

**CALENDAR ITEM
C13**

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S 1

06/23/11
WP 5579.9
C. Hudson

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEES:

George Lapins and Velta Lapins, Trustees of the Lapins Family Trust dated January 5, 1999, and Velta Akmentins, as Successor Trustee of the Robert Seisums 1997 Trust, created by Declaration of Trust dated March 6, 1997

APPLICANTS:

Gary Claus Johnson and Terrilynn Kay Johnson, Trustees of the Johnson Family Trust dated May 20, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6924 Pomin Avenue, near Tahoma, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning August 12, 2010.

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

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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 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 16, 2008, the Commission authorized a Recreational Pier Lease with George Lapins and Velta Lapins, Trustees of the Lapins Family Trust dated January 5, 1999, and Velta Akmentins, as Successor Trustee of the Robert Seisums 1997 Trust, created by Declaration of Trust dated March 6, 1997. That lease expires on October 25, 2018. On August 12, 2010, ownership of the upland was deeded to Gary Claus Johnson and Terrilynn Kay Johnson, Trustees of the Johnson Family Trust dated May 20, 1998. The Applicants are now applying for termination of the existing lease and issuance of a new Recreational Pier Lease.
3. 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.
4. **Termination of 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)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by 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), 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).

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Existing Lease: Find that the activity is not subject to the requirements of 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 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:

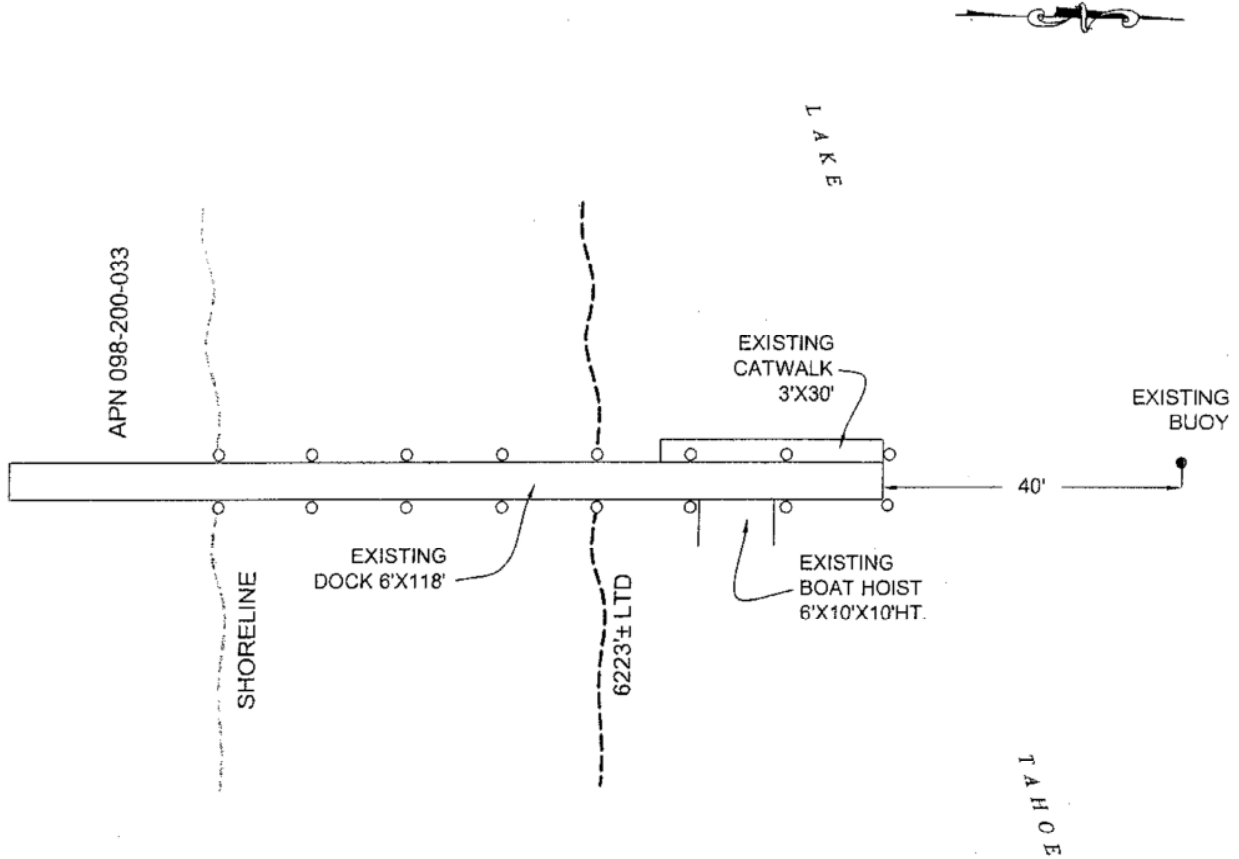
1. Authorize termination, effective August 11, 2010, of Lease No. PRC 5579.9, a Recreational Pier Lease, issued to George Lapins and Velta Lapins, Trustees of the Lapins Family Trust dated January 5, 1999, and Velta Akmentins, as Successor Trustee of the Robert Seisums 1997 Trust, created by Declaration of Trust dated March 6, 1997.

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2. Authorize issuance of a 10-year Recreational Pier Lease to Gary Claus Johnson and Terrilynn Kay Johnson, Trustees of the Johnson Family Trust dated May 20, 1998, beginning August 12, 2010, for the continued use and maintenance of an existing pier, boat hoist, 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.

NO SCALE

SITE



6924 POMIN AVENUE, NEAR TAHOMA

NO SCALE

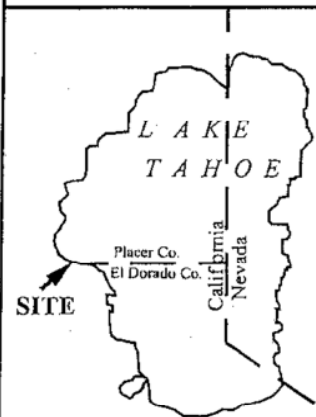
LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

Exhibit A

PRC 5579.9
 JOHNSON
 APN 098-200-033
 RECREATIONAL PIER LEASE
 PLACER COUNTY



MJ/03-2011