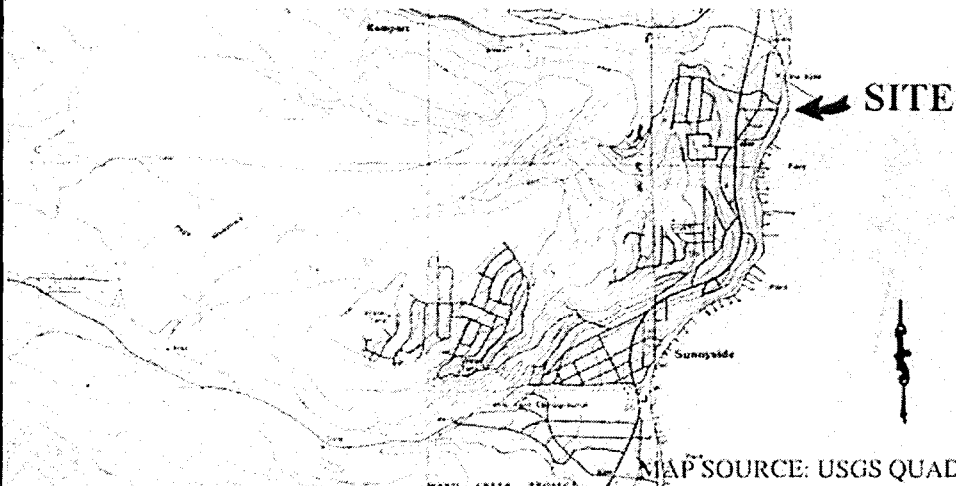
SITE



2340 SUNNYSIDE LANE, NEAR TAHOE CITY

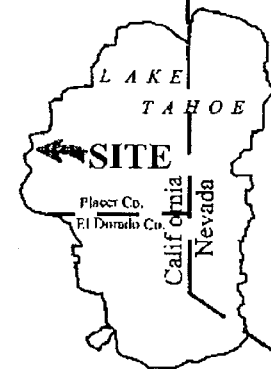
NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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 3813.1,
 SUNNYSIDE LANE LLC
 APN 084-182-002
 GENERAL LEASE
 RECREATIONAL USE
 PLACER COUNTY



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