

**CALENDAR ITEM
C09**

A 4
S 1

06/28/10
WP 3676.9
C. Hudson

RECREATIONAL PIER LEASE

APPLICANTS:

Warren Fallat, Darcy Blessing Porter, Kellae Blessing; and Margaret D. Boyden, as sole trustee of the Nola Dillon Blessing Testamentary Trust C.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3965 Bellview Avenue, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring bouys.

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 \$500,000.

Other:

1. This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency for the mooring buoy(s) 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.
2. The lease provides that the public will be allowed to pass and re-pass around the landward end of the pier to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 Lake Tahoe datum.

CALENDAR ITEM NO. **C09** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease with Warren Fallat and Duncan Fallat, Co-Trustees of Trusts A, B, and C. That lease expired on August 31, 2008. The littoral parcel has since been deeded to Warren Fallat, Darcy Blessing Porter, Kellae Blessing, and Margaret D. Boyden, as sole trustee of the Nola Dillon Blessing Testamentary Trust C. The Applicants are now applying for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because the Applicants 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), 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 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 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.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. **C09** (CONT'D)

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).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission of the land pursuant to Public Resources Code sections 6770, et seq.

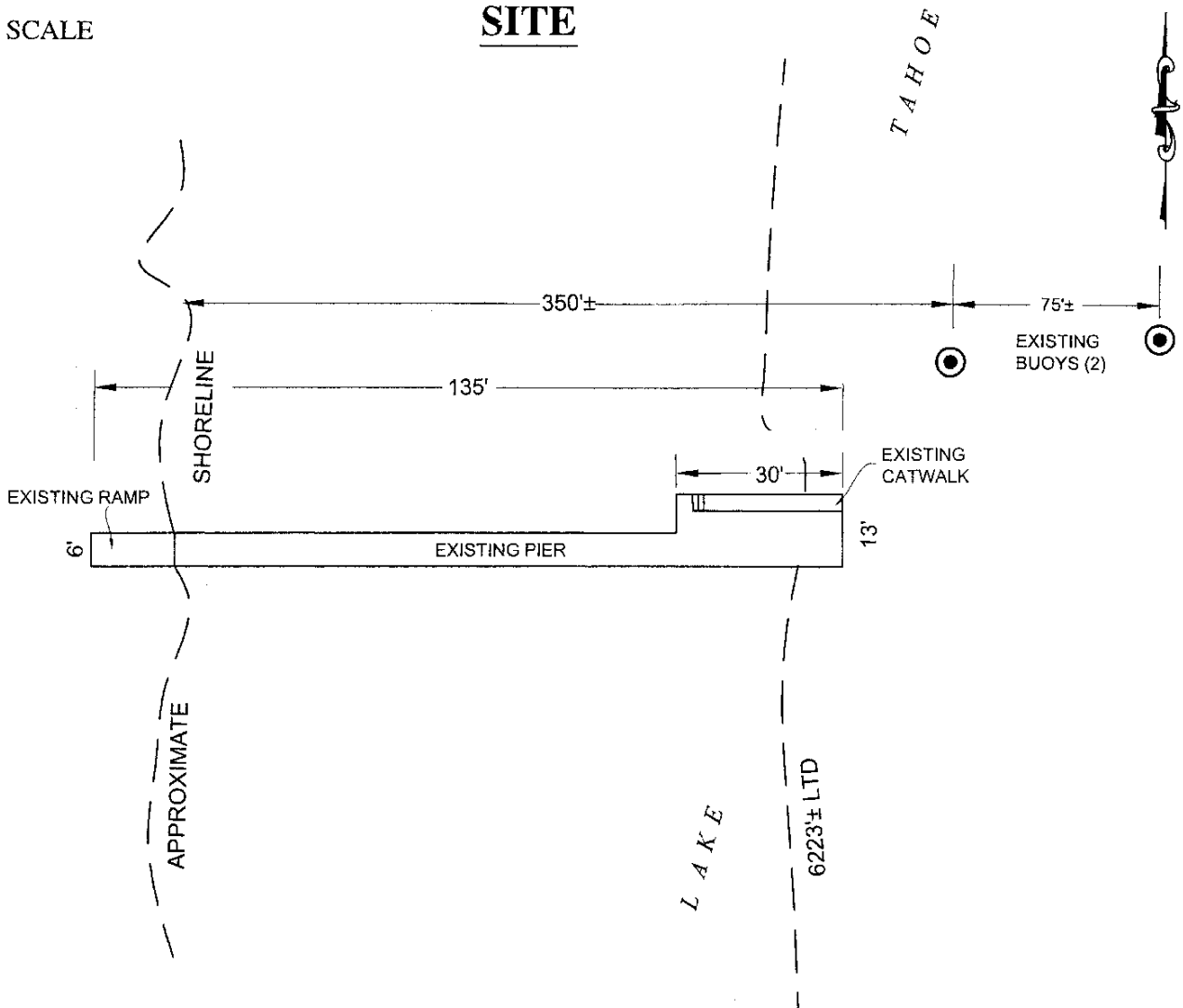
AUTHORIZATION:

Authorize issuance of a ten-year Recreational Pier Lease to Warren Fallat, Darcy Blessing Porter, Kellae Blessing; and Margaret D. Boyden, as sole trustee of the Nola Dillon Blessing Testamentary Trust C, beginning June 28, 2010, for the continued use and maintenance of an existing pier and two 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 \$500,000.

NO SCALE

SITE

APN 085-222-012



3965 BELLEVIEW AVE., HOMEWOOD

NO SCALE

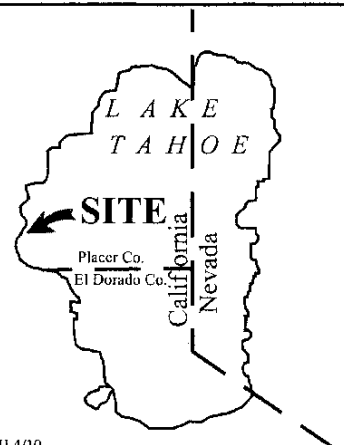
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 3676.9
 FALLAT, PORTER, BLESSING
 & BOYDEN
 APN 085-222-012
 RECREATIONAL PIER LEASE
 PLACER COUNTY



MJJ 4/10

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.