

**STAFF REPORT
C26**

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02/27/18
PRC 9167.1
K. Connor

AMENDMENT OF LEASE

LESSEE:

Tahoe Sierra Estates Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 624 Olympic Drive, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier.

LEASE TERM:

10 years, beginning December 17, 2014.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

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 and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On December 17, 2014, the Commission authorized a General Lease – Recreational Use for use, maintenance, and expansion of an existing pier not previously authorized by the Commission to Tahoe Sierra Estates Association ([Item C15, December 17, 2014](#)). The lease will expire on December 16, 2024.

STAFF REPORT NO. **C26** (CONT'D)

Based upon communications with the Lessee's agent, staff became aware that the dimensions of the pier were incorrect. In the previously authorized pier extension, dimensions of the pier width were incorrectly given as 8 feet wide. The pier is 10 feet wide. On March 27, 2017, the Lessee applied to amend the existing lease to correct the lease exhibits. Staff reviewed the rent and found that, even with the increased pier size, the overall rent recommendation did not change.

The amendment is a lease administrative action unlikely to result in any changes to the use of the lease premises. The recommended action will not substantially interfere with 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 revenue and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to correct the description of the pier is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.
3. 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 lease amendment will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and 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. **C26** (CONT'D)

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9167.1, a General Lease – Recreational Use, effective February 27, 2018, 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.

EXHIBIT A

PRC 9167.1

LAND DESCRIPTION

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 7, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

All those lands underlying an existing pier and adjustable catwalk lying adjacent to that parcel described in Grant Deed recorded October 31, 1961 as Document Number 16836 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.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/10/2018 by the California State Lands Commission Boundary Unit.



