

**CALENDAR ITEM
C40**

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S 1

05/24/12
PRC 5499.1
B. Terry

AMENDMENT OF LEASE

LESSEE:

Chambers Landing Partnership, a California General Partnership

SUBLESSEE:

RB Waterfronts, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6500 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

LEASE: Continued use and maintenance of an existing commercial pier and bar/clubhouse.

SUBLEASE: Operation and maintenance of a commercial pier and bar/clubhouse.

LEASE TERM:

LEASE: 15 years, beginning December 30, 2010.

SUBLEASE: Nine years and 10 months, beginning January 1, 2011.

CONSIDERATION:

\$8,475 per year against three percent of the gross income derived from the bar/clubhouse and all activities associated with the bar/clubhouse operations; and 10 percent of gross income derived from all other unauthorized activities conducted on or over the Lease Premises.

PROPOSED AMENDMENT:

Amend the Lease to:

1. Authorize extension of the existing middle pier finger and relocate the catwalk to the northwest pier finger;
2. Include additional special construction related lease provisions; and

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3. Replace Exhibit A (Site and Location Map) with the attached Exhibit A, and replace Section 3 (Land Description) with the revised Section 3 (Land Description), shown in this calendar item as Exhibit B attached.

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 8, 2011, the Commission approved a General Lease – Commercial Use for the continued use and maintenance of an existing commercial pier and bar/clubhouse and a sublease for the operation and maintenance of a commercial pier and bar/clubhouse. The lease will expire on December 29, 2025. The Applicant is now applying to amend the lease for the reconstruction and expansion of the middle pier finger and the relocation of an existing catwalk.
3. The main section of this commercial pier has four existing pier fingers of which the middle pier finger is approximately 47.8 feet in length with eight double pilings and a catwalk. The project proposes to reconstruct and expand the middle pier finger to a length of 90 feet, replace the eight existing double pilings with six pilings, and remove and relocate the catwalk to the northwest pier finger. The removal and reconstruction of the middle pier finger and pilings are to be performed entirely from the lake.
4. The project is intended to provide for safer access to the commercial pier for boating patrons of the bar/clubhouse, and the general boating public. The expanded finger will have more depth of water where boats will not disturb sediment. Relocation of the catwalk to the northwest pier finger will provide additional area for safe loading and unloading of passengers.
5. **Reconstruction and Expansion:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).
6. **Catwalk Relocation:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §

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15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 11, Accessory Structures; California Code of Regulations, Title 14, section 15311.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. 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.

APPROVALS REQUIRED:

Lahontan Regional Water Quality Control Board
Tahoe Regional Planning Agency
U.S. Army Corps of Engineers
California Department of Fish and Game

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Reconstruction and Expansion: 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 2, Replacement or Reconstruction, California Code of Regulations, Title 2, section 2905, subdivision (b).

Catwalk Relocation: 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 11, Accessory Structures, California Code of Regulations, Title 14, section 15311.

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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 5499.1, a General Lease – Commercial Use, effective May 24, 2012, to approve reconstruction and expansion of the middle pier finger and relocation of the existing catwalk to the northwest pier finger; to include construction and related lease special provisions; to replace Section 3 (Land Description) with the attached Section 3 (Land Description), and to replace Exhibit A (Site and Location Map) with the attached Exhibit A (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 5499.1

LAND DESCRIPTION

A parcel of submerged land in the bed of Lake Tahoe, Placer County, California, situated adjacent to fractional Section 7, T. 14 N., R. 17 E., M.D.M. as shown on the Official Government plat approved January 17, 1856, more particularly described as follows:

BEGINNING at a point on the line of the historic Low Water Mark, as depicted on sheet 3 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe", filed in Book 2 of Surveys at Page 71, Placer County Records, said point lying distant N 54°49'09" E 14.05 feet from Station 33 as shown on said map; thence along said line of Low Water Mark N 54°49'10" E 60.58 feet to Station 32 as shown on said map; thence S 48°44'35" E 25.00 feet; thence leaving said line of Low Water Mark N 57°32'43" E 60.06 feet; thence N 32°27'17" W 37.82 feet; thence N 56°11'38" E 36.14 feet; thence N 33°48'22" W 36.00 feet; thence S 56°11'38" W 35.29 feet; thence N 32°27'17" W 30.60 feet; thence N 22°55'40" E 49.10 feet; thence N 67°04'20" W 47.50 feet; thence S 22°55'40" W 63.18 feet; thence S 57°32'43" W 62.61 feet; thence S 32°27'17" E 29.31 feet; thence S 60°08'05" W 22.53 feet; thence S 29°51'55" E 86.20 feet to the POINT OF BEGINNING.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1927, Zone 2. All distances are grid distances.

