

**CALENDAR ITEM
C04**

A 5
S 1

12/17/14
PRC 3653.1
S.Kreutzburg

AMENDMENT OF LEASE

LESSEE:

Gabrielle D. Harle; Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 1; Anne B. Donahoe, as as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 2; and Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 3

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8873 and 8879 Rubicon Drive, near Tahoma, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning December 11, 2012.

CONSIDERATION:

\$1,787 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease.

PROPOSED AMENDMENT:

Amend the Lease to revise the annual rent from \$1,787 to \$1,312; and 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.

OTHER PERTINENT INFORMATION:

1. Lessees own the uplands adjoining the lease premises.
2. On September 20, 2013, the Commission authorized a 10-year General Lease – Recreational Use with Gabrielle D. Harle; Anne B. Donahoe,

CALENDAR ITEM NO. **C04** (CONT'D)

as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 1; Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 2; and Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 3. That lease will expire on December 10, 2022.

3. At the 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 in Lake Tahoe based on local conditions. The Lessees are now applying to amend their lease to reflect these changes.
4. The staff recommends that the Commission find that the subject lease amendment does 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 is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 3653.1, a General Lease – Recreational Use, effective December 11, 2014, to revise the annual rent from \$1,787 to \$1,312; and 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 will remain in effect without amendment.

EXHIBIT A

PRC 3653.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk, and boatlift lying adjacent to those Lots as described in Exhibit A of that Grant Deed recorded April 29, 2004 as Document Number 2004-00032905 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 buoys lying adjacent to said Lots.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 9, 2014 by the California State Lands Commission Boundary Unit.





