CALENDAR ITEM

C38

A 4 05/24/12

PRC 7277.1

S 1 B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Reid W. Dennis and Margaret E. Dennis, Trustees, or Successor Trustees, under the Reid and Margaret Dennis Living Trust U/A/D July 7, 1989

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 1340 West Lake Boulevard, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two boathouses previously authorized by the Commission and three boat lifts and one boat hoist not previously authorized by the Commission.

LEASE TERM:

10 years, beginning May 24, 2012.

CONSIDERATION:

$4,431 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 $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On February 6, 1989, the Commission authorized a Recreational Pier Permit with Reid W. Dennis. That permit expired on February 5, 1999. On December 27, 1995, the ownership of the upland parcel was transferred to Reid W. Dennis and Margaret E. Dennis, Trustees, or Successor Trustees, under the Reid and Margaret Dennis Living Trust U/A/D July 7, 1989. Applicants are now applying for a new General Lease - Recreational Use.

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:

   A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and

   B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

   Because the application was not submitted to the Commission prior to March 31, 2011, the lease does not meet the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code.

4. The Applicants' three boat lifts and one boat hoist located in the two boathouses have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends bringing the placement of the Applicants' three boat lifts, and one boat hoist under lease.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 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, Title 2, section 2905, subdivision (a)(2).

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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 the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Land Description
B. 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 California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, § 2905 subdivision (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 section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Recreational Use to Reid W. Dennis and Margaret E. Dennis, Trustees, or Successor Trustees, under the Reid and Margaret Dennis Living Trust U/A/D July 7, 1989, beginning May 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier and two boathouses previously authorized by the Commission, and the use and maintenance of three existing boat lifts and one boat hoist not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of $4,431, 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 $1,000,000.

EXHIBIT A

PRC 7277.1

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 18, Township 15 North, Range 17 East, MDM., as shown on Official government Township Plat approved September 25, 1907, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

> All those lands underlying an existing pier, with two covered boathouses, one boat hoist, three boat lifts and two catwalks lying adjacent to Parcel 1 as described in that Corporation Grant Deed recorded June 21, 1960 in Volume 839 Page 376 in Official Records of said County.

TOGETHER WITH a ten (10) foot use area.

EXCEPTING THEREFROM any portion 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 December 29, 2011 by the California State Lands Commission Boundary Unit.

