

**CALENDAR ITEM  
C25**

A 4  
S 1

08/11/09  
WP 4866.1  
N. Lee

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANTS:**

Max W. Day and Alvena V. Day as Trustees of The Day Family Trust established February 16, 1999 and John Keagy, Trustee of The Keagy Revocable Trust, dated February 22, 2007 (HSP)

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

Sovereign lands in Lake Tahoe, adjacent to 4760 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use pier, boat house, and two mooring buoys and the retention of an existing boat lift as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning April 13, 2009.

**CONSIDERATION:**

**Boat House, Boat Lift, One Mooring Buoy and 50 Percent of Joint-Use Pier:** No monetary consideration pursuant to Public Resources Code section 6503.5.

**One Mooring Buoy and 50 Percent of Joint-Use Pier:** \$1,352 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone

CALENDAR ITEM NO. **C25** (CONT'D)

Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

**OTHER PERTINENT INFORMATION:**

1. Applicants own or have the right to use the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a Recreational Pier Lease with Max W. Day and Alvena V. Day and John Martin Keagy. That lease expired on April 12, 2009. In 1999, the littoral parcel was deeded to Max W. Day and Alvena V. Day as Trustees of The Day Family Trust established February 16, 1999. In 2008, John Martin Keagy deeded his parcel to John Keagy, Trustee of The Keagy Revocable Trust, dated February 22, 2007 (HSP). The Applicants are now applying for a new General Lease – Recreational Use.
3. The littoral parcel is owned by the Days and the parcel owned by John Keagy, Trustee, is non-littoral and adjacent to the Days' parcel. Mr. Keagy has an easement to access the lease premises via the littoral parcel. According to their joint-use pier agreement, Mr. Keagy and the Days each own 50 percent of the pier. In addition, they each own one buoy adjacent to the littoral parcel and the Days completely own and maintain the boat house with the boat lift. The boat lift has not been previously authorized by the Commission, but has been in place for many years.
4. The Days qualify for rent-free status because they are natural persons who own the littoral land that is improved with a single-family dwelling. John Keagy, Trustee, does not qualify for rent-free status because his parcel is not littoral. Therefore, the annual rent is based on Mr. Keagy's ownership of one mooring buoy and 50 percent of the pier.
5. **Pier, Boat House, and Two Mooring Buoys:** 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.

CALENDAR ITEM NO. **C25** (CONT'D)

**Boat Lift:** 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

6. 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.

**APPROVALS REQUIRED:**

Buoys: Tahoe Regional Planning Agency

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**PIER, BOAT HOUSE AND TWO MOORING BUOYS:** 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).

**BOAT LIFT:** 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

CALENDAR ITEM NO. **C25** (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 GENERAL LEASE – RECREATIONAL USE TO MAX W. DAY AND ALVENA V. DAY AS TRUSTEES OF THE DAY FAMILY TRUST ESTABLISHED FEBRUARY 16, 1999 AND JOHN KEAGY, TRUSTEE OF THE KEAGY REVOCABLE TRUST, DATED FEBRUARY 22, 2007 (HSP), BEGINNING APRIL 13, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER, BOAT HOUSE, AND TWO MOORING BUOYS AND THE RETENTION OF AN EXISTING BOAT LIFT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,352 FOR ONE MOORING BUOY AND 50 PERCENT OF THE JOINT-USE PIER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE BOAT HOUSE, BOAT LIFT, ONE MOORING BUOY, AND 50 PERCENT OF THE JOINT-USE PIER; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.