

**CALENDAR ITEM
C12**

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S 1

10/22/09
WP 7050.9
B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

Richard Lee and Pamela Lee; and Charles H. Mahnken and Anne C. Mahnken, Trustees under the Mahnken Trust Agreement dated April 6, 1995

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 8714 and 8716 Brockway Vista Avenue, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and four mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 1, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On December 3, 1999, the Commission authorized a Recreational Pier Lease with Richard Lee and Pamela Lee and Charles H. Mahnken and Anne C. Mahnken, Trustees under the Mahnken Trust Agreement dated April 6, 1995. That lease expired on July 31, 2009. Applicants are now applying for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons and own the littoral parcels that are improved with single family dwellings.

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4. The existing joint-use pier is an equally shared facility; however, the mooring buoys are not. Richard and Pamela Lee, and Charles and Ann Mahnken each of the two parties have two mooring buoys adjacent to their separate upland parcels for their own use.
5. 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, 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 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.

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AUTHORIZATION:

AUTHORIZE ISSUANCE OF A TEN YEAR RECREATIONAL PIER LEASE TO RICHARD AND PAMELA LEE; AND CHARLES H. MAHNKEN AND ANNE C. MAHNKEN, TRUSTEES UNDER THE MAHNKEN TRUST AGREEMENT DATED APRIL 6, 1995, BEGINNING AUGUST 1, 2009, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER AND FOUR 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 \$1,000,000.