L A K E

T A H O E

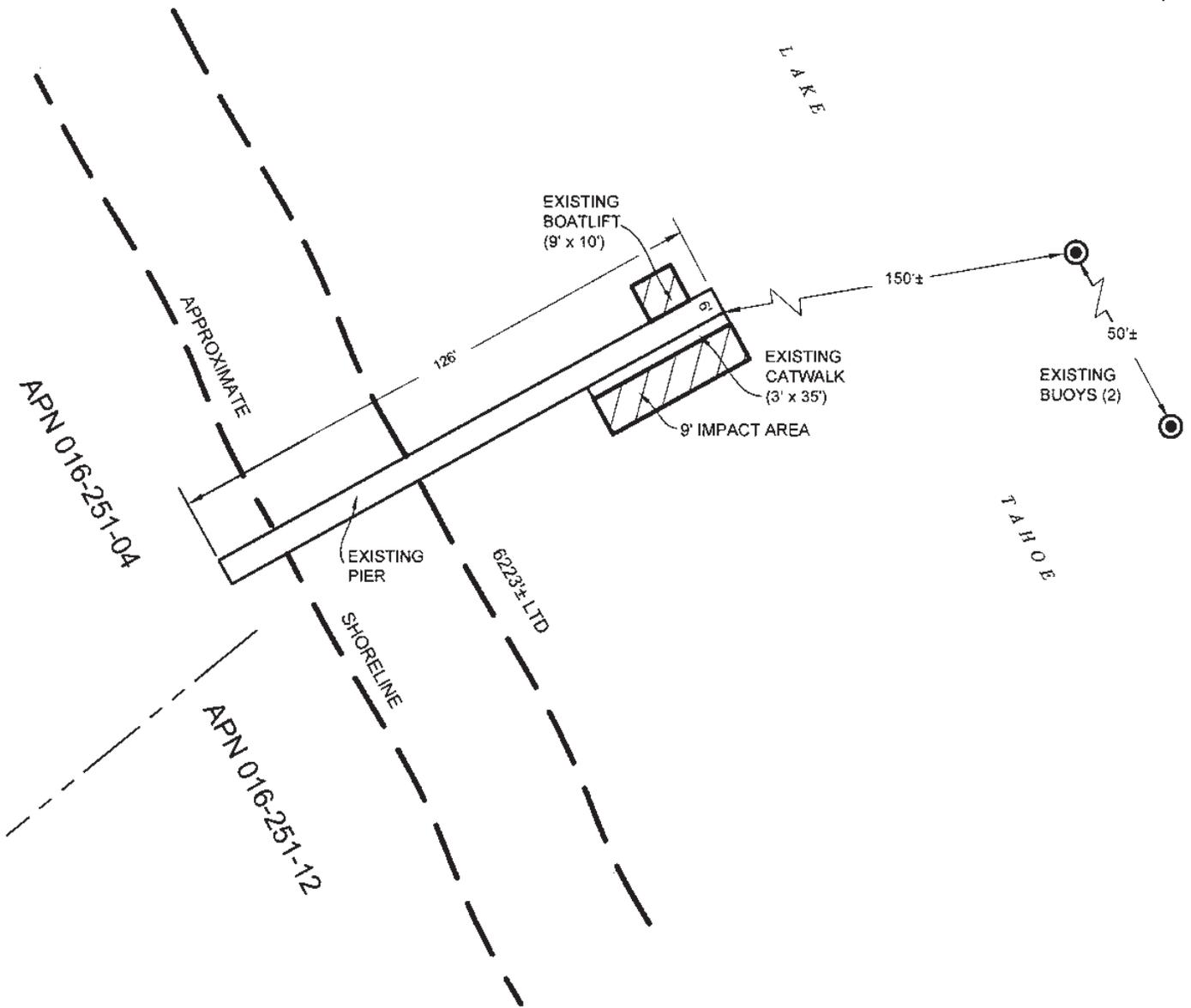


EXHIBIT A

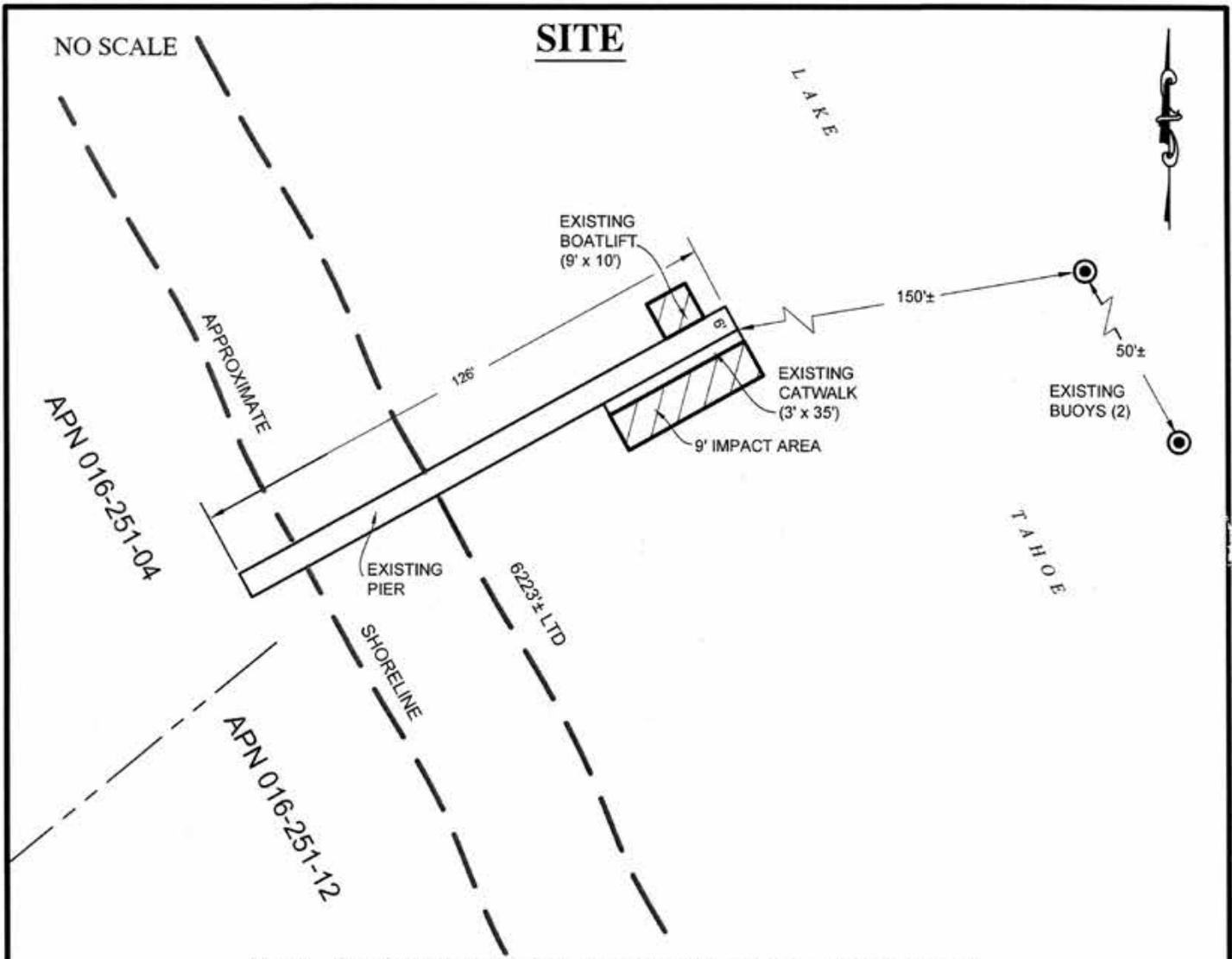
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MJJ 10/02/14

