

**CALENDAR ITEM
C40**

A 5
S 1

06/29/15
PRC 5883.1
B. Terry

AMENDMENT OF LEASE

LESSEE:

Lakeside Park Association
4077 Pine Boulevard
South Lake Tahoe, CA 96150

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4041 Lakeshore Boulevard, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of a commercial marina known as Lakeside Marina with 10 mooring buoys, four marker buoys, and one-time maintenance dredging. Continued use and maintenance of the existing beach, fill, and freestanding sheetpile breakwater known as Lakeside Park Association.

LEASE TERM:

20 years, beginning June 7, 2004.

CONSIDERATION:

Lakeside Marina (Commercial marina facility): Five percent of gross income from berthing and mooring of boats; five percent of gross income from the rental of personal watercraft, motorboats, kayaks, paddleboats, a parasail operation, and a fishing boat operation; one percent of gross income from a water taxi operation; ten percent of all other gross income generated on the lease premises; with a minimum annual rent of \$5,687.

Lakeside Park Association: \$23,187 per year

The State reserves the right to fix a different rent for all consideration due periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to:

1. Authorize a one-time maintenance dredging;

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2. Replace Section 3, Land Description, with the attached Exhibit B, Land Description;
3. Replace the existing Exhibit A, Site and Location Map, with the attached Exhibit A, Site and Location Map (for reference purposes only); and
4. Include special lease provisions related to dredging activity.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjoining the lease premises.
2. On June 7, 2004, the Commission authorized a 20-year General Lease – Commercial and Recreational Use, for an existing commercial marina, 10 mooring buoys, four marker buoys, freestanding sheetpile breakwater, two swim lines, two swim platforms, swim area, and beach and fill. That lease will expire on June 6, 2024. On June 28, 2010, the Commission authorized an amendment of lease for one-time maintenance dredging. On September 1, 2011, the Commission authorized a second amendment to remove the two swim lines, two swim platforms, and the swim area. The Lessee is now applying to amend its lease to include another one-time maintenance dredging within the marina area.
3. Due to the extreme low lake levels, the areas adjacent to the boat ramp and the gas dock within the marina are too shallow to be functional. The Lessee is proposing to conduct maintenance dredging of approximately 30 cubic yards of material to a maximum depth of elevation 6,219 feet Lake Tahoe Datum. The overall purpose of the dredging is to provide the public with safe boating and navigation conditions within the marina.
4. Dredging operations will be conducted using a long reach excavator operating from the paved boat ramp. The dredged material will be placed on the boat ramp where it will de-water and drain back down the ramp into the lake. The de-watered material will be loaded into sealed dump trucks and transported and disposed of at an authorized location outside of the Tahoe Basin. The dredged material will not be sold.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

California Department of Fish and Wildlife
California State Water Resources Control Board
United States Army Corps of Engineers

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land, California Code of Regulations, Title 14, section 15304.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 5883.1, a General Lease – Commercial and Recreational Use, effective June 29, 2015, to authorize a one-time maintenance dredging; replace Exhibit B, Land Description with the Attached Exhibit A, Land Description; replace Exhibit A, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only) and; include special lease provisions related to dredging activity; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 5883.1

LAND DESCRIPTION

Four parcels of State Sovereign Land, El Dorado County, California, situated adjacent to Lot 1 of fractional Section 27, T13N, R18E, MDM, as shown on the Official Government Plat approved July 8, 1875, more particularly described as follows:

PARCEL 1 – MARINA

A parcel of submerged land in the bed of Lake Tahoe, COMMENCING at the most westerly corner of Lot 54, as shown on the map of "Katherine Smith Hill Resubdivision of Lots 2, 3, 4, 5, 6, 7, 8 of Block "A" First Subdivision of Lakeside Park", filed in Map Book "A" at page 24, El Dorado County; thence N 47° 55' 12" W 225.97 feet to a point on the low water mark of Lake Tahoe as shown on sheet 2 of 17 of Survey of the Low Water Mark on the Shore of Lake Tahoe Vicinity of Stateline, dated September 1950, on file under W.O. 288 in the office of the CSLC, said point being the TRUE POINT OF BEGINNING of the herein described parcel, thence along the following eight (8) courses:

