

**STAFF REPORT
C40**

A 1
S 1

04/19/18
PRC 6525.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Patricia Mozart, Trustee of The Patricia Mozart Trust Agreement UTA dated December 11, 1995

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6350 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse with boat lift, sundeck with stairs, and three mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2013.

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 \$3,321 per year to \$2,590 per year, effective February 1, 2018.

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. **C40** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On February 22, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Patricia Mozart, Trustee of The Patricia Mozart Trust Agreement UTA dated December 11, 1995, for an existing pier, boathouse with boat lift, sundeck with stairs, and three mooring buoys ([Item C41, February 22, 2013](#)). That lease will expire on January 31, 2023.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$3,321 per year to \$2,590 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks, and current rate for non-water dependent uses. 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, and 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

STAFF REPORT NO. C40 (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 6525.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and 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 6525.1, a General Lease – Recreational Use, effective February 1, 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).
2. Approve the revision of rent for Lease No. PRC 6525.1 from \$3,321 per year to \$2,590 per year, effective February 1, 2018.

EXHIBIT A

PRC 6525.1

LAND DESCRIPTION

Four parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 7, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier with catwalks, boathouse with boatlift and sundeck with stairs lying adjacent to those parcels described in Quitclaim Deed recorded May 30, 2001 as Document Number 2001-0052420 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.

PARCELS 2 thru 4 – BUOYS

Three circular parcels of land, each being 50 feet in diameter, underlying three existing buoys lying adjacent to those parcels described in Quitclaim Deed recorded May 30, 2001 as Document Number 2001-0052420 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 11/03/2017 by the California State Lands Commission Boundary Unit.





