

**CALENDAR ITEM
C03**

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08/11/09
WP 3599.9
N. Lee

RECREATIONAL PIER LEASE

APPLICANTS:

Timothy H. Martin and Kristine Martin as Trustees of the Timothy H. Martin and Kristine Martin 1981 Living Trust Agreement; The Jane G. Wheeler Exemption Trust, under Amended and Restated Revocable Trust Agreement dated December 11, 1995; John Dorsey Wheeler III; Janet Ann Wheeler Wilson; Judith Gwerder Wheeler Culbertson; Jill Marie Wheeler Callis; Marshall D. Kraus and Nancy Fiddymment Kraus, Trustees of the Marshall D. Kraus and Nancy Fiddymment Kraus Revocable Trust originally dated November 12, 1982, as revised and restated November 4, 1993

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 3755, 3765, and 3775 Belleview Avenue, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, three boat lifts, and three mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning July 19, 2008.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoys 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.

CALENDAR ITEM NO. **C03** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the three upland properties adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease with Timothy H. Martin and Kristine Martin as Trustees of the Timothy H. Martin and Kristine Martin 1981 Living Trust Agreement; Six Wheeler-Tahoe Partners, L.P., a California Limited Partnership; Georgia Ann Kraus; Frank E. Kraus; and Marshall D. Kraus and Nancy Fiddymment Kraus, Trustees of the Marshall D. Kraus and Nancy Fiddymment Kraus Revocable Trust originally dated November 12, 1982, as revised and restated November 4, 1993. That lease expired on July 18, 2008.
3. Between 2005 and 2006, two of the three upland properties, Assessors Parcel Numbers 085-202-09 and 085-202-007, owned by the Wheeler family and Kraus family, respectively, had inter-family ownership transfers. Applicants are now applying for a new Recreational Pier Lease.
4. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who each own an adjacent littoral property, each improved with a single-family dwelling.
5. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff 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. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon 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.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. **C03** (CONT'D)

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 RECREATIONAL PIER LEASE TO TIMOTHY H. MARTIN AND KRISTINE MARTIN AS TRUSTEES OF THE TIMOTHY H. MARTIN AND KRISTINE MARTIN 1981 LIVING TRUST AGREEMENT; THE JANE G. WHEELER EXEMPTION TRUST, UNDER AMENDED AND RESTATED REVOCABLE TRUST AGREEMENT DATED DECEMBER 11, 1995; JOHN DORSEY WHEELER III; JANET ANN WHEELER WILSON; JUDITH GWERDER WHEELER CULBERTSON; JILL MARIE WHEELER CALLIS; MARSHALL D. KRAUS AND NANCY FIDDYMENT KRAUS, TRUSTEES OF THE MARSHALL D. KRAUS AND NANCY FIDDYMENT KRAUS REVOCABLE TRUST ORIGINALLY DATED NOVEMBER 12, 1982, AS REVISED AND RESTATED NOVEMBER 4, 1993, BEGINNING JULY 19, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER, THREE BOAT LIFTS, AND THREE MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.