

**CALENDAR ITEM
C46**

A 1
S 1

06/19/14
PRC 5296.1
B. Terry

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Northshore Townhouse Association
P.O. Box 6466
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 125 Lassen Drive, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and 16 mooring buoys.

LEASE TERM:

10 years, beginning September 29, 2009.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that rent be revised from \$501 per year to \$546 per year, effective September 29, 2014.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Land Description in Section 3 with the attached Exhibit A, Land Description, and replace the existing Exhibit A, Site and Location Map with the attached Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On August 20, 2010, the Commission authorized a General Lease – Recreational Use to Northshore Townhouse Association. The lease will expire on September 28, 2019.

CALENDAR ITEM NO. **C46** (CONT'D)

2. Staff conducted the rent review called for in the lease. Lessee is a homeowners association comprised of 52 members, whose members share in the use of the facilities within the Lease Premises. Forty-eight (48) of the 52 members hold ownership as natural persons and qualify for rent-free status pursuant to Public Resources Code section 6503.5 as originally enacted for the term of the lease. Therefore, the rent for the pier and mooring buoys was pro-rated according to the number of members who qualify for rent-free status. In addition, at its January 23, 2014 meeting, the Commission adopted amendments to Sections 1900, 2002, and 2003 of the California Code of Regulations pertaining to its leasing regulations, which resulted in a change to the Commission's practice in terms of assessing rent and the impact area surrounding piers. Based on the above, staff recommends that the rent be increased.

3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c)(3), because the activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5296.1, a General Lease – Recreational Use, effective June 19, 2014, to replace the existing Land Description in Section 3 with the attached Exhibit A, Land Description, and

CALENDAR ITEM NO. **C46** (CONT'D)

replace the existing Exhibit A, Site and Location Map with the attached Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

2. Approve the revision of rent for Lease No. PRC 5296.1 from \$501 per year to \$546 per year, effective September 29, 2014.

EXHIBIT A

PRC 5296.1

LAND DESCRIPTION

Seventeen (17) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 32, 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 and catwalk lying adjacent to that parcel as described in Quitclaim Deed recorded May 1, 2000 as Document Number 2000-0029313 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 – BUOY FIELD (16 BUOYS)

Sixteen (16) circular parcels of land, being 50 feet in diameter, underlying Sixteen (16) existing buoys lying adjacent to that said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared February 18, 2014 by
The California State Lands Commission Boundary Unit.





