

**CALENDAR ITEM
C07**

A 1
S 1

02/20/15
PRC 4893.1
S. Kreutzburg

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Belle Haven Realty, a California Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 710 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning February 1, 2009.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of rent under this lease and recommends rent be revised from \$1,675 per year to \$1,103 per year, effective February 1, 2015.

PROPOSED AMENDMENT:

Amend the lease to delete the existing Site and Location Map in Section 3 and add 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. Lessee owns the uplands adjoining the lease premises.
2. On October 22, 2009, the Commission authorized a 10-year General Lease - Recreational Use with Belle Haven Realty, a California Corporation. That lease will expire on January 31, 2019.

CALENDAR ITEM NO. **C07** (CONT'D)

3. Staff conducted the rent review called for in the lease. Staff recommends the rent be reduced due to changes in the calculation of the impact area surrounding the pier.
4. 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, section 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 4893.1, a General Lease – Recreational Use, to delete the existing Site and Location Map in Section 3 and add 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 revision of rent for Lease No. PRC 4893.1 from \$1,675 per year to \$1,103 per year, effective February 1, 2015.

EXHIBIT A

PRC 4893.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 7, patented November 9, 1866 of the County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to those parcels as described in that Quitclaim Deed recorded August 1, 1995 in Document 96-044605 of Official Records of said County.

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.

PARCELS 2, 3 – BUOYS (2)

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

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared November 13, 2014 by the California State Lands Commission Boundary Unit.



