

**CALENDAR ITEM
C05**

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02/01/10
WP 4185.9
B. Terry

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

LESSEES:

D. Russell Symon and Helen O. Symon, as Trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust Dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989

APPLICANTS:

D. Russell Symon, Jr. and Robert Norrie Symon, Successor Co-Trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust Dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, located adjacent to 3735 Idlewild Way, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning December 28, 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:

The public will be allowed to pass and re-pass around the landward end of the pier to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 feet, Lake Tahoe Datum.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On October 16, 2008, the Commission authorized a ten-year Recreational Pier Lease, with an effective date of December 28, 2008, with D. Russell Symon and Helen O. Symon, as Trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust Dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989.
3. Subsequently, it came to staff's attention that D. Russell Symon and Helen O. Symon, Lessees, are deceased and that D. Russell Symon, Jr. and Robert Norrie Symon are the Trustees. Staff is requesting that the authorization made by the Commission at its October 16, 2008, meeting be rescinded and that a new Recreational Pier Lease be issued with D. Russell Symon, Jr. and Robert Norrie Symon, Successor Co-trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust Dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989.
4. 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.
5. The mooring buoys have existed for many years and on September 25, 2009, the Tahoe Regional Planning Agency issued a buoy permit for both existing mooring buoys.
6. Applicants are proposing to replace the existing decking and girders on the pier. There will not be any pile driving or increase in the size or configuration of the pier.
7. **Rescind Issuance of a Recreational Pier Lease:** Pursuant to the Commission's delegation of authority and 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 State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.
8. **Pier:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section

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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 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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. **Retention of Two Mooring Buoys:** Pursuant to the Commission's delegation of authority and 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

10. 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 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 ISSUANCE OF A RECREATIONAL PIER 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.

PIER: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a

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categorically exempt project, Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

RETENTION OF TWO MOORING BUOYS: 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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:

1. Authorize rescission of Lease No. PRC 4185.9, a Recreational Pier Lease, approved by the Commission on October 16, 2008, issued to D. Russell Symon and Helen O. Symon, as Trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989.
2. Authorize issuance of a ten-year Recreational Pier Lease to D. Russell Symon, Jr. and Robert Norrie Symon, Successor Co-Trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989, beginning December 28, 2008, for the continued use and maintenance of an existing pier and the retention 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 section 6503.5; and liability insurance in the amount of no less than \$500,000.