LAKE TAHOE

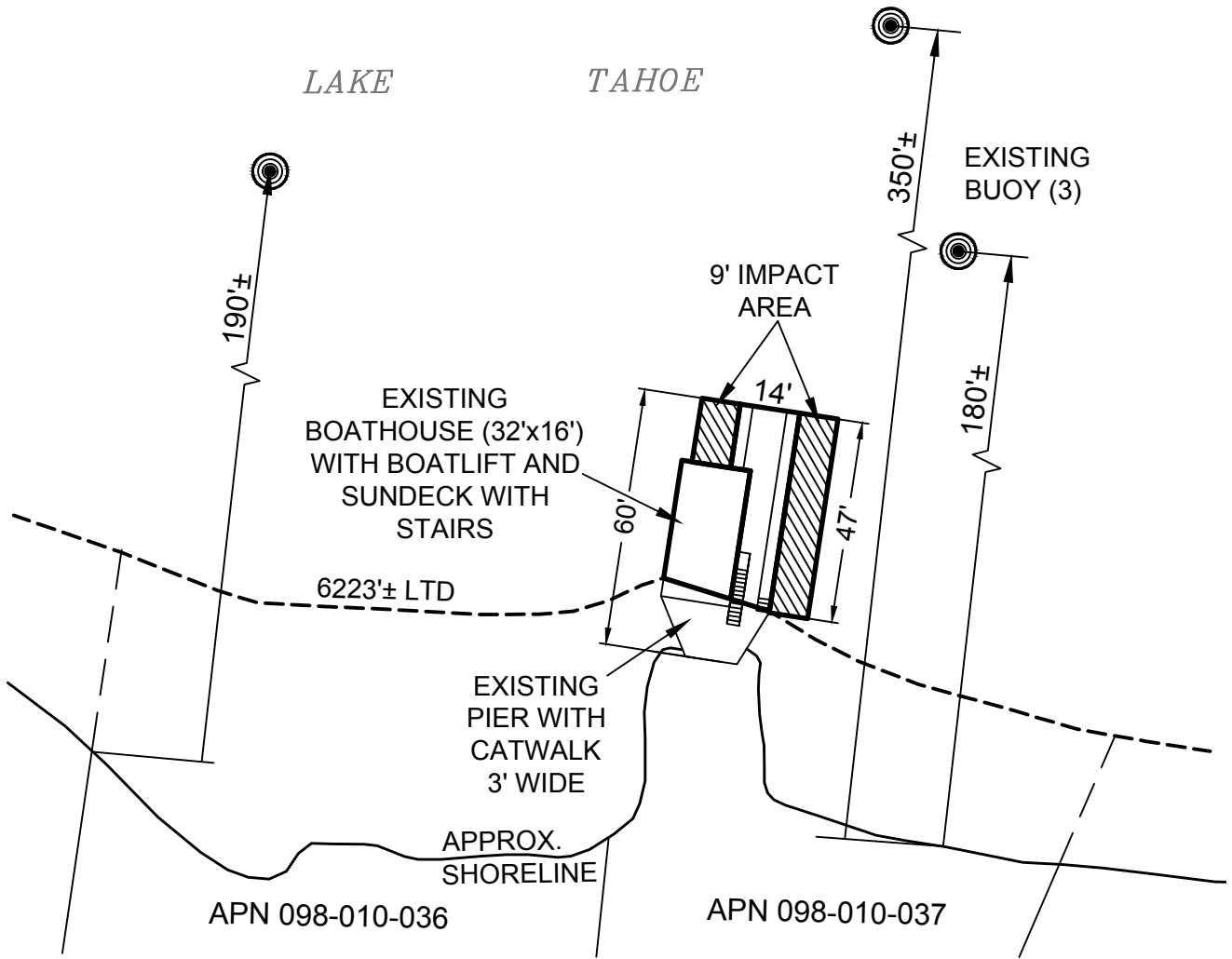


EXHIBIT A

Page 2 of 2

TS 11/03/17

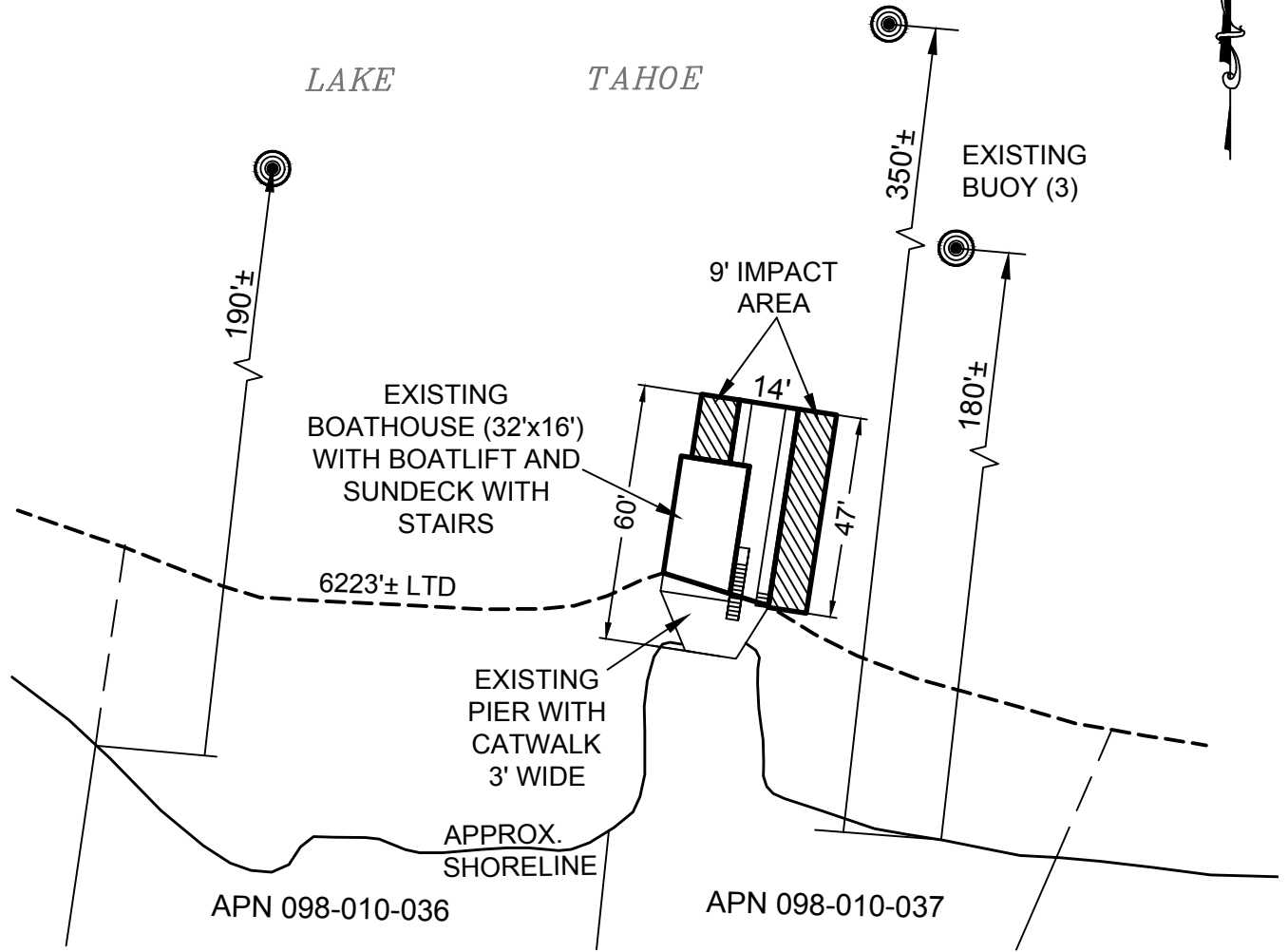
LAND DESCRIPTION PLAT
 PRC 6525.1, MOZART
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

