

**CALENDAR ITEM  
C06**

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S 1

04/06/10  
WP 3548.9  
R. Barham

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Diosdado P. Banatao and Maria C. Banatao, Trustees of the Diosdado and Maria Banatao Living Trust dated July 2, 1999

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

Sovereign land in Lake Tahoe, adjacent to 6820 West Lake Boulevard, near Tahoma, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and two mooring buoys as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning November 15, 2009.

**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 for the mooring buoys by October 22, 2010, which is two years after the October 22, 2008 adoption of the Final Environmental Impact Statement (FEIS) and the approval of the Lake Tahoe Shorezone Ordinance Amendments based on the FEIS.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On June 27, 2000, the Commission authorized a Recreational Pier Lease with Tahoe Tahoma Cabins. That lease expired on November 14, 2009.

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The upland property has been deeded to Diosdado P. Banatao and Maria C. Banatao, Trustees of the Diosdado and Maria Banatao Living Trust dated July 2, 1999. Applicants are now applying for a new Recreational Pier Lease.

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), staff has determined that 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 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.

**APPROVALS REQUIRED:**

Buoys: 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 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).

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**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 Diosdado P. Banatao and Maria C. Banatao, Trustees of the Diosdado and Maria Banatao Living Trust dated July 2, 1999, beginning November 15, 2009, for the continued use and maintenance of an existing pier and two mooring buoys 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.