

**CALENDAR ITEM
C12**

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01/29/09
WP 4138.9
B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

Edith Bogart Dagley and Margaret Bogart Power, Trustee of the Margaret Bogart Power Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 1280 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, a covered boat lift and an uncovered boat lift, and one mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 1, 2008.

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:

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. Applicants own the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a Recreational Pier Lease with Johnson S. Bogart, Trustee of the Johnson S. Bogart

CALENDAR ITEM NO. C12 (CONT'D)

Residence Trust covering a pier, two boat lifts and two mooring buoys. That lease expired on November 30, 2008. The upland property has now been deeded to Edith Bogart Dagley and Margaret Bogart Power, Trustee of the Margaret Bogart Power Trust. Applicants are now applying for a new Recreational Pier Lease for an existing pier, a covered boat lift and an uncovered boat lift, and one mooring buoy, as the Applicants have advised that only one mooring buoy now exists.

3. Applicants qualify for a Recreational Pier Lease because they 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 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.

APPROVAL REQUIRED:

Buoy: Tahoe Regional Planning Agency

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

CALENDAR ITEM NO. **C12** (CONT'D)

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 EDITH BOGART DAGLEY AND MARGARET BOGART POWER, TRUSTEE OF THE MARGARET BOGART POWER TRUST, BEGINNING DECEMBER 1, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, A COVERED BOAT LIFT AND AN UNCOVERED BOAT LIFT, 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.