

**CALENDAR ITEM
C24**

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08/14/12
PRC 4121.1
C. Hudson

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

John S. Gletne and Nydia Gletne, Trustees, U.D.T., dated May 27, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4020 North Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, a portion of a boathouse, a portion of a sundeck, railing and stairs, and two mooring buoys previously authorized by the Commission and use and maintenance of a portion of an existing boat lift not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 14, 2012.

CONSIDERATION:

Pier, Boathouse, Boat Lift, and Two Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Sundeck with Stairs: \$196 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:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

1. The lease contains provisions that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50% of the base value of the sundeck, then the sundeck must be removed from the lease premises.

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2. The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On November 27, 2000, the Commission authorized a Recreational Pier Lease with John S. Gletne and Nydia Gletne, Trustees, U.D.T., dated May 27, 1992. That lease expired on October 31, 2010. Applicants are applying for a new General Lease – Recreational Use for the continued use and maintenance of an existing pier, a portion of a boathouse with a boatlift, a portion of a sundeck with stairs, and two mooring buoys.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law took effect 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 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.

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Because the application and fees were submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently enacted changes to Section 6503.5 of the Public Resources Code for the term of the lease. Therefore, the existing pier, a portion of a boathouse with a boat lift, and two mooring buoys are exempt from rent.

4. A portion of an existing sundeck, railing and stairs were previously authorized and do not qualify for rent-free status because they are not constructed for the docking and mooring of boats.
5. The Applicants' boat lift has been in Lake Tahoe for many years but was not previously authorized by the Commission. Staff recommends bringing the placement of a portion of the Applicants' existing boat lift, located on State land, under lease, subject to the Applicants obtaining TRPA permit authorization.
6. 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; 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.

7. 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. **C24** (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 John S. Gletne and Nydia Gletne, Trustees, U.D.T., dated May 27, 1992, beginning August 14, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, a portion of a boathouse, a portion of a sundeck, railing and stairs, and two mooring buoys previously authorized by the Commission, and the use and maintenance of an existing boat lift 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; consideration for the existing pier, boathouse, boat lift, and two mooring buoys: no monetary consideration pursuant to Public Resources Code 6503.5; consideration for a portion of the existing sundeck, railing and stairs: annual rent in the amount of \$196 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 4121.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 28, Township 16 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 & BOATHOUSE)

All those lands underlying an existing pier, boathouse, sundeck, stairs, boatlift, and two catwalks lying adjacent to those Lots as described in that Individual Grant Deed recorded November 16, 1993 as Document Number 93-085143 of Official Records of said County.

TOGETHER WITH a ten foot use area.

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

PARCELS 2 & 3 (BUOYS)

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to said Lots as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 24, 2012 by the California State Lands Commission Boundary Unit.



