

**STAFF REPORT
C49**

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04/19/18
PRC 8318.1
J. Toy

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Donald E. Bischoff and June E. Bischoff, Trustees, or the Successor Trustee, under the Donald E. and June E. Bischoff Revocable Inter Vivos Trust dated 9/30/82 and Amended 3/25/91

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 1510 North Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning March 29, 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 \$1,956 per year to \$1,365 per year, effective March 29, 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. **C49** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On March 29, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Donald E. Bischoff and June E. Bischoff, Trustees, or the Successor Trustee, under the Donald E. and June E. Bischoff Revocable Inter Vivos Trust dated 9/30/82 and Amended 3/25/91, for an existing pier, boat lift, and two mooring buoys ([Item C26, March 29, 2012](#)). That lease will expire on March 28, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,956 per year to \$1,365 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, 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. **C49** (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 8318.1 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; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8318.1, a General Lease – Recreational Use, effective March 29, 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 8318.1 from \$1,956 per year to \$1,365 per year, effective March 29, 2018.

EXHIBIT A

PRC 8318.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 5, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, and boat lift adjacent to Lot 4 as described in that Grant Deed recorded December 21, 2004 as Document Number 2004-0170589 in Official Records of said County.

ALL TOGETHER WITH any applicable use area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2 & 3 – BUOYS

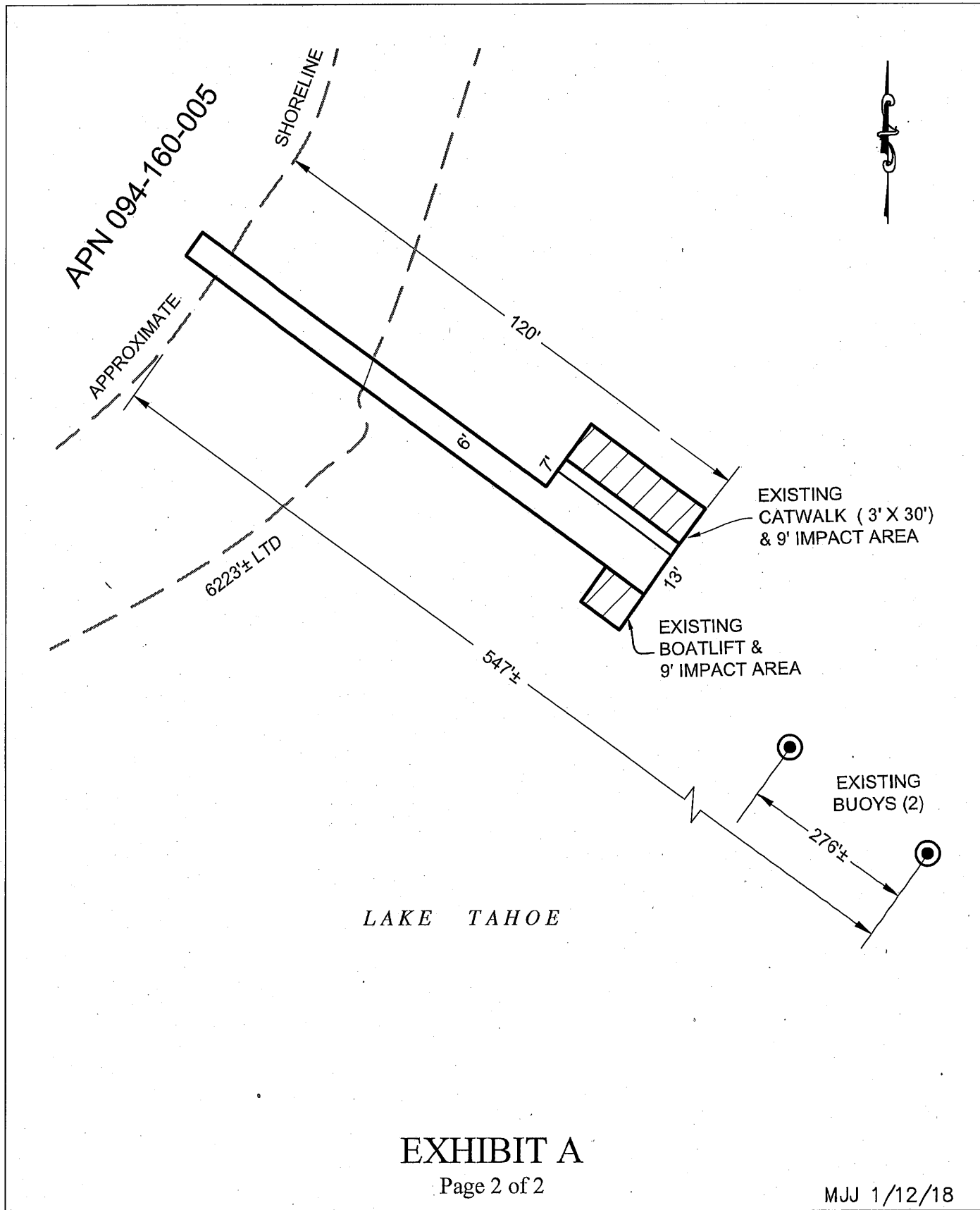
Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to Lot 4 as described in that Grant Deed recorded December 21, 2004 as Document Number 2004-0170589 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 12, 2018 by the California State Lands Commission Boundary Unit.





