

**CALENDAR ITEM
C26**

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08/11/09
WP 4360.1
N. Lee

**TERMINATION AND ISSUANCE OF
A NEW GENERAL LEASE - RECREATIONAL USE**

LESSEE:

Mary K. Osborn, as Trustee of The Mary K. Osborn 1999 Living Trust

APPLICANTS:

William S. Beckham and Benita F. Beckham, as Trustees of The Beckham 2008 Living Trust, and Dennis R. Underwood and Gail A. Underwood, as Trustees of The Underwood 2008 Living Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 6035 North Lake Boulevard, near Tahoe Vista, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning October 16, 2008.

CONSIDERATION:

Pier, Boat Hoist, and Two Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Sundeck with Stairs: \$257 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 with coverage of no less than \$1,000,000.

Other:

1. This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for

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the mooring buoys 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.

2. The lease contains provisions that the existing sundeck and stairs, 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 and stairs, then the sundeck and stairs must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 26, 2006, the Commission authorized a General Lease – Recreational Use with Mary K. Osborn, as Trustee of The Mary K. Osborn 1999 Living Trust. That lease will expire on May 31, 2016. On October 16, 2008, the upland parcel was deeded to, William S. Beckham and Benita F. Beckham, as Trustees of The Beckham 2008 Living Trust, and Dennis R. Underwood and Gail A. Underwood, as Trustees of The Underwood 2008 Living Trust.
3. The current lease indicates approximate locations of the two existing mooring buoys. The Applicants have submitted a bathymetric survey showing accurate locations of the buoys. Rather than assign and amend the current lease in order to correct the buoy locations, the Applicants have agreed to terminate the lease and have applied 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. The existing pier, boat hoist, and two mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. The sundeck with stairs does not qualify for rent-free status because it was not constructed for the docking or mooring of boats. The sundeck has been previously authorized by the Commission since 1989.
5. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

6. **Issuance of New Lease:** 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.

7. 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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: 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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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 TERMINATION OF LEASE NO. PRC 4360.1, A GENERAL LEASE – RECREATIONAL USE, EFFECTIVE OCTOBER 15, 2008, ISSUED TO MARY K. OSBORN, AS TRUSTEE OF THE MARY K. OSBORN 1999 LIVING TRUST.

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO WILLIAM S. BECKHAM AND BENITA F. BECKHAM, AS TRUSTEES OF THE BECKHAM 2008 LIVING TRUST, AND DENNIS R. UNDERWOOD AND GAIL A. UNDERWOOD, AS TRUSTEES OF THE UNDERWOOD 2008 LIVING TRUST, BEGINNING OCTOBER 16, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, SUNDECK WITH STAIRS, BOAT HOIST, 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 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 HOIST, AND TWO MOORING BUOYS; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.