

CALENDAR ITEM

C23

A 4

06/23/11

WP 4067.9

S 1

N. Lee

RECREATIONAL PIER LEASE

APPLICANTS:

William R. Parker and Susan D. Parker, Trustees of the Parker Family Trust dated January 21, 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6900 West Lake Boulevard, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission and two boat hoists in the boathouse and one unattached piling not previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning June 23, 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:

1. 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 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

CALENDAR ITEM NO. **C23** (CONT'D)

FEIS and nullified the Amendments. When 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.

2. The lease contains provisions stating that:
 - a. The Applicants will remove the unattached piling within two years of the effective date of the lease; and
 - b. The Applicants cannot use the boathouse roof as a sundeck.

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 Garner Cal Setzer and JoAnn Setzer, as Trustees of the Cal and JoAnn Setzer Trust. That lease expired on October 28, 2008. On September 15, 2006, the upland parcel was deeded to William R. Parker and Susan D. Parker, Trustees of the Parker Family Trust dated January 21, 1997. 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. The Commission's files indicated that a sundeck with stairs existed on the roof of the boathouse. The sundeck and stairs had not been previously authorized and, upon request of Commission staff, the Applicants removed the stairs in 2010. Since the railing is a structural component of the boathouse, staff did not require its removal.
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 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.

CALENDAR ITEM NO. **C23** (CONT'D)

6. 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.

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 William R. Parker and Susan D. Parker, Trustees of the Parker Family Trust dated January 21, 1997, beginning June 23, 2011, for the continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission and two boat hoists in the boathouse and one unattached piling 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.