

**STAFF REPORT
C26**

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08/17/17
PRC 4203.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

John Robert Procida, Jr. and Mary Christine Martinson, Trustees of the JPMM Trust dated September 10, 2002

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4156 Ferguson Avenue, near Carnelian Bay, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning September 17, 2012.

CONSIDERATION:

This lease provides that lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$2,093 per year to \$1,488 per year, effective September 17, 2017.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, 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.

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.

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Public Trust and the State's Best Interests Analysis:

On June 21, 2013, the Commission authorized a 10-year General Lease – Recreational Use to John Robert Procida, Jr. and Mary Christine Martinson, Trustees of the JPMM Trust dated September 10, 2002, for an existing pier, boathouse, boat lift, and two mooring buoys ([Item C02, June 21, 2013](#)). That lease will expire on September 16, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,093 per year to \$1,488 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions 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).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 4203.1 will not substantially interfere with the Public Trust needs and values at this

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location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4203.1, a General Lease – Recreational Use, effective September 17, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 4203.1 from \$2,093 per year to \$1,488 per year, effective September 17, 2017.

EXHIBIT A

PRC 4203.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 28, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boat house, landing, catwalk and boat lift lying adjacent to that parcel described in Grant Deed recorded September 17, 2012 as Document Number 2012-0086167 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

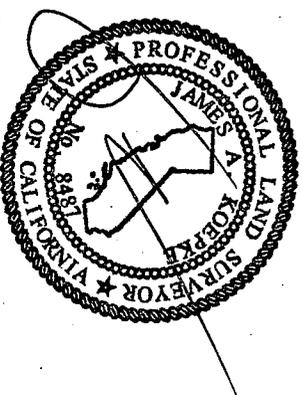
PARCELS 2 & 3 – BUOYS

Two circular parcel of land, each being 50 feet in diameter, underlying an existing buoys lying adjacent to that parcel described in Grant Deed recorded September 17, 2012 as Document Number 2012-0086167 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/06/2017 by the California State Lands Commission Boundary Unit.





APN 092-200-015

APPROX. SHORELINE

EXISTING LANDING 4' X 14'

EXISTING PIER

9' IMPACT AREA

EXISTING CATWALK 2.5' WIDE

EXISTING BOAT HOUSE 16'X30' WITH BOAT LIFT

EXISTING BUOYS (2)

