

**CALENDAR ITEM
C06**

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12/17/14
PRC 1691.1
N. Lee

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

BST III Owners Association, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9680 Brockway Springs Drive, near Brockway, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with floating dock and gangway, hot springs deck and breakwater, swim area with swim line and float, and 15 mooring buoys.

LEASE TERM:

10 years, beginning October 19, 2007.

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 rent be revised from \$6,342 per year to \$6,037 per year, effective October 19, 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 February 1, 2010, the Commission authorized a General Lease – Recreational Use to BST III Owners Association, Inc. The Lease will expire on October 18, 2017.

CALENDAR ITEM NO. **C06** (CONT'D)

2. Staff conducted the rent review called for in the lease. In addition, at its January 23, 2014, meeting, the Commission adopted amendments to the regulations, which resulted in changes to the Commission's practice for the calculation of impact areas surrounding piers. Accordingly, staff recommends 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 are, therefore, not projects 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 subject activities are not projects 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 1691.1, a General Lease – Recreational Use, effective October 19, 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.
2. Approve the revision of rent for Lease No. PRC 1691.1 from \$6,342 per year to \$6,037 per year, effective October 19, 2014.

EXHIBIT A

PRC 1691.1

LAND DESCRIPTION

Eighteen parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 30, Township 16 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved January 2, 1875, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing rock crib pier, catwalk, adjustable ramp, seasonal floating dock and gangway lying adjacent to that parcel described in Exhibit "A" of Quitclaim Deed recorded September 29, 1995 as Document Number 95-052131 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.

PARCEL 2 – SWIM AREA with swim float.

All those lands underlying an existing swim area with a swim float lying adjacent to that parcel described in Exhibit "A" of Quitclaim Deed recorded September 29, 1995 as Document Number 95-052131 in Official Records of said County.

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

PARCEL 3 – HOT SPRINGS DECK

All those lands underlying an existing hot springs deck lying adjacent to that parcel described in Exhibit "A" of Quitclaim Deed recorded September 29, 1995 as Document Number 95-052131 in Official Records of said County.

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

PARCELS 4 through 18 – BUOYS

Fifteen circular parcels of land, each being 50 feet in diameter, underlying fifteen existing buoys lying adjacent to that parcel described in Exhibit “A” of Quitclaim Deed recorded September 29, 1995 as Document Number 95-052131 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/28/2014 by the California State Lands Commission Boundary Unit.



