

**CALENDAR ITEM
C10**

A 4
S 1

10/22/09
W 8837
B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

Steven Lee Brown and Michele Content Brown as Trustees of the Thorson Hays Family Trust dated 8-1-00

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 1278 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Retention, use and maintenance of an existing pier, boathouse with two boatlifts, boat hoist and one individual piling as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 1, 2009.

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 lease contains a provision requiring Applicants to provide evidence of a Tahoe Regional Planning Agency (TRPA) permit for the individual piling within two years from the date of lease execution. If the TRPA denies approval of the individual piling, Applicants shall remove the piling immediately upon denial or within two years of lease execution, whichever comes first. During the term of this provision, no stringline or other facilities shall be used or associated with the piling.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. Since 1953, Commission staff have attempted to bring the pier, that was constructed without Commission authorization under lease without success. Since the pier was originally constructed, it has been repaired, again without Commission authorization. On March 14, 2002, the upland property was deeded to Steven Lee Brown and Michele Content Brown as Trustees of the Thorson Hays Family Trust dated 8-1-00, who have submitted an application for a Recreational Pier Lease to retain the pier, boathouse with boatlifts, boat hoist and a single piling. The single piling has no functional use and the Applicants agreed to remove the piling if they cannot obtain a permit from the Tahoe Regional Planning Agency.
3. 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.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of the 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)(1).

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.

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 THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL

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STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS,
SECTION 2905 (c)(1).

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 STEVEN LEE BROWN AND MICHELE CONTENT
BROWN AS TRUSTEES OF THE THORSON HAYS FAMILY TRUST
DATED AUGUST 1, 2000, BEGINNING October 1, 2009, FOR THE
RETENTION, USE, AND MAINTENANCE OF AN EXISTING PIER,
BOATHOUSE WITH TWO BOATLIFTS, BOAT HOIST, AND ONE
INDIVIDUAL PILING 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.