

**CALENDAR ITEM
C24**

A 1
S 1

02/20/15
PRC 3994.1
B. Terry

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Agate Pier and Swim Club, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5690 North Lake Boulevard, near Agate Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 21 mooring buoys, and one marker buoy.

LEASE TERM:

20 years, beginning July 1, 1998.

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 \$11,720 per year to \$9,869 per year, effective July 1, 2015.

PROPOSED AMENDMENT:

Amend the Lease to delete the existing Site and Location Map in Section 4 and add 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 December 16, 1998, the Commission authorized a 20-year General Lease – Commercial Use with Agate Bay Properties, Inc., for an existing pier, 14 mooring buoys, and a swim float. That lease expires on June 30, 2018. On April 7, 2003, the Commission authorized an Assignment of that Lease to Agate Pier and Swim Club, Inc. The lease calls for a fixed

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annual rent for the pier and marker buoys and a percentage of gross rent, with a minimum annual rent, for the mooring buoys.

2. On October 20, 2003, the Commission authorized an Amendment of Lease No. PRC 3994.1 to relocate 14 existing mooring buoys, add seven additional mooring buoys, remove an existing swim float, and amend the minimum annual rent for the mooring buoys.
3. Staff conducted the rent review called for in the lease. Staff recommends the lease be amended and the rent be reduced to reflect changes to the impact area surrounding the pier.
4. 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 10560 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 3994.1, a General Lease – Commercial Use, effective July 1, 2015, to delete the existing Site and Location Map in Section 4 and add 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.

CALENDAR ITEM NO. **C24** (CONT'D)

2. Approve the revision of rent for Lease No. PRC 3994.1 from \$11,720 per year to \$9,869 per year, effective July 1, 2015.

EXHIBIT A

PRC 3994.1

LAND DESCRIPTION

Twenty-three (23) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 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 and two (2) catwalks lying adjacent to those parcels as described in that Grant Deed recorded July 15, 2003 in Document 2003-0115363 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 2-23 – 21 BUOYS & 1 COAST GUARD MARKER BUOY

Twenty-two circular parcels of land being 50 feet in diameter, underlying twenty-two (22) existing buoys and one US Coast Guard Marker Buoy adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared December 23, 2014 by the California State Lands Commission Boundary Unit.





L A K E
T A H O E

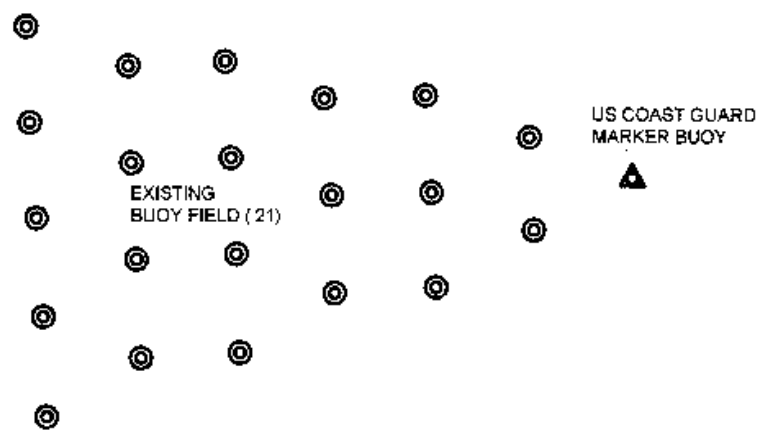
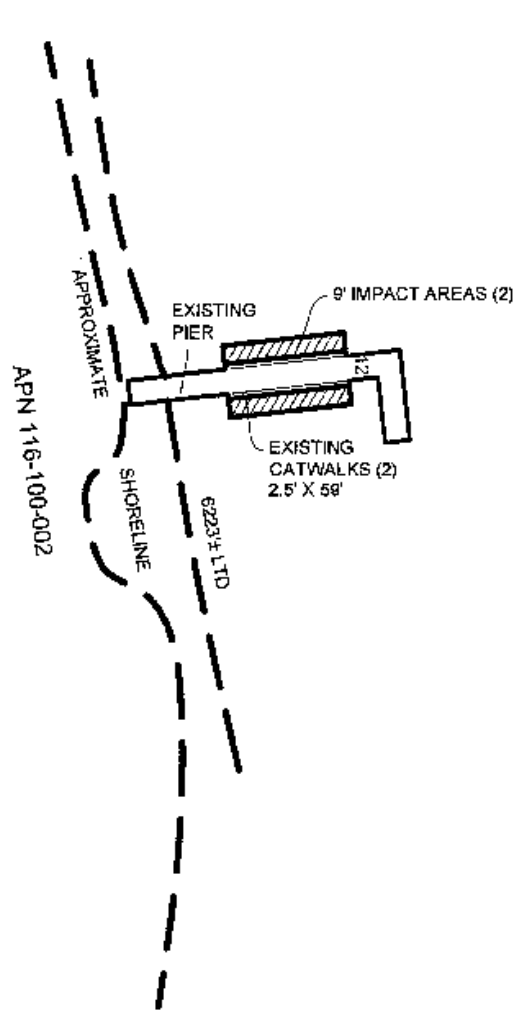


