

**STAFF REPORT
C01**

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08/23/18
PRC 5801.1
S. Avila

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Alan K. Austin and Marianne P. Austin, Trustees of the Austin Family Trust dated August 6, 1997; and Beaming Joy Limited, a BVI Limited Corporation.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 850 and 860 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and four mooring buoys.

LEASE TERM:

10 years, beginning August 23, 2013.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$2,290 per year to \$1,373 per year, effective August 23, 2018.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with 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.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000, and 2003.

STAFF REPORT NO. **C01** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On September 20, 2013, the Commission authorized a General Lease – Recreational Use to Alan K. Austin and Marianne P. Austin, Trustees of the Austin Family Trust dated August 6, 1997; and Beaming Joy Limited, a BVI Limited Corporation, for a term of 10 years, beginning August 23, 2013 ([Item C21, September 20, 2013](#)). That lease will expire on August 22, 2023.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,290 per year to \$1,373 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time, or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amending the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

STAFF REPORT NO. **C01** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 5801.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5801.1, a General Lease – Recreational Use, effective August 23, 2018, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5801.1 from \$2,290 per year to \$1,373 per year, effective August 23, 2018.

EXHIBIT A

PRC 5801.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 18, 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 joint-use pier, catwalk and two boatlifts lying adjacent to that parcel as described in Exhibit “A” of that Grant Deed recorded September 27, 2010 as Document 2010-0076490 and that parcel as described in that Grant Deed recorded November 15, 2000 as Document 2000-0087094 in 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.

PARCEL 2, 3, 4 & 5 – BUOYS

Four (4) circular parcels of land, being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 8, 2018 by the California State Lands Commission Boundary Unit.





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K
E

APN 083-172-009

SHORELINE

432'

APN 083-172-010

APPROXIMATE

EXISTING
PIER

6223± LTD

EXISTING
CATWALK (3' X 29')
& 9' IMPACT AREA

25'

EXISTING BOATSLIP,
2 BOAT LIFTS &
9' IMPACT AREA

35'

4 EXISTING
BUOYS

623±

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E

EXHIBIT A

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MJJ 06/09/18

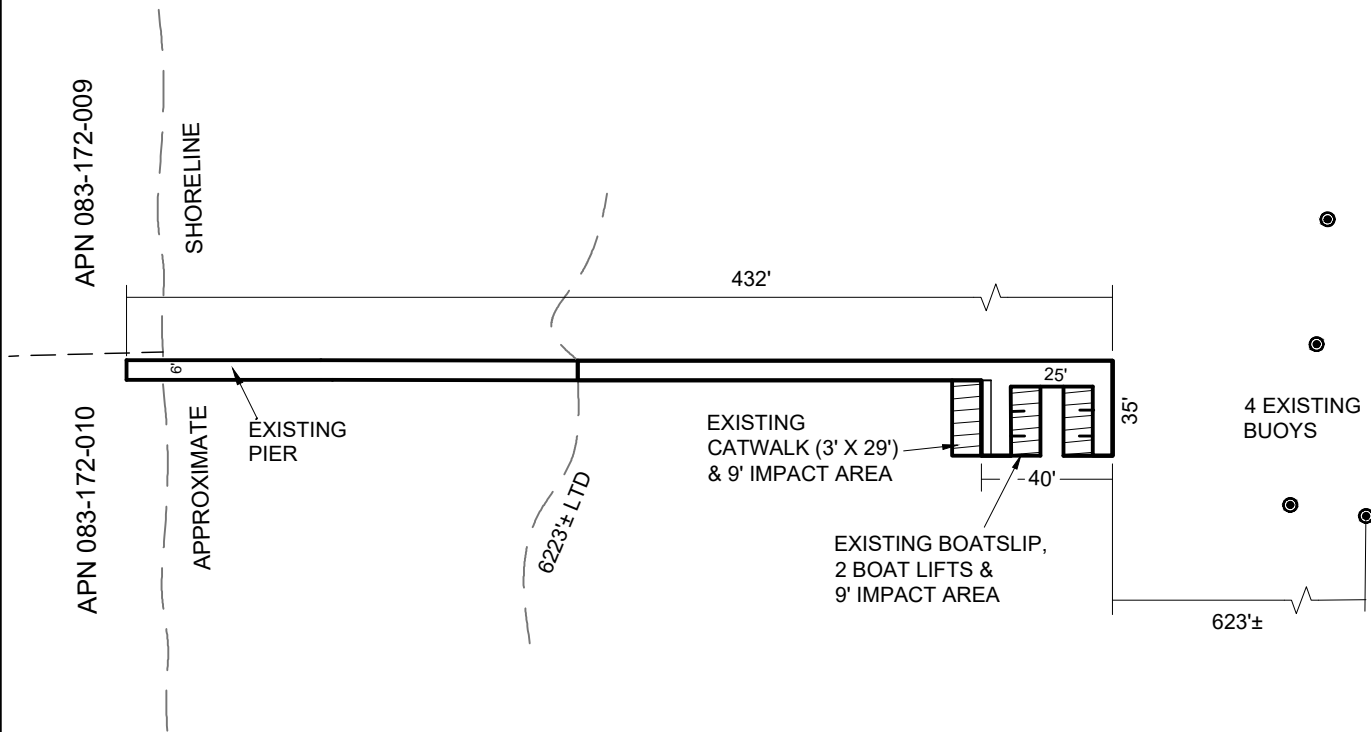
LAND DESCRIPTION PLAT
PRC 5801.1, AUSTIN & BEAMING JOY LTD.
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

