

**CALENDAR ITEM
C08**

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08/11/09
WP 4286.9
B. Terry

**RESCISSION AND ISSUANCE OF A
RECREATIONAL PIER LEASE**

RESCINDING APPLICANT:

Stuart M. Pointek

APPLICANTS:

Karen Katherine Olin and Robert Lawrence Olin, Trustees of the 1992 L. Olin Family Trust Dated 3/23/1992; and Marcus Monte, Trustee of the Marcus Monte Living Trust dated April 23, 2002

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 6085 and 6100 North Lake Boulevard, Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier with boatlift, boathouse with boatlift, and one mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning March 6, 2008.

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:

Marcus Monte has been granted the authorization to cross the Olin's property to access the pier as part of the Pier Shared Use Agreement. Authorization must be maintained over the term of the lease. In the event the authorization is terminated, then the Lease will also terminate.

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OTHER PERTINENT INFORMATION:

1. Applicants own or have the right to use the upland properties adjoining the lease premises.
2. The pier and buoy facilities are located adjacent to 6085 North Lake Boulevard (APN 117-020-021).
3. On August 24, 2006, the Commission authorized the issuance of a ten-year Recreational Pier Lease to Stuart M. Pointek, however, that lease was never executed. In March 2008, the upland property transferred to Karen Katherine Olin and Robert Lawrence Olin, Trustees of the 1992 L. Olin Family Trust Dated 3/23/1992.
4. On February 1, 2009, the Olin's entered into a Pier Shared Use Agreement with the owner of adjacent littoral property (6100 North Lake Boulevard), Marcus Monte, Trustee of the Marcus Monte Living Trust dated April 23, 2002. Both parties share responsibility for the maintenance and repair of the pier. The Olin's have exclusive use of the boathouse with boatlift and the mooring buoy. Mr. Monte has exclusive use of the uncovered boatlift located on the pier. Applicants are now applying for a new Recreational Pier Lease.
5. Because the prior lease was to only one littoral owner, who has since deeded the property to the Olins, and because the lease was not executed, staff is recommending the lease authorization be rescinded and that a new Recreational Pier Lease, beginning March 6, 2008 be issued to the Applicants.
6. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons who own the littoral lands that are improved with single-family dwellings.
7. **Rescind Approval 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 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.

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8. **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.

9. 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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCIND APPROVAL 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. **C08** (CONT'D)

AUTHORIZATION:

1. RESCIND APPROVAL OF CALENDAR ITEM 1, OF THE AUGUST 24, 2006 MEETING, AUTHORIZING LEASE NO. PRC 4286.9, A RECREATIONAL PIER LEASE, TO STUART M. POINTEK.

2. AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO KAREN KATHERINE OLIN AND ROBERT LAWRENCE OLIN, TRUSTEES OF THE 1992 L. OLIN FAMILY TRUST DATED 3/23/1992, AND MARCUS MONTE, TRUSTEE OF THE MARCUS MONTE LIVING TRUST DATED APRIL 23, 2002, BEGINNING MARCH 6, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER WITH BOATLIFT, BOATHOUSE WITH BOATLIFT 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.