

**STAFF REPORT
C08**

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12/03/18
PRC 4494.1
S. Evans

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

James Dobbas as Trustee under Declaration of Trust dated December 22, 1976

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8297 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning December 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 \$731 per year to \$564 per year, effective December 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).

Amend the location address stated in Section 1, Location, and Exhibit B from the address previously authorized at the September 20, 2013 Commission meeting ([Item C24, September 20, 2013](#)), to read "8297 Meeks Bay Avenue, Meeks Bay, El Dorado County." 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.

STAFF REPORT NO. **C08** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On September 20, 2013, the Commission authorized a 10-year General Lease – Recreational Use to James Dobbas as Trustee under Declaration of Trust dated December 22, 1976, for an existing pier and one mooring buoy ([Item C24, September 20, 2013](#)). The lease will expire on November 30, 2023.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$731 per year to \$564 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease, authorized on September 20, 2013, incorrectly states the location address as 8283 Meeks Bay Avenue, Meeks Bay, El Dorado County. The correct address is 8297 Meeks Bay Avenue, Meeks Bay, El Dorado County. Staff recommends the lease be amended to reflect the corrected address.

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 adjust the lease area, correct the address, and approve 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

STAFF REPORT NO. **C08** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 4494.1 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 4494.1, a General Lease – Recreational Use, effective December 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), and to correct the location address to 8297 Meeks Bay Ave, Meeks Bay, El Dorado County.
2. Approve the revision of rent for Lease No. PRC 4494.1 from \$731 per year to \$564 per year, effective December 1, 2018.

EXHIBIT A

PRC 4494.1

LAND DESCRIPTION

Two parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 28 and 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880 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 that parcel described in Exhibit A of that Quitclaim Deed recorded December 28, 1976 in Book 1458 Page 785 of 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– BUOY

One circular parcel of land, being 50 feet in diameter, underlying one existing buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared August 22, 2018 by the California State Lands Commission Boundary Unit.

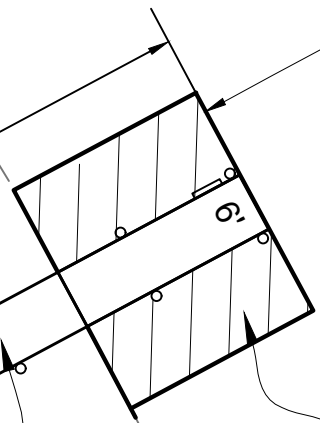




L A K E
T A H O E

156'
EXISTING
BUOY

APPROXIMATE
73'