EXHIBIT A

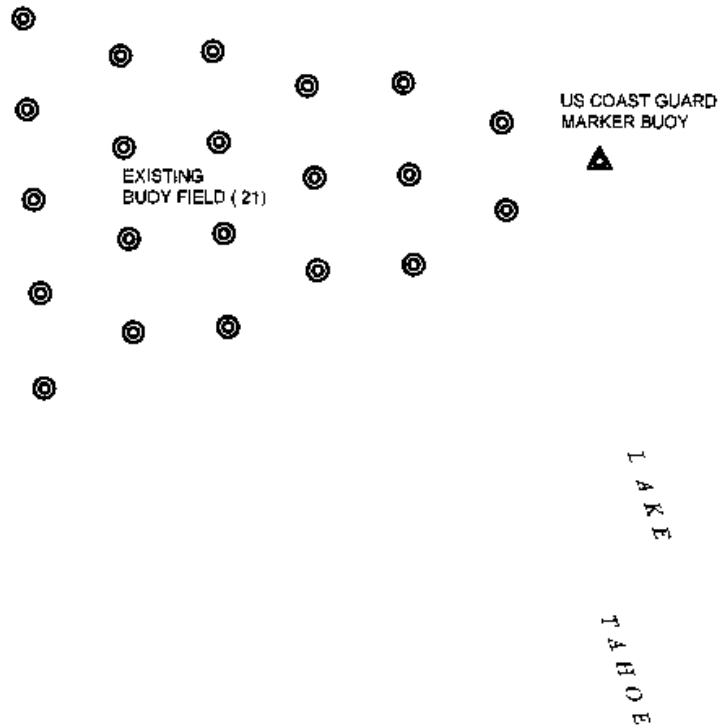
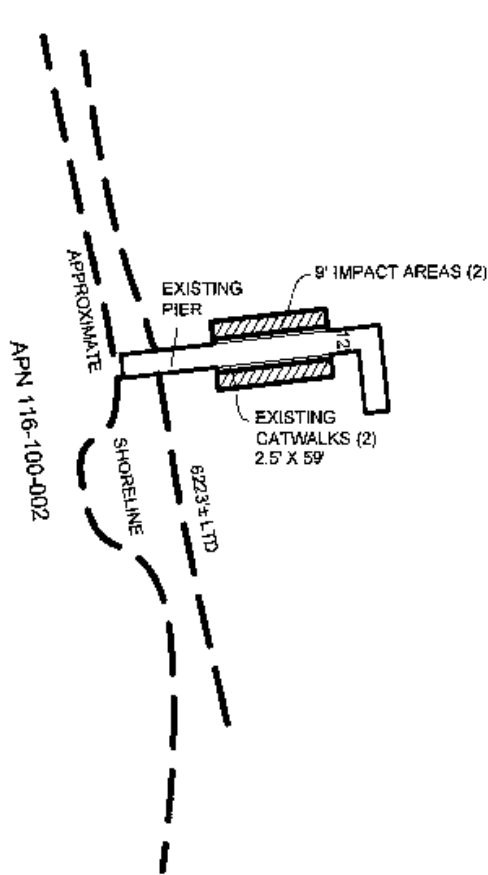
MJJ 12/23/14

LAND DESCRIPTION PLAT
 PRC 3994.1, AGATE PIER & SWIM CLUB
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

NO SCALE

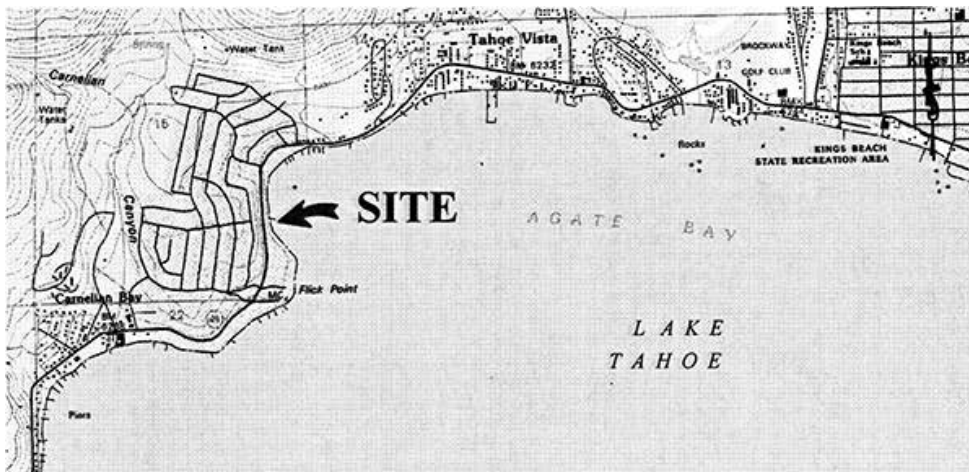
SITE



5690 NORTH LAKE BLVD., NEAR AGATE BAY

NO SCALE

LOCATION

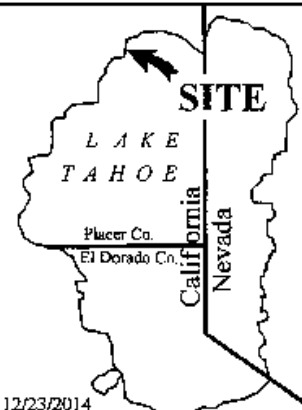


MAP SOURCE: USGS QUAD

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 3994.1
 AGATE PIER & SWIM CLUB
 APN 116-100-002
 GENERAL LEASE -
 COMMERCIAL USE
 PLACER COUNTY



MJJ 12/23/2014