APN 093-060-019

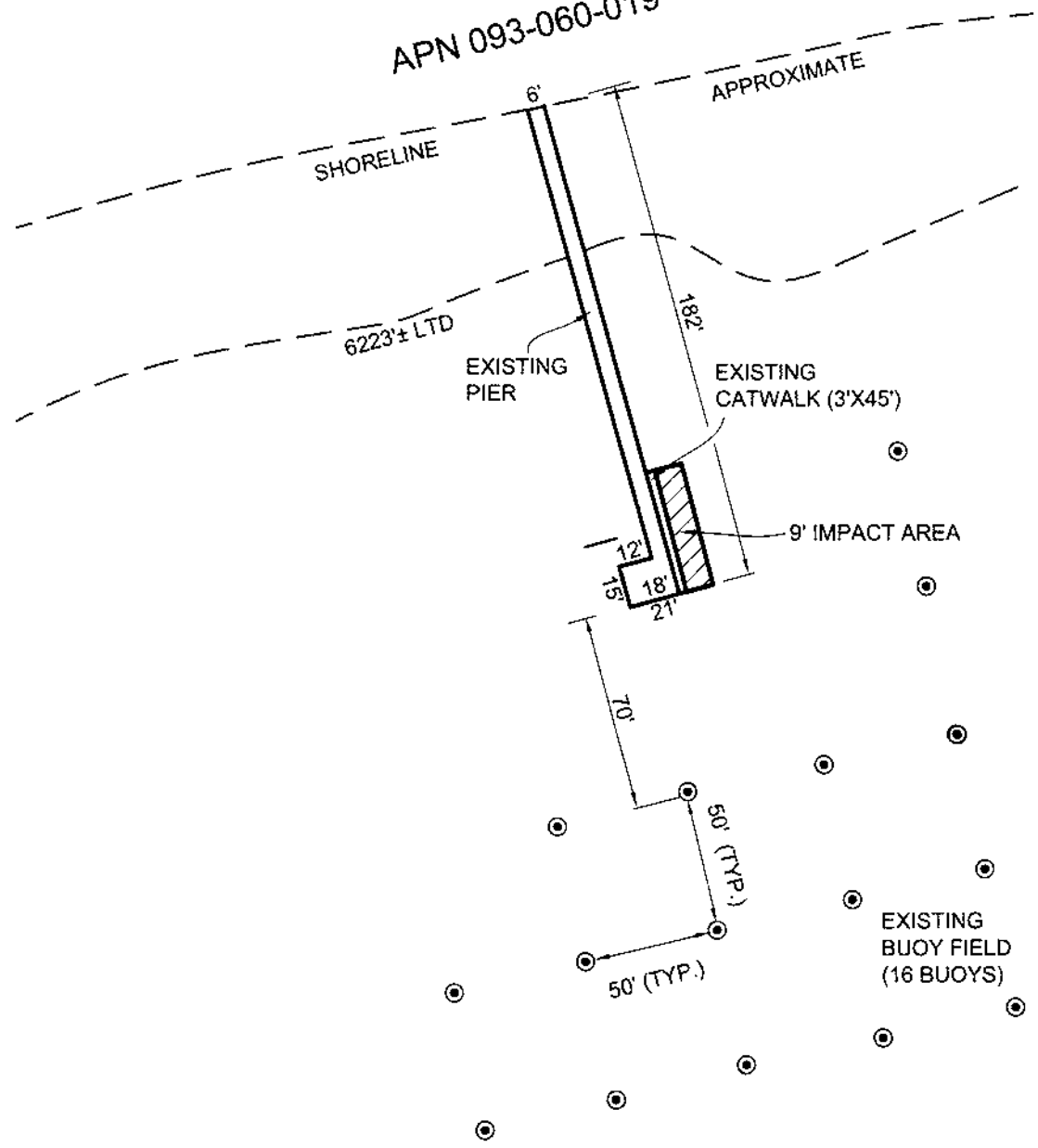


EXHIBIT A

Page 2 of 2

MJJ 02/18/14

LAND DESCRIPTION PLAT
PRC 5296.1
NORTHSHORE TOWNHOUSE ASSOC.
PLACER COUNTY

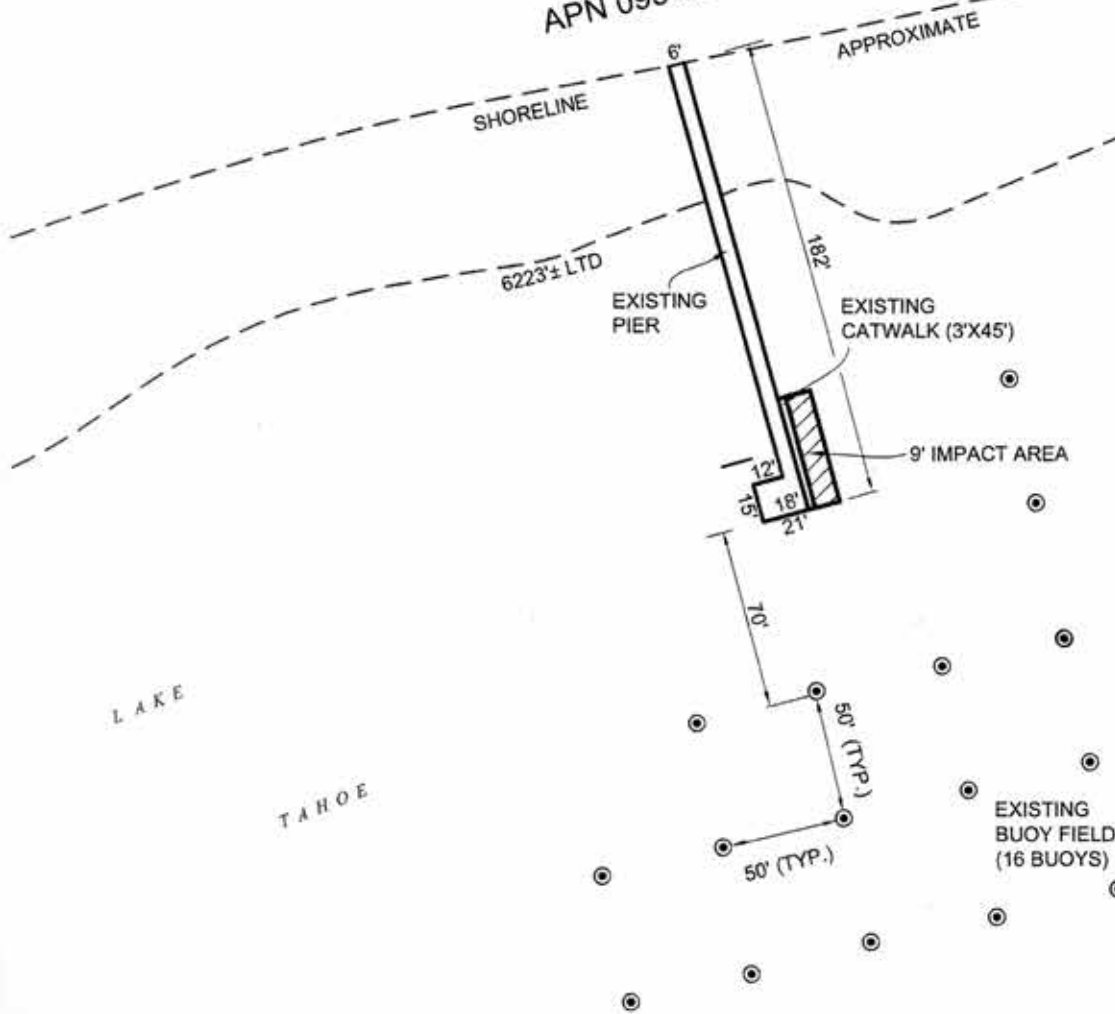
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

APN 093-060-019

