

**CALENDAR ITEM
C11**

A 1
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06/19/14
PRC 6540.1
M.J. Columbus

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEES:

Michael R. Raftery and Georgianne Raftery

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat lift.

LEASE TERM:

10 years, beginning June 22, 2009.

CONSIDERATION:

This lease provides that the Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that the rent be revised from \$1,397 per year to \$415 per year, effective June 22, 2014.

PROPOSED AMENDMENT:

Amend the Lease to delete the existing Site and Location Map in Section 3 and add the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On October 22, 2009, the Commission authorized a General Lease – Recreational Use to Michael R. Raftery and Georgianne Raftery, for a term of 10 years. The Lease will expire on June 21, 2019.
2. At its January 23, 2014, meeting, the Commission adopted amendments to its leasing regulations. As part of these regulations, the Commission also modified its practice of calculating rent for impact areas surrounding

CALENDAR ITEM NO. C11 (CONT'D)

piers. These changes included a reduced impact area and consideration of the seasonal use of an impact area. Staff followed the new practices for the rent review. Based on the above, staff recommends that the rent be reduced.

3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 6540.1 from \$1,397 per year to \$415 per year, effective June 22, 2014.

Authorize the amendment of Lease No. PRC 6540.1, a General Lease – Recreational Use, effective June 22, 2014, to delete the existing Site and Location Map in Section 3 and add the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 6540.1

LAND DESCRIPTION

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk and boat lift adjacent to that parcel described in Exhibit "A" in that Grant Deed recorded April 3, 1997 as Document Number 97-0019216 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 1, 2014 by The California State Lands Commission Boundary Unit.



