

**CALENDAR ITEM
C30**

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S 1

04/23/14
PRC 4866.1
M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEES:

Max W. Day and Alvena V. Day as Trustees of the Day Family Trust established February 16, 1999 and John Keagy, Trustee of the Keagy Revocable Trust, dated February 22, 2007 (HSP)

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4760 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 13, 2009.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that the rent be revised from \$1,352 per year to \$692 per year, effective April 13, 2014.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Site and Location Map in Section 3 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.

OTHER PERTINENT INFORMATION:

1. On August 11, 2009, the Commission authorized a General Lease – Recreational Use to Max W. Day and Alvena V. Day as Trustees of the Day Family Trust established February 16, 1999 and John Keagy, Trustee of the Keagy Revocable Trust, dated February 22, 2007 (HSP), for a term

CALENDAR ITEM NO. **C30** (CONT'D)

of 10 years. The Lease will expire on April 12, 2019. Max W. Day passed away in December 2012 leaving Alvena V. Day as sole trustee.

2. Staff conducted the rent review called for in the lease. In addition, at its January 23, 2014 meeting, the Commission adopted amendments to Sections 1900, 2002, and 2003 of the California Code of Regulations pertaining to its leasing regulations, which resulted in a change to the Commission's practice in terms of assessing rent and the impact area surrounding piers. Based on the above, staff recommends that the rent be reduced.
3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c)(3), because the activities are not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the Amendment of Lease No. PRC 4866.1, a General Lease – Recreational Use, effective April 13, 2014, to replace the existing Site and Location Map in Section 3 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 will remain in effect without amendment

CALENDAR ITEM NO. **C30** (CONT'D)

2. Approve the revision of rent for Lease No. PRC 4866.1 from \$1,352 per year to \$692 per year, effective April 13, 2014.

EXHIBIT A

PRC 4866.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 1, Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1866 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – JOINT-PIER

All those lands underlying an existing joint pier and two catwalks lying adjacent to that parcel described in that Grant Deed recorded February 25, 2008, Document Number 2008-0013641 in Official Records of said County.

ALSO 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.

PARCEL 2, 3 – BUOYS (2)

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 25, 2014 by The California State Lands Commission Boundary Unit.



