

**CALENDAR ITEM
C40**

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S 1

03/25/08
WP 3705.1
C. Hudson

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

William R. Timken and Judith P. Timken, Trustees of The 2007 William R. Timken Qualified Personal Residence Trust I B and Trust II B U/D/T dated September 10, 2007; and William R. Timken and Judith P. Timken, Trustees of The 2007 Judith P. Timken Qualified Personal Residence Trust I B and Trust II B U/D/T dated September 10, 2007

AREA, LAND TYPE, AND LOCATION:

0.274 acres, more or less, of sovereign lands in Lake Tahoe, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat hoist, slip, and sundeck previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning January 21, 2008.

CONSIDERATION:

Pier and Boat Hoist: No monetary consideration pursuant to Public Resources Code section 6503.5.

Sundeck: \$309 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

The proposed Lease contains specific provisions prohibiting expansion of the authorized improvements, and requiring removal of the sundeck from the State's lands under specific circumstances.

CALENDAR ITEM NO. C40 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On November 7, 1997, the Commission authorized a Recreational Pier Lease with William R. Timken and Judith P Timken. That lease expired on January 20, 2008. On September 10, 2007, William R. Timken and Judith P. Timken deeded the upland property into four separate qualified personal residence trusts. Applicants are now applying for a new General Lease - Recreational Use.
3. The Applicants qualify for rent free use of the pier and boat hoist because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code 6503.5. The sundeck does not qualify for rent-free status because it is a facility not constructed for the docking and mooring of boats.
4. 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.

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. C40 (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 GENERAL LEASE – RECREATIONAL USE, TO WILLIAM R. TIMKEN AND JUDITH P. TIMKEN, TRUSTEES OF THE 2007 WILLIAM R. TIMKEN QUALIFIED PERSONAL RESIDENCE TRUST I B AND TRUST II B U/D/T DATED SEPTEMBER 10, 2007; AND WILLIAM R. TIMKEN AND JUDITH P. TIMKEN, TRUSTEES OF THE 2007 JUDITH P. TIMKEN QUALIFIED PERSONAL RESIDENCE TRUST I B AND TRUST II B U/D/T DATED SEPTEMBER 10, 2007, BEGINNING JANUARY 21, 2008, FOR A TERM OF TEN YEARS, FOR A PIER, BOAT HOIST, SLIP, AND SUNDECK AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE PIER AND BOAT HOIST: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE SUNDECK: ANNUAL RENT IN THE AMOUNT OF \$309, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.