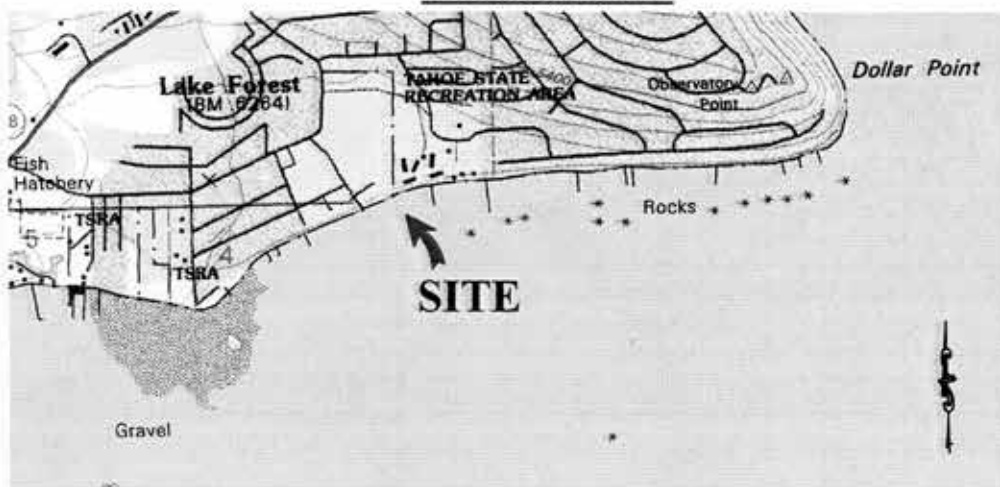
SITE



125 LASSEN DRIVE, NEAR TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5296.1
 NORTHSORE TOWNHOUSE
 ASSOCIATION
 APN 093-060-019
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 02/14/14

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.