

**CALENDAR ITEM
C40**

A 1
S 1

09/20/13
PRC 4379.1
S. Paschall

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Sisters of Saint Dominic, Congregation of the Most Holy Name.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 2800 Lake Terrace Avenue, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier.

LEASE TERM:

10 years, beginning September 20, 2013.

CONSIDERATION:

\$1,188 per year, with the State reserving the right to set a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland parcel adjoining the lease premises.
2. On April 20, 2000, the Commission authorized issuance of a Recreational Pier Lease to the Applicant for continued use and maintenance of the pier. That lease expired January 19, 2009. The Applicant is 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 on 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

CALENDAR ITEM NO. **C40** (CONT'D)

the State Lands Commission “shall cage 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.

The Applicant submitted a lease application prior to March 31, 2011. However, the Applicant does not qualify for rent-free status because the Applicant is not a natural person under the previous Section 6503.5 of the Public Resources Code.

- 4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; 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.

- 5. 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

CALENDAR ITEM NO. **C40** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 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 Sisters of Saint Dominic, Congregation of the Most Holy Name, beginning September 20, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier 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 \$1,188, 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 an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4379.1

LAND DESCRIPTION

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 4, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier adjacent to that parcel as described in that Grant Deed recorded May 28, 1964 in Volume 1016 Page 377 of Official Records of said County.

TOGETHER WITH a ten foot impact 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 July 9, 2013 by the California State Lands Commission Boundary Unit.



