

**CALENDAR ITEM
C19**

A 4
S 1

01/26/12
PRC 8559.1
N. Lee

REVISION OF RENT

LESSEE:

Tahoe Marina Owners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 270 North Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 10 mooring buoys, and one marker buoy.

LEASE TERM:

10 years, beginning October 6, 2004.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$318 per year to \$487 per year, effective October 6, 2011.

OTHER PERTINENT INFORMATION:

1. On October 6, 2004, the Commission authorized a General Lease – Recreational Use with Tahoe Marina Owners Association, a California Non-Profit Mutual Benefit Corporation, for the continued use and maintenance of an existing pier, 10 mooring buoys, and one marker buoy. The lease will expire on October 5, 2014.
2. Under the Placer County Land Development Permit (LDP653), approved on September 25, 1970, the littoral owner is required to guarantee the public access to the pier via a public ingress and egress easement.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This law repeals section 6503.5 of the Public

CALENDAR ITEM NO. **C19** (CONT'D)

Resources Code, which allowed rent-free use of State-owned land by certain private parties for their recreational piers. The new section 6503.5 provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." This lease is not affected by the provisions of Chapter 585 during the current term of the lease.

4. The Lessee is a condominium homeowners association consisting of 48 member units that share in the use of facilities within the Lease Premises. Three of the 48 member units do not qualify for rent-free status and, therefore, the rent for the pier and 10 mooring buoys was prorated according to the number of member units qualifying for rent-free status. The marker buoy does not qualify as rent-free and is subject to full rent.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

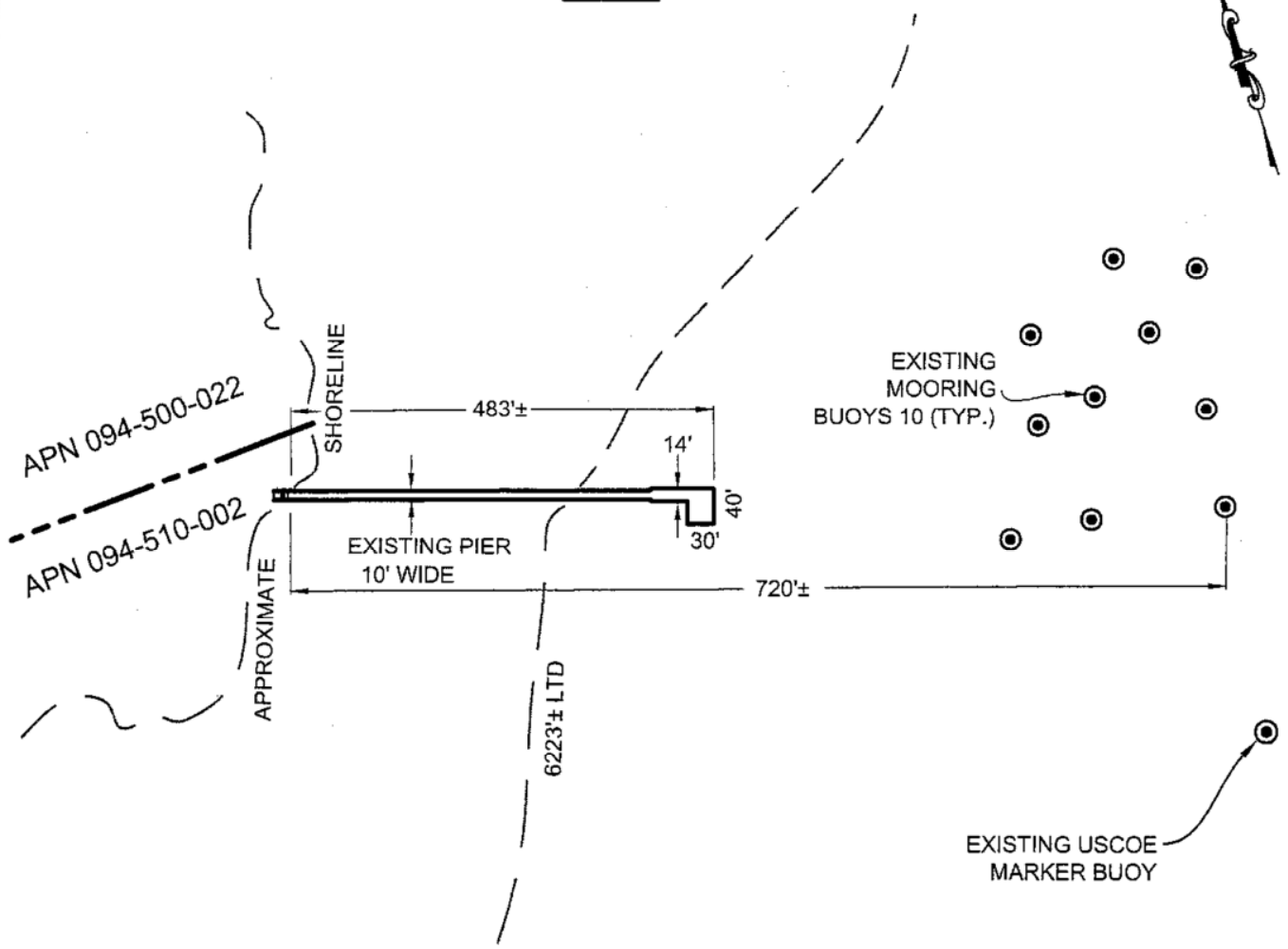
Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8559.1 from \$318 per year to \$487 per year, effective October 6, 2011.

NO SCALE

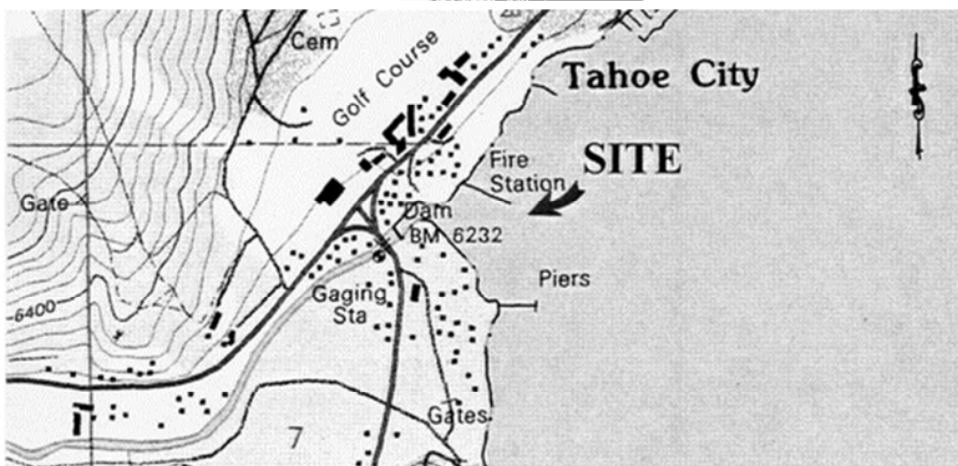
SITE



270 NORTH LAKE BLVD., TAHOE CITY

NO SCALE

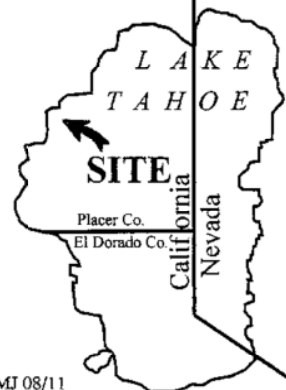
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8559.1
 TAHOE MARINA
 OWNERS ASSOCIATION
 APN 094-510-002 & APN 094-500-022
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY



MJ 08/11

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.