

**STAFF REPORT
C30**

A 1
S 1

10/19/17
PRC 4198.1
J. Toy

**AMENDMENT OF LEASE,
REVISION OF RENT, AND CORRECTION OF PRIOR AUTHORIZATION**

LESSEE:

Lake Point Planned Unit Development Homeowners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7650 North Lake Boulevard, near Tahoe Vista, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning November 1, 2012.

CONSIDERATION:

This lease provides that the Commission 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 \$2,673 per year to \$2,034 per year, effective November 1, 2017.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit B, Site and Location Map, with the attached 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 April 26, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Lake Point Beach Resort Owners Association, for the continued use and maintenance of an existing pier, boat lift, rock jetty, and

STAFF REPORT NO. **C30** (CONT'D)

two mooring buoys. The lease and the Applicant section in the Staff Report correctly name the lessee as Lake Point Planned Unit Development Homeowners Association; however, the lessee was incorrectly named in the Authorization section of the Staff Report as Lake Point Beach Resort Owners Association ([Item C62, April 26, 2013](#)). Staff recommends correcting the prior authorization to reflect the correct name of the lessee.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,673 per year to \$2,034 per year based on changes to the lease (impact) area for the pier and application of the current 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 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, approving the revision of the rent, and correction to the prior authorization 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. **C30** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 4198.1 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.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4198.1, a General Lease – Recreational Use, effective November 1, 2017, to replace the existing Exhibit B, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 4198.1 from \$2,673 per year to \$2,034 per year, effective November 1, 2017.
3. Correct the April 26, 2013 authorization to reflect the name of the lessee as Lake Point Planned Unit Development Homeowners Association.

EXHIBIT A

PRC 4198.1

LAND DESCRIPTION

Three Parcels of submerged lands lying in the bed of Lake Tahoe, adjacent to fractional Section 13, Township 16 North, Range 17 East, M.D.M., as shown on Official Government Township Plat approved on November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1

BEGINNING at the intersection of the west line of that parcel of land described as Parcel 1 in Exhibit A of Quitclaim Deed recorded in document number 2000-0022110, Official Records of said County and the line of the historic Low Water Mark, as depicted on sheet 20 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe", filed in Book 2 of Surveys at Page 71, Placer County Records; thence Southerly along the Southerly prolongation of said west line 95.00 feet; thence easterly and at a right angle from the aforementioned course 100.54 feet to the intersection of the southerly prolongation of the easterly line of land described in said Quitclaim Deed; thence northerly along said southerly prolongation 102.27 feet to said line of the historic Low Water Mark; thence westerly along said line of the historic Low Water Mark to the POINT OF BEGINNING.

PARCELS 2 & 3

Two circular parcels of land, each 50 feet in diameter, lying directly beneath two existing buoys and adjacent to that parcel of land described as Parcel 1 in Exhibit A of Quitclaim Deed recorded in document number 2000-0022110, Official Records of said County .

END OF DESCRIPTION

Prepared 03/22/2011 by the California State Lands Commission Boundary Unit.



