

**CALENDAR ITEM
C25**

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02/22/13
PRC 4330.9
M.J. Columbus

AMENDMENT OF LEASE

LESSEES:

Joseph P. Baratta, II and Abigail W. Baratta

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5486 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, small boat lift, sundeck with stairs, and one mooring buoy.

LEASE TERM:

10 years, beginning August 16, 2010.

CONSIDERATION:

Pier, Boat Lift, Small Boat Lift, and One Mooring Buoy: No monetary consideration pursuant to Public Resources Code section 6503.5.

Sundeck with Stairs: \$359 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the Lease to:

1. Authorize removal of the existing sundeck and stairs and replacement with additional pier decking and catwalk within the same footprint;
2. Revise the annual rent from \$359 per year to no monetary consideration, pursuant to Public Resources Code section 6503.5, effective August 16, 2013;
3. Include additional special lease provisions related to the use of the lease premises, consideration, and removal of sundeck;

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4. Replace Section 3 (Land Description) with the attached Exhibit A;
5. Add the attached Exhibit B (Site and Location Map).

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessees own the upland adjoining the lease premises.
2. On June 23, 2011, the Commission authorized a General Lease – Recreational Use with Joseph P. Baratta, II and Abigail W. Baratta for the continued use and maintenance of a pier, boat lift, small boat lift, sundeck with stairs, and one mooring buoy. The lease will expire on August 15, 2020. The Lessees are now applying to amend the lease to remove the sundeck and stairs from the pier. Lessees have obtained a Qualified Exempt permit from the Tahoe Regional Planning Agency, and will apply to the Lahontan Regional Water Quality Control Board. Because there will be no impacts to the bed of the lake, the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife, do not require permits.
3. The sundeck and stairs cover approximately 445.5 square feet. The proposed project will entail the removal of the sundeck and stairs from the north side of the existing pier, and the installation of additional pier decking and an adjustable catwalk within the same footprint. The removal and reconstruction will be performed from the lake.
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 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

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

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

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency

FURTHER APPROVALS:

Lahontan Regional Water Quality Control Board

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 to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction, California Code of Regulations, Title 14, section 15302.

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 the Amendment of Lease No. PRC 4330.9, a General Lease – Recreational Use, effective February 22, 2013, to authorize removal of the existing sundeck and stairs and replacement with additional pier decking and catwalk within the same footprint; revise the annual rent from \$359 per year to no monetary consideration, pursuant to Public Resources Code Section 6503.5, effective August 16, 2013; include additional special lease provisions related to use of the lease premises, consideration, and removal of the sundeck; replace Section 3 (Land Description) with the attached Exhibit A (Land Description); and add the attached Exhibit B (Site and Location Map); all other terms and conditions of the lease shall remain in effect without amendment.

EXHIBIT A

PRC 4330.9

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 15, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, two (2) boat lifts and one catwalk adjacent to that Parcel as described in Exhibit “A” of that Grant Deed recorded September 1, 2011 as Document Number 11-67946 in 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.

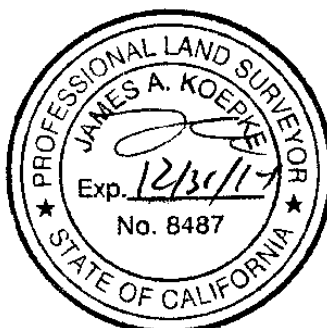
PARCEL 2 – BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said Parcel.