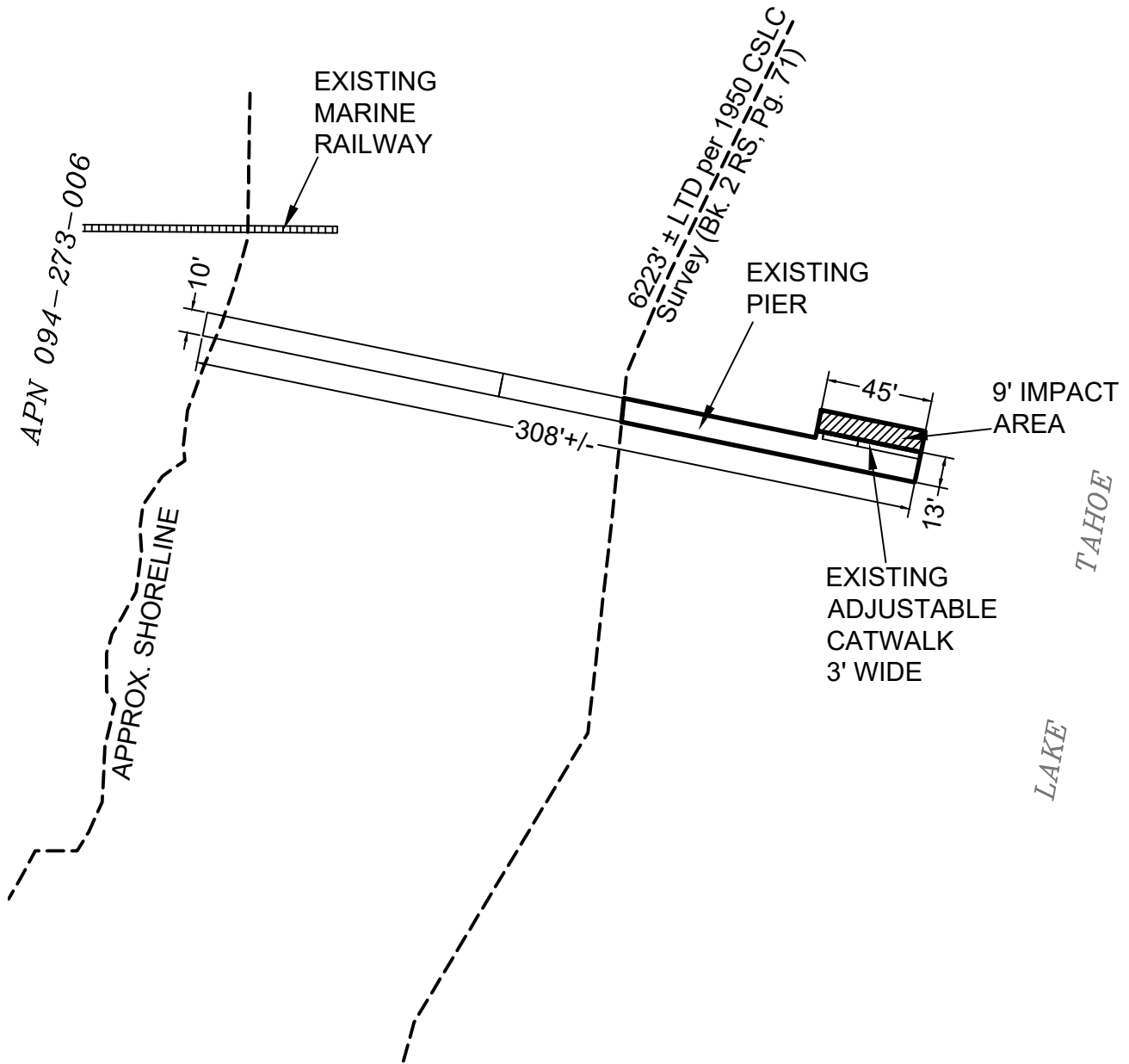


EXHIBIT A

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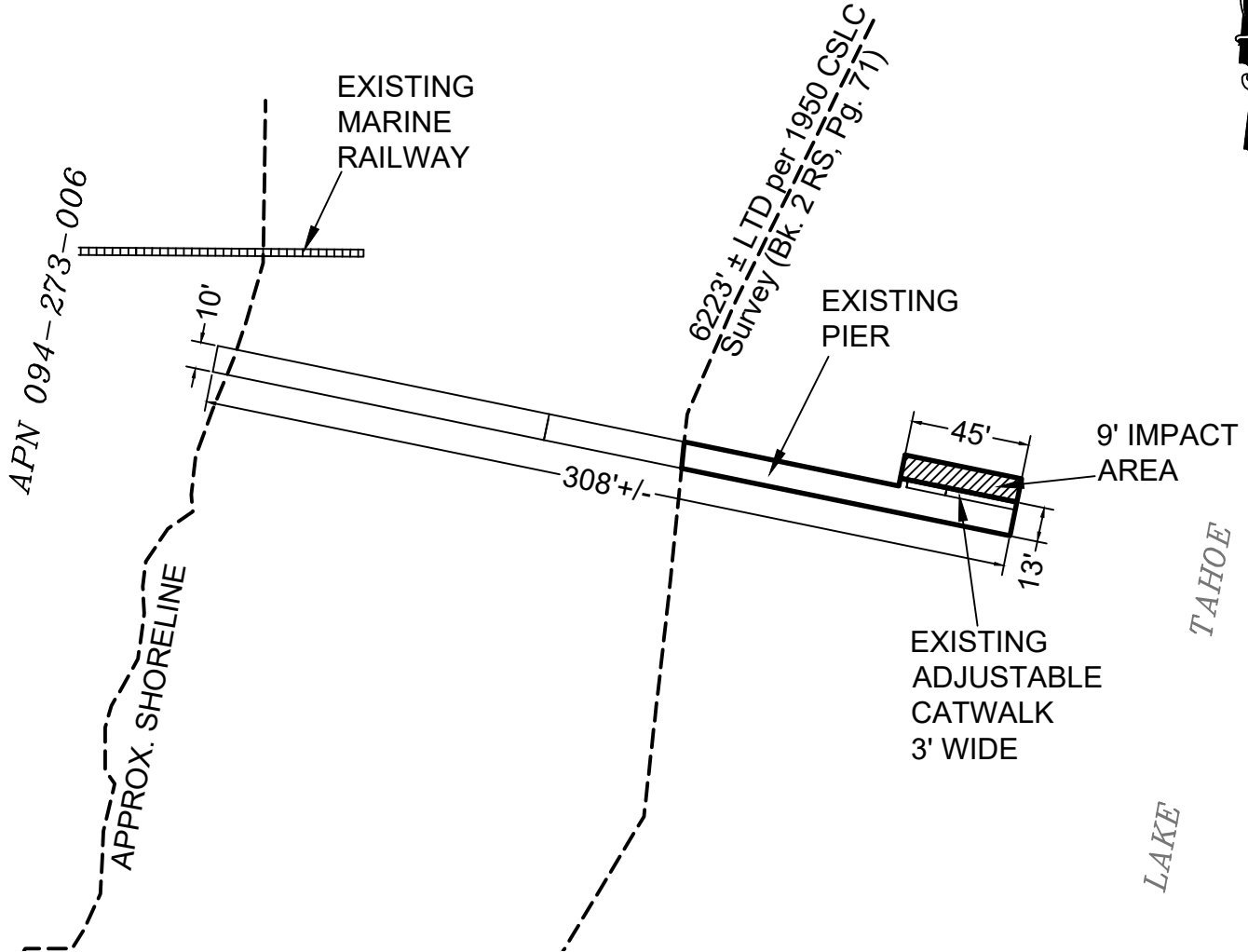
LAND DESCRIPTION PLAT
 PRC 9167.1, TAHOE SIERRA ESTATES
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

