

**CALENDAR ITEM
C01**

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S 1

06/28/10
WP 5529.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

Mick Vorbeck and David Saca

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3135 and 3145 North Lake Tahoe Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning June 28, 2010.

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 \$1,000,000.

Other:

Applicants are bound by a recorded successor pier agreement dated August 15, 1979, identified as "Agreement Establishing Easements and Common Ownership of Pier". This agreement provides authorization to David Saca to cross Mick Vorbeck's property in order to access the pier and share in the maintenance of said pier. This document must remain in force over the term of the lease. In the event the agreement is terminated, then the lease will also terminate.

OTHER PERTINENT INFORMATION:

1. Applicants own or have the right to use the upland properties adjoining the lease premises.

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2. On September 3, 1999, the Commission authorized the issuance of a ten-year Recreational Pier Lease to George R. Mayer and Michele E. Mayer, Steven Markstein and Raenel L. Markstein, and Randy Earl Paragary and Stacy Ryan Paragary. That lease expired on July 31, 2009. On August 30, 1999, title to the upland property owned by George and Michele Mayer (APN 085-280-045) was transferred to Mick Vorbeck, and on April 21, 2010, title to the upland property owned by Steven and Michele Markstein and Randy and Stacy Paragary (APN 085-280-046) was transferred to David Saca. The Applicants are now applying for a new Recreational Pier Lease.
3. The joint-use pier and two buoys are located adjacent to 3135 North Lake Boulevard (APN 085-280-045) and the two unauthorized buoys are located adjacent to 3145 North Lake Boulevard (APN 085-280-046). Both applicants are bound by a recorded successor agreement recorded on August 15, 1979 establishing easements and common ownership and maintenance of the joint-use pier.
4. The two existing buoys adjacent to APN 085-280-045 (Vorbeck) were previously authorized by the Commission and a buoy permit was obtained from the Tahoe Regional Planning Agency (TRPA) on October 16, 2009. The two existing buoys adjacent to APN 085-280-046 (Saca) were not previously authorized by the Commission but a TRPA buoy permit was obtained on October 20, 2009. Staff is recommending approval of the retention of the existing mooring buoys.
5. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons who own the littoral lands that are improved with single-family dwellings.
6. **Joint-Use Pier 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), 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.

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7. **Retention of Two Mooring Buoys:** 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)(3).

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

8. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Joint-Use Pier and Two Mooring Buoys: Find that this 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).

Retention of Two Mooring Buoys: 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.

