

MINUTE ITEM

This Calendar Item No. C44 was approved as Minute Item No. 44 by the California State Lands Commission by a vote of 3 to 2 at its 10/20/03 meeting.

**CALENDAR ITEM
C44**

A	4		10/20/03
S	1	PRC 3346	WP 3346.9 B. Young

RECREATIONAL PIER LEASE

APPLICANTS:

John M. Kelly as Trustee of the John M. Kelly Revocable Trust, dated March 31, 1997; John M. Kelly as Trustee of the John M. Kelly Exempt Generation-Skipping Trust under the Paul B. Kelly Revocable Trust, dated November 2, 1981; John M. Kelly, Jr.; Elizabeth K. D'Ambrosia, and Matthew F. Kelly

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boathouse with a boat lift previously authorized by the Commission, and retention of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 1, 2003.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

CALENDAR ITEM NO. **C44** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On June 30, 1988, the Commission authorized a Recreational Pier Lease to Kelly Properties for an existing pier and boathouse with a boat lift. That lease expired on November 20, 1998. Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Applicants are now applying for a new Recreational Pier Lease.

2. **Issuance of New Lease - Pier and boathouse with a boat lift:** 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

3. **Buoys:** 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 2, California Code of Regulations, section 2905 (c)(3).

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

4. 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.

CALENDAR ITEM NO. C44 (CONT'D)

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency.

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

ISSUANCE OF NEW LEASE - PIER, BOATHOUSE WITH BOAT LIFT:
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).

BUOYS: 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 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.

AUTHORIZATION:

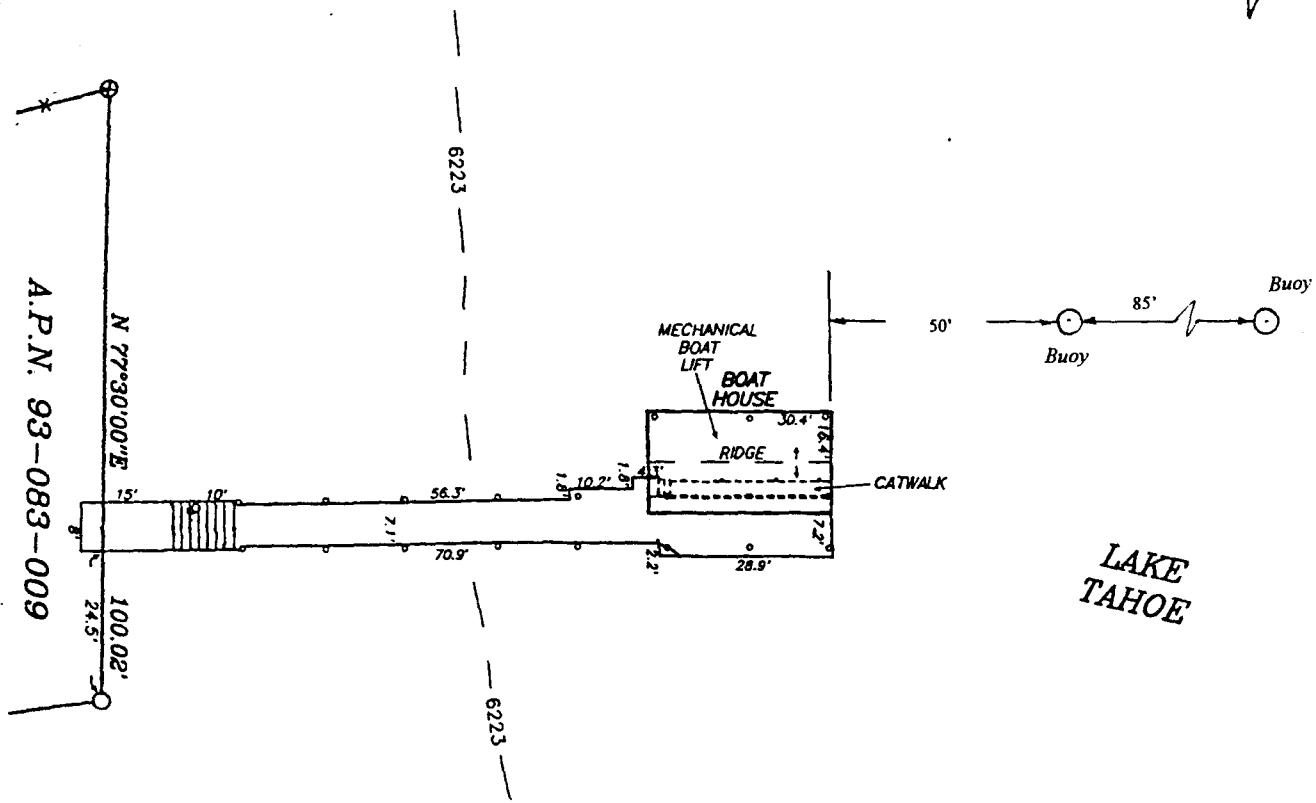
AUTHORIZE ISSUANCE TO JOHN M. KELLY AS TRUSTEE OF THE JOHN M. KELLY REVOCABLE TRUST, DATED MARCH 31, 1997; JOHN M. KELLY AS TRUSTEE OF THE JOHN M. KELLY EXEMPT GENERATION-SKIPPING TRUST UNDER THE PAUL B. KELLY REVOCABLE TRUST, DATED NOVEMBER 2, 1981; JOHN M. KELLY, JR.; ELIZABETH K. D'AMBROSIA, AND MATTHEW F. KELLY, OF A

