

**STAFF REPORT
C06**

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08/17/17
PRC 3401.1
K. Connor

ASSIGNMENT OF LEASE

ASSIGNOR:

Murray B. Hall, Trustee of the Murray B. Hall Revocable Trust dated September 16, 1997 as amended and restated

ASSIGNEE:

Waverly Oaks, LLC, a California limited liability company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 3920 North Lake Boulevard, near Carnelian Bay, Placer County

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and one mooring buoy.

LEASE TERM:

10 years, beginning May 24, 2012.

CONSIDERATION:

\$1,285 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On May 24, 2012, the Commission authorized a General Lease – Recreational Use to Murray B. Hall, Trustee of the Murray B. Hall Revocable Trust dated September 16, 1997 as amended and restated, for an existing pier, boat lift, and one mooring buoy ([Item 37, May 24, 2012](#)).

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The lease will expire on May 23, 2022. On February 7, 2017, the Commission authorized an amendment of the lease and revision of rent to reduce the impact area surrounding the pier and revise the annual rent ([Item 22, February 7, 2017](#)). On January 18, 2017, ownership of the upland was deeded to Waverly Oaks, LLC, a California limited liability company. Waverly Oaks, LLC, a California limited liability company is now applying for an assignment of the lease. The assignment would be effective as of the date of the transfer, January 18, 2017.

The lease assignment will not result in a change in the use of public resources or the impacts thereto. Commission staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Assignment of the lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

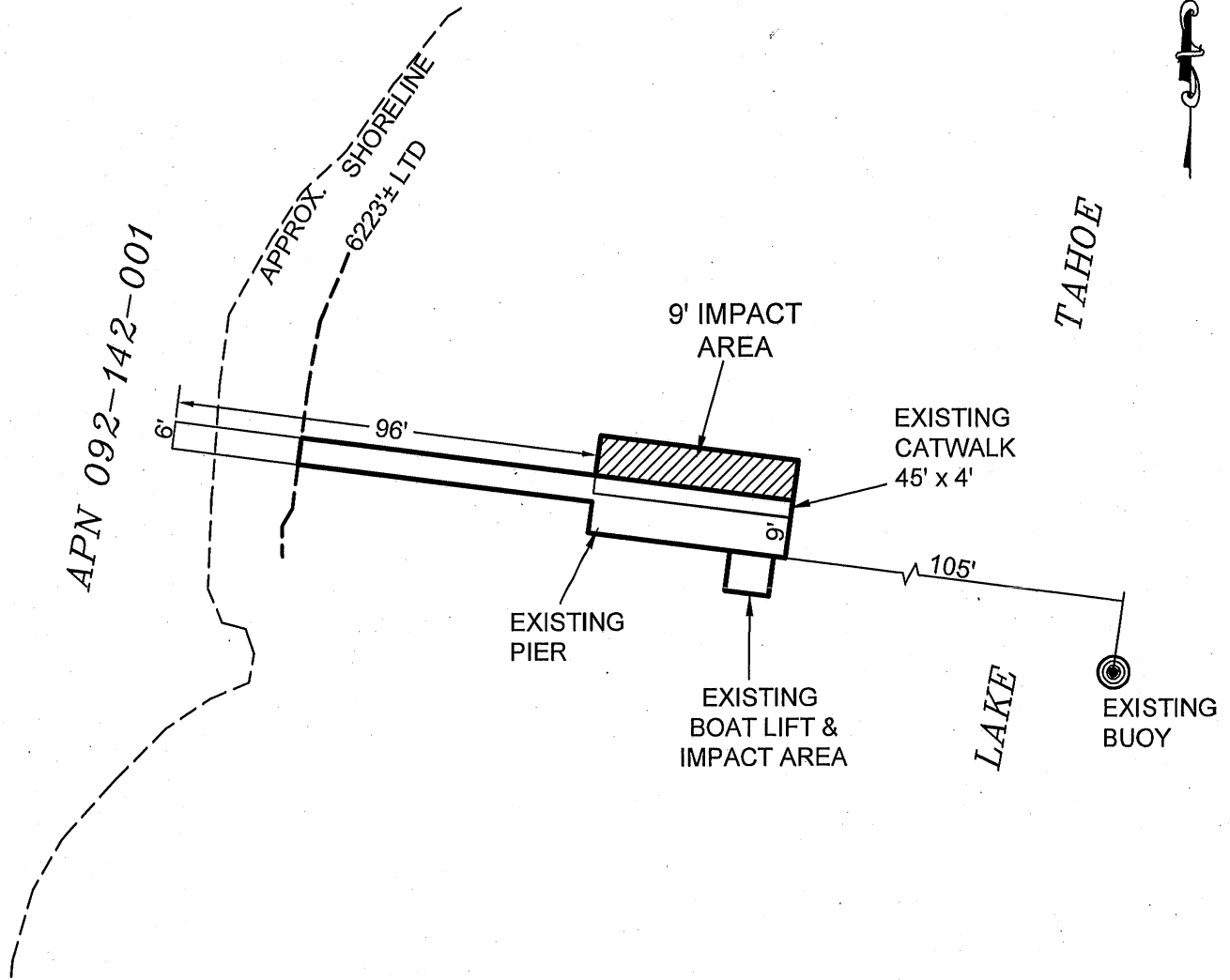
STAFF REPORT NO. **C06** (CONT'D)

