

**STAFF REPORT
C01**

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12/03/18
PRC 8586.1
J. Toy

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

400 Convention Way, LLC, a California Limited Liability Company

APPLICANT/ASSIGNEE:

Stacy Argo and Cynthia Argo

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4886 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning February 27, 2018.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

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 State's Best Interests Analysis:

On April 19, 2018, the Commission authorized a General Lease – Recreational Use to 400 Convention Way, LLC, a California Limited Liability Company, for two existing mooring buoys ([Item C24, April 19, 2018](#)). The lease will expire on February 26, 2028. On May 30, 2018, ownership of the upland parcel transferred to Stacy Argo and Cynthia Argo. The Applicant is now applying for an assignment of lease, effective May 30, 2018.

STAFF REPORT NO. **C01** (CONT'D)

Staff recommends an assignment of the lease to reflect the change in ownership of the upland property from the Assignor to the Assignee. The assignment will be effective as of the date of transfer, May 30, 2018. The Assignee agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease.

The lease assignment will not result in a change in the use of public resources or impacts to Public Trust resources. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. On October 24, 2018, the Tahoe Regional Planning Agency's Governing Board certified a new Final Environmental Impact Report and adopted Lake Tahoe Shorezone Ordinance Amendments. These Amendments are anticipated to take effect on December 23, 2018.
3. Assignment of lease 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.

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 assignment will not impact the public rights to navigation and fishing or 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.

STAFF REPORT NO. **C01** (CONT'D)

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 8586.1, a General Lease – Recreational Use, of sovereign land as described in Exhibit A, Land Description and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from 400 Convention Way, LLC, a California Limited Liability Company to Stacy Argo and Cynthia Argo; effective May 30, 2018.

EXHIBIT A

PRC 8586.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 fractional Section 22, 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:

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those parcels as described in Exhibit "A" of that Quitclaim Deed recorded December 18, 2014 in Document Number 2014-0090986 of Official Records of said County.

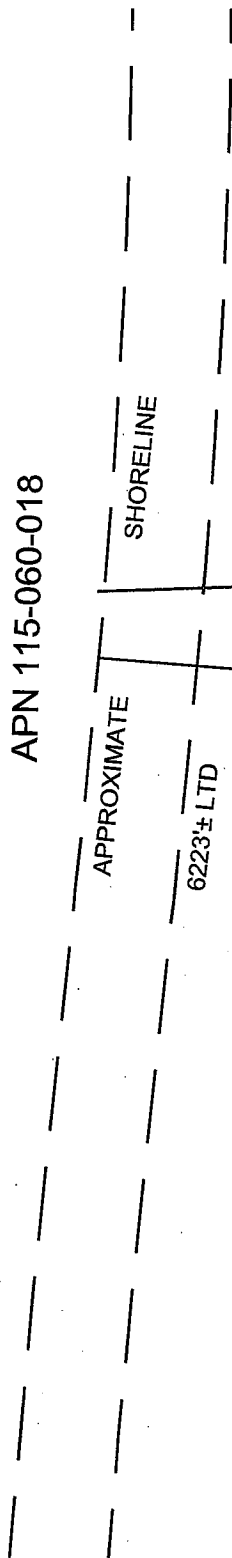
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 1, 2017 by the California State Lands Commission Boundary Unit.



APN 115-060-018



T A H O E

L A K E

350'±

255'±

2 EXISTING BUOYS

EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8586.1, ARGO ET. AL
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 115-060-018

SHORELINE

APPROXIMATE

6223'± LTD

350'±

255'±

2 EXISTING BUOYS

TAHOE

L A K E

4886 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

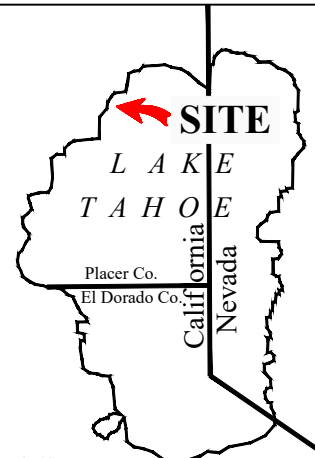


MAP SOURCE: USGS QUAD

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 8586.1
 ARGO ET.AL
 APN 115-060-018
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 09/26/2018