

**STAFF REPORT
C21**

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10/19/17
PRC 2223.1
D. Simpkin

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

RCD Tahoe LP, a California Limited Partnership; David J. Teece; and Leigh G. Teece

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9125 Emerald Bay Road and 256 Four Ring Road, near Rubicon Bay, El Dorado County

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, boathouse and four mooring buoys.

LEASE TERM:

10 years, beginning November 30, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease and recommends that rent be revised from \$2,969 per year to \$2,489 per year, effective November 30, 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.

STAFF REPORT NO. **C21** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On September 9, 2013, the Commission authorized a 10-year General Lease – Recreational Use to RCD Tahoe LP, a California Limited Partnership; David J. Teece; and Leigh G. Teece, for an existing joint-use pier, boathouse and four mooring buoys ([Item C55, September 20, 2013](#)). The lease will expire September 19, 2023.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,969 per year to \$2,489 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmark. 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 time and at this location. 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

STAFF REPORT NO. **C21** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed actions 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 are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 2223.1, a General Lease – Recreational Use, effective November 30, 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 2223.1 from \$2,969 per year to \$2,489 per year, effective November 30, 2017.

EXHIBIT A

PRC 2223.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1, fractional Section 4, Township 13 North, Range 17 East, as shown on Official Government Township Plat approved May 19, 1875, MDM., and Lot 2 fractional Section 33, Township 14 North, Range 17 East, as shown on Official Government Township Plat approved July 29, 1880, MDM., County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing joint-use pier, boathouse with one (1) boatlift, and two (2) catwalks lying adjacent to those parcels as described in that Grant Deed recorded November 30, 2012 as Document Number 2012-0062741 in Official Records 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.

PARCELS 2, 3, 4 & 5 - BUOYS

Four (4) circular parcels of land, being 50 feet in diameter underlying four (4) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared August 30, 2017 by
the California State Lands Commission Boundary Unit.