LAND DESCRIPTION PLAT
 PRC 3653.1, DONAHOE
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION





8873 & 8879 RUBICON DRIVE, NEAR TAHOMA

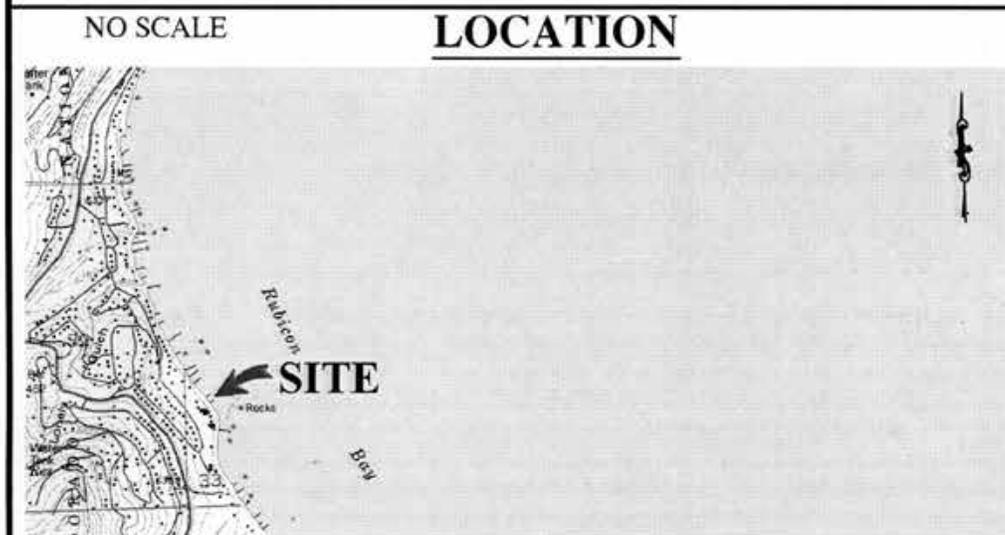
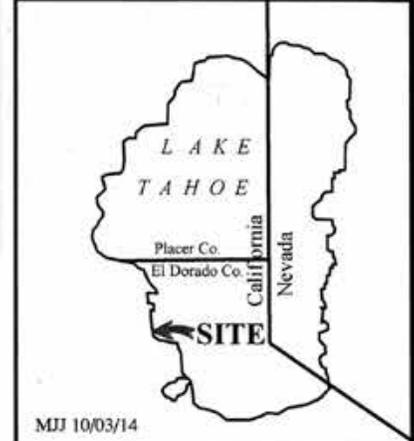


Exhibit B

PRC 3653.1
DONAHOE
APN 016-251-04 & 12
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJJ 10/03/14

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.