

**CALENDAR ITEM
C17**

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06/23/11
WP 4264.9
C. Hudson

RECREATIONAL PIER LEASE

APPLICANTS:

Douglas M. Sherman and Janet B. Sherman, Trustees of the Sherman Family Trust of 1994 U.D.T. dated March 1, 1995

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7155 Emerald Bay Road, near Tahoma, El Dorado County

AUTHORIZED USE:

Continued use and maintenance of an existing pier, marine railway, and one mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning June 23, 2011.

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:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the

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Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On October 30, 1980, the Commission authorized a Recreational Pier Permit with Howard C. Greenspan. The lease expired on October 29, 1990. The upland property was subsequently deeded to Douglas M. Sherman and Janet B. Sherman, Trustees of the Sherman Family Trust of 1994 U.D.T dated March 1, 1995. The Applicants did not respond to several attempts by staff to submit an application for a new lease. In order to qualify for pier and buoy permits from the Tahoe Regional Planning Agency, the Applicants must show proof of a current lease with the Commission. The Applicants are now applying for a new Recreational Pier Lease.
3. A marine railway is an old system used for boat launching and haul-out. It typically consists of a parallel set of rails, a cart for the boat, and a cable powered by a winch or motor. The marine railway on the lease premises is old and believed to be non-operational.
4. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
5. 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 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 section 6370, et seq., but such activity will not affect those significant lands. 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.

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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 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 section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a 10-year Recreational Pier Lease to Douglas M. Sherman and Janet B. Sherman, Trustees of the Sherman Family Trust of 1994 U.D.T. dated March 1, 1995, beginning June 23, 2011, for the continued use and maintenance of an existing pier, marine railway, and one mooring buoy 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.