

**CALENDAR ITEM  
C02**

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04/06/10  
WP 3704.9  
R. Barham

**RECREATIONAL PIER LEASE**

**APPLICANT:**

Albert W. Smith, as Trustee of the S-D Living Trust

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

Sovereign land in Lake Tahoe, adjacent to 2200 Sunnyside Lane, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Retention, use, and maintenance of an existing pier with boat slip and one existing mooring buoy as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning April 6, 2010.

**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 uplands adjoining the lease premises.
  
2. On April 24, 1967, the Commission authorized a Recreational Minor-Structure Permit with Firman A. and Janice L. Gryp; Archie E. and Barbara L. Peterson; and Myron E. Jr. and Patricia T. Etienne. That permit expired on September 25, 1971. On August 3, 1987, the upland property was deeded to Albert W. Smith, as Trustee of the S-D Living Trust. The lease became inactive when the Commission was unable to contact the upland owner. The Applicant states that he was not aware that a lease with the Commission was required until he made application to the Tahoe Regional Planning Agency (TRPA) for a buoy permit and was then directed to

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contact the Commission. Applicant is now applying for a new Recreational Pier Lease.

3. Applicant qualifies for a Recreational Pier Lease because the applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
4. The mooring buoy was permitted by the TRPA on September 16, 2009.
5. **Pier with Boat Slip:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. **Mooring Buoy:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through 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:**

**Pier with Boat Slip:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

**Mooring Buoy:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

**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 Albert W. Smith, as trustee of the S-D Living Trust, beginning April 06, 2010, for the retention, use, and maintenance of an existing pier with boat slip and one existing mooring buoy 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.