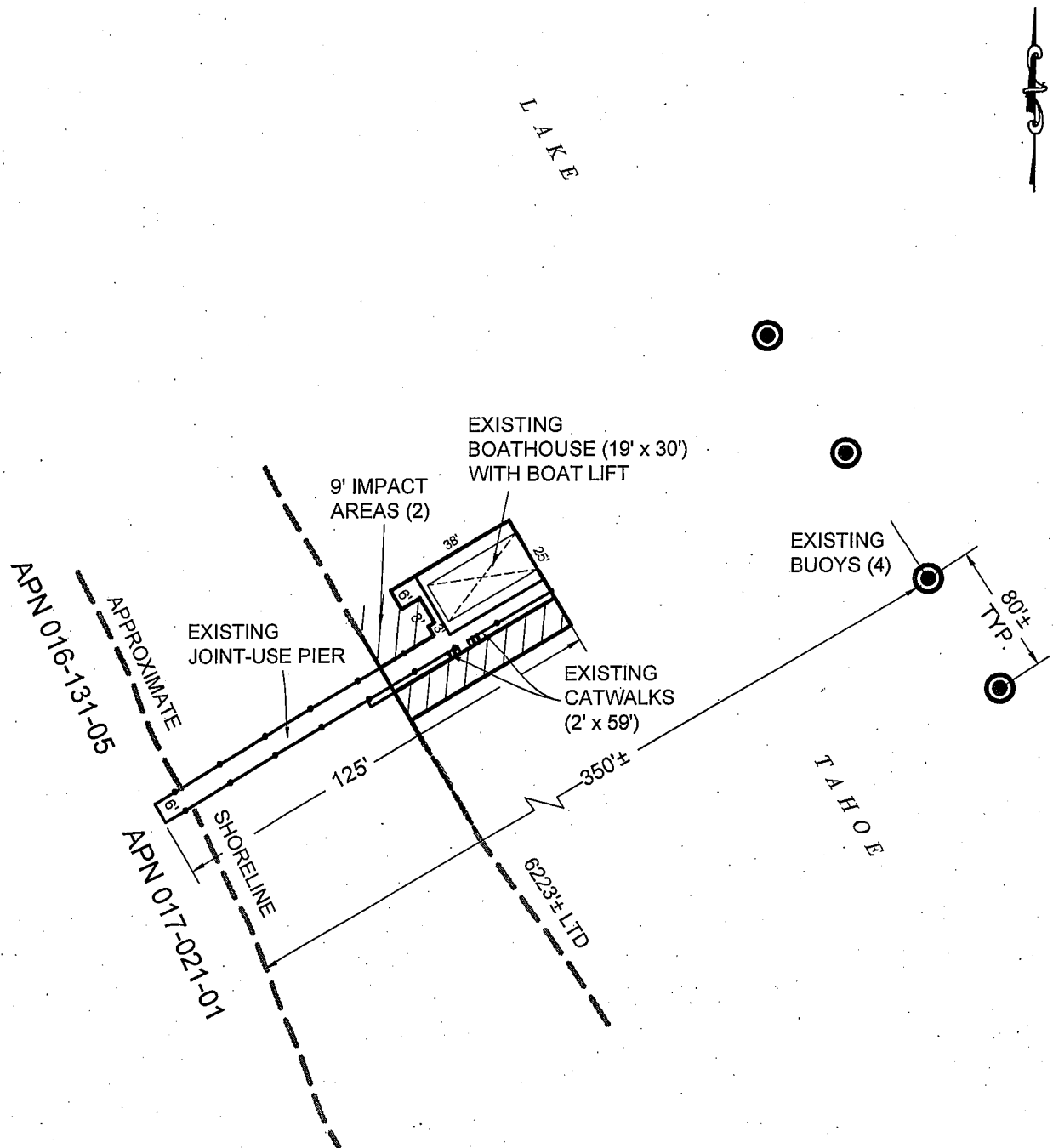


EXHIBIT A

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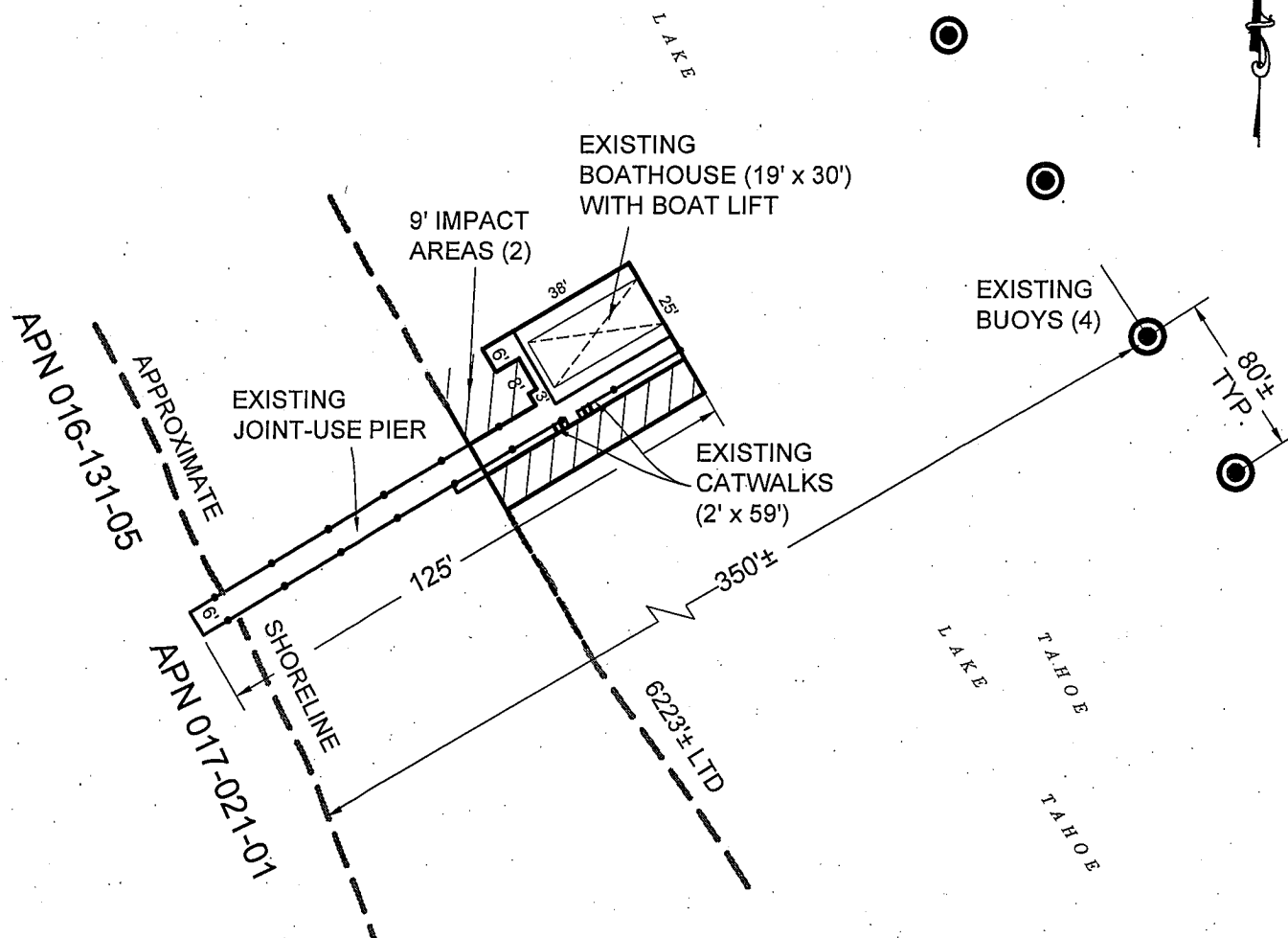
LAND DESCRIPTION PLAT
 PRC 2223.1, RCD TAHOE LP & TEECE
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