W

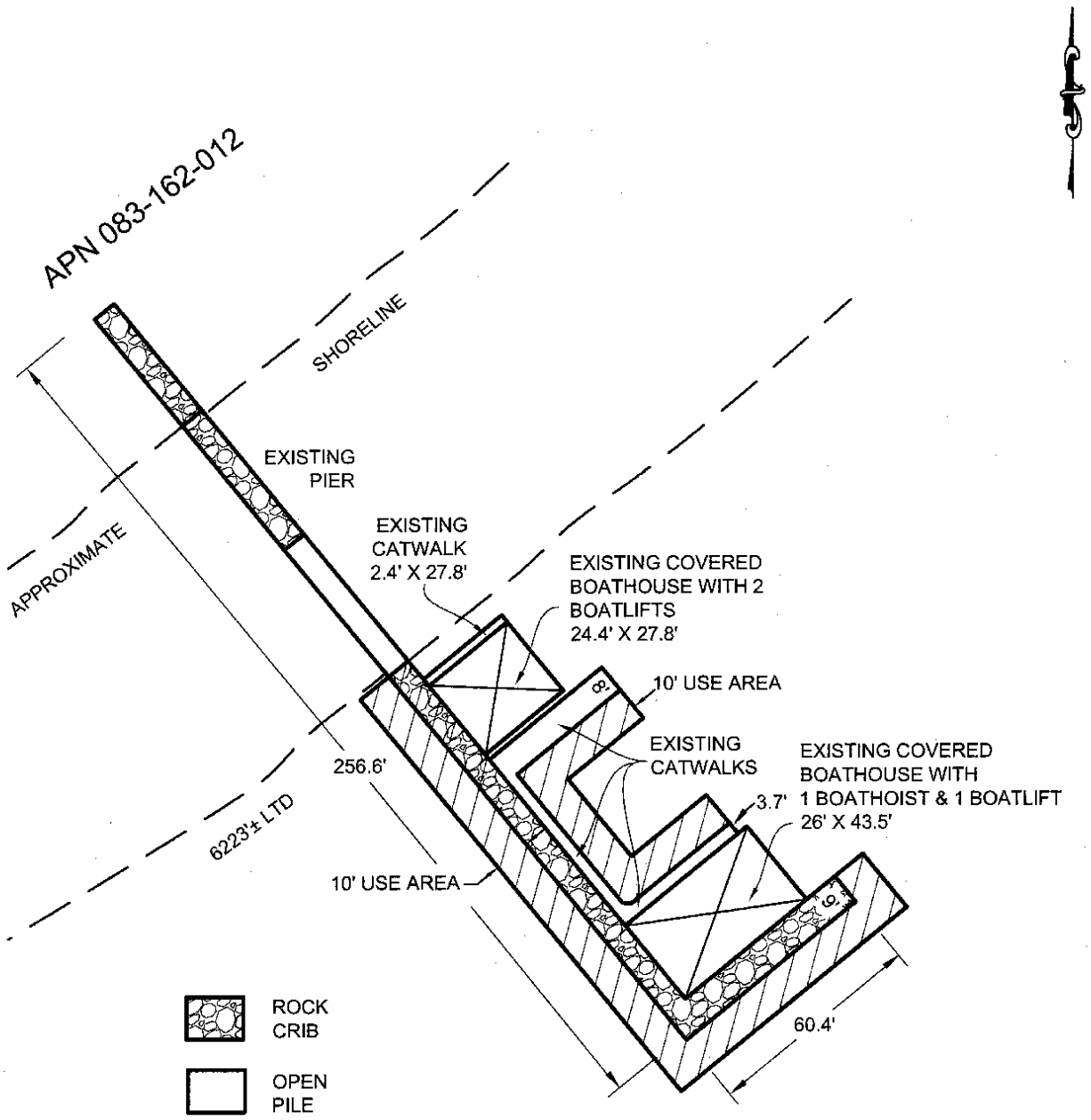

EXHIBIT A

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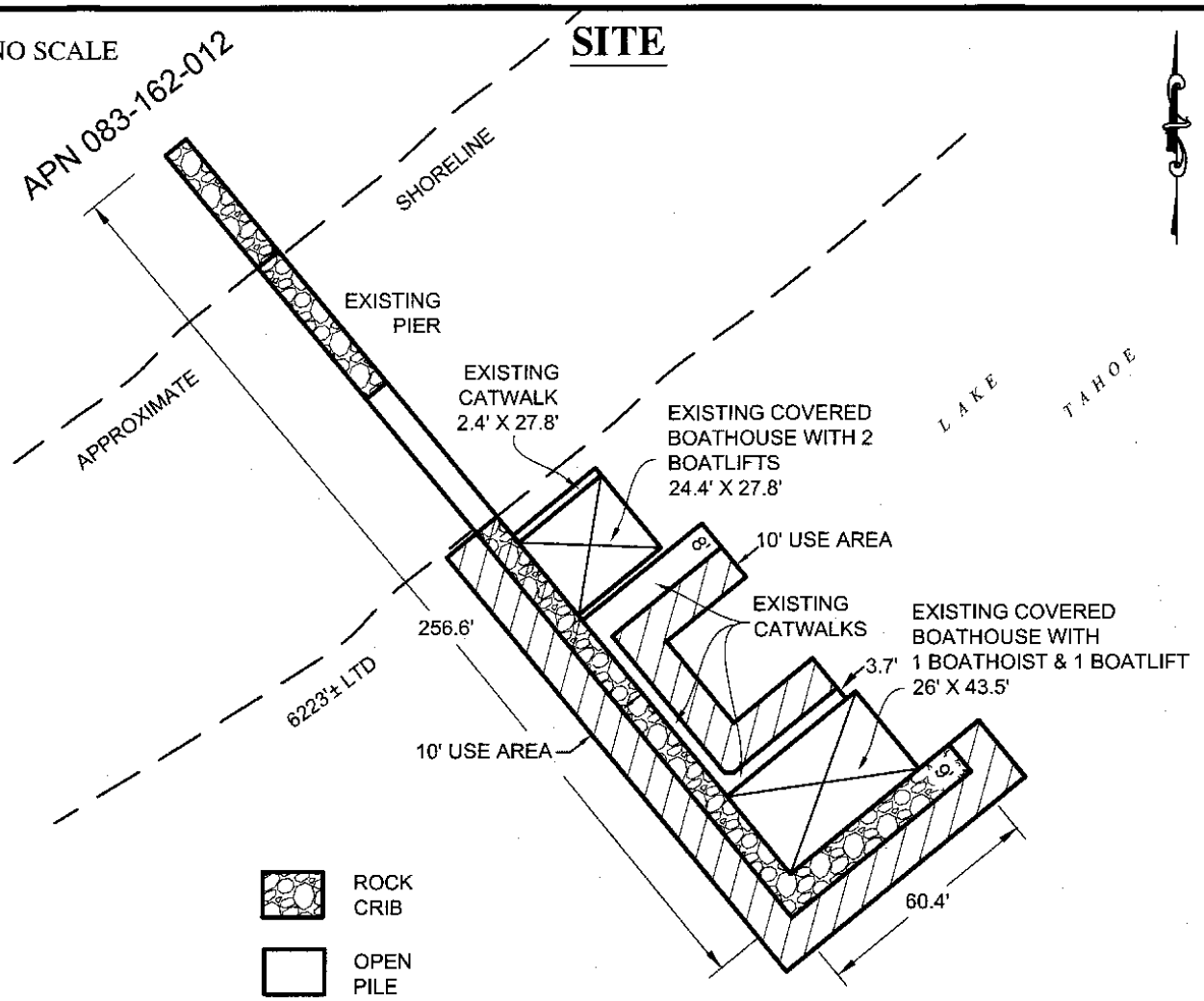
MJJ 12/27/11

