

**CALENDAR ITEM
C08**

A 4
S 1

01/29/09
WP 5575.9
N. Lee

RECREATIONAL PIER LEASE

APPLICANT:

Sally Bankofier Markstein as Trustee of the Sally Bankofier Markstein Trust dated March 11, 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 3380 Edgewater Drive, near Dollar Point, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy as shown on Exhibit A.

LEASE TERM:

Ten years, beginning May 9, 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. Applicant owns the upland adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a ten-year Recreational Pier Lease with Sally B. Markstein. That lease expired on May 8, 2008. In 1997, Sally B. Markstein deeded the littoral parcel to Sally Bankofier Markstein as Trustee of the Sally Bankofier Markstein Trust dated March 11, 1997. Applicant is now applying for a new Recreational Pier Lease.

CALENDAR ITEM NO. C08 (CONT'D)

3. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who owns the littoral parcel 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 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).

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 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).

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 SALLY BANKOFIER MARKSTEIN AS TRUSTEE OF THE

CALENDAR ITEM NO. **C08** (CONT'D)

SALLY BANKOFIER MARKSTEIN TRUST DATED MARCH 11, 1997, BEGINNING MAY 9, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND ONE MOORING BUOY 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.