

**CALENDAR ITEM
C11**

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S 1

03/25/08
WP 5729.9
N. Lee

RESCISSION AND ISSUANCE OF A RECREATIONAL PIER LEASE

RESCINDING APPLICANTS:

Harvey H. Perman and Lois V. Perman, his wife, as Trustees of the Perman Family Trust (created by a Declaration of Trust dated June 18, 1986)

APPLICANT:

Harvey H. Perman as Trustee of the Perman Family Trust (created by a Declaration of Trust dated June 18, 1986)

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with catwalk, boat lift and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 1, 2007.

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:

The lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) 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.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.
2. On December 3, 2007, the Commission authorized a Recreational Pier Lease with Harvey H. Perman and Lois V. Perman, his wife, as Trustees of the Perman Family Trust (created by a Declaration of Trust dated June 18, 1986). On December 13, 2007, Jim Perman, the son of Harvey H. Perman, advised staff that Lois V. Perman had passed away in 2001. No changes had been made to the grant deed for the upland property, which remains in the Perman Family Trust.
3. Staff is requesting that the authorization made by the Commission at its December 3, 2007, meeting be rescinded and that a new Recreational Pier Lease be issued to Harvey H. Perman as Trustee of the Perman Family Trust (created by a Declaration of Trust dated June 18, 1986).
4. Applicant qualifies for a Recreational Pier Lease because he is a natural person who owns the littoral land that is improved with a single-family dwelling.
5. **Rescind Issuance of a 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 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.

6. **Issuance of a Recreational Pier 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 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.

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7. 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.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCIND ISSUANCE OF A RECREATIONAL PIER 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 A RECREATIONAL PIER 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.

CALENDAR ITEM NO. C11 (CONT'D)

AUTHORIZATION:

- 1) AUTHORIZE RESCISSION OF LEASE NO. PRC 5729.9, A RECREATIONAL PIER LEASE TO HARVEY H. PERMAN AND LOIS V. PERMAN, HIS WIFE, AS TRUSTEES OF THE PERMAN FAMILY TRUST (CREATED BY A DECLARATION OF TRUST DATED JUNE 18, 1986).

- 2) AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO HARVEY H. PERMAN AS TRUSTEE OF THE PERMAN FAMILY TRUST (CREATED BY A DECLARATION OF TRUST DATED JUNE 18, 1986), BEGINNING OCTOBER 1, 2007, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER WITH CATWALK, BOAT LIFT AND TWO 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.