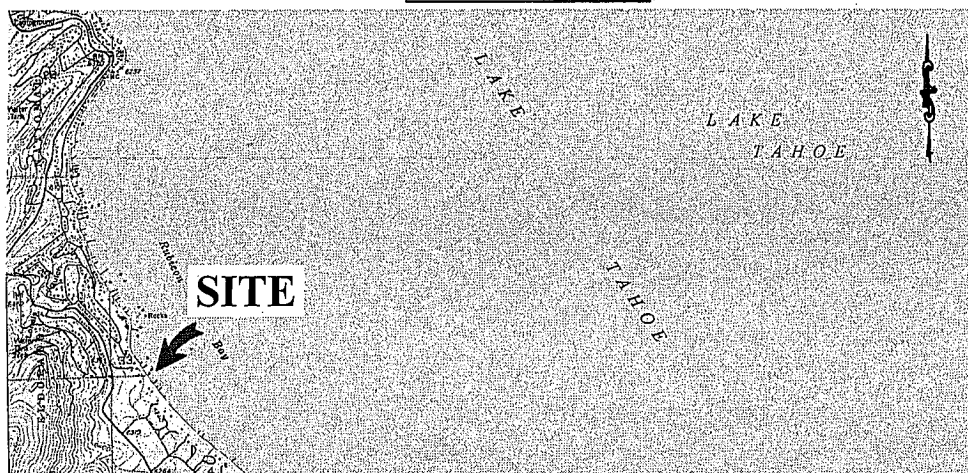
SITE



9125 EMERALD BAY RD. AND 256 FOUR RING RD., RUBICON BAY

NO SCALE

LOCATION

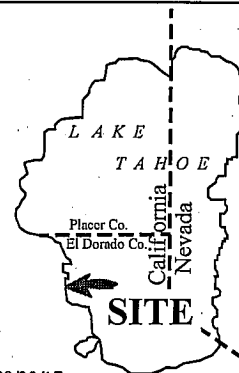


MAP SOURCE: USGS QUAD

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 2223.1
RCD TAHOE LP & TEECE
APN 016-131-05 &
APN 017-021-01
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MTJ 08/30/17