

MINUTE ITEM

This Calendar Item No. C08 was approved as Minute Item No. 08 by the California State Lands Commission by a vote of 3 to 2 at its 12-9-04 meeting.

**CALENDAR ITEM
C08**

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12/09/04
PRC 3757 WP 3757.9
M. Hays

**TERMINATION AND ISSUANCE OF A
RECREATIONAL PIER LEASE**

LESSEE:
Vivian J. Daly

APPLICANTS:
Ayshe Tuncer and Deniz Tuncer

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, Dollar Point, Placer County.

AUTHORIZED USE:
Continued use and maintenance of an existing pier, as shown on Exhibit A.

LEASE TERM:
Ten years, beginning December 9, 2004

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 \$300,000.

OTHER PERTINENT INFORMATION:

1. On July 15, 1997, the Commission authorized a ten year Recreational Pier Lease with Violet J. Daly (Lessee). That lease expires on May 14, 2007.
2. On June 17, 2003, the trustees of the Vivian J. Daly 1996 Trust deeded the littoral land to an interim owner, Melville H. Behrendt and June Helen Behrendt. The interim owners deeded the littoral land to the Applicants on December 9, 2003. The Applicants are now applying for a new Recreational Pier Lease for the previously authorized existing pier. Staff is

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recommending termination of the existing lease and approval of the new lease.

3. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
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 a new lease:** 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 Class1, 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 the 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 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.

NEW LEASE: 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:

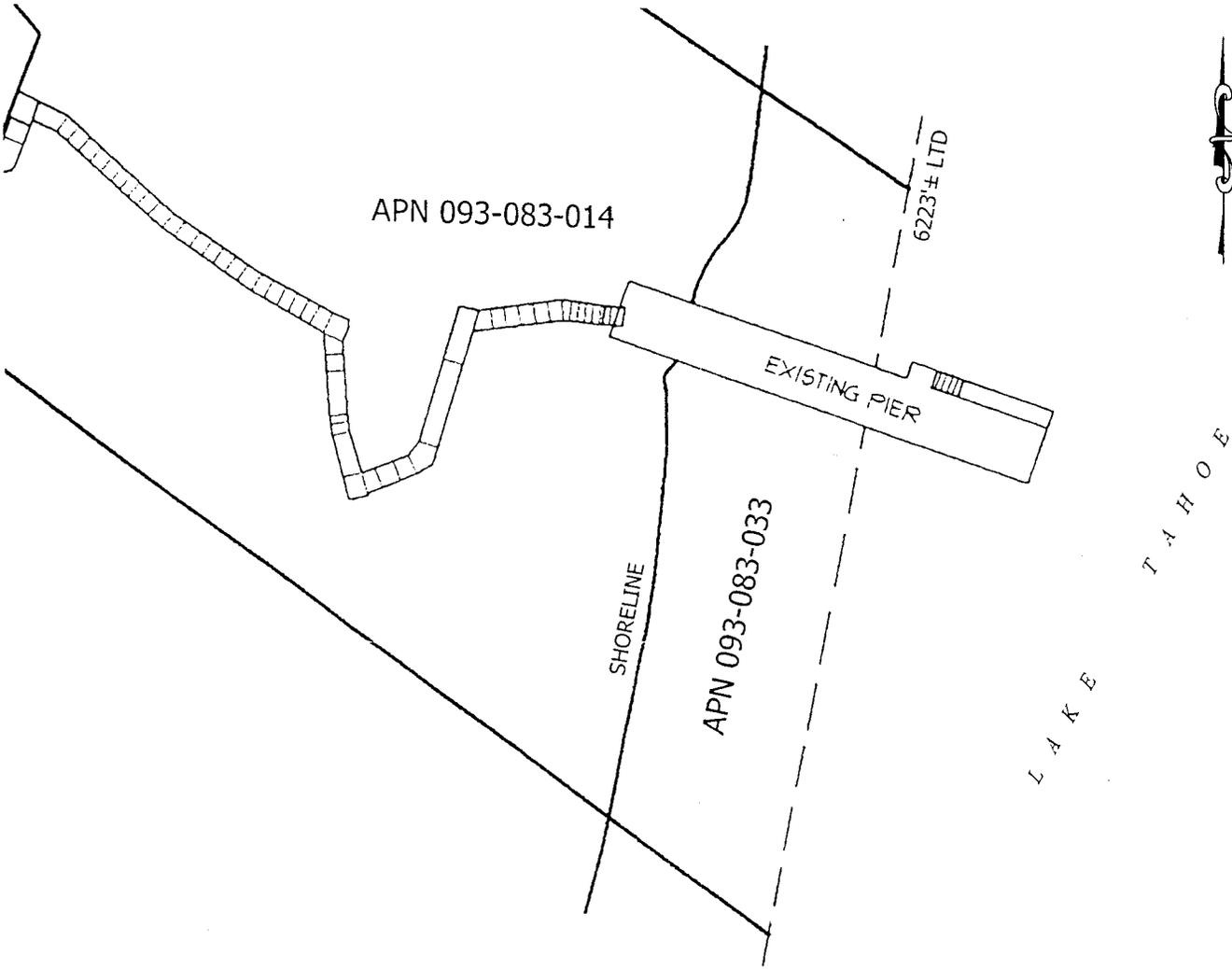
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 3757.9 ISSUED TO VIVIAN J. DALY; AND AUTHORIZE ISSUANCE TO AYSHE TUNCER AND DENIZ TUNCER OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING DECEMBER 9, 2004, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