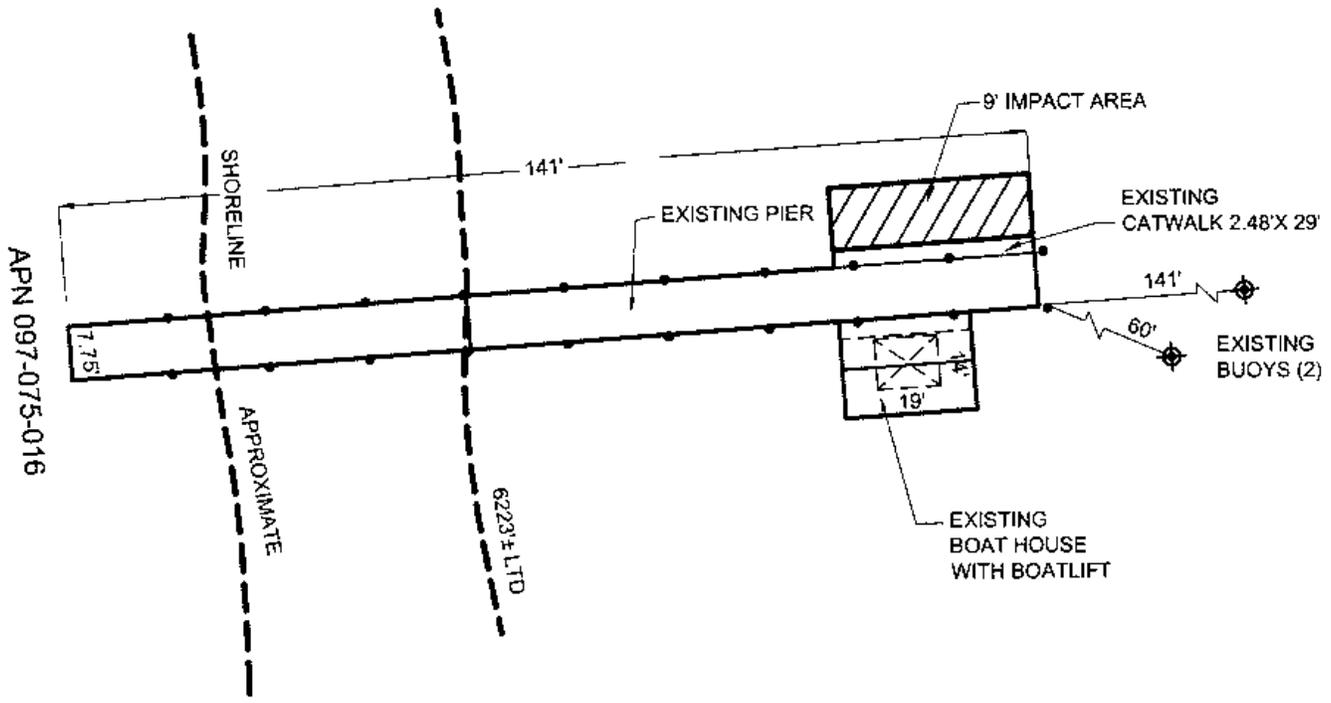


EXHIBIT A

Page 2 of 2

MJJ 03/25/14

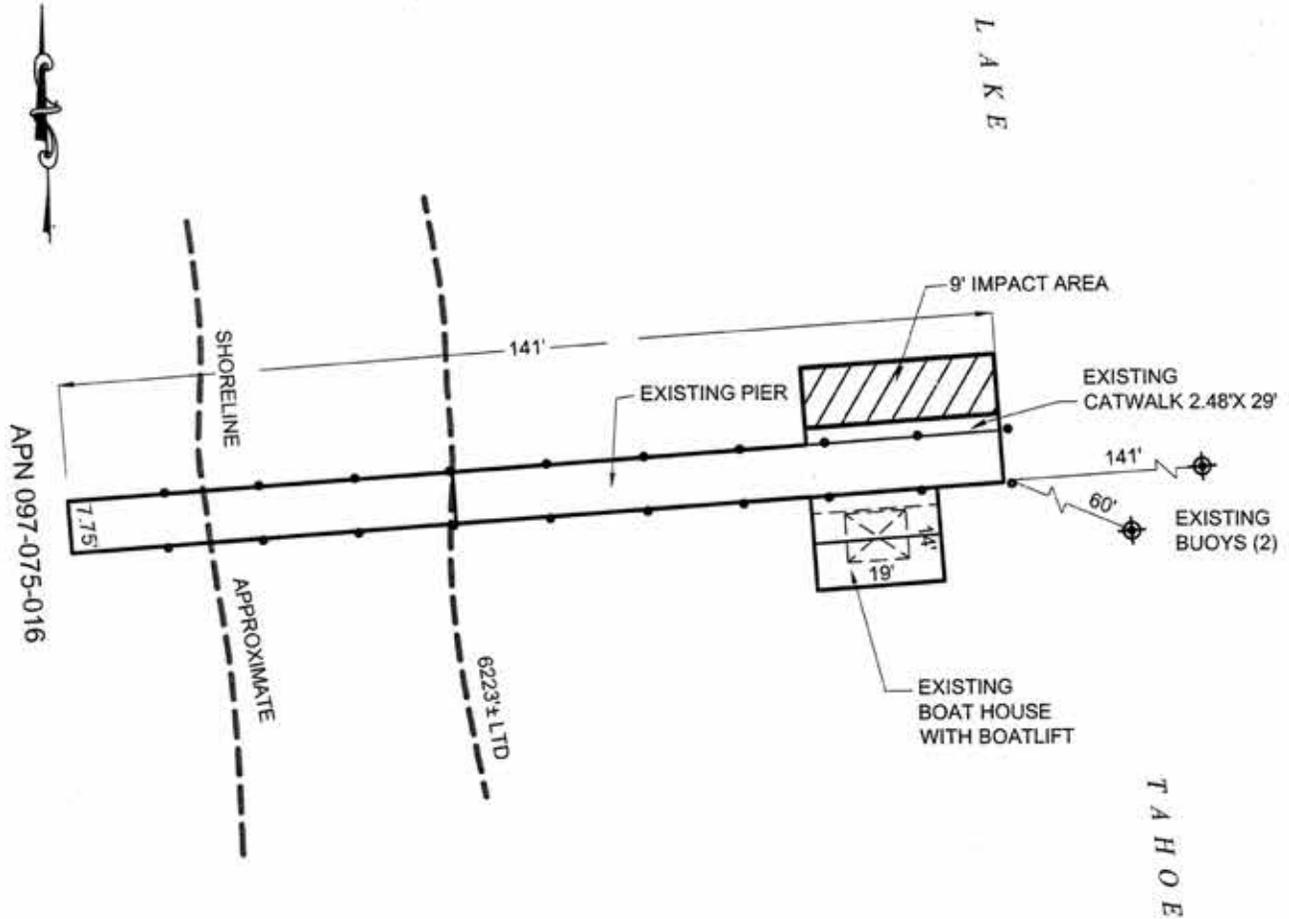
LAND DESCRIPTION PLAT
 PRC 4866.1, DAY / KEAGY REVOCABLE TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



4760 WEST LAKE BLVD., NEAR HOMEWOOD

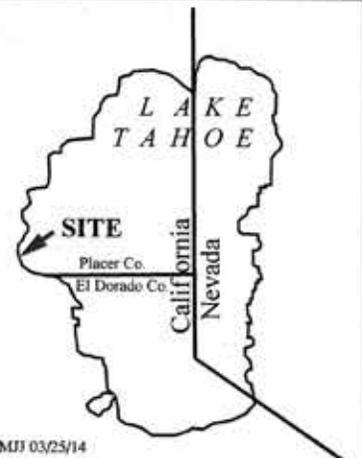
NO SCALE

LOCATION



Exhibit B

PRC 4866.1
 DAY/KEAGY REVOCABLE TRUST
 APN 097-075-016
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 03/25/14

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.