LAKE

TAHOE

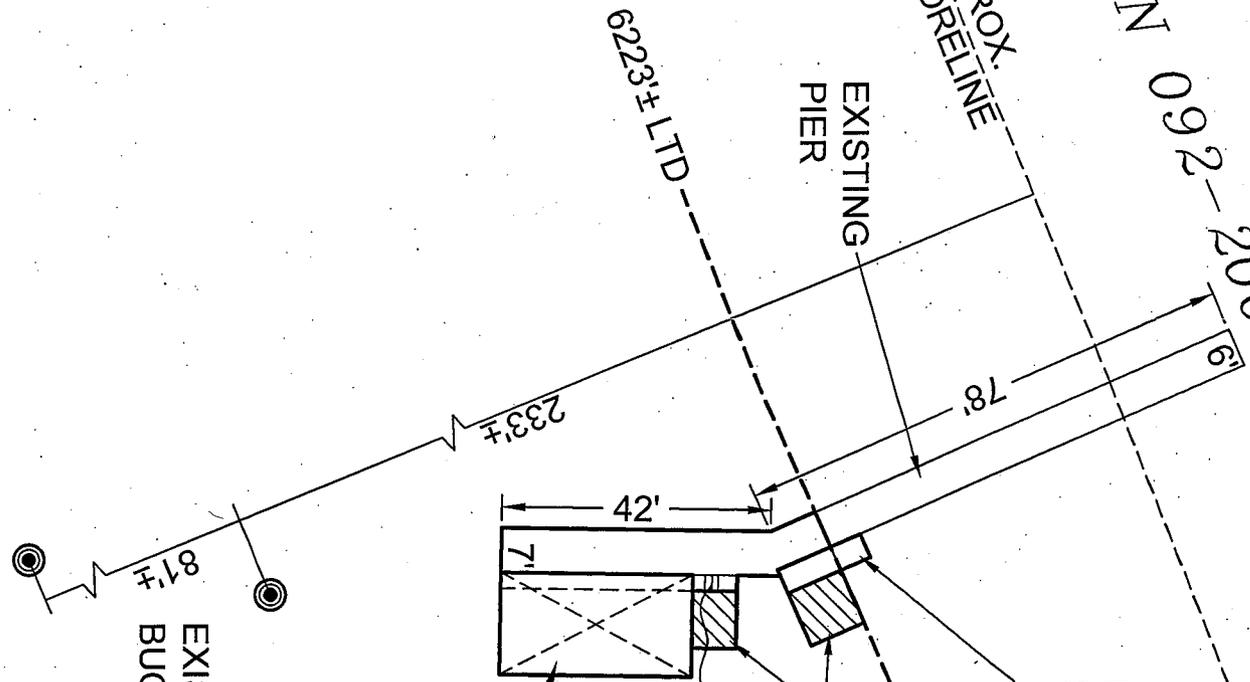


EXHIBIT A

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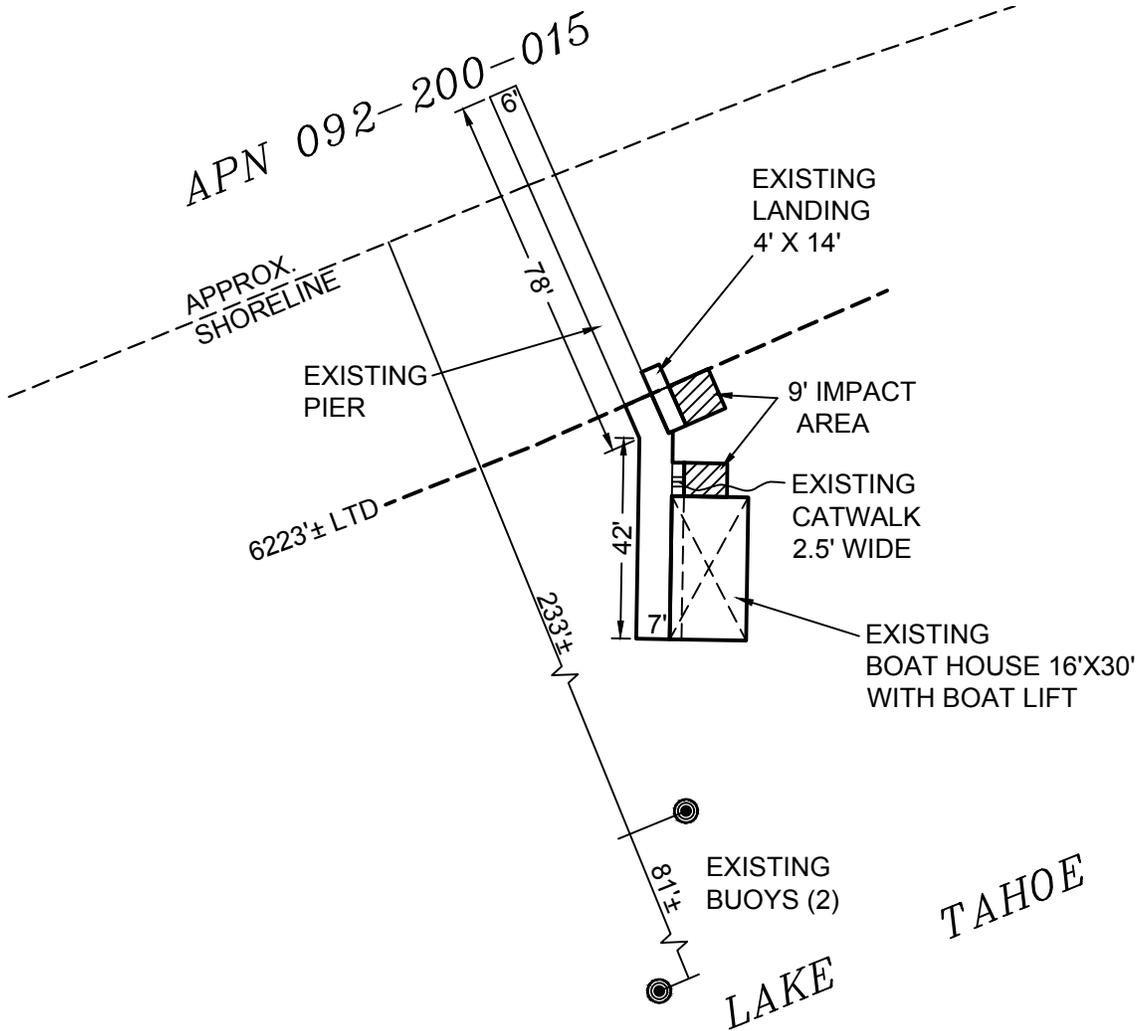
LAND DESCRIPTION PLAT
PRC 4203.1, THE JPM TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



4156 FERGUSON AVENUE, NEAR CARNELIAN BAY

NO SCALE

LOCATION

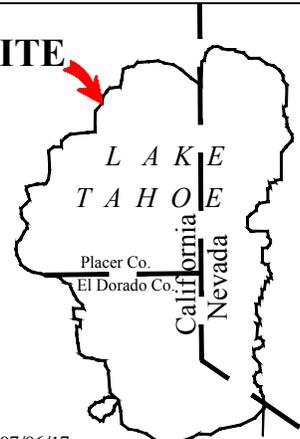


MAP SOURCE: USGS QUAD

Exhibit B

PRC 4203.1
 THE JPMM TRUST
 APN 092-200-015
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



TS 07/06/17

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.