

**CALENDAR ITEM
C48**

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04/06/11
WP 4182.1
B. Terry

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEES:

Amy P. Bollinger, Jeffrey A. Pearce, and Michelle Pearce Lyon

APPLICANT:

RC Horizon, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 092-190-010, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat house and retention of two existing boat lifts as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning May 3, 2010.

CONSIDERATION:

\$2,249 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 in the amount of no less than \$1,000,000.

Other:

The lease contains a provision that the Applicant must obtain and maintain continuous authorization from the littoral property owner, Cedar Flat Improvement Association (Association), to maintain and access the pier, boat house, and two boat lifts on the littoral property (APN 092-190-010) adjacent to the lease premises. The lease shall terminate if the Association's consent lapses or is revoked.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises, which is owned by the Association. The Applicant owns property at 4260 North Lake Boulevard, which is upland and adjacent to the littoral property owned by the Association. The right granted to the Applicant by the Association is limited to the use and maintenance of the Applicant's pier, boat house, and boat lifts.
2. On April 26, 2005, the Commission authorized a General Lease – Recreational Use with Amy P. Bollinger, Jeffrey A. Pearce, and Michelle Pearce Lyon. That lease will expire on November 29, 2013.
3. On May 3, 2010, ownership of the upland property was transferred to RC Horizon, LLC. The Applicant is now applying for a new General Lease – Recreational Use.
4. The existing pier includes two existing boat lifts, one located on the pier and one inside the boat house, that have not been previously authorized by the Commission. Staff is recommending approval of the retention of the two existing boat lifts within the lease premises.
5. The Applicant does not qualify for a rent-free Recreational Pier Lease because the Applicant is not the owner of the littoral property adjacent to the lease premises.
6. **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 CEQA because it is not a "project" as defined by 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.

7. **Pier and Boat House:** 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 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).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. **Boat Lifts:** 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 CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

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

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. 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:

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.

Pier and Boat House: 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).

Boat Lifts: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061

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as a categorically exempt project, Class 3, New Construction or Conversion 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:

1. Authorize termination, effective May 2, 2010, of Lease No. PRC 4182.1, a General Lease – Recreational Use, issued to Amy P. Bollinger, Jeffrey A. Pearce and Michelle Pearce Lyon.
2. Authorize issuance of a General Lease – Recreational Use to RC Horizon, LLC, beginning May 3, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier and boat house and the retention of two existing boat lifts as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$2,249 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.