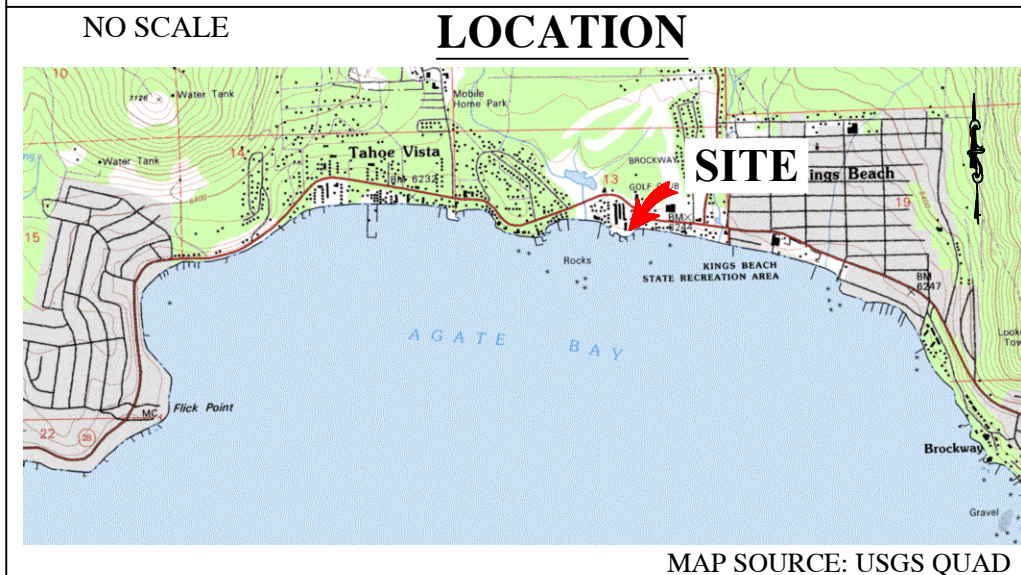
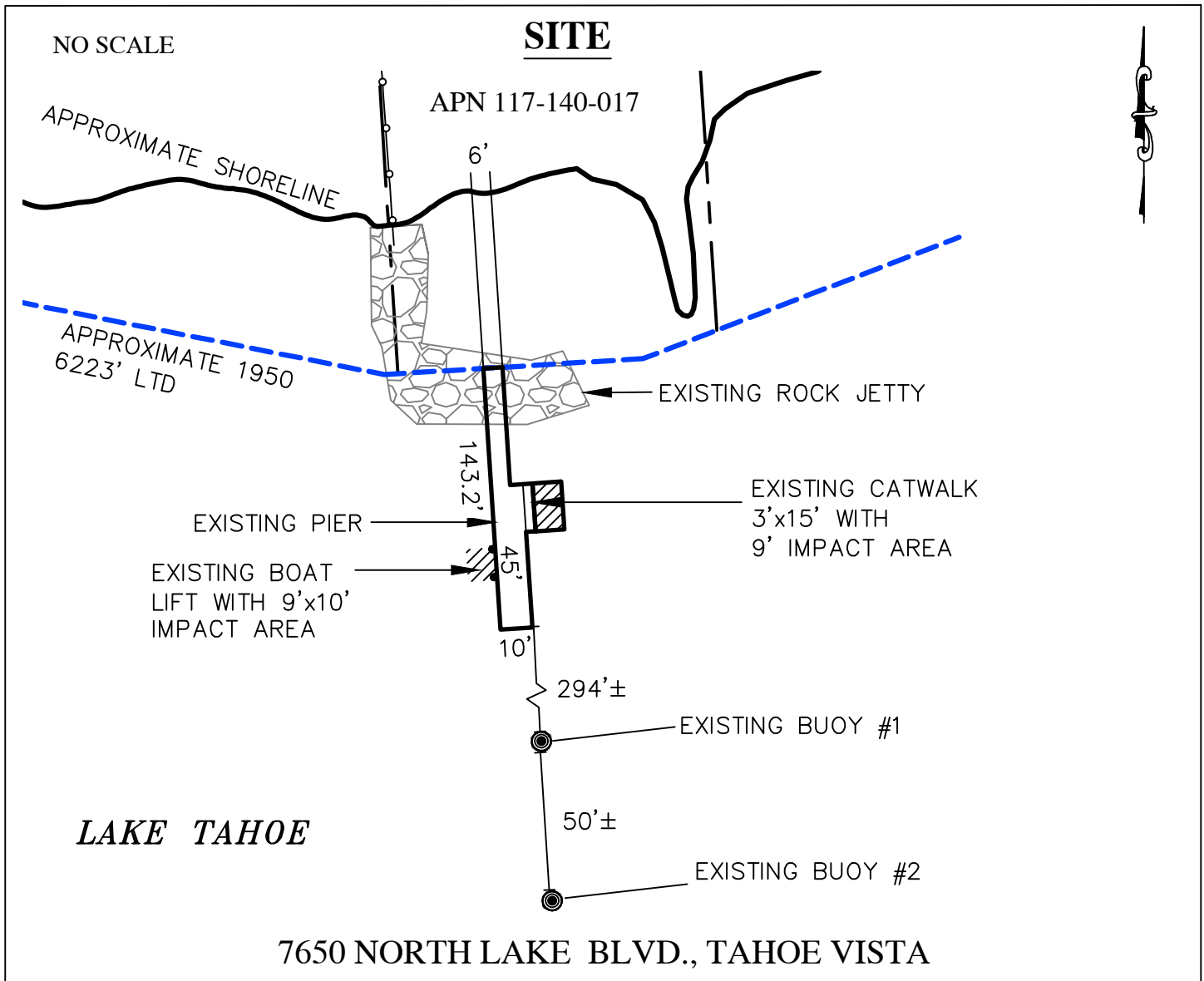
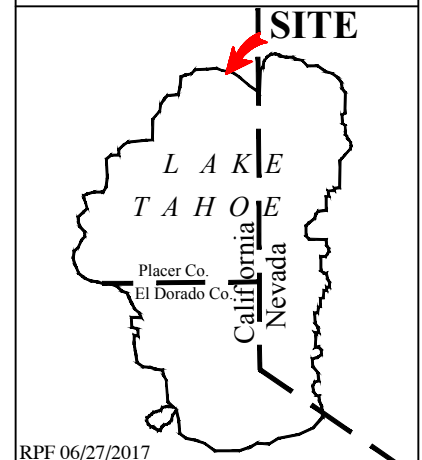


Exhibit B

PRC 4198.1
LAKE POINT
PLANNED UNIT
DEVELOPMENT HOA
APN 117-140-017 GENERAL
LEASE - RECREATIONAL USE
PLACER COUNTY



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.