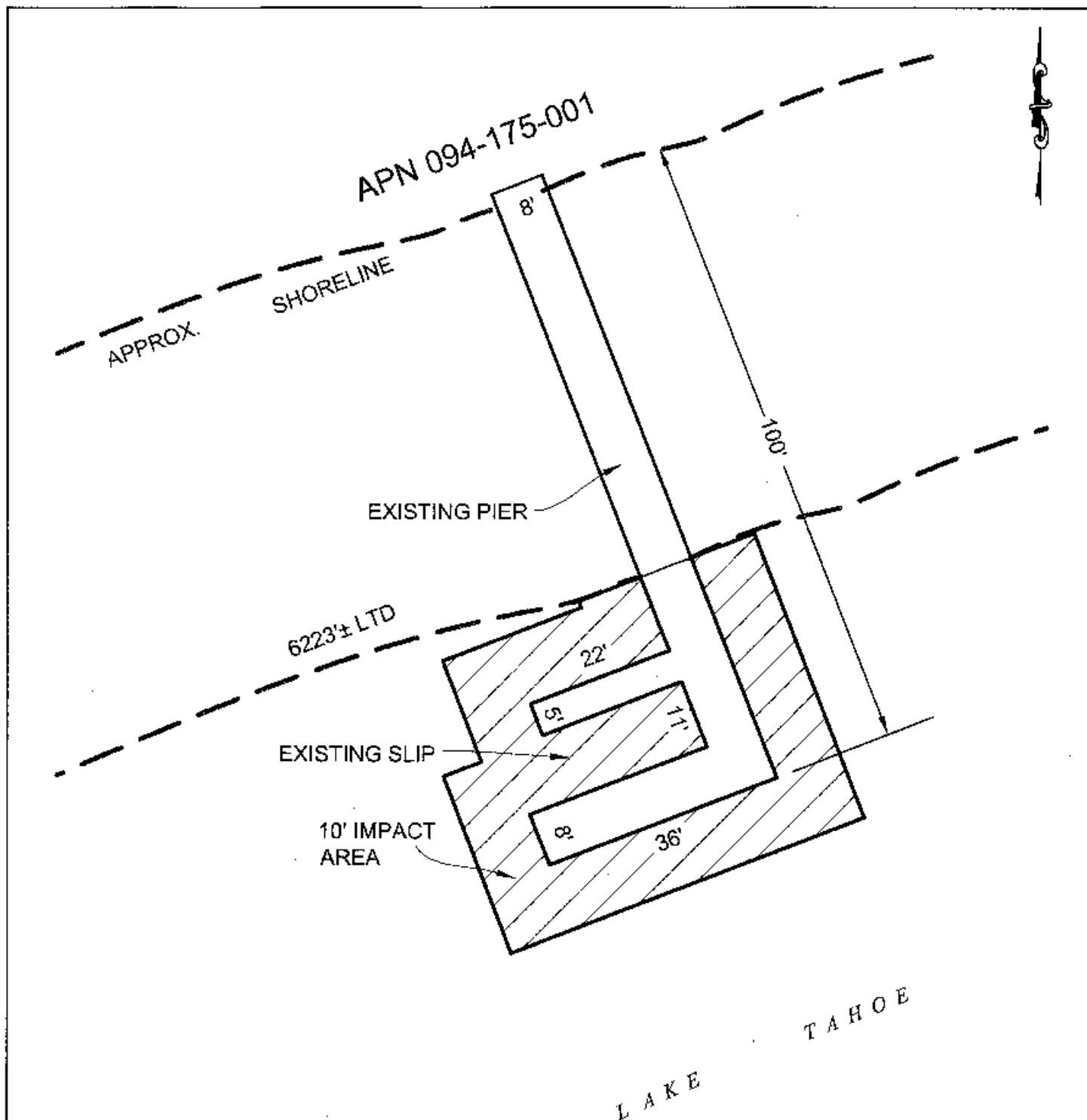


EXHIBIT A

Page 2 of 2

MJJ 07/07/13

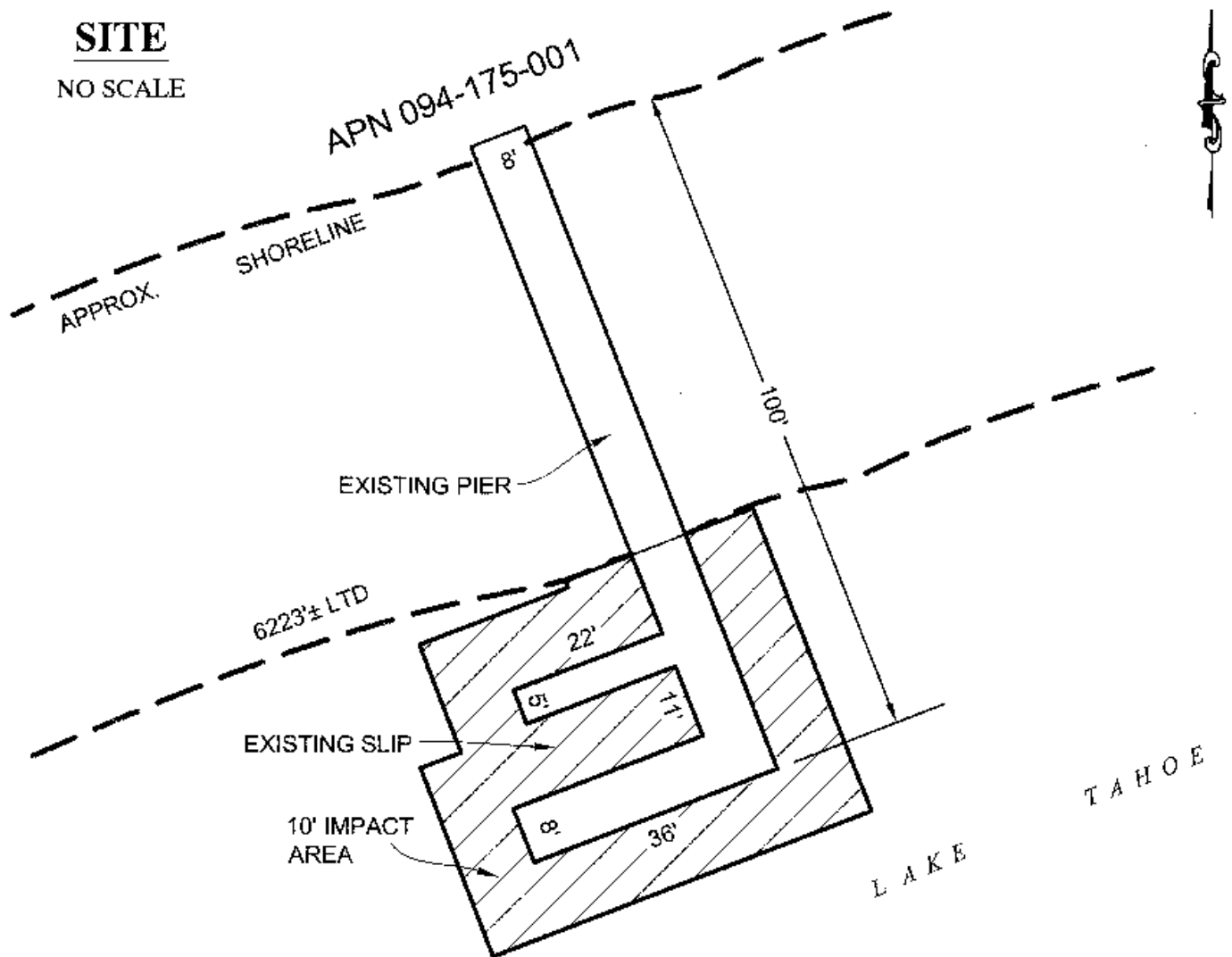
LAND DESCRIPTION PLAT
PRC 4379.1, SISTERS OF SAINT DOMINIC
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



SITE

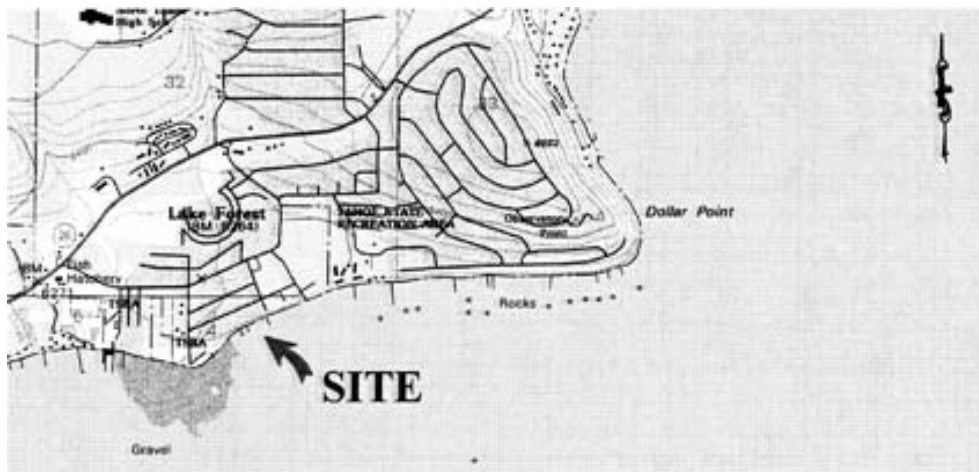
NO SCALE



2800 LAKE TERRACE AVENUE, TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

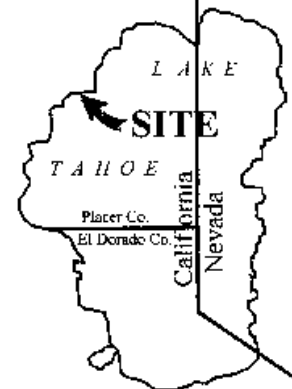
Exhibit B

PRC 4379.1

SISTERS OF SAINT DOMINIC

APN 094-175-001

GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MT 06/09

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.