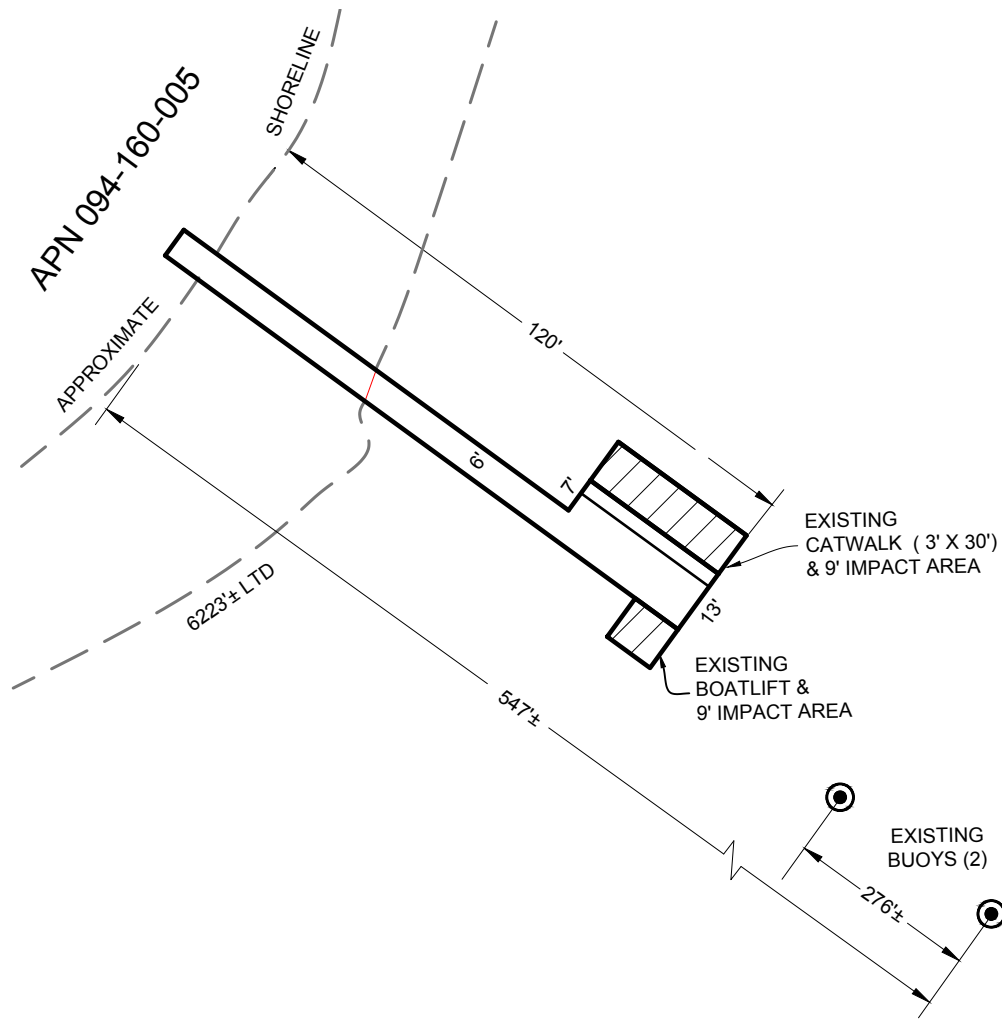
LAND DESCRIPTION PLAT
 PRC 8318.1, BISCHOFF TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

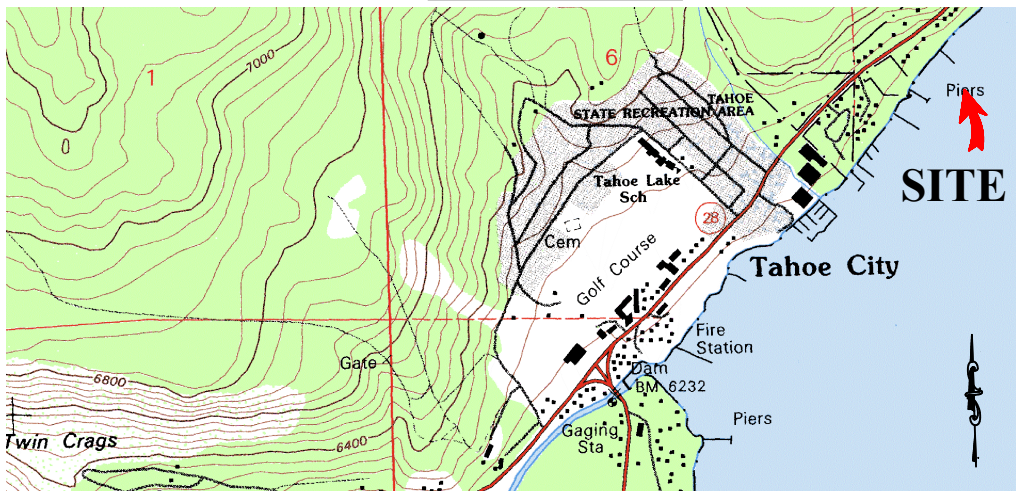
SITE



1510 NORTH LAKE BLVD., NEAR TAHOE CITY

NO SCALE

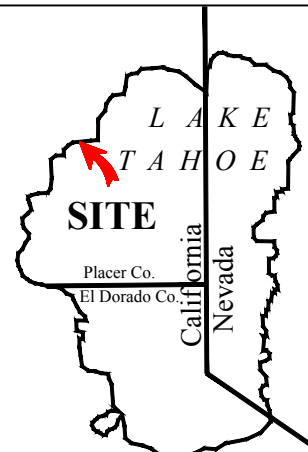
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8318.1
 BISCHOFF TRUST
 APN 094-160-005
 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.

MJJ 1/12/18