

**CALENDAR ITEM
C64**

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03/25/08
WP 6358.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Dorothy B. Warne, Robert N. Taylor and Scott B. Taylor as individuals; Dorothy B. Warne as Trustee of the Dorothy B. Warne Revocable Trust, established April 12, 1990; and Robert N. Taylor and Scott B. Taylor, Co-Trustees of the Dorothy B. Warne Grandchildren's Trust, established March 14, 1996

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing boathouse with a boat hoist, an artificially filled area and one mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning January 6, 2007.

CONSIDERATION:

Artificial Fill Area: \$1,825 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Boathouse and One Mooring Buoy: No monetary consideration for the boathouse and mooring buoy pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

Lessees (Applicants) agree that a portion of the filled lawn area exists within the State administered Public Trust easement between the locations of the ordinary high water mark and the low water mark of Lake Tahoe as those locations existed prior to being filled and the Lessees

CALENDAR ITEM NO. C64 (CONT'D)

agree not to block or otherwise prohibit the public from passing and re-passing within the Public Trust easement to access adjacent property subject to the Public Trust easement.

The lease contains a provision which requires the Lessees to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicants (Lessees) own the uplands adjoining the lease premises.
2. On August 26, 1997, the Commission authorized a ten-year General Lease – Recreational Use with Dorothy B. Warne as an individual, and Dorothy B. Warne as Trustee of the Dorothy B. Warne Revocable Trust; Robert N. Taylor and Scott B. Taylor, Co-Trustees of the Dorothy B. Warne Grandchildren’s Trust. That lease expired on January 5, 2007. The upland property has since been deeded to Dorothy B. Warne, Robert N. Taylor and Scott B. Taylor as individuals; Dorothy B. Warne as Trustee of the Dorothy B. Warne Revocable Trust, established April 12, 1990; and Robert N. Taylor and Scott B. Taylor, Co-Trustees of the Dorothy B. Warne Grandchildren’s Trust established March 14, 1996.
3. Applicants are now applying for a new General Lease – Recreational Use.
4. Applicants are natural persons who own the littoral land that is improved with a single-family dwelling; therefore, the boathouse and one mooring buoy qualify for rent free status pursuant to Public Resource Code Section 6503.5. The artificial fill area cannot be used for the mooring and docking of boats and therefore is subject to rent.
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 project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

CALENDAR ITEM NO. **C64** (CONT'D)

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

APPROVAL REQUIRED:

Buoy: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

BOAT HOUSE WITH BOAT HOIST, ARTIFICIAL FILL AREA AND ONE MOORING BUOY: 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 ISSUANCE OF A GENERAL LEASE - RECREATIONAL USE TO DOROTHY B. WARNE, ROBERT N. TAYLOR AND SCOTT B. TAYLOR AS INDIVIDUALS; DOROTHY B. WARNE AS TRUSTEE OF THE DOROTHY B. WARNE REVOCABLE TRUST, ESTABLISHED APRIL 12, 1990; AND ROBERT N. TAYLOR AND SCOTT B. TAYLOR,

CALENDAR ITEM NO. **C64** (CONT'D)

CO-TRUSTEES OF THE DOROTHY B. WARNE GRANDCHILDREN'S TRUST, ESTABLISHED MARCH 14, 1996, BEGINNING JANUARY 6, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOATHOUSE WITH BOAT HOIST, ARTIFICIAL FILL AREA AND ONE MOORING BUOY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT FOR THE FILL AREA IS IN THE AMOUNT OF \$1,825, 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 BOATHOUSE WITH BOAT HOIST AND MOORING BUOY PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.