

**STAFF REPORT
C31**

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08/17/17
PRC 3209.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Jason A. DiLullo and Sarah E.K. DiLullo

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2620 West Lake Boulevard, near Sunnyside, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat house with a boat hoist, and one mooring buoy.

LEASE TERM:

10 years, beginning August 14, 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 \$1,994 per year to \$1,292 per year, effective August 14, 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, and 6503.5;
California Code of Regulations, title 2, sections 2000, and 2003.

Public Trust and the State's Best Interests Analysis:

On October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Jason A. DiLullo and Sarah E.K. DiLullo, for

CALENDAR ITEM NO. **C31** (CONT'D)

an existing pier, boat house with a boat hoist, and one mooring buoy ([Item 49, October 19, 2012](#)). That lease will expire on August 13, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,994 per year to \$1,292 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 3209.1 will not substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

CALENDAR ITEM NO. **C31** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 3209.1, a General Lease – Recreational Use, effective August 14, 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 3209.1 from \$1,994 per year to \$1,292 per year, effective August 14, 2017.

EXHIBIT A

PRC 3209.1

LAND DESCRIPTION

Two (2) parcels of submerged land, situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 24, Township 15 North, Range 16 East, MDM, as shown on the Official Township Plat, approved April 11th, 1884, County of Placer, State of California, and more particularly described as follows:

Parcel 1 - Pier

All those lands underlying an existing pier and catwalks, and boathouse with boat hoist adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded September 30, 2010 as Document Number 2010-0078410-00 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.

Parcel 2 - Buoy

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy, adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded September 30, 2010 as Document Number 2010-0078410-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 7/10/17 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



