CALENDAR ITEM

C02

A 4 04/06/11

WP 8312.9

S 1 R. Boggiano

RECREATIONAL PIER LEASE

APPLICANTS:

Peter F. Schlenzka and Julie Langhorne, Trustees of the Schlenzka/Langhorne Trust dated December 27, 1990 as amended.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2780 Lake Terrace Avenue, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintance of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning February 1, 2011.

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 Applicant(s) to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy(s) 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. TRPA is presently evaluating its response. At such time as 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 upland property adjoining the lease premises.

2. On April 24, 2001, the Commission authorized a 10-year Recreational Pier Lease with Peter F. Schlenzka and Julie Langhorne, and Richard H. Morrison, Trustees of The Schlenzka/Langhorne Trust dated December 27, 1990, as amended March 24, 2000. That lease expired on January 31, 2011. Ownership of the upland property has since transferred to Peter F. Schlenzka and Julie Langhorne, Trustees of the Schlenzka/Langhorne Trust dated December 27, 1990. Applicants are now applying for a new Recreational Pier Lease.

3. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.

4. 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).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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:

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. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

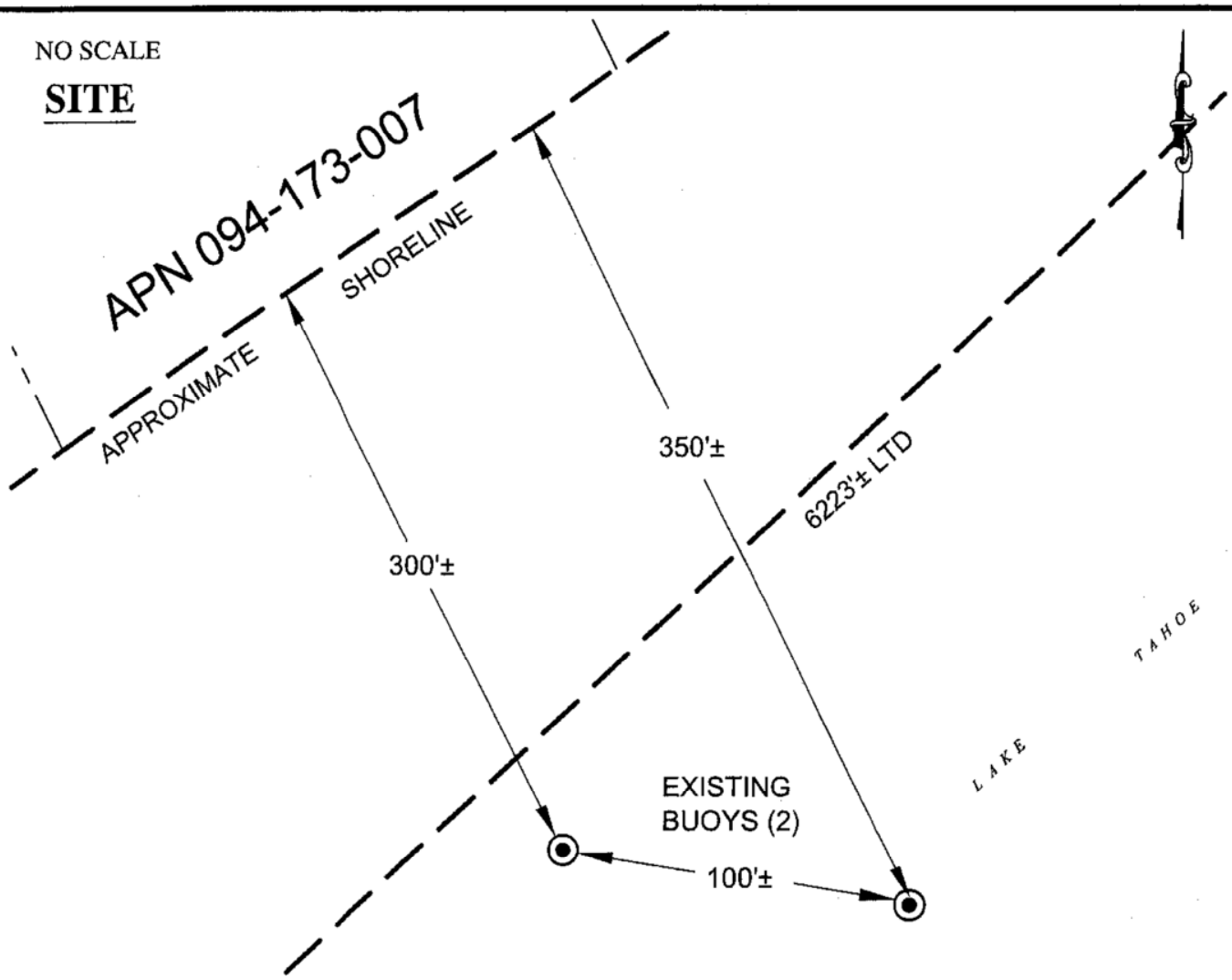
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a 10-year Recreational Pier Lease to Peter F. Schlenzka and Julie Langhorne, Trustees of the Schlenzka/Langhorne Trust dated December 27, 1990 as amended, beginning February 1, 2011, for the continued use and maintenance 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.

NO SCALE

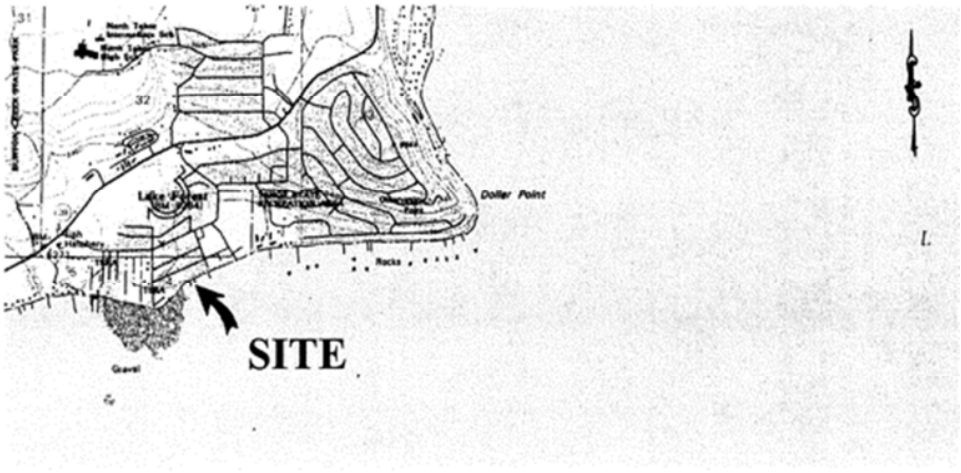
SITE



2780 LAKE TERRACE, TAHOE CITY, CA

NO SCALE

LOCATION

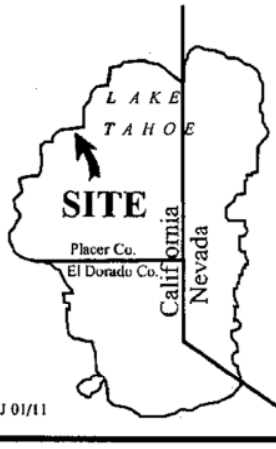


MAP SOURCE: USGS QUAD

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 8312.9
SCHLENZKA
APN 094-173-007
RECREATIONAL PIER LEASE
PLACER COUNTY



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