

**CALENDAR ITEM  
C05**

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S 1

10/29/10  
WP 8002.9  
B. Terry

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Kirk R. Bewley, Trustee of the Kirk R. Bewley Declaration of Trust Dated October 29, 2002; Ross E. Bewley and Marilyn R. Bewley, as Co-Trustees of the Ross E. Bewley and Marilyn R. Bewley Revocable Family Trust dated December 3, 1993; Rosilyn B. Young; R. Stuart Bewley; and Keith Bewley

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

Sovereign land in Lake Tahoe, adjacent to 5420 and 5430 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of three existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

10 years, beginning October 1, 2010.

**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 which requires 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 a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the ordinances. TRPA is presently

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evaluating its response. 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 EIS and ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland properties adjoining the lease premises, which consists of two contiguous parcels, Assessor's Parcel Numbers 097-164-008 and 097-164-009.
2. On November 7, 1997, the Commission authorized a General Lease – Recreational Use with the Bewley Family Limited Partnership. That lease expired on September 30, 2007. Ownership of the upland properties has since transferred to Kirk R. Bewley, Trustee of the Kirk R. Bewley Declaration of Trust Dated October 29, 2002; Ross E. Bewley and Marilyn R. Bewley, as Co-Trustees of the Ross E. Bewley and Marilyn R. Bewley Revocable Family Trust dated December 3, 1993; Rosilyn B. Young; R. Stuart Bewley; and Keith Bewley. Applicants are now applying for a Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because they are natural persons and own the littoral parcels that are improved with single family dwellings.
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 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 staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBIT:**

- A. Site and Location Map

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**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 10-year Recreational Pier Lease to Kirk R. Bewley, Trustee of the Kirk R. Bewley Declaration of Trust Dated October 29, 2002; Ross E. Bewley and Marilyn R. Bewley, as Co-Trustees of the Ross E. Bewley and Marilyn R. Bewley Revocable Family Trust dated December 3, 1993; Rosilyn B. Young; R. Stuart Bewley; and Keith Bewley, beginning October 1, 2010, for the continued use and maintenance of three existing 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.