

**CALENDAR ITEM
C16**

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S 1

10/22/09
WP 2289.1
R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Susan F. Hill, Trustee of the 1996 Susan F. Hill Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 3650 North Lake Boulevard, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing open pile pier, a rock crib pier with breakwater, and the retention of two existing seasonal floating boat docks as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 30, 2009.

CONSIDERATION:

Pier, Rock Crib Pier, and Two Floating Boat Docks: No monetary consideration pursuant to Public Resources Code section 6503.5.

Breakwater: \$216 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:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the land adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a Recreational Pier Lease with Susan F. Hill. That lease expired on October 29, 2005. The upland property has now been transferred to Susan F. Hill, Trustee of the 1996 Susan F. Hill Revocable Trust, who is now applying for a new General Lease - Recreational Use.

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3. The Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling. The existing open pile pier, the rock crib pier and two seasonal floating boat docks are exempt from consideration pursuant to Public Resources Code section 6503.5. The breakwater portion of the rock crib pier does not qualify for rent-free status because it was not constructed for the docking or mooring of boats. The temporary seasonal floating docks have not been previously authorized by the Commission, but have been there for many years.

4. Staff has calculated the rent owed to the State for the period from when the lease expired on October 30, 2005 through October 29, 2009 and recommends that the Commission consider accepting back rent in the amount of \$680 for this period.

5. **Pier and Rock Crib Pier with Breakwater:** 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. **Two Seasonal Floating Boat Docks:** 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)(1).

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

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND ROCK CRIB PIER WITH BREAKWATER: 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).

TWO SEASONAL FLOATING BOAT DOCKS: FIND THAT THIS 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)(1).

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:

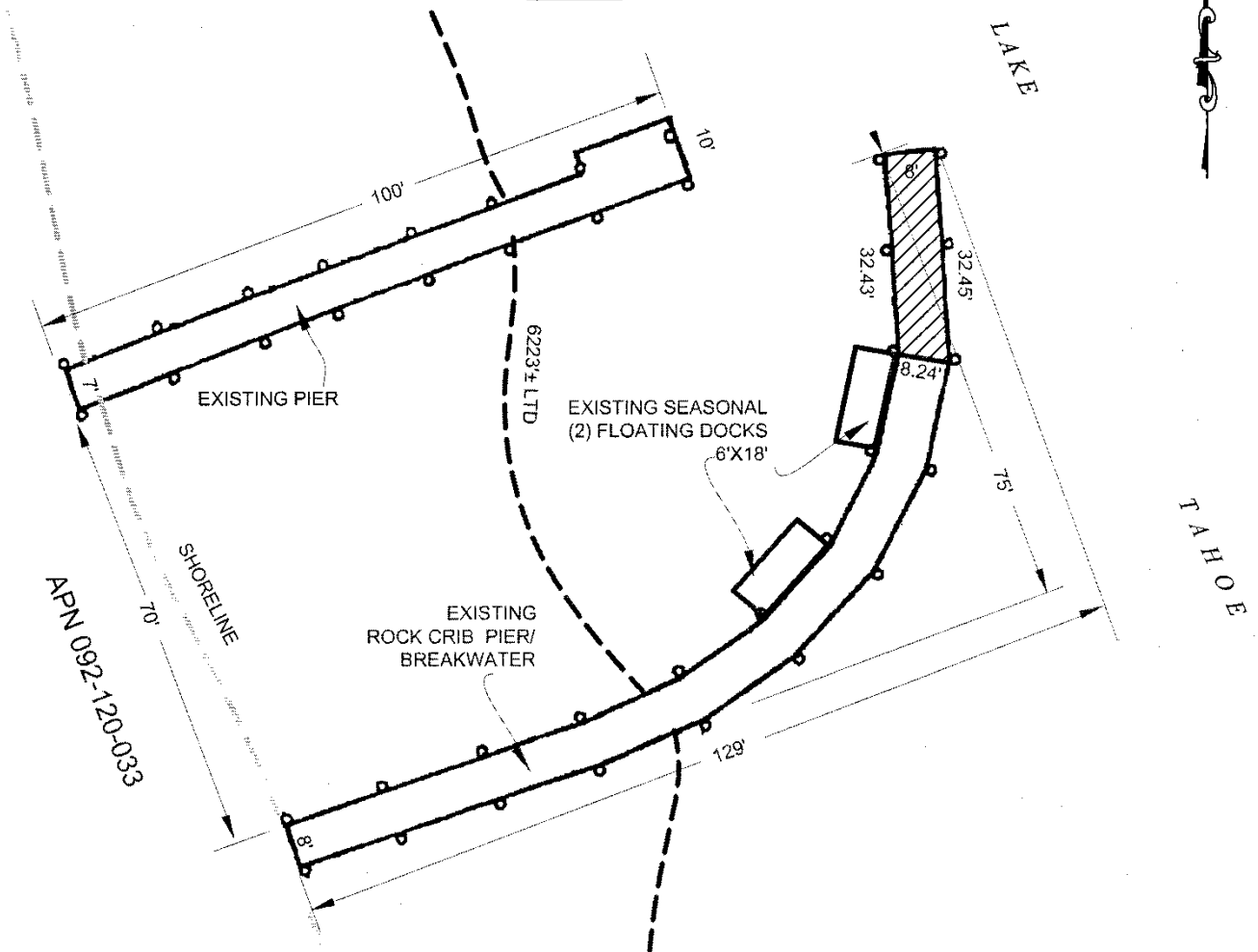
1. AUTHORIZE ACCEPTANCE OF RENT IN THE AMOUNT OF \$680 FOR THE PERIOD OF OCTOBER 30, 2005 THROUGH OCTOBER 29, 2009, AND WAIVE PENALTY OR INTEREST THAT MAY HAVE ACCRUED.
2. AUTHORIZE ISSUANCE OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE TO SUSAN F. HILL, TRUSTEE OF THE 1996 SUSAN F. HILL REVOCABLE TRUST, BEGINNING OCTOBER 30, 2009, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING OPEN PILE PIER, ROCK CRIB PIER WITH BREAKWATER; AND THE RETENTION OF TWO

