

**CALENDAR ITEM
C37**

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WP 4852.1

B. Terry

TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEE:

Judy C. Swanson, Co-Trustee of the Swanson Community Property Trust, U/T/A dated April 14, 1990

APPLICANT:

She's Such a Lady, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 221 Paradise Flat Lane, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, two mooring buoys, and one swim float as shown on the attached Exhibit A

LEASE TERM:

10 years, beginning December 31, 2008.

CONSIDERATION:

\$2,301 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 uplands adjoining the lease premises.
2. On June 18, 2002, the Commission authorized a General Lease – Recreational Use with Judy C. Swanson, as Co-Trustee of the Swanson Community Property Trust, U/T/A dated April 14, 1990. The lease will expire on March 31, 2012. On December 31, 2008, the ownership of the upland parcel transferred to She's Such a Lady, LLC, a California Limited

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Liability Company. Applicant is now applying for a new General Lease – Recreational Use.

3. The two mooring buoys and swim float were permitted by the Tahoe Regional Planning Agency on September 24, 2001. The Applicant does not qualify for rent-free status because the Applicant does not own the littoral property as a natural person pursuant to Public Resource Code section 6503.5.
4. **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)], staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and State CEQA Guidelines.

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

5. **Issuance of New Lease:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of 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 staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Existing Lease: Find that the activity is not subject to the requirements of 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 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 termination, effective December 30, 2008, of Lease No. PRC 4852.1, a General Lease – Recreational Use, issued to Judy C. Swanson, Co-Trustee of the Swanson Community Property Trust, U/T/A dated April 14, 1990, and authorized by the Commission on June 18, 2002.
2. Authorize issuance of a General Lease – Recreational Use to She's Such a Lady, LLC, a California Limited Liability Company beginning December 31, 2008, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, two mooring buoys, and one swim float as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$2,301 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.