

**CALENDAR ITEM
C45**

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10/22/09
WP 4896.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Dean F. Unger and Margaret Z. Unger, as Trustees of the Unger Family Revocable Trust – 1991, dated June 5, 1991

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to Assessor Parcel Number 092-180-008, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat hoist and the retention of an existing boatlift and additional boat hoist as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning March 1, 2007.

CONSIDERATION:

\$933 per year; with the State reserving the right to fix a different rent periodically during the lease terms, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The lease contains a provision that the Applicants must obtain and maintain continuous authorization from the littoral property owner, Cedar Flat Improvement Association (Association), to use, maintain, and access the pier. The lease shall terminate if the Association's consent lapses or is revoked and is not reinstated within 60 days.

CALENDAR ITEM NO. **C45** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own a property that is located at 4320 North Lake Boulevard, which is not littoral, as there is an intervening parcel owned by the Association, situated between it and Lake Tahoe.
2. Applicants have the right to use the uplands adjoining the lease premises, which is owned by the Association. The use granted to the Applicants by the Association is limited to the access, use, and maintenance of the Applicant's pier.
3. On November 7, 1997, the Commission authorized a ten-year General Lease – Recreational Use with Dean F. Unger and Margaret Z. Unger. That lease expired on February 28, 2007. The property ownership has since transferred to Dean F. Unger and Margaret Z. Unger, as Trustees of the Unger Family Revocable Trust – 1991, dated June 5, 1991. Applicants are now applying for a new General Lease – Recreational Use.
4. The existing pier includes a boatlift and additional boat hoist that have not been previously authorized by the Commission, but have been attached to the pier for many years. Applicants do not qualify for a rent-free Recreational Pier Lease because Applicants are not the owners of the littoral property adjacent to the lease premises.
5. **Pier and 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 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. **Boatlift and Additional 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 14, California Code of Regulations, section 15303.

CALENDAR ITEM NO. **C45** (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BOATLIFT AND 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

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 ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO DEAN F. UNGER AND MARGARET Z. UNGER, AS TRUSTEES OF THE UNGER FAMILY REVOCABLE TRUST – 1991, DATED JUNE 5, 1991, BEGINNING MARCH 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER

CALENDAR ITEM NO. **C45** (CONT'D)

AND BOAT HOIST AND THE RETENTION OF AN EXISTING BOATLIFT AND AN ADDITIONAL BOAT HOIST AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$933, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.