

**STAFF REPORT  
C21**

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11/29/17  
PRC 3755.1  
J. Toy

**AMENDMENT OF LEASE AND  
REVISION OF RENT**

**LESSEE:**

James A. Astorian and Kathrin C. Astorian

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 4160 Ferguson Avenue, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning October 19, 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 \$2,282 per year to \$1,524 per year, effective October 19, 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.

**Public Trust and the State's Best Interests Analysis:**

On October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to James A. Astorian and Kathrin C. Astorian, for an existing

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pier, boathouse with boat lift, two mooring buoys, and two boat lifts ([Item C21, October 19, 2012](#)). That lease will expire on October 18, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,282 per year to \$1,524 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 3755.1 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; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

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

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 3755.1, a General Lease – Recreational Use, effective October 19, 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 3755.1 from \$2,282 per year to \$1,524 per year, effective October 19, 2017.

**EXHIBIT A**

**PRC 3755.1**

**LAND DESCRIPTION**

Three 3 parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, boathouse, and three boat lifts adjacent to those Lots as described in that Grant Deed recorded November 24, 2009 in Document Number 2009-0101225 of 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 – BUOYS**

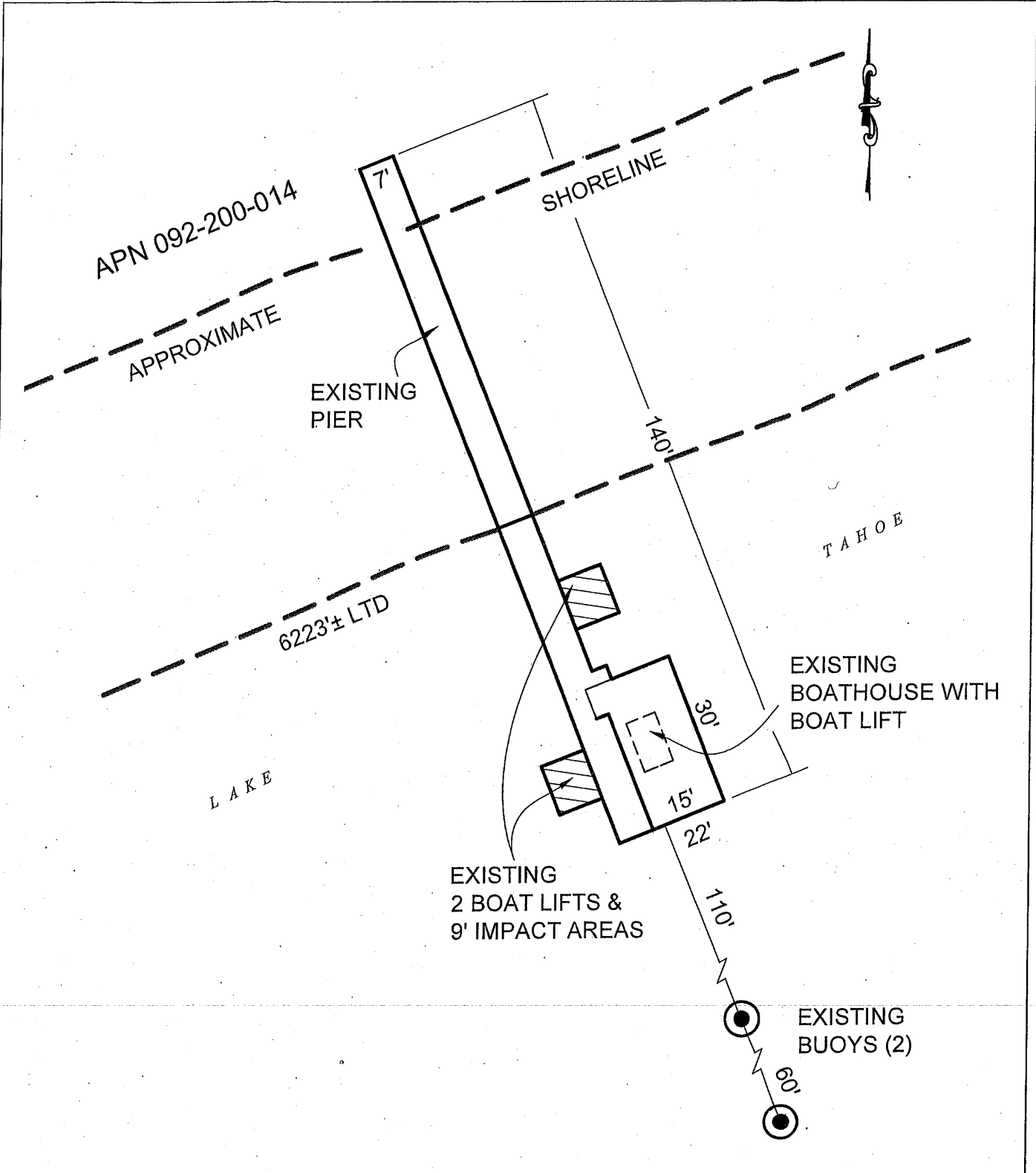
Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Lots.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared September 9, 2017 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

