

**CALENDAR ITEM
C28**

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04/09/09
WP 8682.1
B. Terry

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A NEW
GENERAL LEASE - RECREATIONAL USE**

LESSEES:

lone E. Tillmanns, Trustee of the Tillmanns Survivor's Trust Created 10/15/88;
David V. Tillmanns, Barbara L. Merrill and Pamela A. Steinbock, Co-Trustees of
the lone E. Tillmanns Children's Trust Dated September 11, 1996

APPLICANT:

Tahoe House LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 8353 Meeks Bay Avenue, near
Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy and
the retention of an existing boat hoist as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 13, 2007.

CONSIDERATION:

\$1,105 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:

The lease contains a provision which requires the Applicant to obtain
authorization from the Tahoe Regional Planning Agency (TRPA) for the
mooring buoy within two years after the adoption of the Lake Tahoe
Shorezone Amendments-Final Environmental Impact Statement (FEIS)
and approval of the ordinances based on the FEIS.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 26, 2006, the Commission authorized a Recreational Pier Lease for a pier and one mooring buoy with lone E. Tillmanns, Trustee of the Tillmanns Survivor's Trust Created 10/15/88; David V. Tillmanns, Barbara L. Merrill and Pamela A. Steinbock, Co-Trustees of the lone E. Tillmanns Children's Trust Dated September 11, 1996. That lease will expire on May 31, 2016. On November 13, 2007, the ownership of the upland property was deeded to Tahoe House LLC, an Illinois LLC. Applicant is now applying for a new General Lease – Recreational Use for a pier, boat hoist and one mooring buoy. The boat hoist has not been previously authorized by the Commission, but has been there for many years.
3. Applicant does not qualify for rent-free status because the Applicant does not own the littoral property as a natural person pursuant to Public Resources 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)], 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.

5. **Issuance of New Lease:**
Existing Pier and Mooring Buoy: 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.

Boat Hoist: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section

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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 2, California Code of Regulations, section 2905 (c)(1).

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 the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL REQUIRED:

Buoy: Tahoe Regional Planning Agency.

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 THE 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:

EXISTING PIER AND MOORING BUOY: 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).

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

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CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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 OF LEASE NO. PRC 8682.9, A RECREATIONAL PIER LEASE, EFFECTIVE NOVEMBER 12, 2007, ISSUED TO IONE E. TILLMANN, TRUSTEE OF THE TILLMANN SURVIVOR'S TRUST CREATED 10/15/88; AND DAVID V. TILLMANN, BARBARA L. MERRILL AND PAMELA A. STEINBOCK, CO-TRUSTEES OF THE IONE E. TILLMANN CHILDREN'S TRUST DATED SEPTEMBER 11, 1996.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO TAHOE HOUSE LLC, BEGINNING NOVEMBER 13, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND ONE MOORING BUOY AND THE RETENTION OF AN EXISTING BOAT HOIST AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,105, 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.