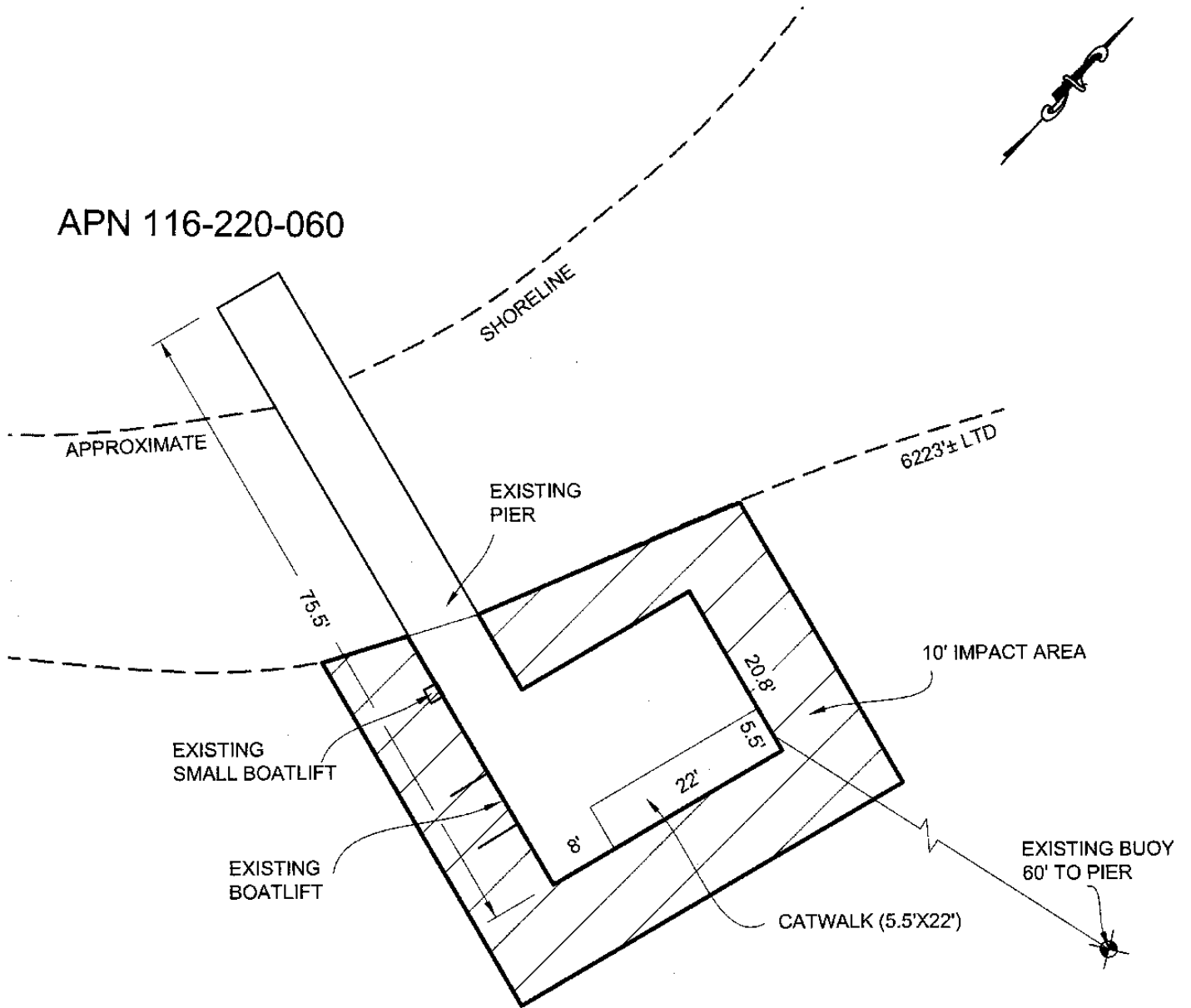
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 31, 2013 by the California State Lands Commission Boundary Unit.



