

MINUTE ITEM
This Calendar Item No. C09 was approved as
Minute Item No. 19 by the California State Lands
Commission by a vote of 3 to 0 at its
06/20/05 meeting.

**CALENDAR ITEM
C09**

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06/20/05
PRC 3543 WP 3543.1
R. Barham

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

LESSEES:

Carlton W. Trimm and Kay P. Trimm

APPLICANT:

The Spanos Corporation, A California Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse with hoist and the retention of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning September 7, 2004

CONSIDERATION:

\$ 413 per year for the pier, boathouse with hoist and two mooring buoys; with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

This lease is conditioned on the Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

CALENDAR ITEM NO. C09 (CONT'D)

OTHER PERTINENT INFORMATION:

1. On April 20, 2000, the Commission authorized a ten-year Recreational Pier Lease to Carlton W. Trimm and Kay P. Trimm. That lease will expire on November 14, 2009.
2. On September 7, 2004, the Lessee transferred ownership of the uplands to The Spanos Corporation (Applicant). Applicant does not qualify for a rent-free lease because the applicant is not a natural person and is now applying for a new General Lease-Recreational Use. Staff is recommending termination of the existing lease and approval of a new lease, effective as of the date of the property transfer.
3. **Termination of an existing Recreational Pier 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 the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, section 15060(c)(3) and 15378.

4. **Issuance of a new General Lease - Recreational Use:** 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 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.

CALENDAR ITEM NO. C09 (CONT'D)

APPROVALS REQUIRED: (Buoys only)

Tahoe Regional Planning Agency
U. S. Army Corps of Engineers

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM 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 A NEW GENERAL LEASE - RECREATIONAL USE: 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:

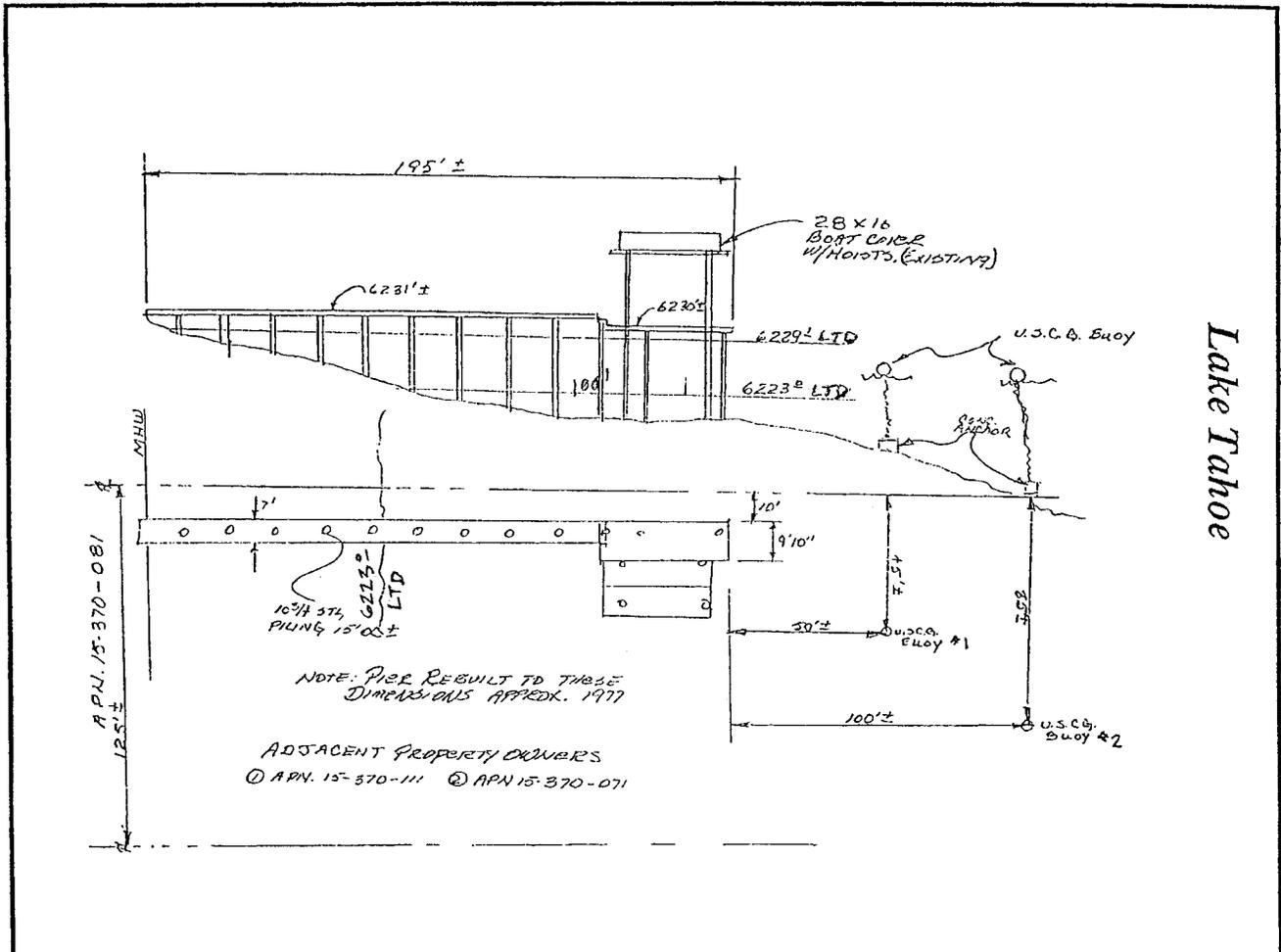
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1) AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 3543.9, EFFECTIVE SEPTEMBER 7, 2004, ISSUED TO CARLTON W. TRIMM AND KAY P. TRIMM APPROVED BY THE COMMISSION ON APRIL 20, 2000.

