CALENDAR ITEM

C29

A 4 02/08/11
WP 5899.1
S 1 B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:
Cascade Mutual Water Company, a California Nonprofit Mutual Benefit Corporation

AREA, LAND TYPE, AND LOCATION:
Sovereign land in Lake Tahoe, adjacent to 2117 Cascade Road, near Emerald Bay, El Dorado County.

AUTHORIZED USE:
Continued use and maintenance of an existing pier as shown on the attached Exhibit A.

LEASE TERM:
10 years, beginning September 24, 2009.

CONSIDERATION:
$1,454 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:
Liability insurance in the amount of no less than $2,000,000.

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 Cascade Property Owners Association. That lease expired on September 23, 2009. On February 27, 2001, the ownership of the upland parcel was deeded to Cascade Mutual Water Company, a California Nonprofit Mutual Benefit Corporation. The Applicant is now applying for a General Lease – Recreational Use.

3. The Applicant does not qualify for rent-free status pursuant to Public Resources Code section 6503.5 because it does not own the littoral property as a natural person, an association, or a nonprofit organization equivalent to that of a homeowners association consisting of natural persons.

4. Staff is recommending that the Commission accept rent in the amount of $6,276 for the period beginning February 27, 2001, the date of the change in ownership, through September 23, 2009, the day before the effective date of the new lease.

5. 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. but such activity will not affect those significant lands. Based upon the 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 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.

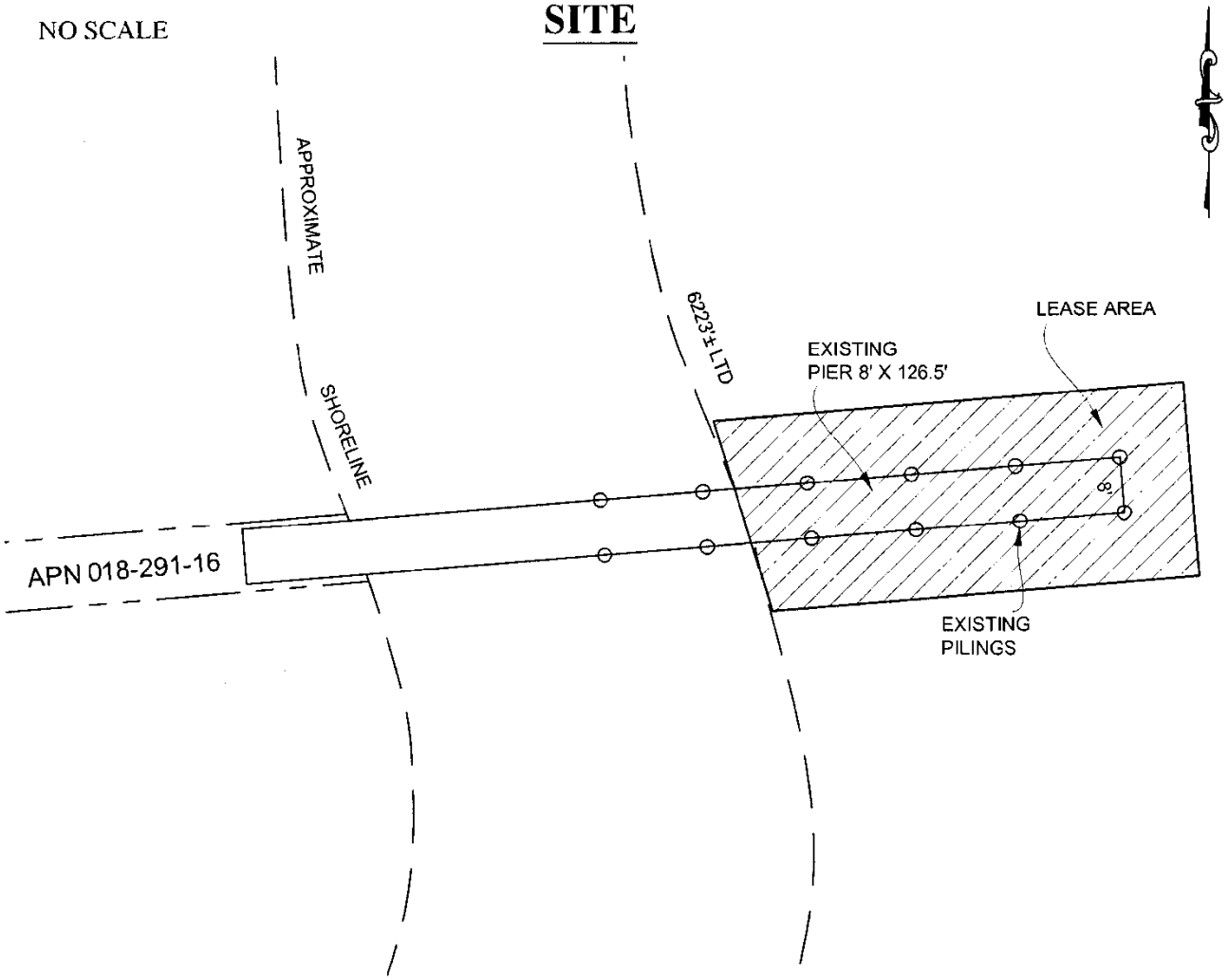
AUTHORIZATION:

1. Authorize acceptance of rent in the amount of $6,276 for the period of February 27, 2001 through September 23, 2009, and waive any penalty or interest that may have accrued.

2. Authorize issuance of a General Lease – Recreational Use to Cascade Mutual Water Company, a California Nonprofit Mutual Benefit Corporation, beginning September 24, 2009, for a term of 10 years, for the continued use and maintenance of an existing pier as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of $1,454, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than $2,000,000.

NO SCALE

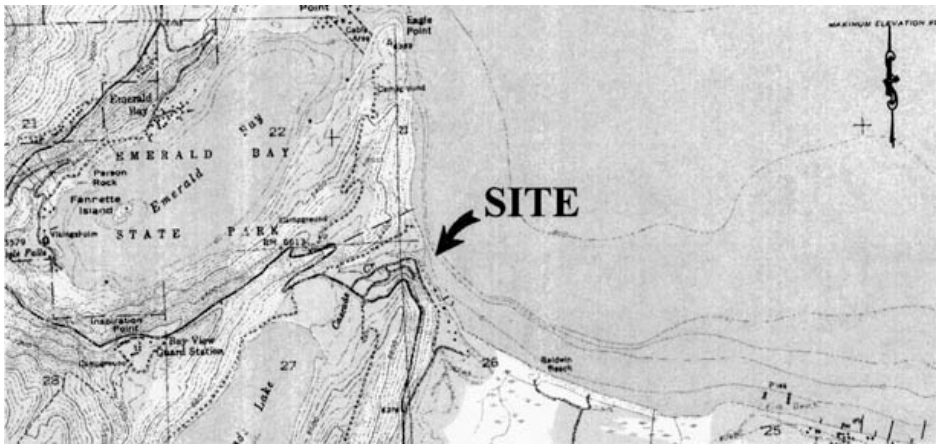
SITE



2117 CASCADE ROAD, NEAR EMERALD BAY

NO SCALE

LOCATION

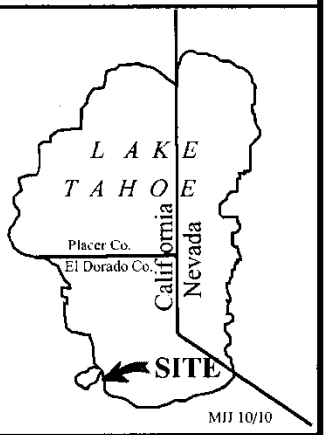


MAP SOURCE: USGS QUAD

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

WP 5899.1
CASCADE MUTUAL WATER CO.
APN 018-291-16
GENERAL LEASE
RECREATIONAL USE
EL DORADO COUNTY



MJJ 10/10