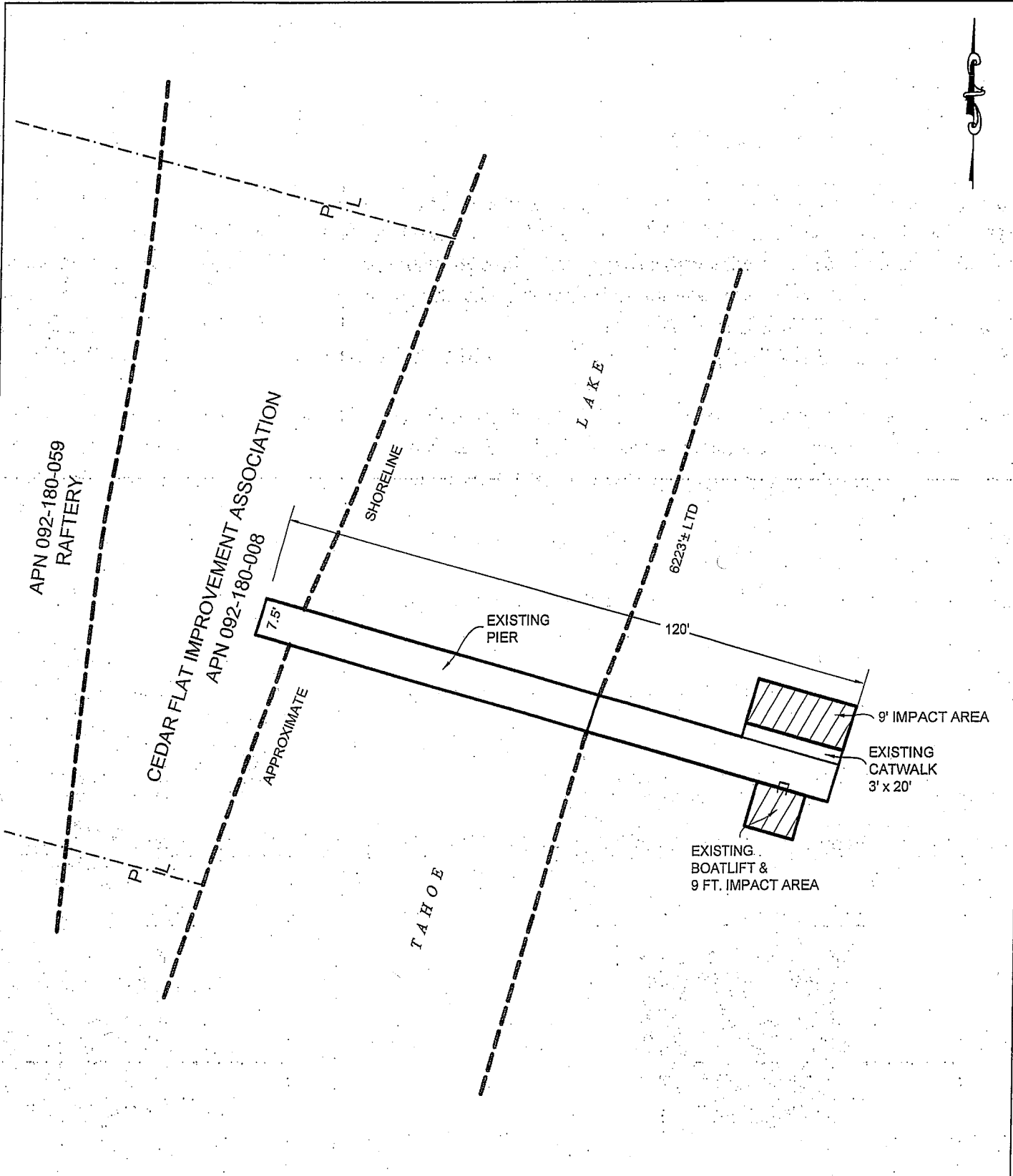


EXHIBIT A

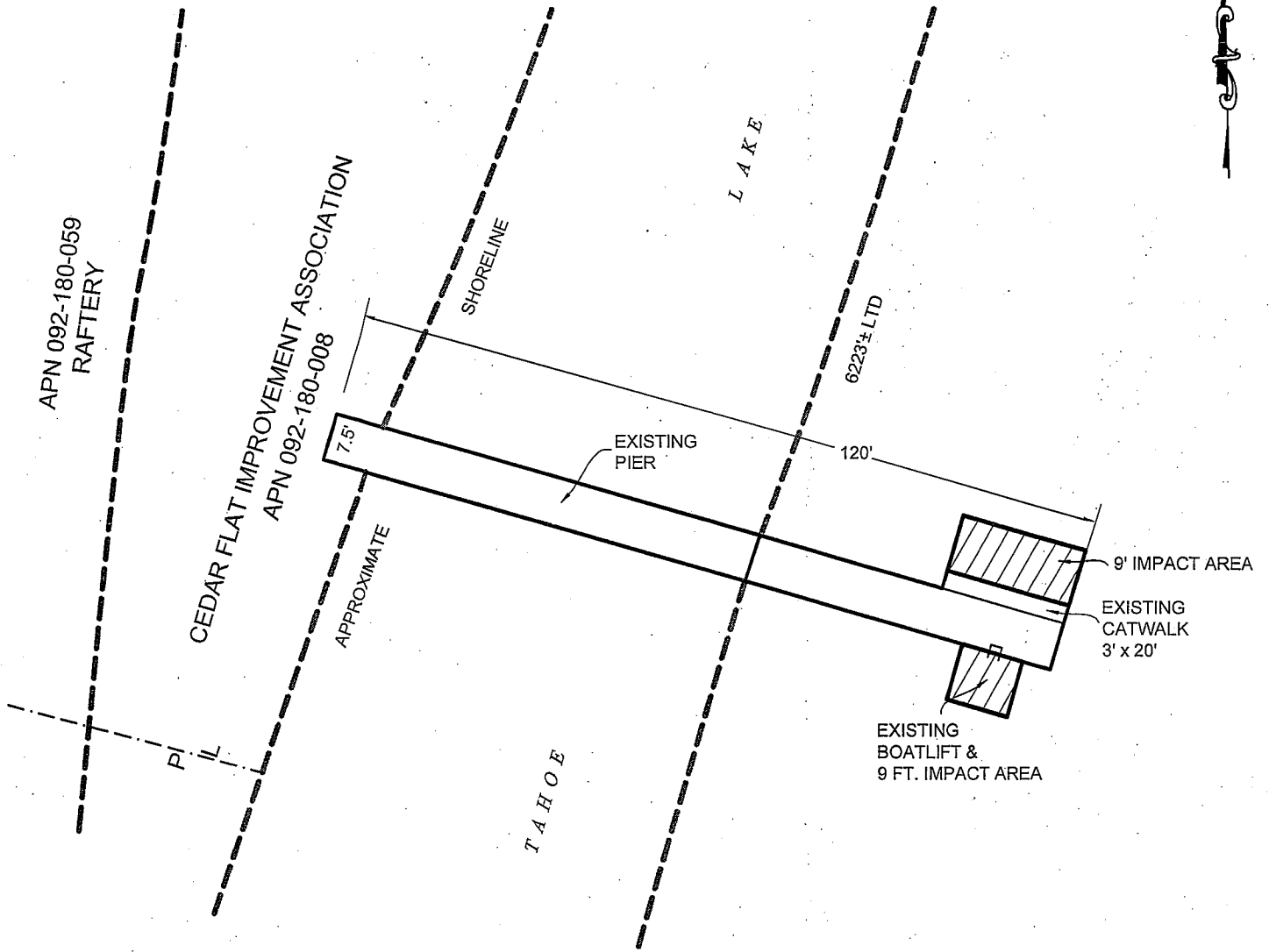
LAND DESCRIPTION PLAT
 PRC 6540.1, RAFTERY
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