9' IMPACT
AREAS

APN 016-061-06

EXISTING
PIER

6223'± LTD

SHORELINE

EXHIBIT A

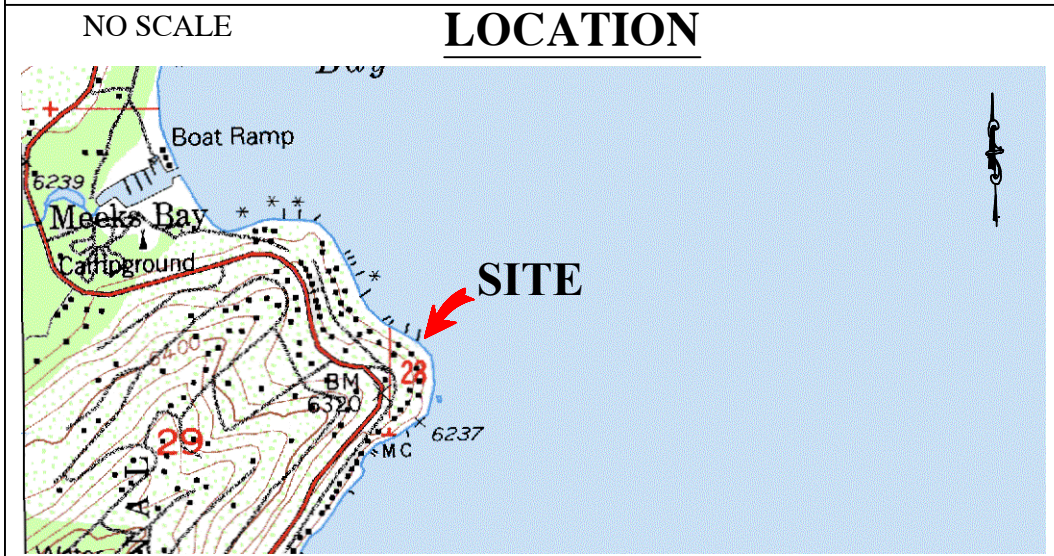
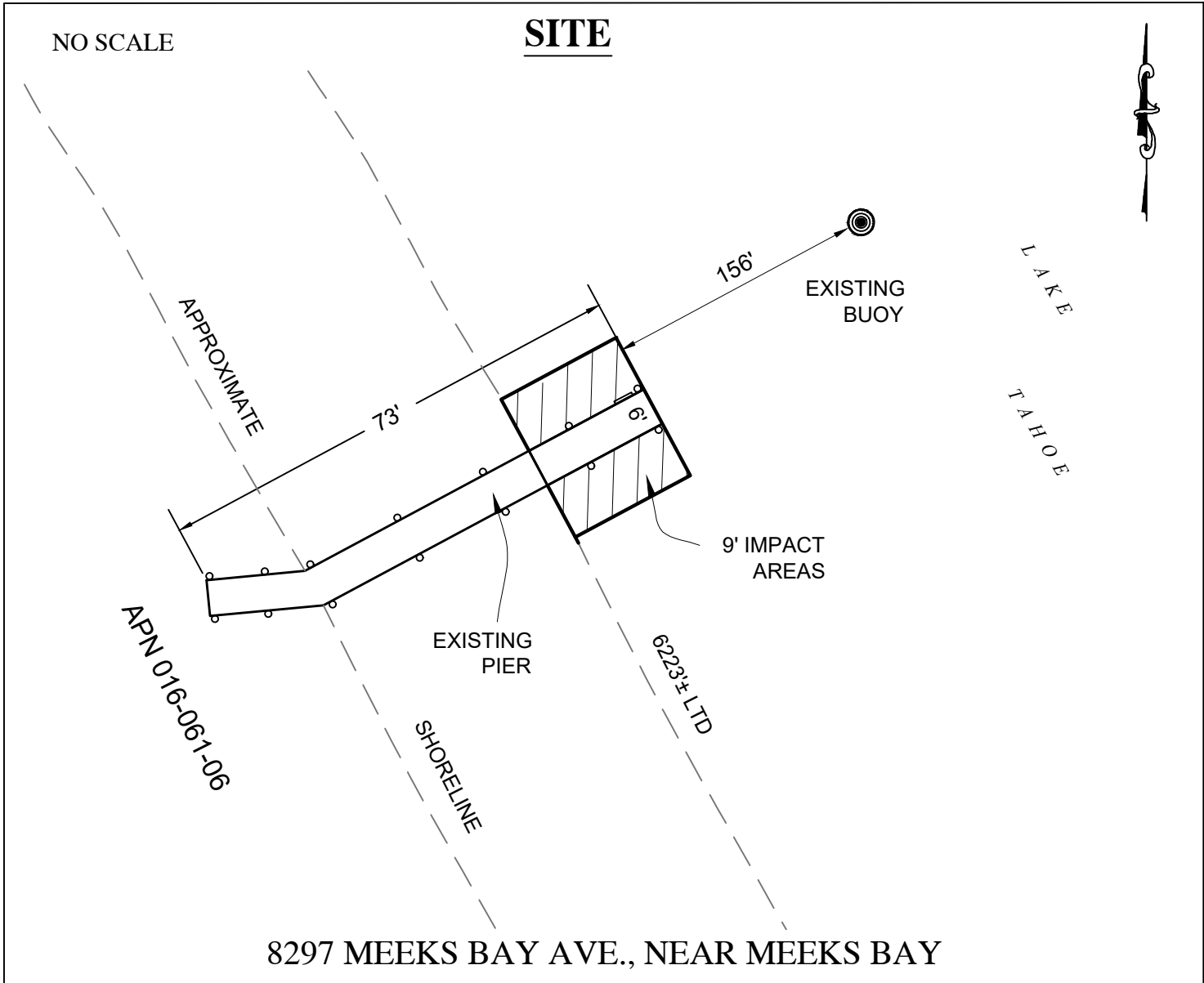
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MJJ 02/15/13

LAND DESCRIPTION PLAT
PRC 4494.1, DOBBAS
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



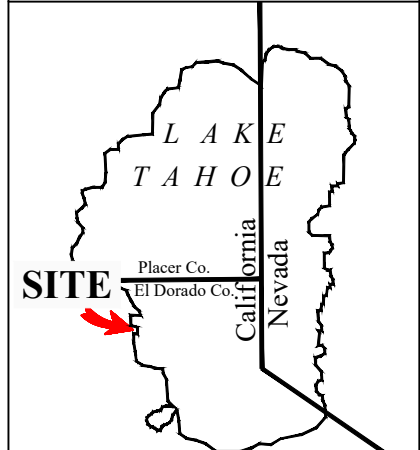


MAP SOURCE: USGS QUAD

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 4494.1
DOBBAS
APN 016-061-06
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJJ 08/22/18