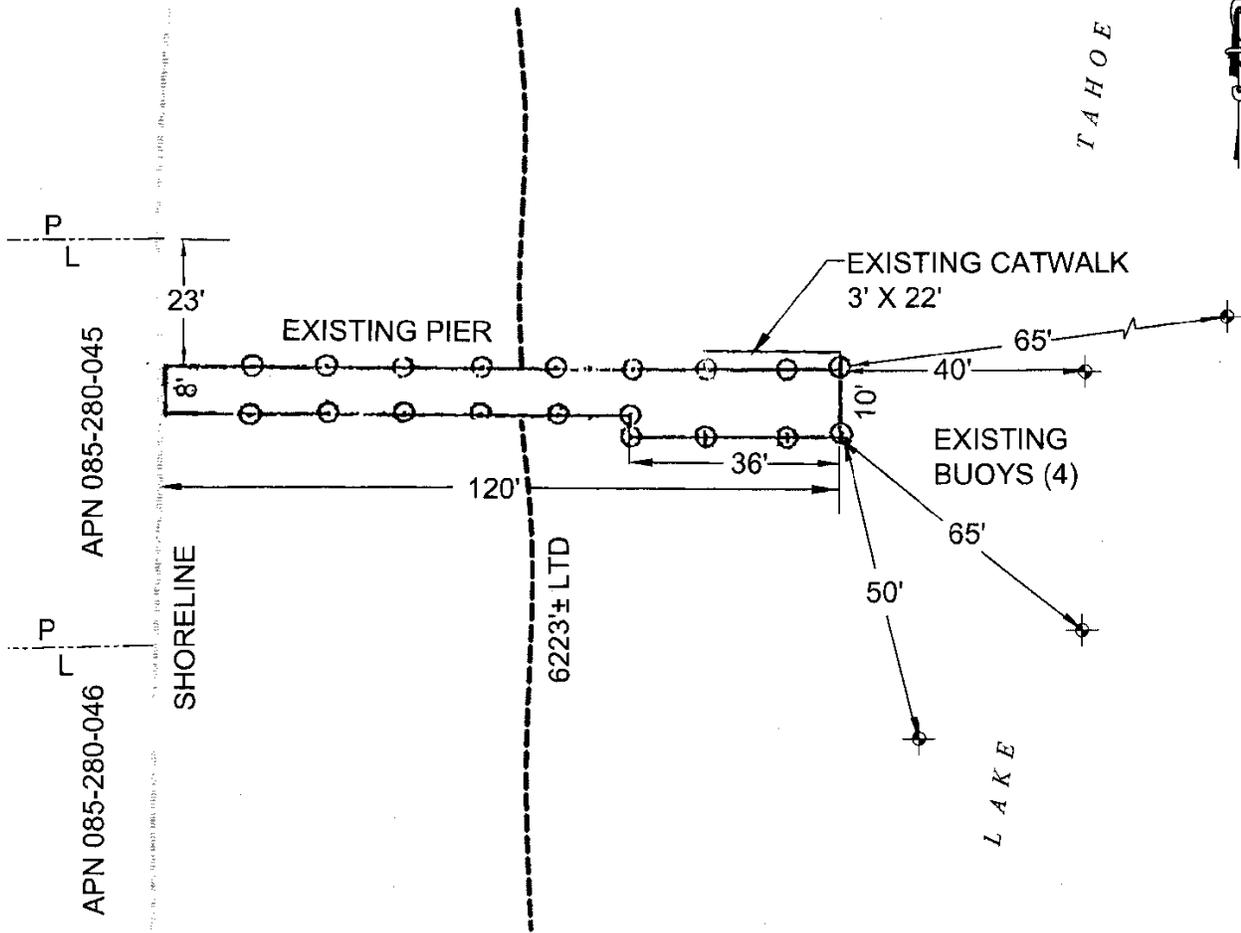
CALENDAR ITEM NO. **C01** (CONT'D)

AUTHORIZATION:

Authorize issuance of a ten-year Recreational Pier Lease to Mick Vorbeck and David Saca, beginning June 28, 2010, for the continued use and maintenance of an existing joint-use pier and two mooring buoys and the retention of two existing mooring buoys 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 \$1,000,000.

NO SCALE

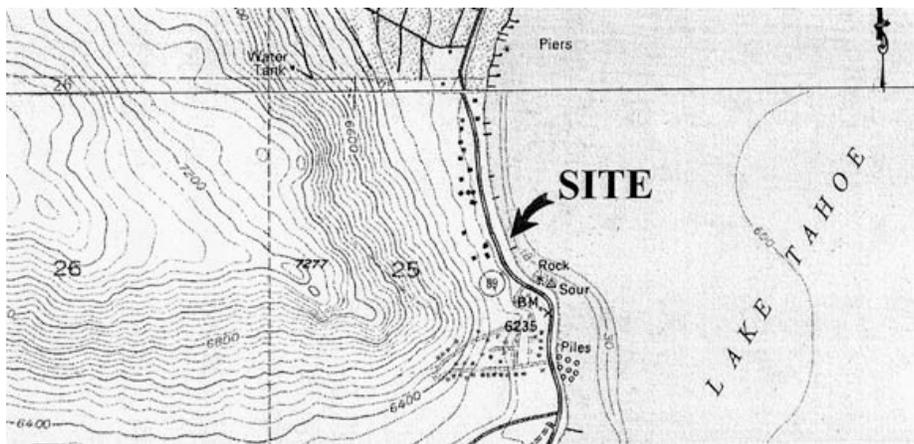
SITE



3135 & 3145 WEST LAKE BLVD., TAHOE CITY

NO SCALE

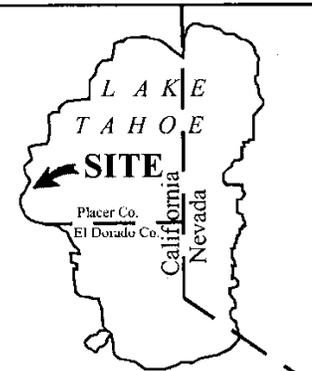
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 5529.9
 VORBECK & SACA
 APN 085-280-045 & 046
 RECREATIONAL PIER LEASE
 PLACER COUNTY



MJ 04/10

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.