CALENDAR ITEM

C46

A 4 10/22/09

WP 6540.1

S 1 B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Michael R. Raftery and Georgianne Raftery

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to Assessor Parcel Number 092-180-008, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and retention of an existing boatlift as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning June 22, 2009.

CONSIDERATION:

$1,397 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $1,000,000.

Other:

The lease contains a provision that the Applicants must obtain and maintain continuous authorization from the littoral property owner, Cedar Flat Improvement Association, to maintain and access the pier on the littoral property (APN 092-180-008) adjacent to the Lease Premises. The lease shall terminate if the Association's consent lapses or is revoked.

OTHER PERTINENT INFORMATION:

1. Applicants have the right to use the uplands adjoining the lease premises, which is owned by the Cedar Flat Improvement Association (Association).

The use granted to the Applicants by the Association is limited to the use and maintenance of the Applicant's pier.

2. On December 22, 1983, the Commission authorized a General Lease – Recreational Use with Michael R. and Georgianne Raftery. That lease expired on June 21, 1993. Since the lease expired in1993, staff have been attempting to bring the Applicants under lease, but the Applicants did not submit an application to the Commission for a new lease until May 7, 2009. Since the application was received, the Applicants have executed a new lease prepared by staff and have paid rent in the amount of $8,561 for the period of June 22, 1993 through June 21, 2009 and rent in the amount of $1,397 for the 2009/2010 lease period.

3. The existing pier includes a boatlift that has not been previously authorized by the Commission, but has existed for many years. Applicants do not qualify for a rent-free Recreational Pier Lease because Applicants are not the owners of the littoral property adjacent to the lease premises.

4. **Pier:** 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 the 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. **Boatlift:** 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 the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

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

6. 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:

PIER: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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).

BOATLIFT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

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:

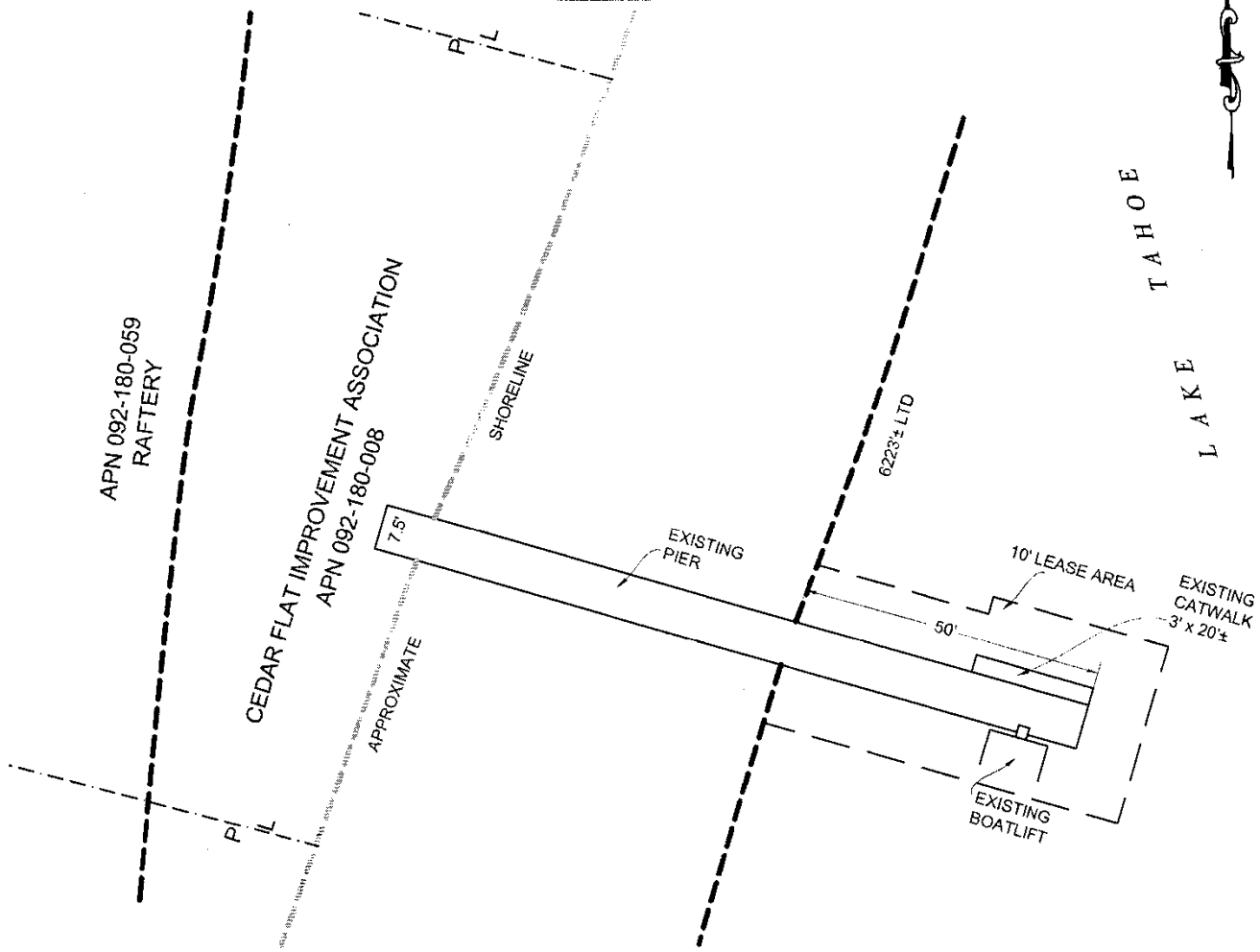
1. AUTHORIZE ACCEPTANCE OF RENT IN THE AMOUNT OF $8,561 FOR THE PERIOD OF JUNE 22, 1993 THROUGH JUNE 21, 2009, AND WAIVE ANY PENALTY OR INTEREST THAT MAY HAVE ACCRUED.

