

**CALENDAR ITEM  
C03**

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06/01/09  
WP 8308.9  
R. Barham

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

**LESSEE:**

Elinore J. Peabody, Trustee under Declaration of Trust dated June 6, 1988

**APPLICANTS:**

Stephen Richard Combs and Catherine Bouchard Combs, Trustees of the SRCCBC Family Trust U/D/T dated October 4, 1996

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, located adjacent to 3344 Edgewater Drive, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning June 1, 2009.

**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:

This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoy 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.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a ten-year Recreational Pier Lease to Elinore J. Peabody, Trustee under Declaration of Trust dated June 6, 1988. That lease will expire on January 31, 2011. The upland property has been deeded to Stephen Richard Combs and

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Catherine Bouchard Combs, Trustees of the SRCCBC Family Trust U/D/T dated October 4, 1996. Applicants are now applying for a new Recreational Pier Lease for two existing mooring buoys.

3. Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling.
4. **Termination of an 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)], 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), 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVAL REQUIRED:**

Tahoe Regional Planning Agency

**EXHIBIT:**

- A. Site and Location Map

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**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF AN 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.

**ISSUANCE OF A 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 TERMINATION OF LEASE NO. PRC 8308.9, A RECREATIONAL PIER LEASE, EFFECTIVE MAY 31, 2009, ISSUED TO ELINORE J. PEABODY, TRUSTEE UNDER DECLARATION OF TRUST DATED JUNE 6, 1988.

AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO STEPHEN RICHARD COMBS AND CATHERINE BOUCHARD COMBS, TRUSTEES OF THE SRCCBC TRUST U/D/T DATED OCTOBER 4, 1996, BEGINNING JUNE 1, 2009, FOR THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE

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SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT OF  
NO LESS THAN \$500,000.