- 1) N 43° 40' 29" W, 154.02 feet;
- 2) S 27° 57' 06" W, 100.69 feet;
- 3) S 24° 46' 53" W, 110.00 feet;
- 4) S 65° 13' 07" E, 37.00 feet;
- 5) S 24° 46' 53" W, 147.02 feet;
- 6) S 65° 13' 07" E, 110.18 feet, to a point on the low water mark of the above described survey; thence northerly along said low water mark,
- 7) N 33° 08' 59" E, 47.37 feet;
- 8) N 23° 35' 54" E, 254.19 feet; to the TRUE POINT OF BEGINNING.

PARCEL 2 – BUOY FIELD

Ten circular parcels of submerged land, 40 feet in diameter, lying within the following described area; COMMENCING at the most westerly corner of Lot 54, as shown of the map of "Katherine Smith Hill Resubdivision of Lots 2, 3, 4, 5, 6, 7, 8 of Block "A" First Subdivision of Lakeside Park", filed in Map Book "A" at page 24, El Dorado County; thence N 73° 25' 54" W 674.66 feet to the TRUE POINT OF BEGINNING of the herein described parcel, thence along the following seven (7) courses:

- 1) N 49° 54' 42" W, 147.00 feet;
- 2) N 57° 46' 56" W, 346.00 feet;
- 3) S 37° 42' 50" W, 361.00 feet;

- 4) S 57° 46' 56" E, 346.00 feet;
- 5) N 37° 42' 50" E, 320.00 feet;
- 6) S 49° 54' 42" E, 147.00 feet;
- 7) N 37° 42' 50" E, 41.00 feet; to the TRUE POINT OF BEGINNING.

TOGETHER WITH four circular parcels of submerged land, 20 feet in diameter, lying adjacent to the northeast to the above described parcel; said parcels to be used for the location of U.S. Coast Guard marker buoys only.

PARCEL 3 – BREAKWATER

A six (6) foot wide strip of submerged land in the bed of Lake Tahoe, COMMENCING at the most westerly corner of Lot 54, as shown on the map of "Katherine Smith Hill Resubdivision of Lots 2, 3, 4, 5, 6, 7, 8 of Block "A" First Subdivision of Lakeside Park", filed in Map Book "A" at page 24, El Dorado County; thence N 47° 55' 12" W 225.97 feet to a point on the low water mark of Lake Tahoe as shown on sheet 2 of 17 of Survey of the Low Water Mark on the Shore of Lake Tahoe Vicinity of Stateline, dated September 1950, on file under W.O. 288 in the office of the CLSC, thence leaving said low water mark N 43° 40' 29" W 154.02 feet to the centerline of an existing steel sheet pile breakwater and the TRUE POINT OF BEGINNING of the herein described strip, thence along the centerline of said strip the following two (2) courses:

- 1) N 01° 09' 26" E, 366.67 feet;
- 2) N 16° 51' 06" E, 94.13 feet to the TERMINATION of said centerline.

The sidelines of said strip are to be lengthened or shortened so as to terminate at lines perpendicular to said beginning and termination of said centerline and at angle point intersections.

PARCEL 4 – BEACH FILL AREA

A parcel of filled submerged land in the historic bed of Lake Tahoe, COMMENCING at the most westerly corner of Lot 54, as shown on the map of "Katherine Smith Hill Resubdivision of Lots 2, 3, 4, 5, 6, 7, 8 of Block "A" First Subdivision of Lakeside Park", filed in Map Book "A" at page 24, El Dorado County; thence N 47° 55' 12" W 225.97 feet to a point on the low water mark of Lake Tahoe as shown on sheet 2 of 17 of Survey of the Low Water Mark on the Shore of Lake Tahoe Vicinity of Stateline, dated September 1950, on file under W.O. 288 in the office of the CLSC, said point being the TRUE POINT OF BEGINNING of the herein described parcel, thence along the following seventeen (17) courses:

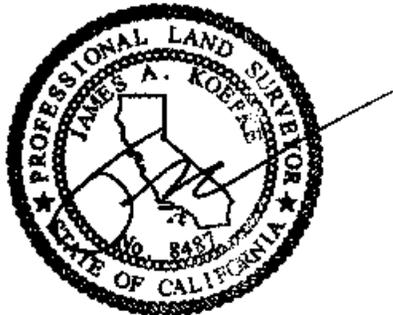
- 1) N 23° 35' 54" E, 5.42 feet;
- 2) N 43° 40' 24" W, 8.61 feet;
- 3) N 29° 08' 34" E, 19.17 feet;
- 4) N 17° 29' 01" E, 31.71 feet;
- 5) N 07° 33' 24" E, 47.02 feet;
- 6) N 04° 49' 59" E, 59.86 feet;
- 7) N 05° 49' 12" E, 44.34 feet;
- 8) N 00° 27' 18" W, 35.28 feet;
- 9) N 07° 46' 11" W, 5.79 feet to a tangent curve, concave to the east having a radius of 203.67 feet;
- 10) Thence northerly along the arc of said curve 39.11 feet through a central angle of 11° 00' 09";
- 11) N 03° 13' 58" E, 37.08 feet to a tangent curve, concave to the southeast having a radius of 121.77 feet;
- 12) Thence northerly along the arc of said curve 110.36 feet through a central angle of 51° 55' 39";
- 13) N 55° 09' 36" E, 52.49 feet to a tangent curve, concave to the northwest having a radius of 174.92 feet;
- 14) Thence northeasterly along the arc of said curve 125.26 feet through a central angle of 41° 01' 41" to a point on the low water mark of the above described survey; thence southerly along said low water mark,
- 15) S 14° 07' 55" W, 140.52 feet;
- 16) S 20° 33' 10" W, 340.98 feet;
- 17) S 23° 35' 54" W, 102.58 feet to the TRUE POINT OF BEGINNING.

BASIS OF BEARING: Bearings are based on the west line of Lot 54, as shown on the map of "Katherine Smith Hill Resubdivision of Lots 2, 3, 4, 5, 6, 7, 8 of Block "A" First Subdivision of Lakeside Park", filed in Map Book "A" at page 24, El Dorado County; line being N 19° 45' 00" E 580.95 feet.

EXCEPTING THEREFROM any portion of land lying landward of the low water mark as shown on said CSLC Survey of the Low Water Mark on the Shore of Lake Tahoe Vicinity of Stateline.

