

**STAFF REPORT
C41**

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04/19/18
PRC 8439.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Tonopalo Private Residence Club Owners Association, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 117-240-022, near Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and 12 mooring buoys.

LEASE TERM:

10 years, beginning January 1, 2013.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$4,955 per year to \$4,847 per year, effective January 1, 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 September 20, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Tonopalo Private Residence Club Owners

STAFF REPORT NO. **C41** (CONT'D)

Association, Inc., for an existing pier and 12 mooring buoys ([Item C65, September 20, 2013](#)). That lease will expire on December 31, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$4,955 per year to \$4,847 per year based on changes to the lease (impact) area for the pier and application of the current 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 location, at this time, and for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is 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 the 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 8439.1 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.

STAFF REPORT NO. **C41** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8439.1, a General Lease – Recreational Use, effective January 1, 2018, 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).
2. Approve the revision of rent for Lease No. PRC 8439.1 from \$4,955 per year to \$4,847 per year, effective January 1, 2018.

EXHIBIT A

PRC 8439.1

LAND DESCRIPTION

Thirteen parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 14, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to that parcel described in Second Amendment to Declaration of Covenants, Conditions and Restrictions for Tonopalo Private Residence Club recorded July 23, 2003 as Document Number 2003-0120310 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.

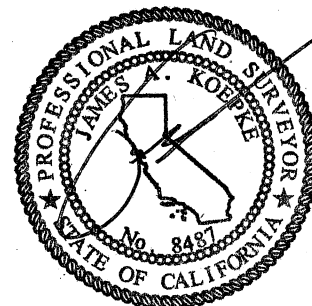
PARCELS 2 through 13 – BUOYS

Twelve circular parcels of land, each being 50 feet in diameter, underlying twelve existing buoys lying adjacent to that parcel described in Second Amendment to Declaration of Covenants, Conditions and Restrictions for Tonopalo Private Residence Club recorded July 23, 2003 as Document Number 2003-0120310 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/16/2017 by the California
State Lands Commission Boundary Unit.





APN 117-240-022

APPROX. SHORELINE

EXISTING RAISED PIER 8' X 150'

PARCEL 1 EXISTING FLOATING PIER 8' X 150'

440'±

50'

6223'± LTD

9' IMPACT AREA

16'

PARCELS 2 through 13 FIELD OF 12 BUOYS

50'±

50'±

LAKE TAHOE

EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8439.1, TONOPALO PRIVATE
RESIDENCE CLUB OWNERS ASSOC. INC.
PLACER COUNTY

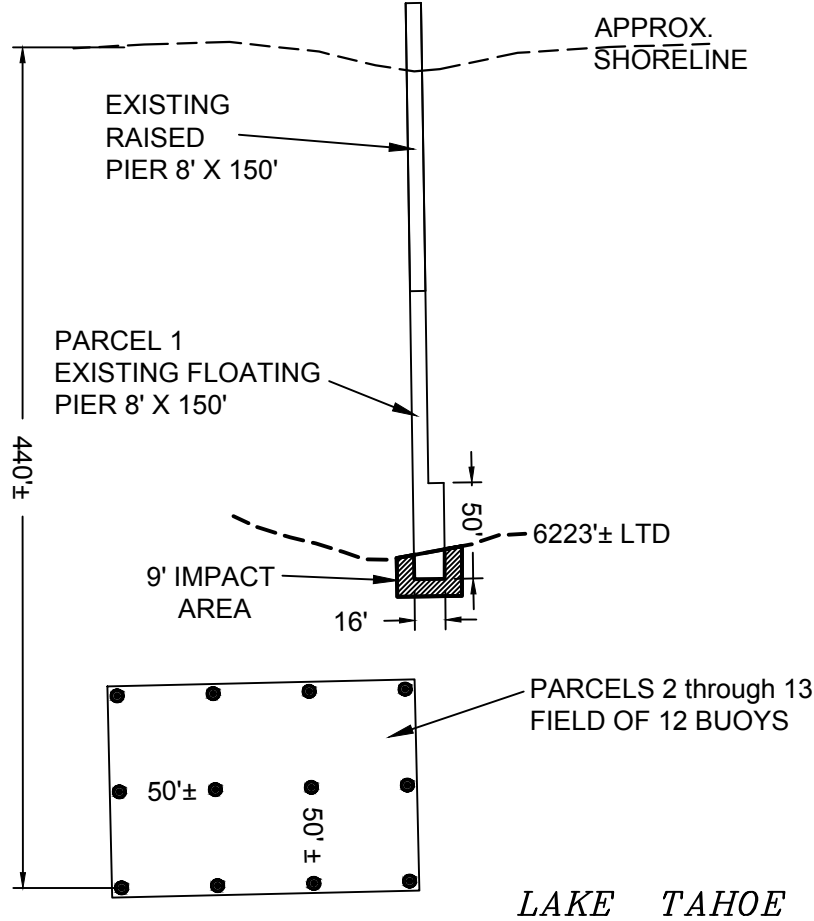
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 117-240-022



TONOPALO PRIVATE RESIDENCE CLUB OWNERS ASSOCIATION ON NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

LOCATION

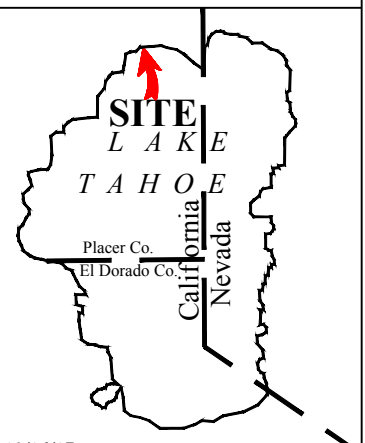


MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 8439.1
TONOPALO PRIVATE RESIDENCE CLUB OWNERS ASSOC. INC.
APN 117-240-022
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY



TS 10/16/17