CALENDAR ITEM NO. C09 (CONT'D)

2) AUTHORIZE ISSUANCE TO THE SPANOS CORPORATION, A CALIFORNIA CORPORATION, OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE PRC 3543.1, BEGINNING SEPTEMBER 7, 2004, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATHOUSE WITH HOIST AND THE RETENTION OF TWO EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$413, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

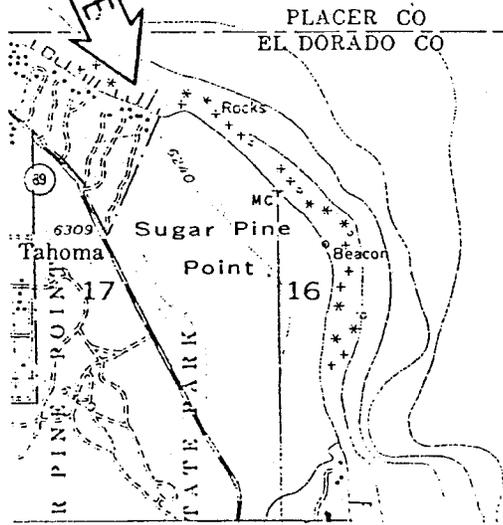


Lake Tahoe

146 Quiet Walk Road

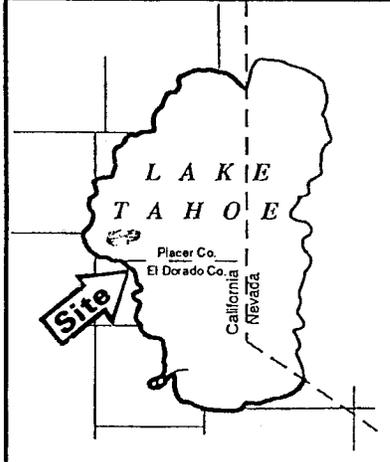
NO SCALE

LOCATION MAP



Lake Tahoe

EXHIBIT "A"
 WP 35431
 APN 15 - 370 - 081
 Lake Tahoe
 EL DORADO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, 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.

NO SCALE

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CG 10/94
 RWB 5/25/05