

**CALENDAR ITEM  
C17**

A 1  
S 1

02/20/15  
PRC 5648.1  
M. Schroeder

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

Brockway Property LLC

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 9820 Lake Street, near Brockway, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat hoist, and two mooring buoys.

**LEASE TERM:**

10 years, beginning April 6, 2010.

**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 \$2,581 per year to \$1,270 per year, effective April 6, 2015.

**PROPOSED AMENDMENT:**

Amend the Lease to replace the existing Site and Location Map in Section 3 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.

**OTHER PERTINENT INFORMATION:**

1. On June 28, 2010, the Commission authorized a General Lease – Recreational Use to Brockway Property LLC. The Lease will expire on April 5, 2020.
2. Staff recommends the lease amendment and revision in rent to reflect changes to the impact area surrounding the pier.

CALENDAR ITEM NO. C17 (CONT'D)

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 a 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 subject 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 5648.1, a General Lease - Recreational Use, effective April 6, 2015, to replace the existing Site and Location Map in Section 3 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 will remain in effect without amendment.
2. Approve the revision of rent for Lease No. PRC 5648.1 from \$2,851 per year to \$1,270 per year, effective April 6, 2015.

**EXHIBIT A**

**PRC 5648.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 30, Township 16 North, Range 18 East, MDM, as shown on the Official Township Plat, approved January 29<sup>th</sup>, 1875, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, catwalk and boat hoist adjacent to Parcels Two and Four as described in that Grant Deed recorded November 14<sup>th</sup>, 2006 in Document No. 2006-0122574-00 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

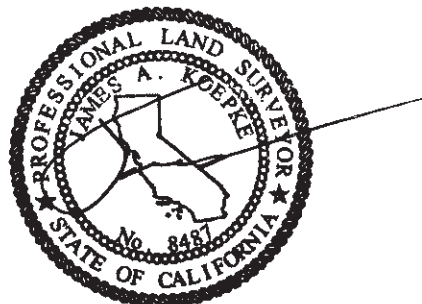
**PARCELS 2 & 3 – MOORING BUOYS**

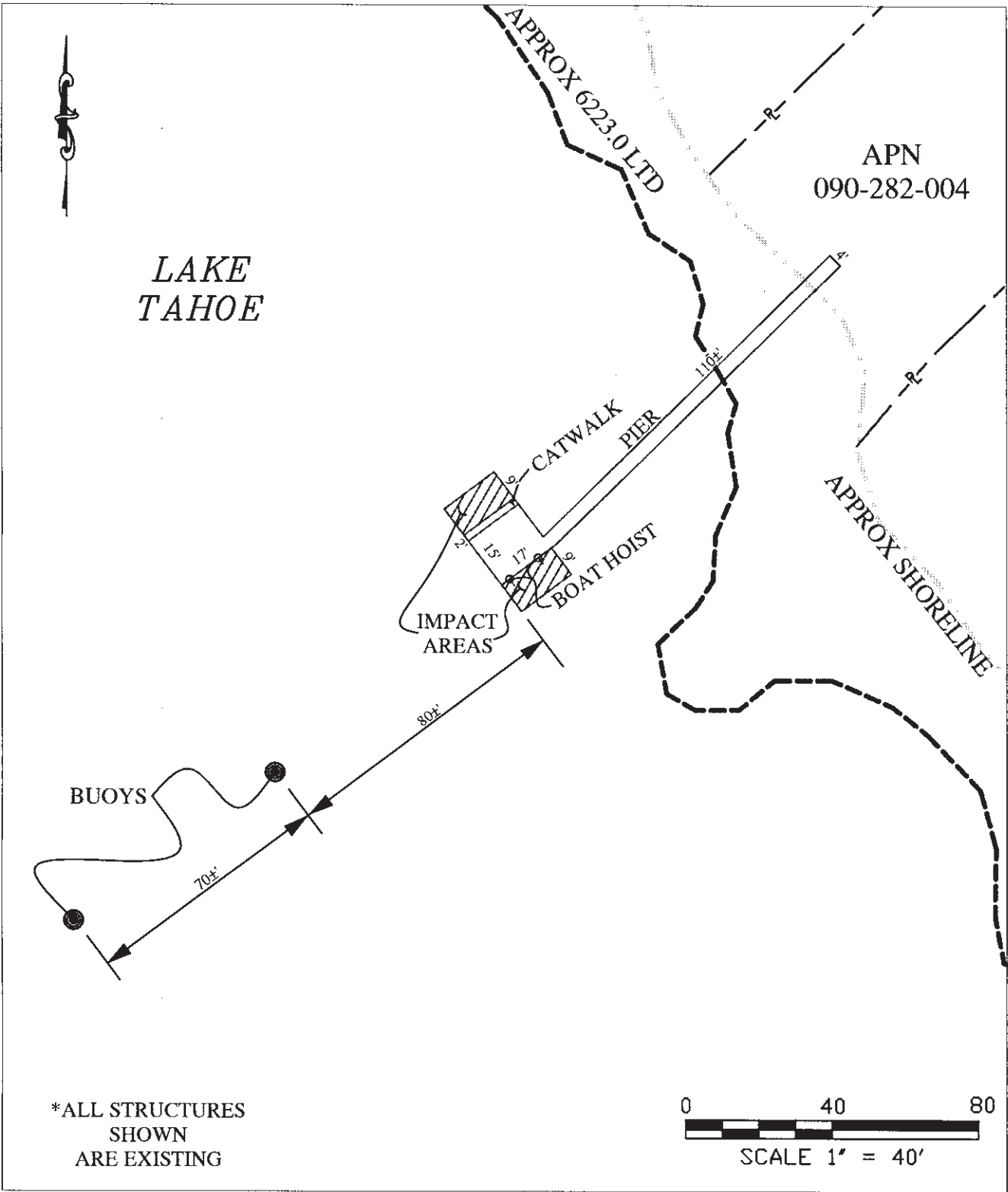
Two (2) circular parcels of land, being 50 feet in diameter, underlying existing buoys, adjacent to said parcels as described in that Grant Deed recorded November 14<sup>th</sup>, 2006 in Document No. 2006-0122574-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