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 3401.1, a General Lease – Recreational Use, of sovereign land as shown on Exhibit A, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Murray B. Hall, Trustee of the Murray B. Hall Revocable Trust dated September 16, 1997 as amended and restated, to Waverly Oaks, LLC, a California limited liability company; effective January 18, 2017.

NO SCALE

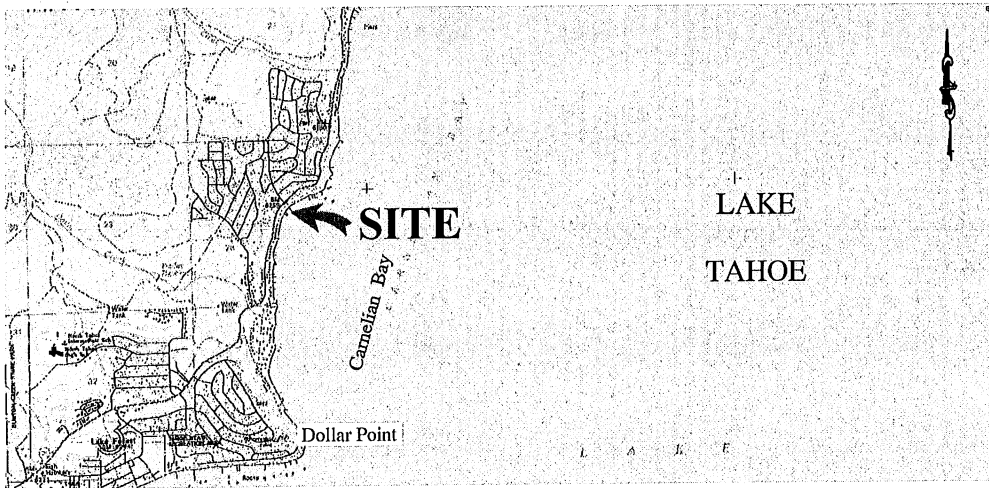
SITE



3920 NORTH LAKE BLVD., CARNELIAN BAY, LAKE TAHOE

NO SCALE

LOCATION

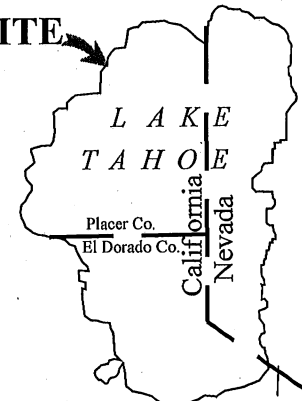


MAP SOURCE: USGS QUAD

Exhibit A

PRC 3401.1
 WAVERLY OAKS, LLC
 APN 092-142-001
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY

SITE



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.