

**CALENDAR ITEM
C19**

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10/01/02
WP 8005.9
M. Hays

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

LESSEE:

Wallace B. Vandewark and Barbara D. Vandewark, Trustees and Successor
Trustee of the Vandewark Revocable Trust U/D 12/11/95

APPLICANT:

David C. Banks and Judith A. Blaski-Banks,
Trustees of the Banks Family Living Trust 1/20/00

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys.

LEASE TERM:

Ten years, beginning October 3, 2000.

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 \$300,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

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OTHER PERTINENT INFORMATION:

1. On November 7, 1997, the Commission authorized a Recreational Pier Lease to Wallace B. Vandewark and Barbara D. Vandewark, Trustees and Successor Trustee of the Vandewark Revocable Trust U/D 12/11/95, for a pier and two mooring buoys. That lease will expire on October 31, 2007.
2. On October 3, 2000, Wallace B. Vandewark and Barbara D. Vandewark, Trustees and Successor Trustee of the Vandewark Revocable Trust U/D 12-11-95, sold the upland property to David C. Banks and Judith A. Blaski-Banks, Trustees of the Banks Family Living Trust 1/20/2000. The Applicant is now applying for a new Recreational Pier Lease. Staff is recommending termination of the existing lease and approval of the new lease, effective as of the date of the transfer of the upland property.
3. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
4. **Termination of New 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 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 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 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,

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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:

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 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 THE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8005.9 ISSUED TO WALLACE R. VANDEWARK AND BARBARA D. VANDEWARK, TRUSTEES AND SUCCESSOR TRUSTEE OF THE VANDEWARK REVOCABLE TRUST U/D 12/11/95.

AUTHORIZE ISSUANCE TO DAVID C. BANKS AND JUDITH A. BLASKI-BANKS, TRUSTEES OF THE BANKS FAMILY LIVING TRUST 1/20/00 OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING

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OCTOBER 3, 2000, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND TWO MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.