4350 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

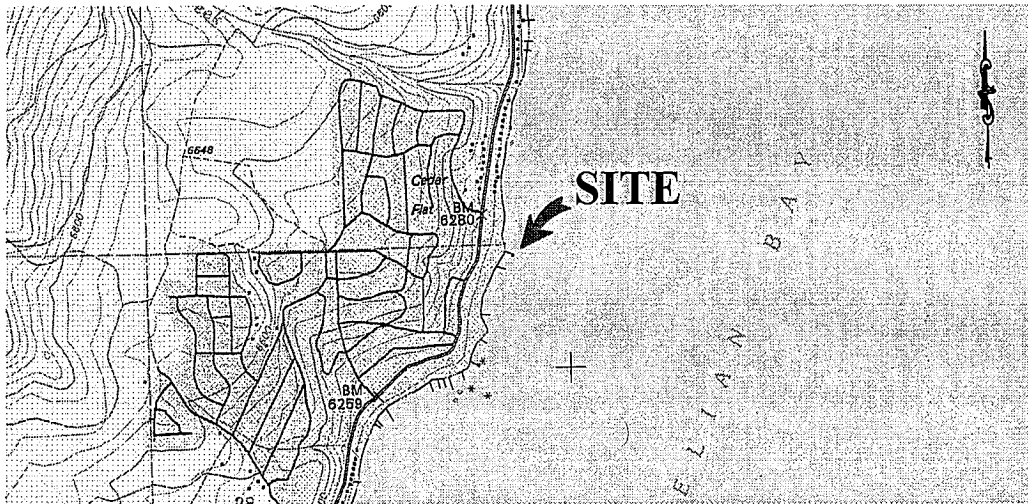
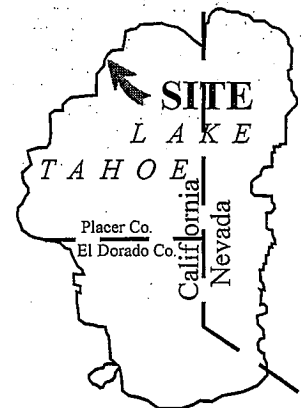


Exhibit B

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