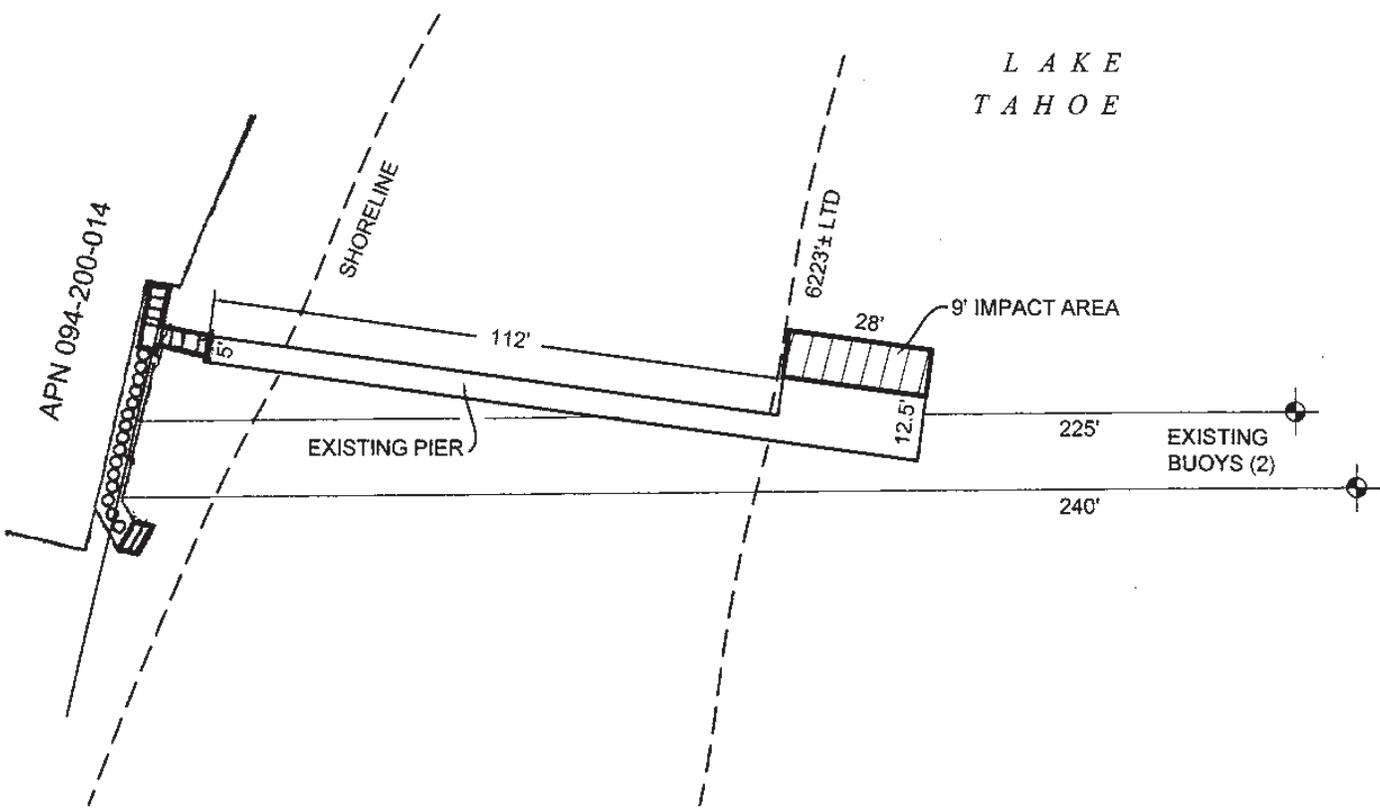


EXHIBIT A

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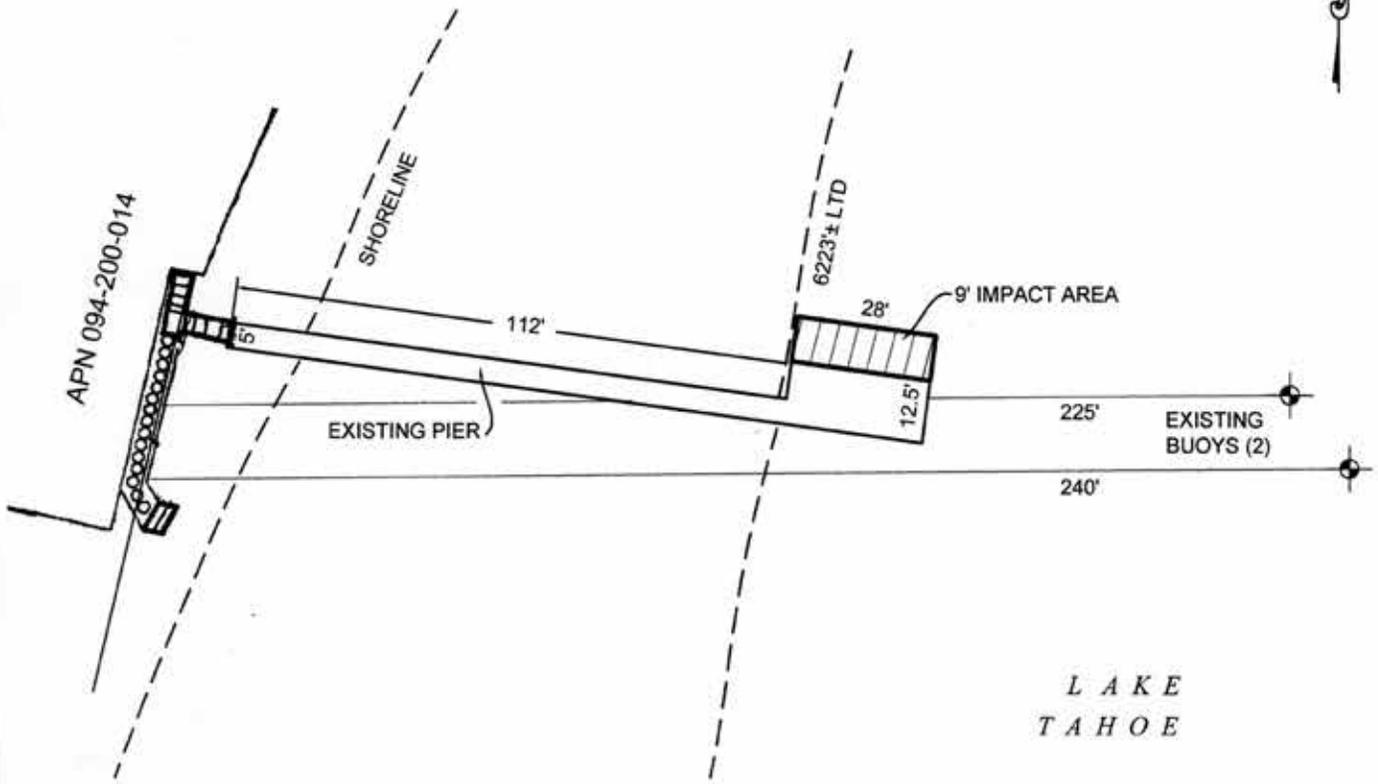
LAND DESCRIPTION PLAT
PRC 4893.1, BELLE HAVEN REALTY
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



L A K E
T A H O E

710 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4893.1
 BELLE HAVEN REALTY CO.
 APN 094-200-014
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MOJ 11/6/2014

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.