

**CALENDAR ITEM
C01**

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12/10/10
WP 3871.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANT:

Sharon J. Kearns, aka Sharon Jennings, Trustee of the Sharon Jennings Survivors Trust UDT dated October 9, 1992; Sharon Jennings, Trustee of the Qualified Exempt Terminable Int. Property Tr CRT under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992; Sharon Jennings, Trustee of the Qualified Non-Exempt Terminal Int. Property Tr CRT under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992; and Sharon Jennings, Trustee of the Bypass Trust created under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8429 Meeks Bay Avenue, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning November 15, 2009.

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 20, 2000, the Commission authorized a Recreational Pier Lease with Sharon Jennings for a pier, boat lift, and two mooring buoys. That lease expired on November 14, 2009. On February 25, 2003, the upland property was deeded to Sharon J. Kearns, aka Sharon Jennings, Trustee of the Sharon Jennings Survivors Trust UDT dated October 9, 1992; Sharon Jennings, Trustee of the Qualified Exempt Terminable Int.

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Property Tr CRT under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992; and Sharon Jennings, Trustee of the Qualified Non-exempt Terminal Int. Property Tr CRT under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992; and Sharon Jennings, Trustee of the Bypass Trust created under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992. Applicant is now applying for a new Recreational Pier Lease.

3. The mooring buoys were permitted by the Tahoe Regional Planning Agency (TRPA) on May 2, 1994, and therefore were not subject to the Lake Tahoe Shorezone Amendments Final Environmental Impact Statement (Feis) certified by TRPA on October 22, 2008, and vacated by the United States District Court on September 16, 2010. 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. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined 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 the 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

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

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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 Sharon J. Kearns, aka Sharon Jennings, Trustee of the Sharon Jennings Survivors Trust UDT dated October 9, 1992; Sharon Jennings, Trustee of the Qualified Exempt Terminable Int. Property Tr CRT under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992; Sharon Jennings, Trustee of the Qualified Non-Exempt Terminal Int. Property Tr CRT under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992; and Sharon Jennings, Trustee of the Bypass Trust created under the Bryan C. and Sharon Jennings Revocable Living Trust October 9, 1992, beginning November 15, 2009, for the continued use and maintenance of an existing pier, boat lift, 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.