

**CALENDAR ITEM
C04**

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08/22/08
WP 3257.1
R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Norman A. Nagel and Rita Nagel, as Trustees, or any successor trustee, of the Norman A. Nagel and Rita Nagel 1981 Living Trust under agreement dated October 26, 1981, and Clinton Myers and Janelle Myers

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 4904 and 4910 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat houses, three boat hoists, two existing sundecks and four mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning February 1, 2006.

CONSIDERATION:

Joint Use Pier, Two Boat Houses, Three Boat Hoists, and Four Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Two Sundecks with Stairs: \$1,239 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 with coverage of no less than \$1,000,000.

Other:

1. The lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental

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Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

2. The lease contains provisions that the two existing sundecks, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of either or both existing sundeck(s) cost more than 50% of the base value of the sundeck(s), then the sundeck(s) must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. On February 27, 1996, the Commission authorized a Recreational Pier Lease with Norman A. Nagel and Rita Nagel and Clinton Myers and Janelle Myers. That lease expired on January 31, 2006. On March 14, 2007, one of the littoral property ownerships transferred from Norman A. Nagel and Rita Nagel to Norman A. Nagel and Rita Nagel, as Trustees, or any successor trustee, of the Norman A. Nagel and Rita 1981 Living Trust under agreement dated October 26, 1981. Applicants are now applying for a new General Lease – Recreational Use.
3. Applicants are natural persons who each own an adjacent littoral property, each improved with a single-family dwelling. The existing joint-use pier, two boat houses, three boat lifts and four mooring buoys are exempt from consideration pursuant to Public Resources Code section 6503.5. The sundecks do not qualify for rent-free status because they are not constructed for the docking and mooring of boats.
4. 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.

5. 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.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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).

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 TEN-YEAR GENERAL LEASE – RECREATIONAL USE TO NORMAN A. NAGEL AND RITA NAGEL, AS TRUSTEES, OR ANY SUCCESSOR TRUSTEE, OF THE NORMAN A. NAGEL AND RITA NAGEL 1981 LIVING TRUST UNDER AGREEMENT DATED OCTOBER 26, 1981, AND CLINTON MYERS AND JANELLE MYERS, BEGINNING MARCH 14, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER, TWO BOAT HOUSES, THREE BOAT HOISTS, TWO SUNDECKS, AND FOUR MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,239 FOR THE TWO SUNDECKS, 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 JOINT-USE PIER, TWO BOAT HOUSES, THREE BOAT HOISTS, AND FOUR MOORING BUOYS; AND

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LIABILITY INSURANCE WITH COVERAGE IN THE AMOUNT OF NO
LESS THAN \$1,000,000.