

**STAFF REPORT
C32**

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04/19/18
PRC 2336.1
D. Simpkin

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Ray Mayer and Robin Mayer

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6730 Powder Horn Lane, near
Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning April 26, 2013.

CONSIDERATION:

This lease provides that the Commission 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 \$943 per year to \$661 per year, effective April 26, 2018.

PROPOSED AMENDMENT:

Amend the lease 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 shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and the State's Best Interests Analysis:

On April 26, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Ray Mayer and Robin Mayer, for the continued use and maintenance of an existing pier and one mooring buoy ([Item C61, April 26, 2013](#)). The lease will expire on April 25, 2023.

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Staff conducted the rent review called for in the lease and recommends the rent be revised from \$943 per year to \$661 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed actions are in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 2336.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 2336.1, a General Lease – Recreational Use, effective April 26, 2018, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and

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Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).

2. Approve the revision of rent for Lease No. PRC 2336.1 from \$943 per year to \$661 per year, effective April 26, 2018.

EXHIBIT A

PRC 2336.1

LAND DESCRIPTION

Two (2) parcels of submerged lands, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 7, Township 14 North, Range 17 East, MDM, as shown on the Official Township Plat, approved July 29th, 1880, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk adjacent to those parcels as described in that Grant Deed recorded November 4th, 2009 in Document Number DOC-2009-0094297-00 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

PARCEL 2 – BUOY

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy, adjacent to those parcels as described in that Grant Deed recorded November 4th, 2009 in Document number DOC-2009-0094297-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 3/09/18 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



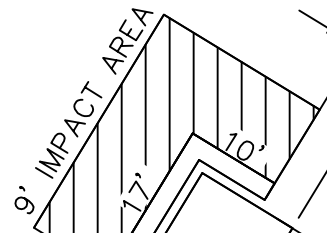


BUOY



LAKE
TAHOE

APPROX. 6223' LTD



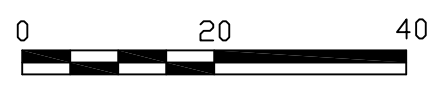
CATWALK

PIER

174±'

APPROX. SHORELINE

APN 098-180-008



SCALE 1" = 20'

EXHIBIT A

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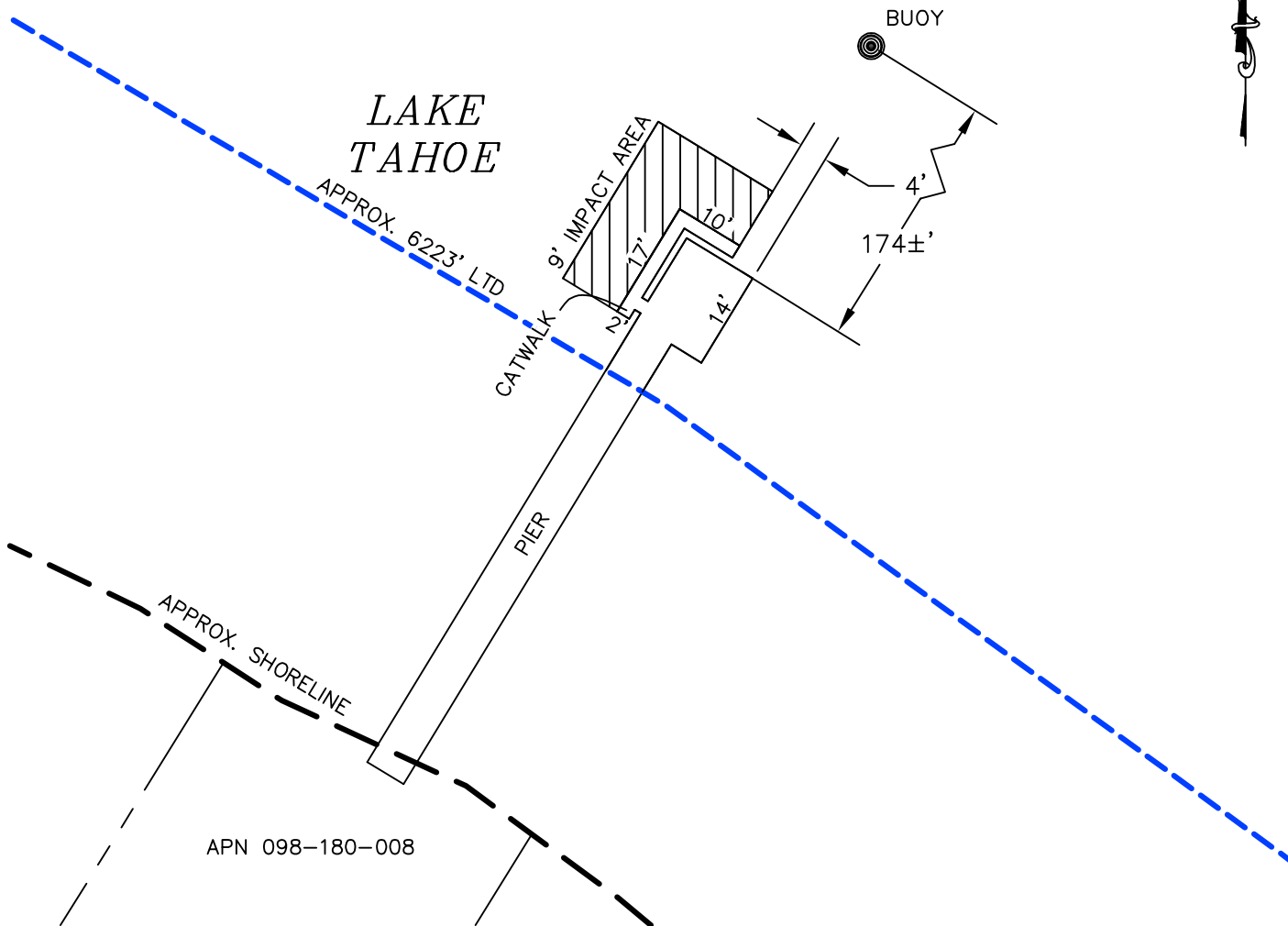
LAND DESCRIPTION PLAT
PRC 2336.1, MAYER
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



6730 Powder Horn Lane, near Tahoma

NO SCALE

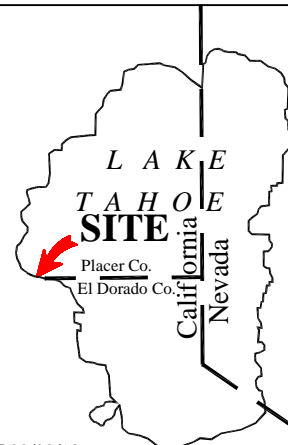
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2336.1
 MAYER
 APN 098-180-008
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJF 03/09/18

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.