

**CALENDAR ITEM
C13**

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12/03/08
WP 3538.1
M. Clark

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Dan E. Littrell and Nancy E. Littrell, Trustees of the Littrell Family Trust dated November 7, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 5428 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, sundeck with railing, boat lift, and two mooring buoys as shown on Exhibit A.

LEASE TERM:

Ten years, beginning January 1, 2008

CONSIDERATION:

Sundeck with Railing: \$257 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 Lift and Mooring Buoys: No monetary consideration pursuant to Public Recourses 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 Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

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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 uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a Recreational Pier Lease to Arthur E. Engel and Veronica Engel. That lease expired December 31, 2007. On March 23, 2004, the upland property was deeded to Dan E. Littrell and Nancy E. Littrell, Trustees of the Littrell Family Trust dated November 7, 1990. The Applicants are now applying for a new General Lease – Recreational Use.
3. The Applicants qualify for rent free use of the existing pier, boat lift, and two mooring buoys because the Applicants are natural persons who own the littoral land that is improved with a single family dwelling pursuant to Public Resources Code 6503.5. The sundeck with railing does not qualify for rent-free status because it is a facility not constructed for the docking and mooring of boats.
4. Staff is recommending that the Commission accept back rent in the amount of \$450 for the period starting from the date ownership transferred to the Applicants, March 23, 2004, through December 31, 2007.
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).

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.

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APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Site and Location Map

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:

1. AUTHORIZE ACCEPTANCE OF BACK RENT IN THE AMOUNT OF \$450 FOR THE PERIOD OF MARCH 23, 2004, THROUGH DECEMBER 31, 2007, AND WAIVE ANY PENALTY OR INTEREST THAT MAY HAVE ACCRUED.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO DAN E. LITTRELL AND NANCY E. LITTRELL, TRUSTEES OF THE LITTRELL FAMILY TRUST DATED NOVEMBER 7, 1990, BEGINNING JANUARY 1, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, SUNDECK WITH RAILING, BOAT LIFT, AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$257 FOR THE SUNDECK WITH RAILING, 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 6503.5 FOR THE PIER, BOAT LIFT, AND

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TWO MOORING BUOYS; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.