

**CALENDAR ITEM
C05**

A 4
S 1

08/20/10
WP 3713.9
B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

David Nathan McNary and Sharon Hormel McNary; Jane McNary O'Meara; Barbara McNary Spindler as Trustee of the John and Barbara Spindler Living Revocable Trust; Nancy McNary Leach; and Donald S. McNary and Louise W. McNary as Co-Trustees, and any successor Trustee, of the McNary Family Revocable Trust of 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8233 Meeks Bay, near Tahoma, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning April 28, 2008.

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 upland property adjoining the lease premises.
2. On April 20, 2000, the Commission authorized a Recreational Pier Lease with Donald S. McNary; Louise W. McNary; David Nathan McNary and Sharon Hormell; Jane McNary O'Meara; Barbara A. Spindler, Trustee of the John and Barbara Spindler Living Revocable Trust; and Nancy McNary Leach. On September 4, 2003, David Nathan McNary and Sharon Hormell transferred their ownership to David Nathan McNary and

CALENDAR ITEM NO. **C05** (CONT'D)

Sharon Hormel McNary. On February 9, 2005, Donald S. McNary and Louise W. McNary transferred their ownership to Donald S. McNary and Louise W. McNary as Co-Trustees, and any successor Trustee, of the McNary Family Revocable Trust of 1992. That lease expired on April 27, 2008. Applicants are now applying for a new Recreational Pier Lease.

3. The two mooring buoys and the boat lift were permitted by the Tahoe Regional Planning Agency on October 20, 2009. 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. 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.

5. 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 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).

CALENDAR ITEM NO. **C05** (CONT'D)

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 David Nathan McNary and Sharon Hormel McNary; Jane McNary O'Meara; Barbara McNary Spindler as Trustee of the John and Barbara Spindler Living Revocable Trust; Nancy McNary; and Donald S. McNary and Louise W. McNary as Co-Trustees, and any successor Trustee, of the McNary Family Revocable Trust of 1992, beginning April 28, 2008, for the continued use and maintenance of an existing pier, boat lift, and two 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 \$500,000.