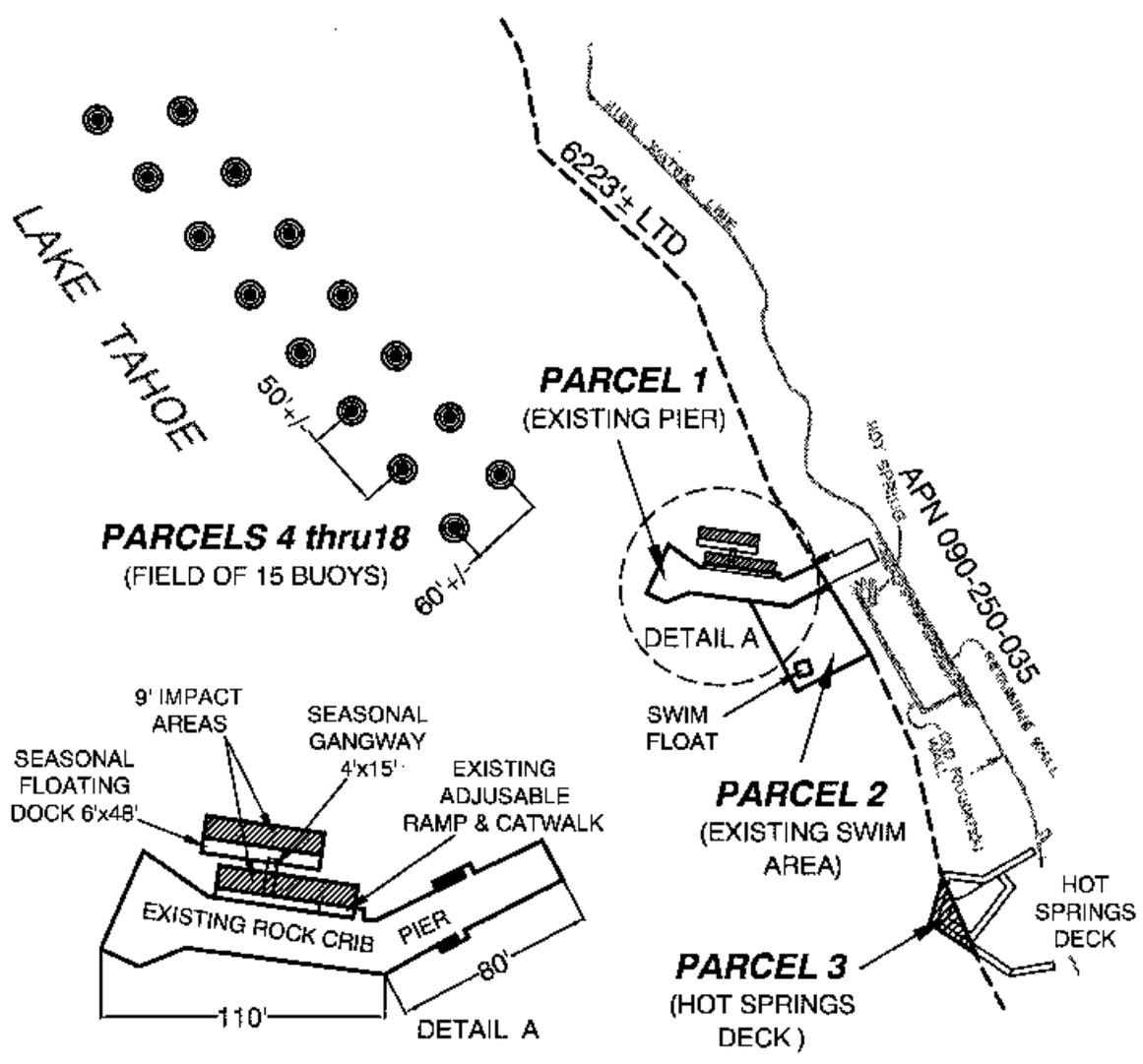
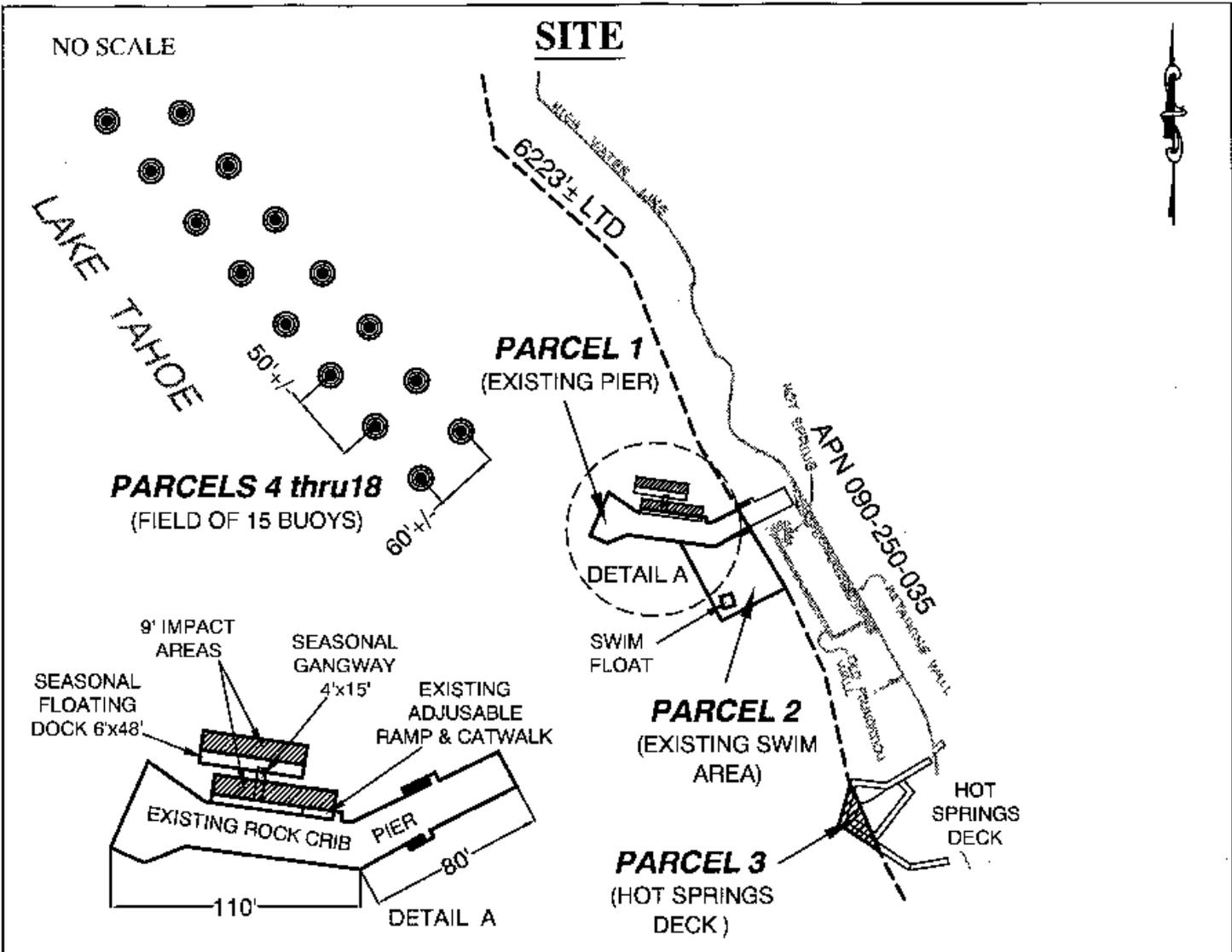
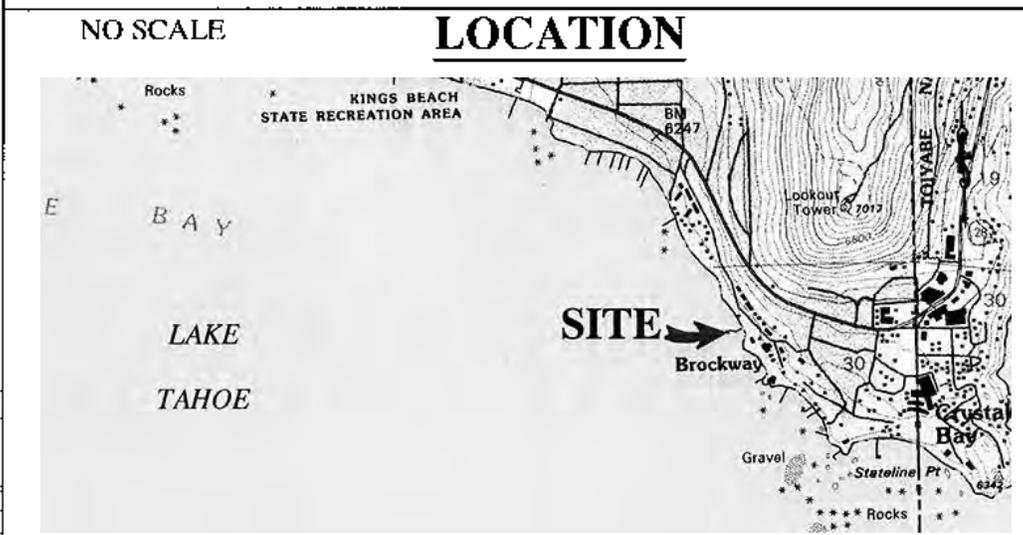


EXHIBIT A





9680 BROCKWAY SPRINGS DRIVE, NEAR BROCKWAY



MAP SOURCE: USGS QUAD

Exhibit B

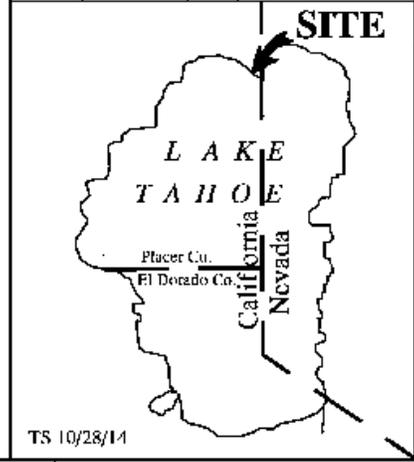
PRC 1691.1

BST III OWNERS ASSOCIATION

APN 090-250-035

GENERAL LEASE - RECREATIONAL USE

PLACER COUNTY



TS 10/28/14

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.