APN 116-220-060



L A K E T A H O E

EXHIBIT A

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MJJ 12/19/12

LAND DESCRIPTION PLAT
PRC 4330.9, BARATTA
PLACER COUNTY

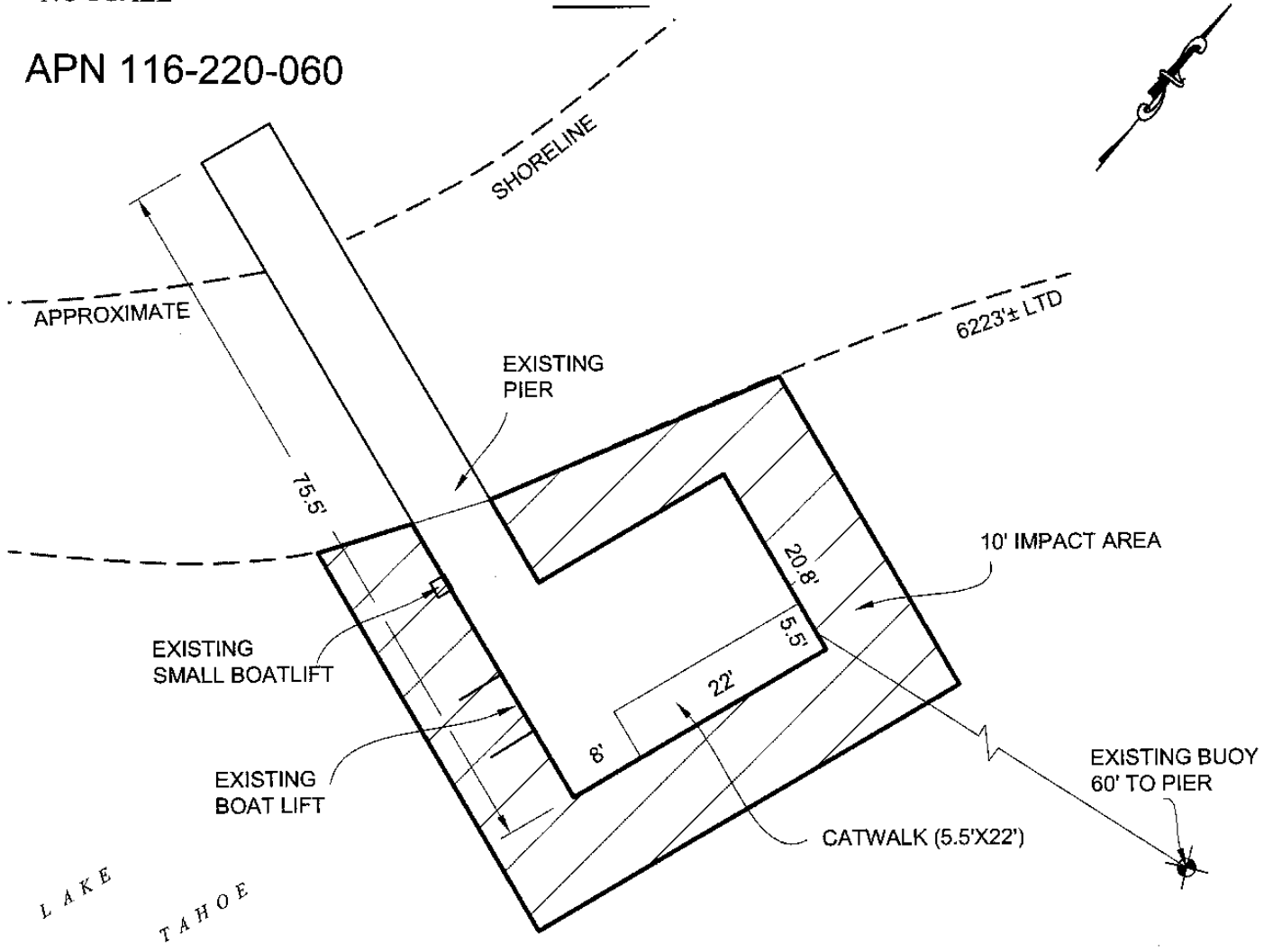
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

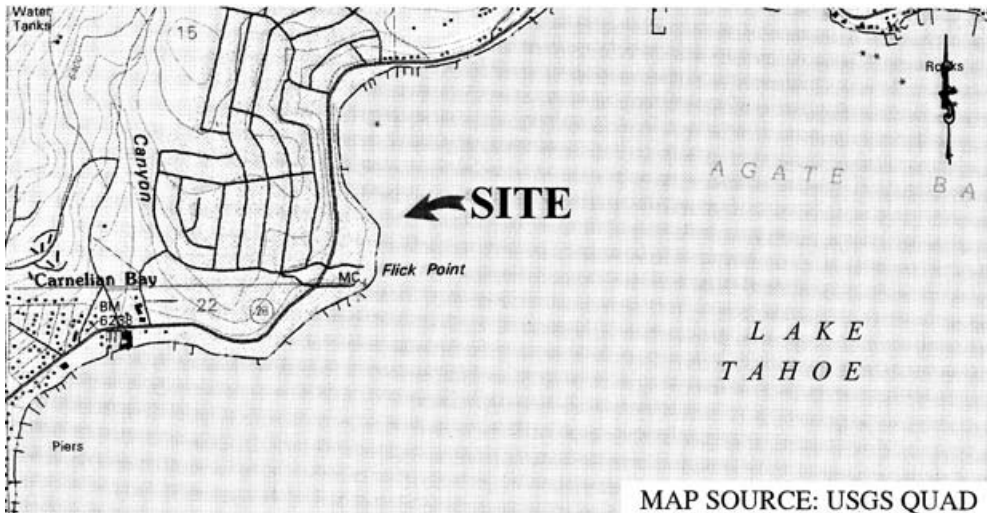
APN 116-220-060



5486 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

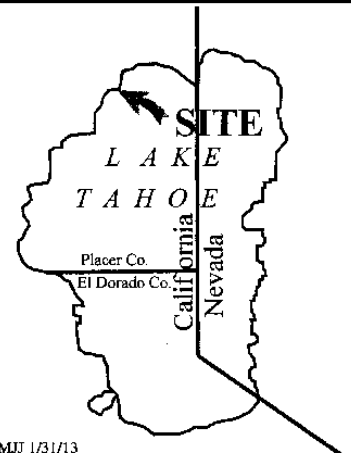
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4330.9
 BARATTA
 APN 116-220-060
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.