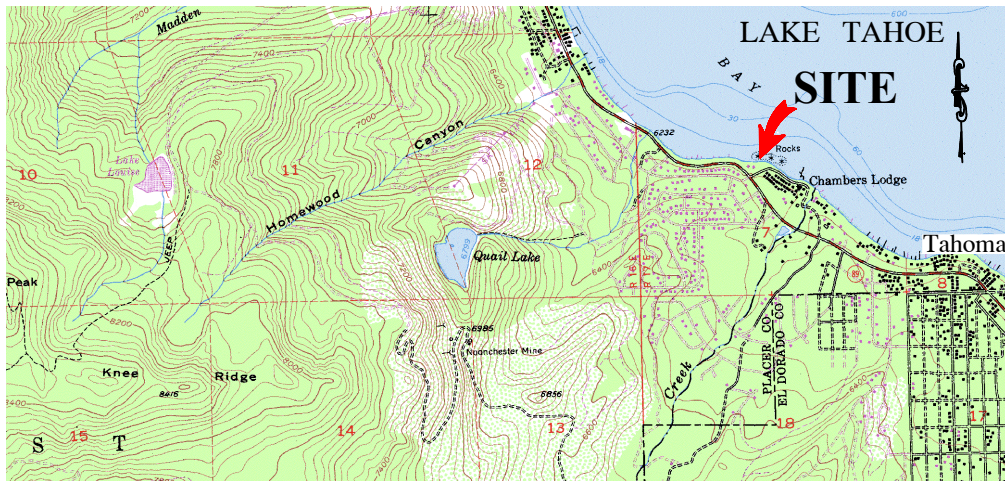
SITE



6350 WEST LAKE BOULEVARD, NEAR HOMEWOOD

NO SCALE

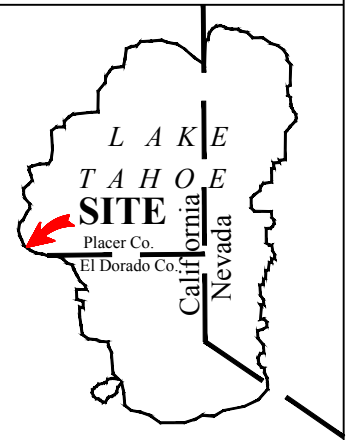
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6525.1
 MOZART
 APNs 098-010-036 & 037
 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.

TS 11/03/17