

**CALENDAR ITEM
C01**

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08/20/10
WP 7315.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

M. Richard Smith and Rebecca W. Smith, as Trustees of the Smith 2002 Family Trust, Amended and Restated May 2, 2007

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8227 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 1, 2010.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On September 19, 2000, the Commission authorized a Recreational Pier Lease with Emile L. Labadie and Jean L. Labadie for a pier, boat lift, boat hoist, and two mooring buoys. That lease expired on July 31, 2010. On June 22, 2007, the upland property was deeded to M. Richard Smith and Rebecca W. Smith, as Trustees of the Smith 2002 Family Trust, Amended and Restated May 2, 2007. Applicants are now applying for a new Recreational Pier Lease for an existing pier, boat lift, and two mooring buoys. The boat hoist has been removed.
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.

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4. Applicants obtained a Tahoe Regional Planning Agency permit for the boat lift and two mooring buoys on September 30, 2009.
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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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 sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a ten-year Recreational Pier Lease to M. Richard Smith and Rebecca W. Smith, as Trustees of the Smith 2002 Family Trust, Amended and Restated May 2, 2007, beginning August 1, 2010 for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys shown on Exhibit A attached and by this reference made a

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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.