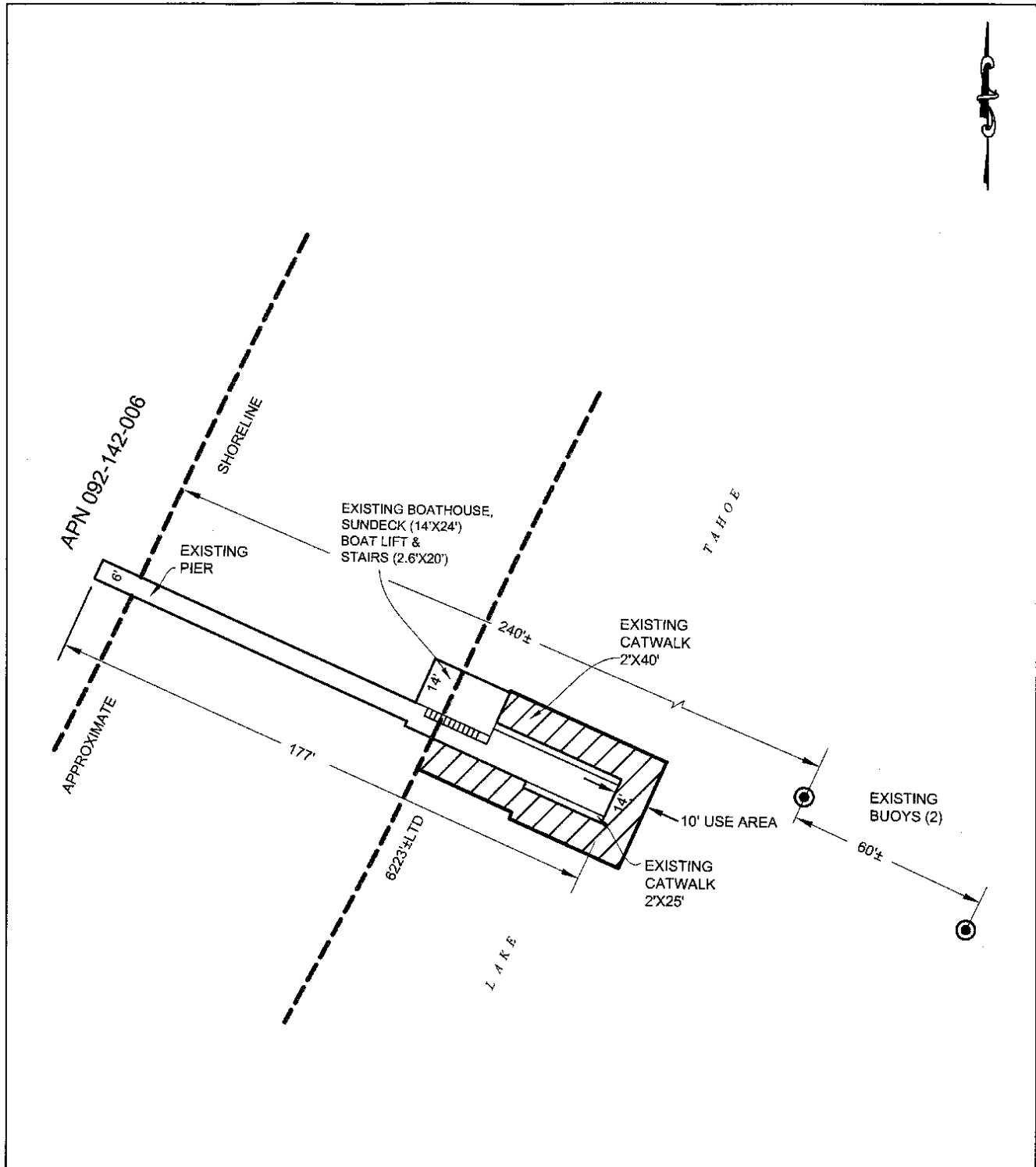


EXHIBIT A

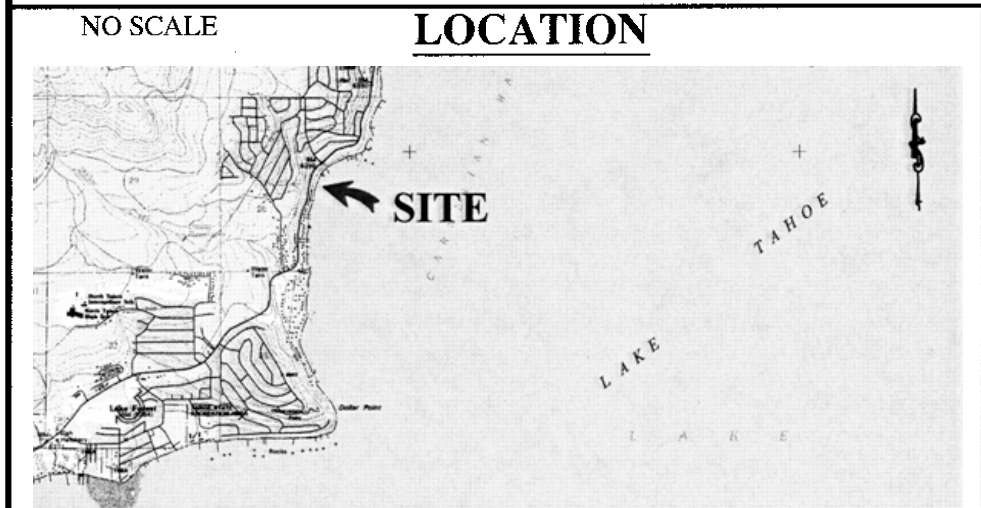
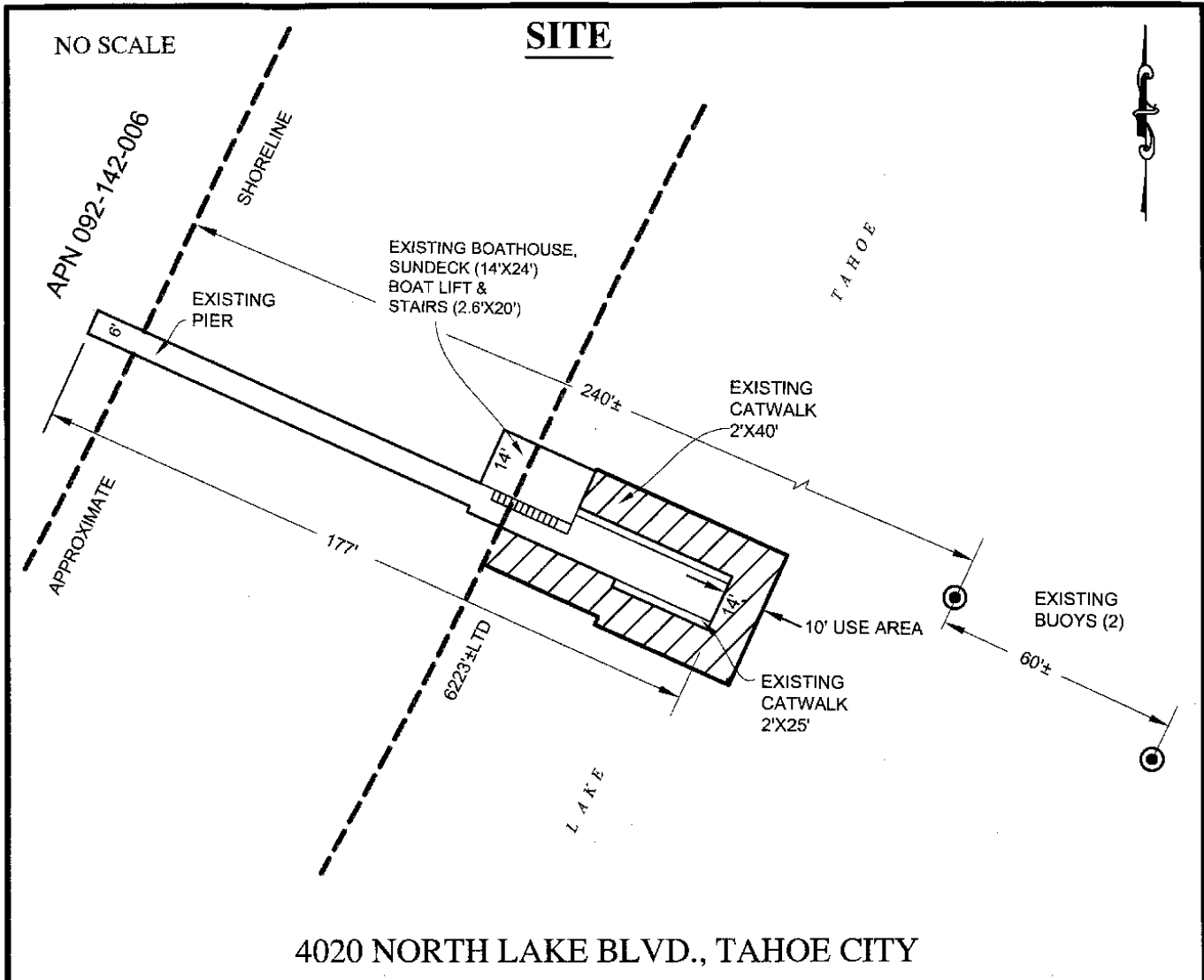
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LAND DESCRIPTION PLAT
 PRC 4121.1, GLETNE
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

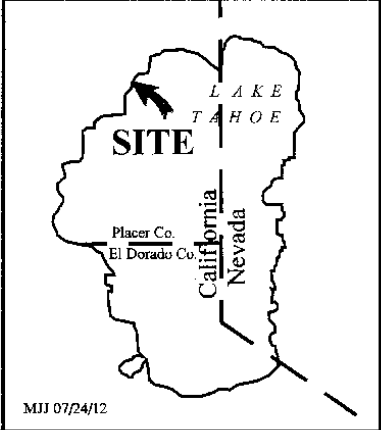




MAP SOURCE: USGS QUAD

Exhibit B

PRC 4121.1
GLETNE
APN 092-142-006
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJ 07/24/12

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.