LAND DESCRIPTION PLAT PRC 7277.1, DENNIS PLACER COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

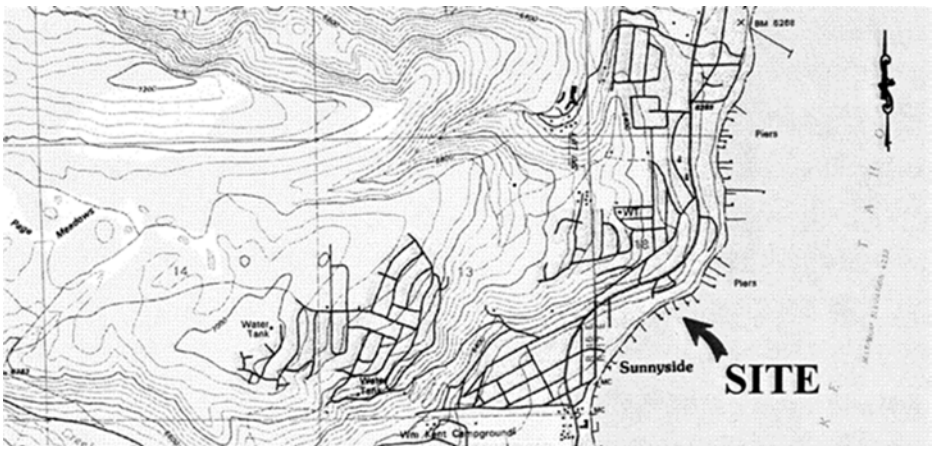
SITE



1340 WEST LAKE BLVD., TAHOE CITY

NO SCALE

LOCATION

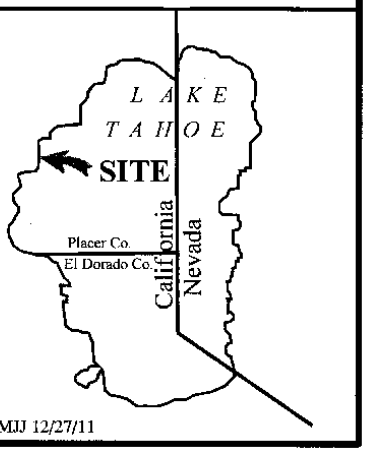


MAP SOURCE: USGS QUAD

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 B

PRC 7277.1
DENNIS
APN 083-162-012
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY



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