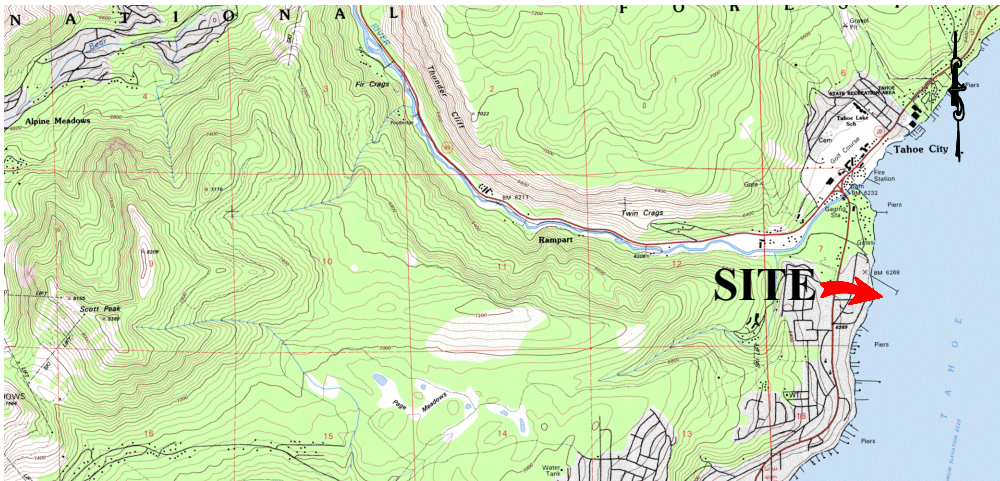
SITE



624 OLYMPIC DRIVE, TAHOE CITY

NO SCALE

LOCATION

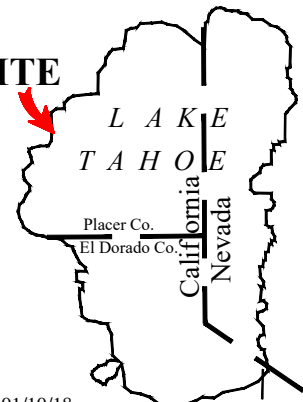


This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 9167.1
 TAHOE SIERRA ESTATES
 APN 094-273-006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



TS 01/10/18