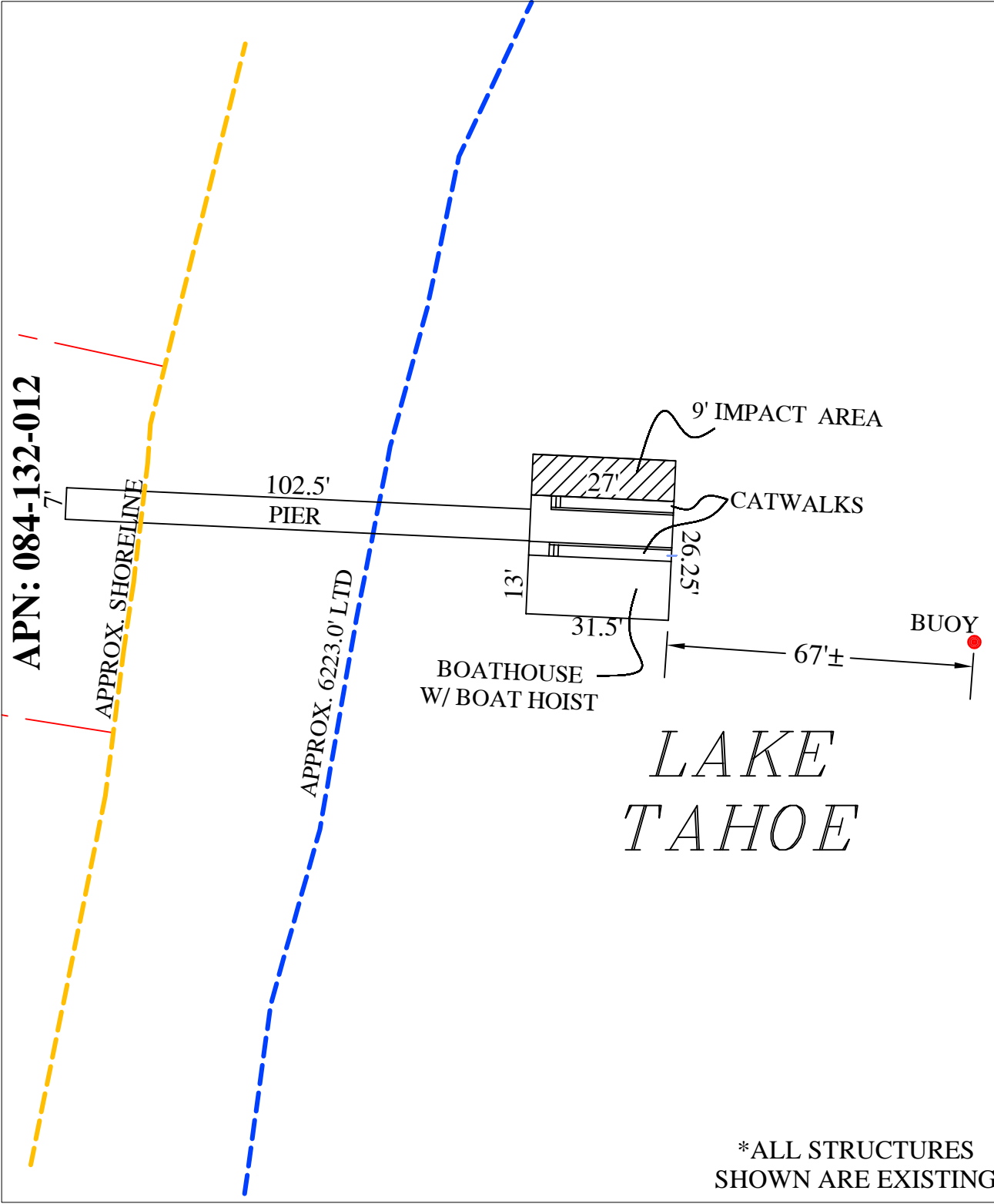


EXHIBIT A

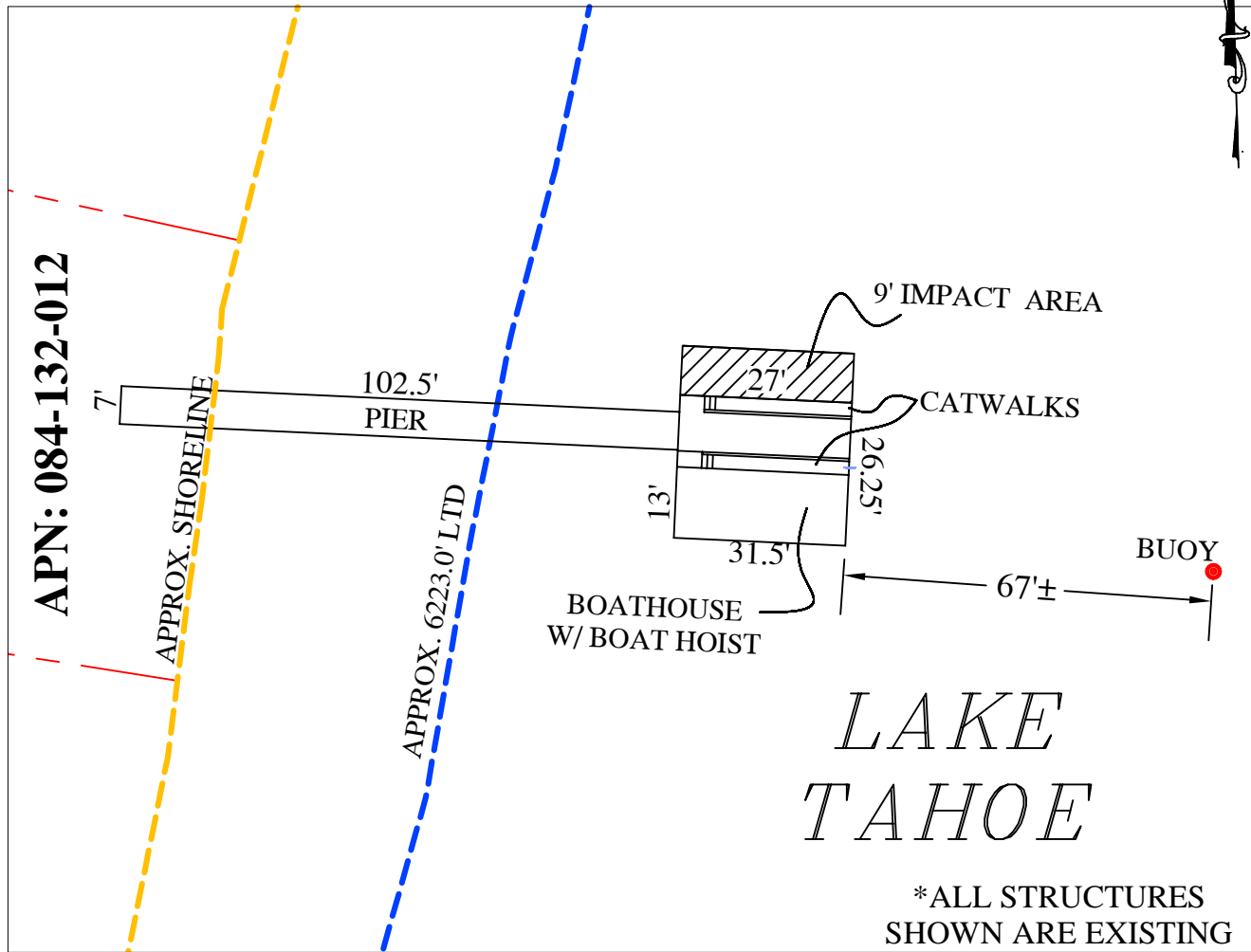
LAND DESCRIPTION PLAT
 PRC 3209.1, DILULLO
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

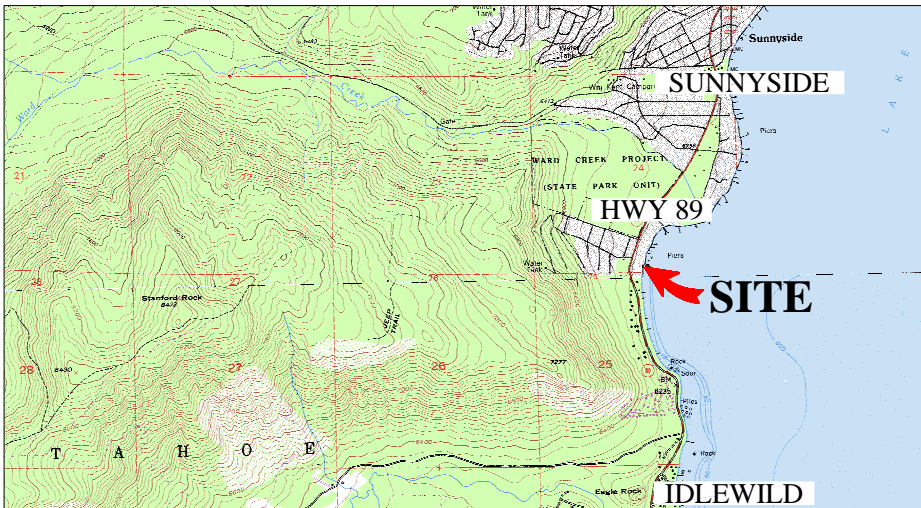
SITE



2620 W. Lake Blvd., near Sunnyside

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 3209.1

DILULLO

APN: 084-132-012

GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY

