

**CALENDAR ITEM
C03**

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03/25/08
WP 7139.9
M. Clark

RECREATIONAL PIER LEASE

APPLICANTS:

Shirley Kearn, Robert Louis Kearn, and Janet Jean Kearn

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with catwalk, boatlift, and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 19, 2007.

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:

The lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

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2. On August 26, 1997, the Commission authorized a ten-year Recreational Pier Lease with Louis J. Kearn and Shirley C. Kearn. The lease was amended February 27, 1998, to authorize the use and maintenance of two existing mooring buoys. That lease expired November 18, 2007. The upland property has since been transferred to Shirley Kearn, Robert Louis Kearn, and Janet Jean Kearn. The Applicants are now applying for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because the 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 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.

5. 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.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE, TO SHIRLEY KEARN, ROBERT LOUIS KEARN, AND JANET JEAN KEARN, BEGINNING NOVEMBER 19, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER WITH CATWALK, BOAT LIFT, AND TWO 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 \$300,000.