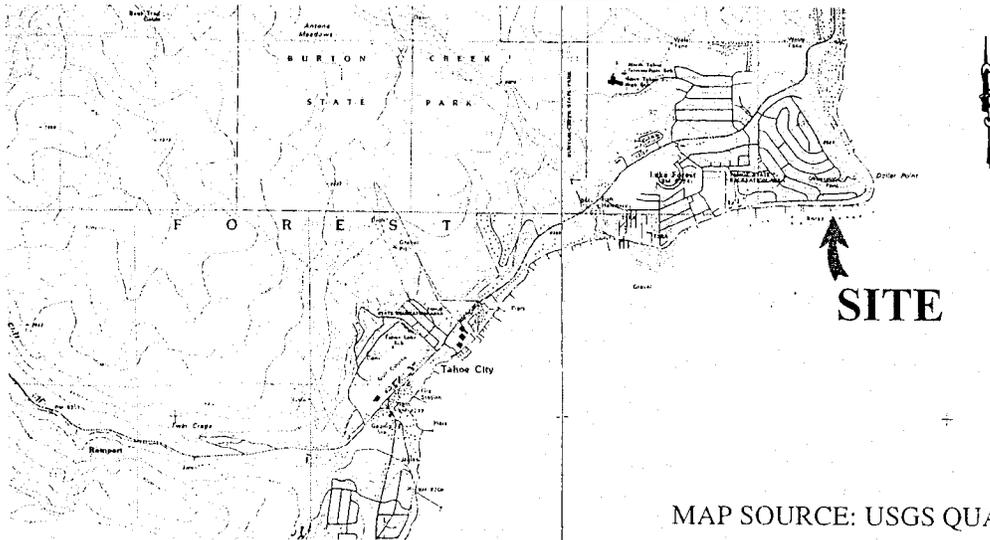
SITE



3436 EDGEWATER DRIVE, DOLLAR POINT

NO SCALE

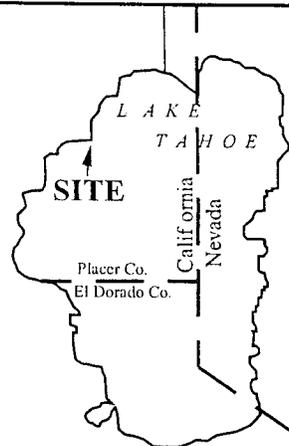
LOCATION



SITE

Exhibit A

WP 3757
 TUNCER
 APN 093-083-014/033
 LAKE TAHOE
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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