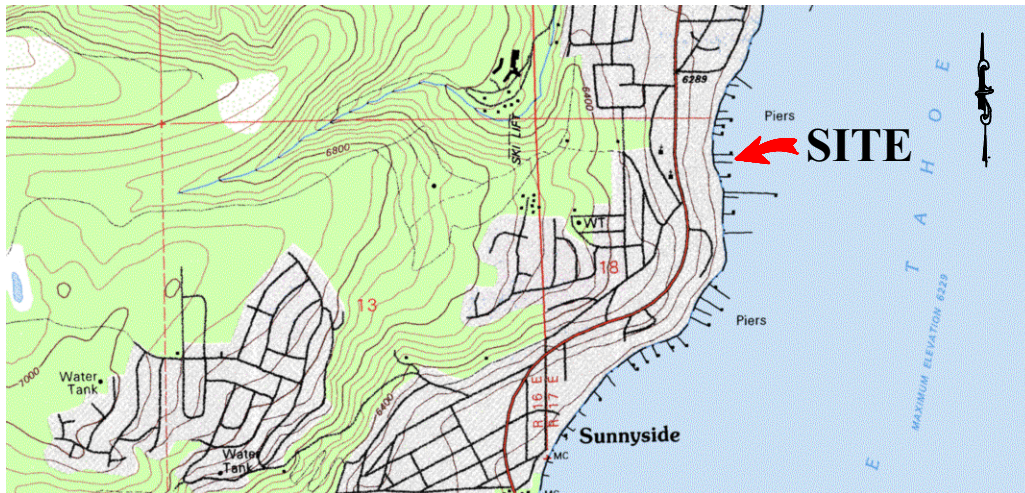
SITE



850 AND 860 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

LOCATION

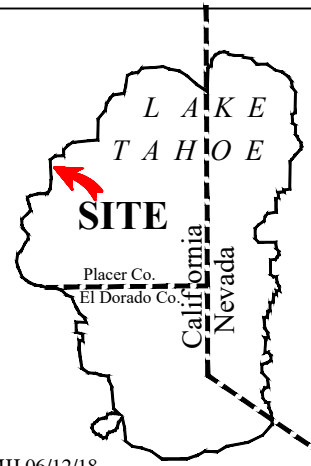


MAP SOURCE: USGS QUAD

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 5801.1
 AUSTIN & BEAMING JOY LTD.
 APN 083-172-009 & 010
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MIJ 06/12/18