2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO MICHAEL R. RAFTERY AND GEORGIANNE RAFTERY, BEGINNING JUNE 22, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND RETENTION OF AN EXISTING BOATLIFT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $1,397, WITH THE STATE

RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

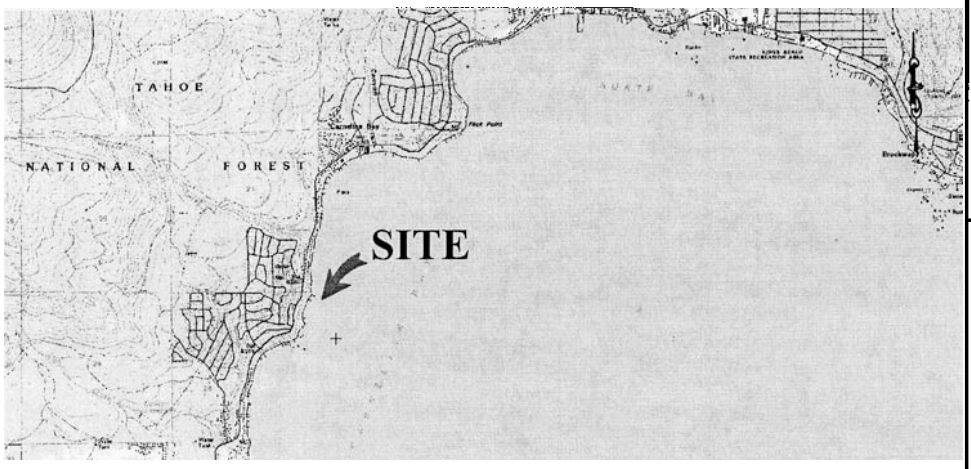
SITE



4350 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

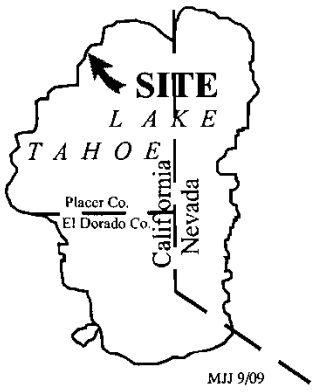


MAP SOURCE: USGS QUAD

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.

Exhibit A

PRC 6540.1
RAFTERY
APN 092-180-059
GENERAL LEASE
RECREATIONAL USE
PLACER COUNTY



MJJ 9/09