

**CALENDAR ITEM
C19**

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05/05/08
WP 4857.1
N. Lee

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Allen L. Capurro and Carol J. Capurro, Trustees of the Allen Capurro Family 1996 Trust, Dated August 30, 1996, and Brian D. Murphy and Suzanne M. Murphy, Trustees of the Murphy Family Trust, Dated December 17, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 4480 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat house, sundeck with stairs and one mooring buoy, and the retention of an existing boat hoist as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning March 25, 2008.

CONSIDERATION:

Sundeck with Stairs: \$386 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Pier, Boat House, Boat Hoist and One Mooring Buoy: No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

1. The lease contains a provision which requires the Applicants 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

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Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. On July 6, 1995, the Commission authorized a Recreational Pier Lease with Pat F. Rice and Vera M. Rice. That lease expired on July 5, 2005. On July 30, 2003, Pat F. Rice and Vera M. Rice deeded the littoral land to Allen Capurro and Carol Capurro and Brian Murphy and Suzanne Murphy and, on July 2, 2004, the littoral land ownership was transferred to Allen L. Capurro and Carol J. Capurro, Trustees of the Allen Capurro Family 1996 Trust, Dated August 30, 1996, and Brian D. Murphy and Suzanne M. Murphy, Trustees of the Murphy Family Trust, Dated December 17, 2003. Applicants are now applying for a new General Lease – Recreational Use.
3. On August 31, 1978, the Commission authorized a Recreational Pier Permit for an existing pier, sundeck and proposed mooring buoy. The last lease issued in July 1995 authorized a pier, boat house and one mooring buoy and omitted the sundeck. The sundeck with stairs is situated on top of the boat house.
4. Applicants are natural persons who own the littoral land that is improved with a single-family dwelling. The existing pier, boat house, boat hoist and mooring buoy are exempt from consideration pursuant to Public Resources Code section 6503.5. The sundeck and stairs do not qualify for rent-free status because they are not constructed for the docking and mooring of boats.
5. Staff is recommending that the Commission accept back rent in the amount of \$837 for the period starting from the date ownership transferred to the Applicants, July 30, 2003, through March 24, 2008.
6. **Pier, Boat House, Sundeck with Stairs and Mooring Buoy:** 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

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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.

7. **Boat Hoist:** 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)(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.

8. 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:

Buoy: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER, BOAT HOUSE, SUNDECK WITH STAIRS AND 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).

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BOAT HOIST: 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)(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:

1. AUTHORIZE ACCEPTANCE OF BACK RENT IN THE AMOUNT OF \$837 FOR THE PERIOD OF JULY 30, 2003, THROUGH MARCH 24, 2008, AND WAIVE ANY PENALTY OR INTEREST THAT MAY HAVE ACCRUED.

2. AUTHORIZE ISSUANCE OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE TO ALLEN L. CAPURRO AND CAROL J. CAPURRO, TRUSTEES OF THE ALLEN CAPURRO FAMILY 1996 TRUST, DATED AUGUST 30, 1996, AND BRIAN D. MURPHY AND SUZANNE M. MURPHY, TRUSTEES OF THE MURPHY FAMILY TRUST, DATED DECEMBER 17, 2003, BEGINNING MARCH 25, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOAT HOUSE, SUNDECK WITH STAIRS AND ONE MOORING BUOY AND THE RETENTION OF AN EXISTING BOAT HOIST AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$386 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, BOAT HOUSE, BOAT HOIST AND ONE MOORING BUOY; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.