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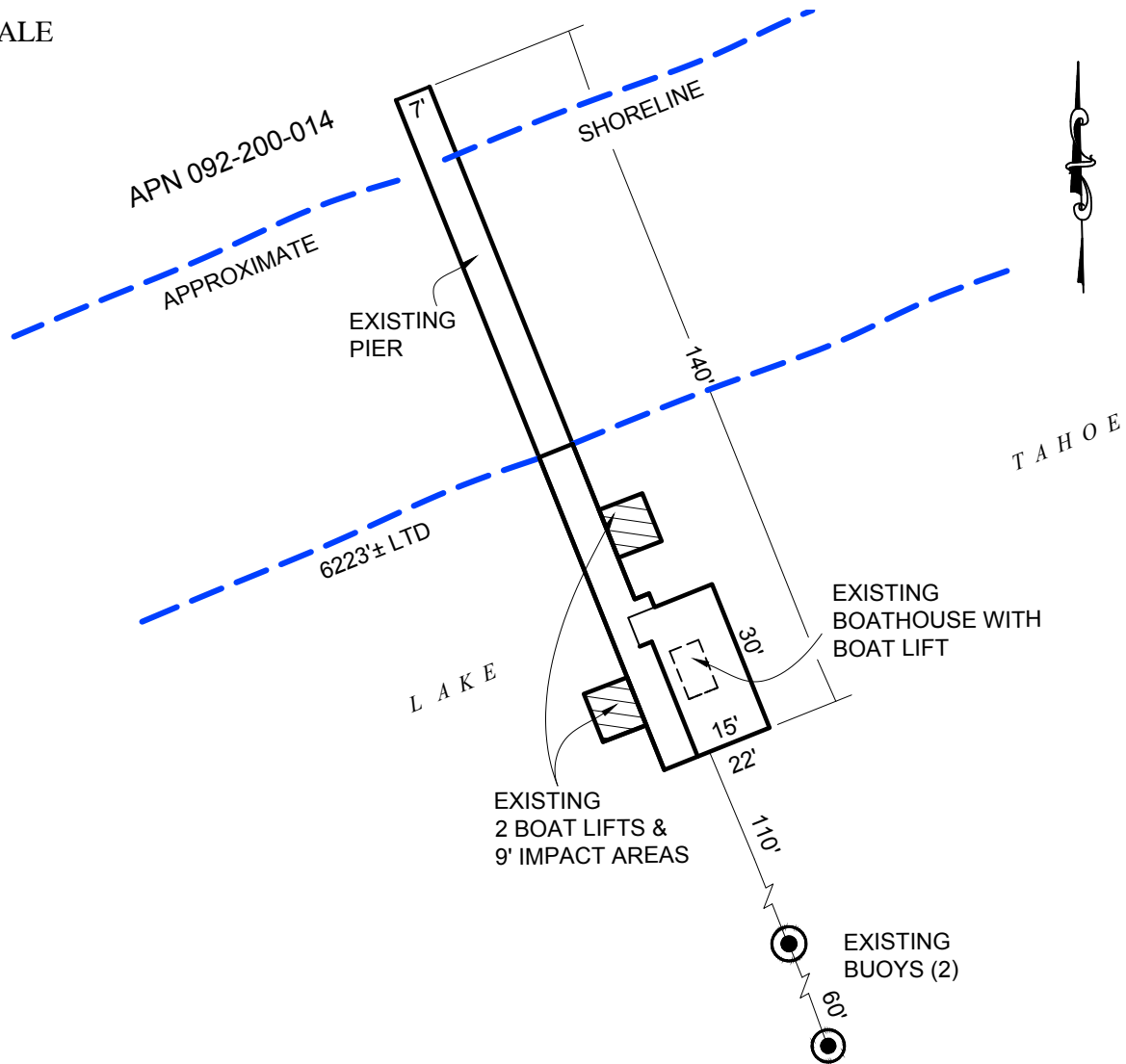
MJJ 09/09/17

LAND DESCRIPTION PLAT  
 PRC 3755.1, ASTORIAN  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE



4160 FERGUSON AVE., CARNELIAN BAY

NO SCALE

### LOCATION

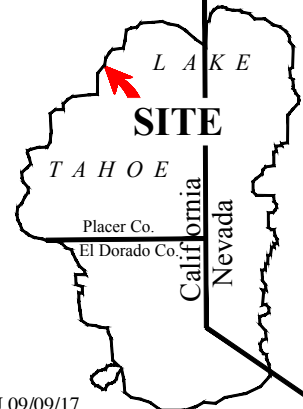


MAP SOURCE: USGS QUAD

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 3755.1  
 ASTORIAN  
 APN 092-200-014  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MIJ 09/09/17