

**CALENDAR ITEM
C05**

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10/22/09
WP 4314.9
N. Lee

ASSIGNMENT OF LEASE

LESSEES:

Alan D. Harley and JoAnn W. Harley, Trustees of the Alan D. Harley and JoAnn W. Harley Trust, initially created April 12, 1995; and Marilyn Belk Wallis and Edward James Wallis, Co-Trustees of the 1996 Jamee Gray Wallis Trust; Marilyn Belk Wallis and Edward James Wallis, Co-Trustees of the 1996 Charlotte Pierce Wallis Trust; and Edward James Wallis, Trustee of the Edward James Wallis Trust dated September 26, 1989

ASSIGNORS:

Alan D. Harley and JoAnn W. Harley, Trustees of the Alan D. Harley and JoAnn W. Harley Trust, initially created April 12, 1995

ASSIGNEE:

Frederic B. Luddy

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 2490 West Lake Boulevard, Assessor Parcel Numbers 084-121-012 and 084-121-013, near Sunnyside, Placer County.

AUTHORIZED USE:

Removal of an existing pier, boat house and boat hoist; construction of a new joint-use pier and two boat lifts; and continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning April 9, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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OTHER PERTINENT INFORMATION:

1. Assignee owns one of the upland parcels (Assessor Parcel Number 084-121-012) adjoining the lease premises.
2. On April 9, 2009, the Commission authorized a Recreational Pier Lease with Alan D. Harley and JoAnn W. Harley, Trustees of the Alan D. Harley and JoAnn W. Harley Trust, initially created April 12, 1995; and Marilyn Belk Wallis and Edward James Wallis, Co-Trustees of the 1996 Jamee Gray Wallis Trust; Marilyn Belk Wallis and Edward James Wallis, Co-Trustees of the 1996 Charlotte Pierce Wallis Trust; and Edward James Wallis, Trustee of the Edward James Wallis Trust dated September 26, 1989. That lease will expire on April 8, 2019 and authorizes the removal of an existing pier, boat house and boat house and the construction of a new 205-foot pier with two boat lifts.
3. Shortly after the lease was approved, Alan D. Harley and JoAnn W. Harley, Trustees, deeded their littoral parcel (Assessor Parcel Number 084-121-012) to Frederic B. Luddy on April 10, 2009. Frederic B. Luddy is now applying for an assignment of all the interest of Alan D. Harley and JoAnn W. Harley, Trustees, in the lease. Mr. Luddy and the Wallis Family plan to complete the pier construction project by June of 2010.
4. 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.

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

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

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PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE ASSIGNMENT BY ALAN D. HARLEY AND JOANN W. HARLEY, TRUSTEES OF THE ALAN D. HARLEY AND JOANNE W. HARLEY TRUST, INITIALLY CREATED APRIL 12, 1995, OF THE HARLEY TRUST'S INTEREST IN LEASE NO. PRC 4314.9, A RECREATIONAL PIER LEASE, OF SOVEREIGN LANDS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, TO FREDERIC B. LUDDY; EFFECTIVE APRIL 10, 2009.