

**CALENDAR ITEM  
C07**

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06/23/11  
WP 2307.9  
R. Barham

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Andre E. Maginot and Nina S. Yoshpe, as Trustees of the Andre E. Maginot and Nina S. Yoshpe Living Trust dated August 11, 1988

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 5440 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, and one mooring buoy; and another mooring buoy, not previously authorized by the Commission, as shown on the attached Exhibit A.

**LEASE TERM:**

10 years, beginning August 31, 2008.

**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 Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of 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. When

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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 ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease with Andre E. Maginot and Nina S. Yoshpe for the pier, boat lift, and one mooring buoy. That lease expired on August 30, 2008. The upland property was transferred to Andre E. Maginot and Nina S. Yoshpe, as Trustees of the Andre E. Maginot and Nina S. Yoshpe Living Trust dated August 11, 1988. Applicants are now applying for a new Recreational Pier Lease.
3. The Applicants' additional existing mooring buoy has been in Lake Tahoe for many years, but has not been previously authorized by the Commission. Applicants qualify for a rent-free Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling. Staff recommends approval of the existing mooring buoy within the lease premises.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), 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 section 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.

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**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, 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 section 6370, et seq.

**AUTHORIZATION:**

Authorize issuance of a 10-year Recreational Pier Lease to Andre E. Maginot and Nina S. Yoshpe, as Trustees of the Andre E. Maginot and Nina S. Yoshpe Living Trust Dated August 11, 1988, beginning August 31, 2008, for the continued use and maintenance of an existing pier, boat lift and one mooring; and another mooring buoy not previously authorized by the Commission, 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.