

**CALENDAR ITEM
C13**

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10/01/02
PRC 3850.9
B. Dugal

RECREATIONAL PIER LEASE

APPLICANTS:

William E. Bittner and Nancy G. Bittner

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Homewood, Placer County.

AUTHORIZED USE:

The use and maintenance of an existing 130' pier previously authorized by the Commission and the retention of one existing mooring buoy.

LEASE TERM:

Ten years, beginning September 1, 2002.

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:

This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. The Commission previously approved the issuance of a Recreational Pier Lease to the Applicants for the existing pier. That lease has expired and the Applicants have applied for a new Recreational Pier Lease for the existing pier and for the retention of one existing mooring buoy.

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2. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral lands with, and use the uplands for, a single-family dwelling.
3. 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).
4. Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905. 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:

Buoy - Tahoe Regional Planning Agency

EXHIBITS:

A. Site/Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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).

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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 TO WILLIAM E. BITTNER AND NANCY G. BITTNER OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 1, 2002, FOR THE USE AND MAINTENANCE OF AN EXISTING PIER AND THE RETENTION OF ONE EXISTING MOORING BUOY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.