

**CALENDAR ITEM
C03**

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02/22/13
PRC 3505.9
G. Asimakopoulos

ASSIGNMENT OF LEASE

LESSEES/ASSIGNORS:

William G. Fleckles and Jacqueline N. Fleckles

APPLICANT/ASSIGNEE:

Sheldon J. Kaphan, Trustee of the Sheldon J. Kaphan Revocable Trust of 2000,
dated December 19, 2000

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3095 Jameson Beach Road, near the
city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning August 22, 2005.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The lease contains a provision requiring the Applicant 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 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

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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. Assignee owns the upland adjoining the lease premises.
2. On April 17, 2006, the Commission authorized a Recreational Pier Lease with William G. Fleckles and Jacqueline N. Fleckles for an existing pier and one mooring buoy. That lease will expire on August 21, 2015. On October 5, 2012, the upland parcel was deeded to Sheldon J. Kaphan, Trustee of the Sheldon J. Kaphan Revocable Trust of 2000, dated December 19, 2000. The Lessees and the Applicant are requesting Commission authorization for an assignment of the lease.
3. The staff recommends that the Commission find that the subject lease assignment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease assignment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

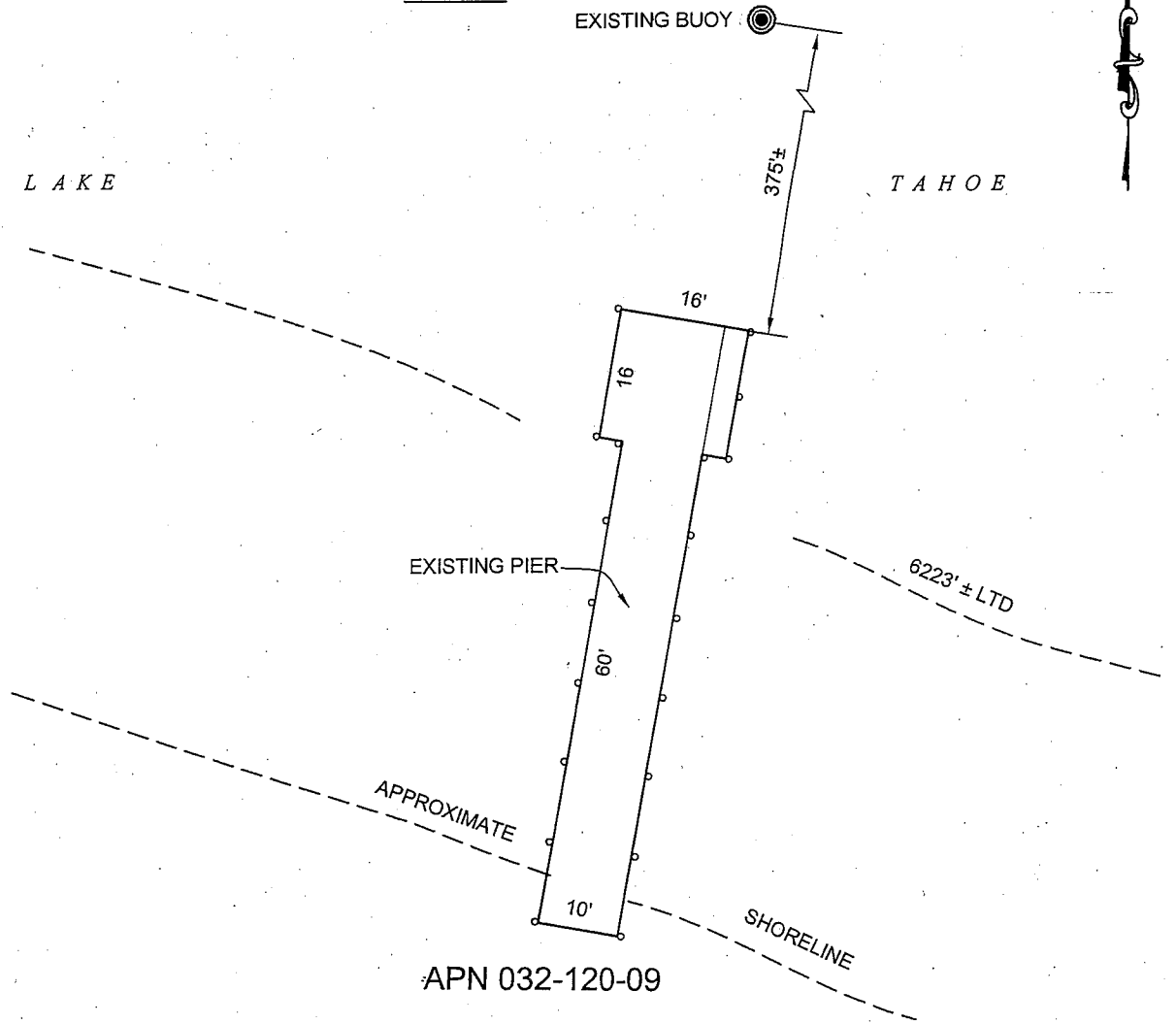
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AUTHORIZATION:

Authorize the assignment of Lease No. PRC 3505.9, a Recreational Pier Lease, of sovereign land as shown on Exhibit A, from William G. Fleckles and Jacqueline N. Fleckles to Sheldon J. Kaphan, Trustee of the Sheldon J. Kaphan Revocable Trust of 2000, dated December 19, 2000; effective February 1, 2013.

NO SCALE

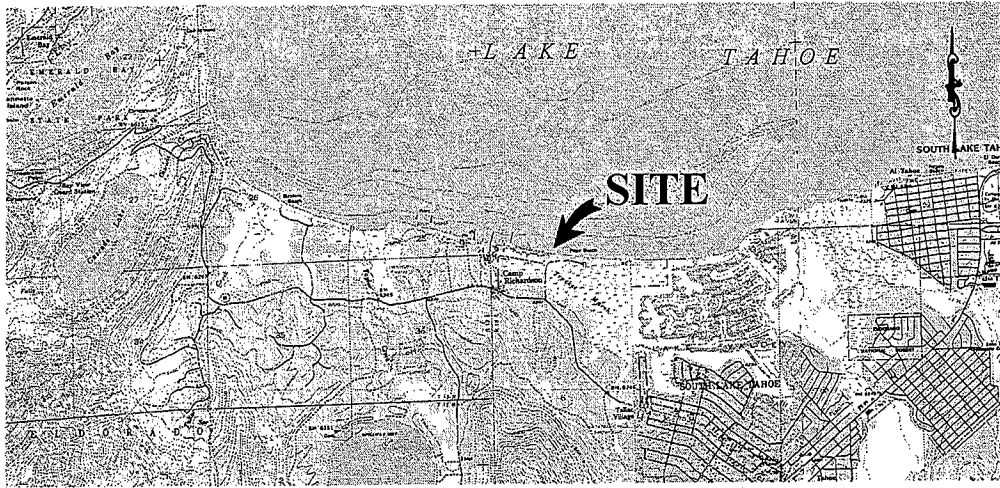
SITE



3095 JAMESON BEACH ROAD, NEAR SOUTH LAKE TAHOE

NO SCALE

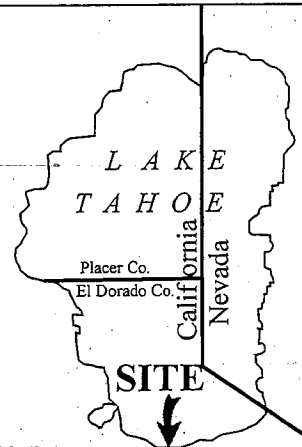
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 3505.9
 KAPHAN
 APN 032-120-09
 RECREATIONAL PIER LEASE
 EL DORADO COUNTY



MJJ 01/04/13

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.