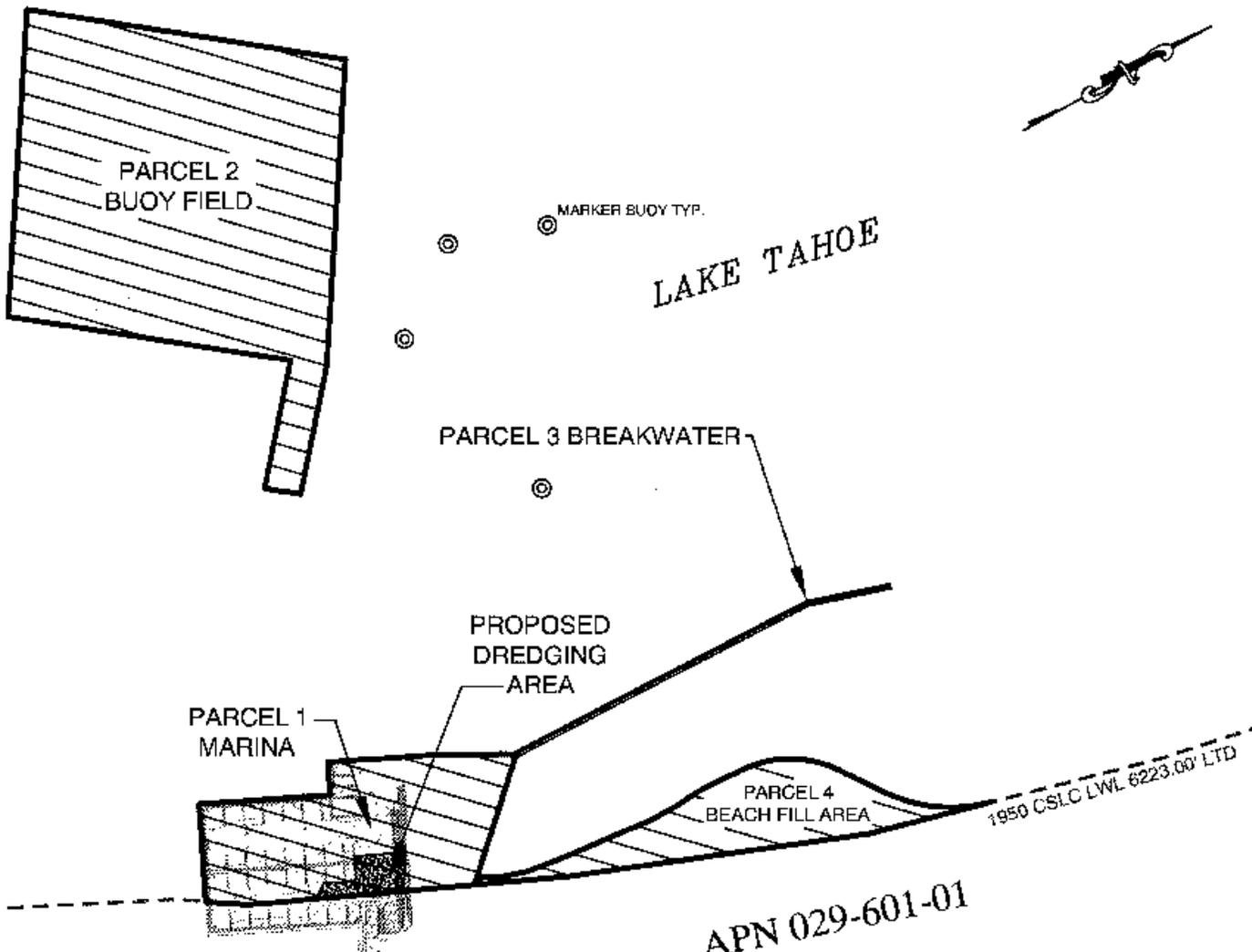
END OF DESCRIPTION

Revised by the California State Lands Commission Boundary Unit June 15, 2011. Original descriptions prepared by CSLC Staff as found in PRC 5883.1 Lease File.



NO SCALE

SITE



4041 LAKESHORE BLVD, SOUTH LAKE TAHOE

LOCATION

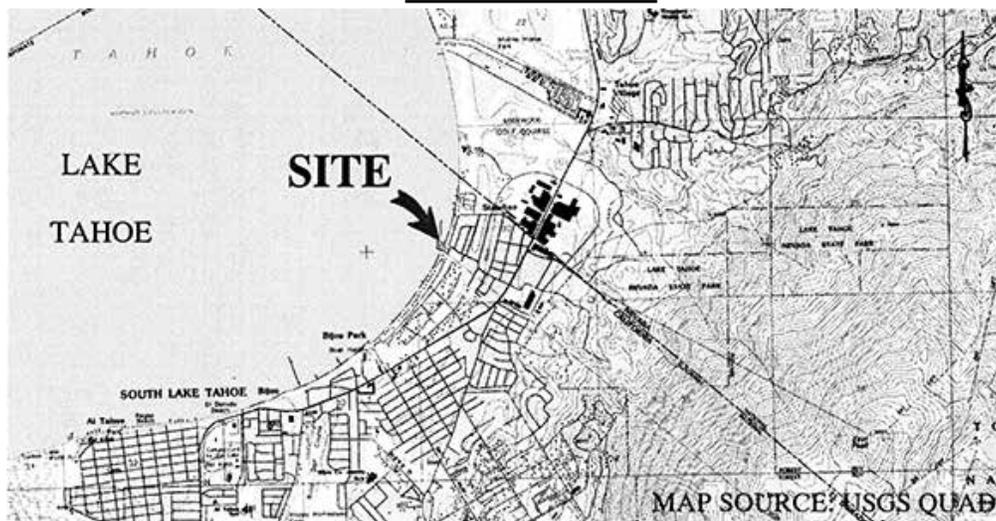


Exhibit B
 PRC 5883.1
 LAKESIDE PARK ASSOC.
 APN 029-601-01
 GENERAL LEASE-
 COMMERCIAL &
 RECREATIONAL USE
 EL DORADO COUNTY



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.