CALENDAR ITEM NO. C44 (CONT'D)

TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 1, 2003, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND BOATHOUSE WITH A BOAT LIFT AND THE RETENTION OF TWO EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$300,000.

NO SCALE

SITE MAP



3390 Edgewater Drive

LOCATION MAP NO SCALE

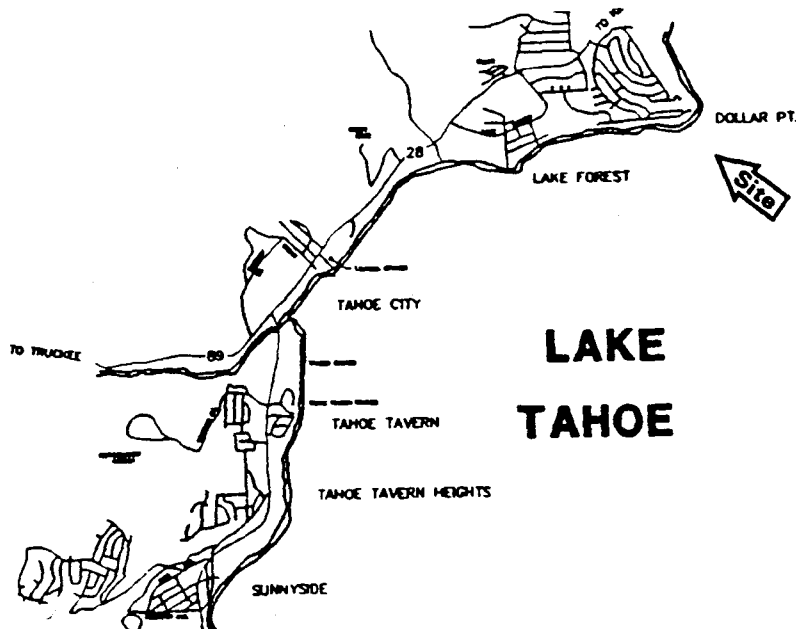
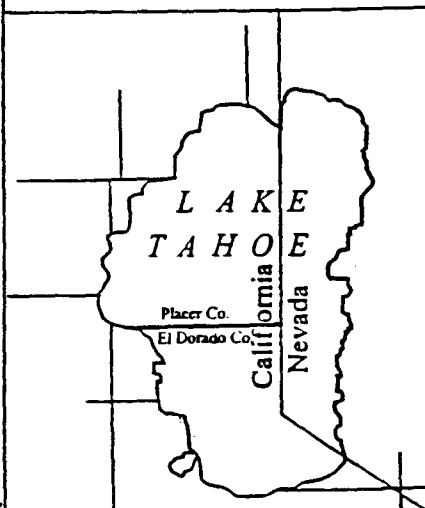


EXHIBIT A
PRC 3346.9
APN 93-083-009
Lake Tahoe
PLACER COUNTY



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.

CALENDAR PAGE

MINUTE PAGE

BY 7/03