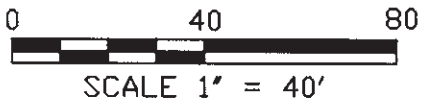
**END OF DESCRIPTION**

PREPARED 8/7/14 BY THE  
CALIFORNIA STATE LANDS COMMISSION  
BOUNDARY UNIT





\*ALL STRUCTURES SHOWN ARE EXISTING



# EXHIBIT A

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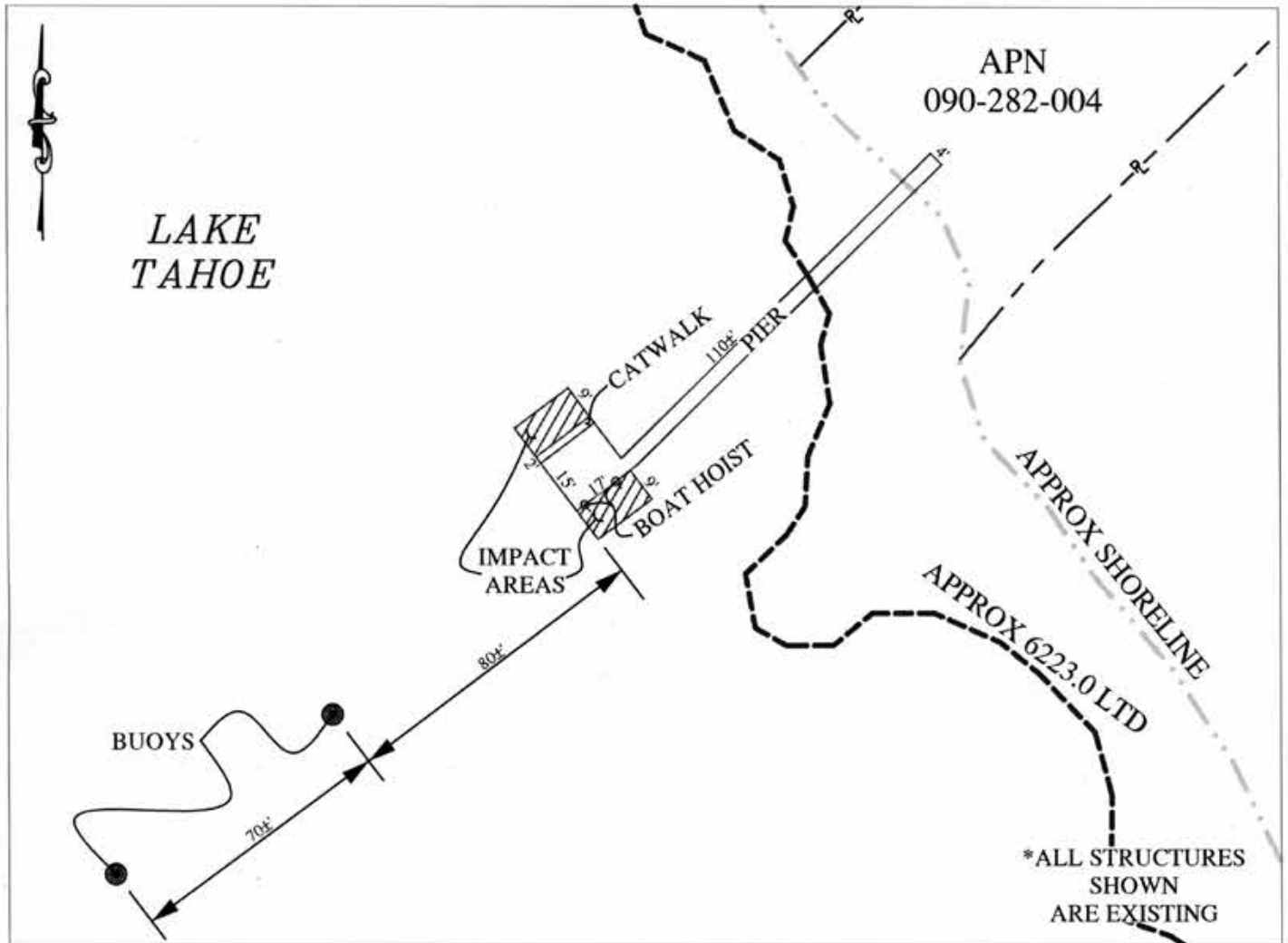
LAND DESCRIPTION PLAT  
 PRC 5648.1, BROCKWAY PROPERTY LLC  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

### SITE



9820 Lake Street, near Brockway

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 5648.1  
 APN 090-282-004  
 BROCKWAY PROPERTY LLC  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJF 8/6/14

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.