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EXISTING SEASONAL FLOATING BOAT DOCKS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$216 FOR THE BREAKWATER, 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 OPEN PILE PIER, ROCK CRIB PIER, AND TWO SEASONAL FLOATING DOCKS; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

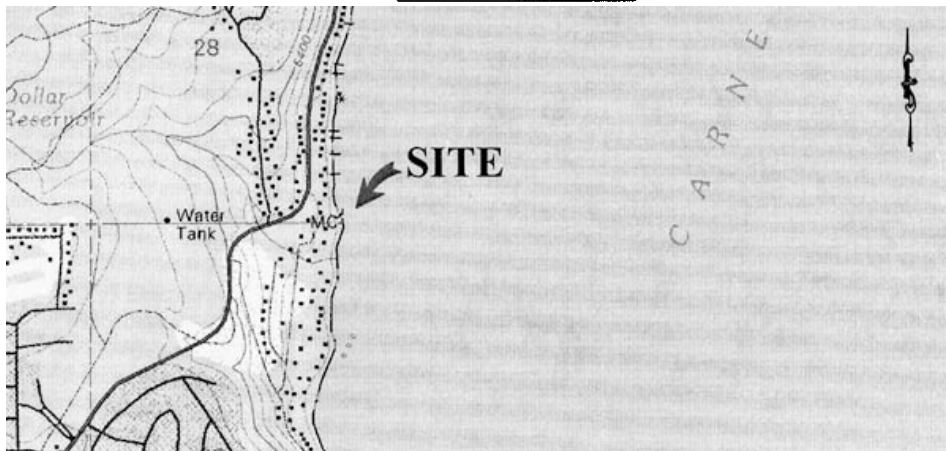
SITE



3650 NORTH LAKE BLVD., KINGS BEACH

NO SCALE

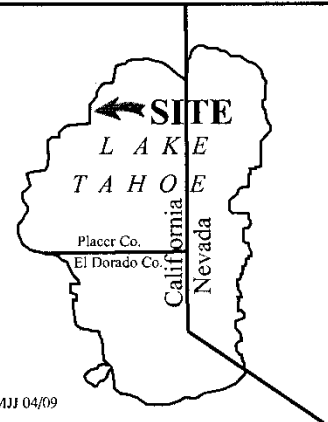
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 2289.1
 HILL, TRUSTEE
 APN 092-120-033
 GENERAL LEASE
 RECREATIONAL USE
 PLACER COUNTY



MJI 04/09

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.