END OF DESCRIPTION

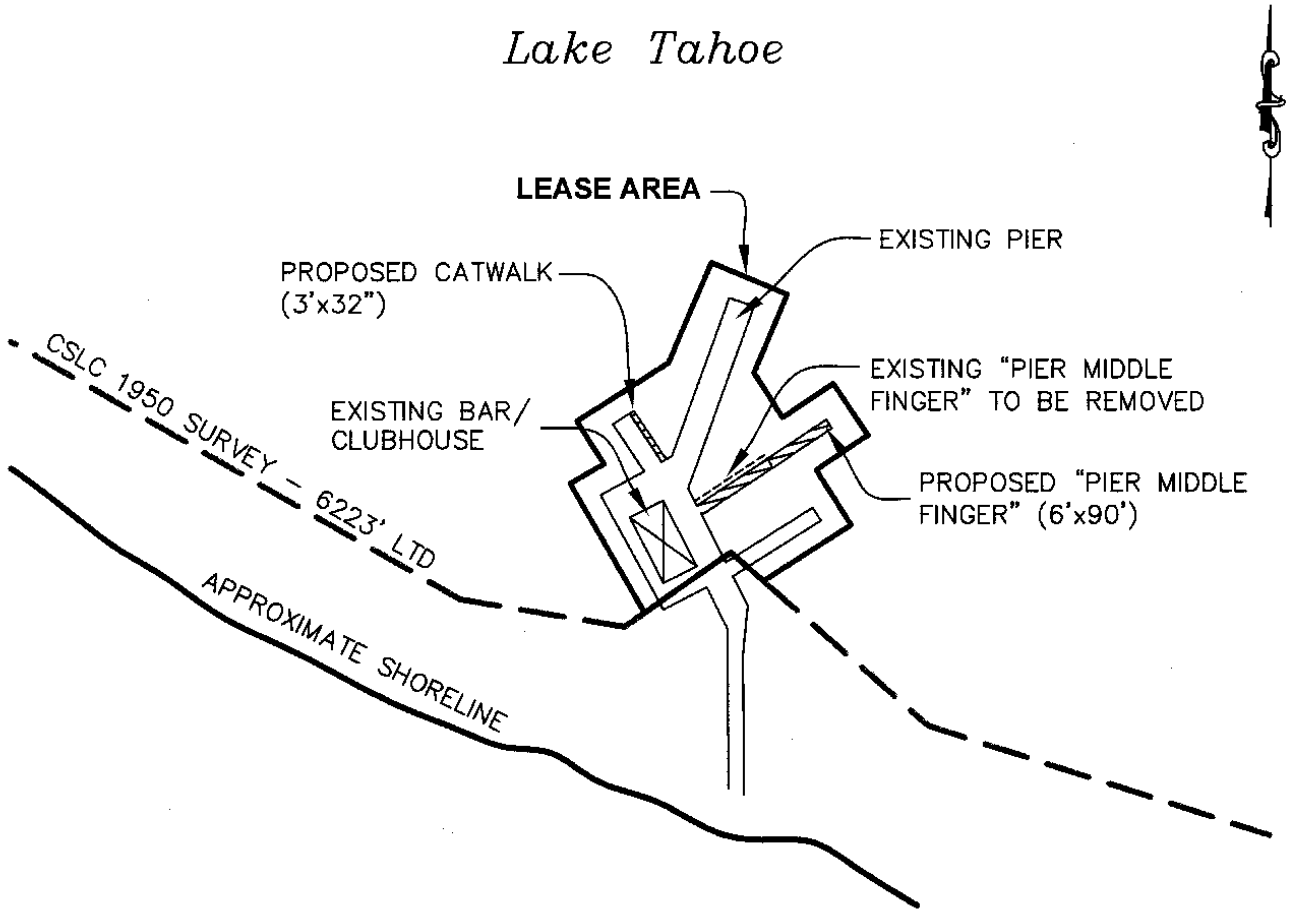
Prepared 5/1/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

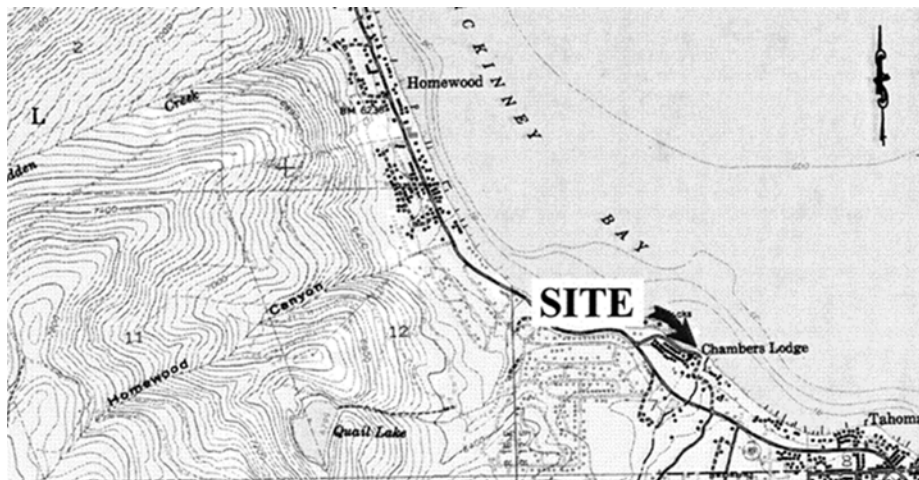
Lake Tahoe



6500 West Lake Blvd., Near Homewood

NO SCALE

LOCATION

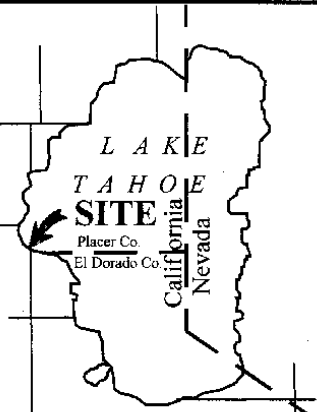


MAP SOURCE: USGS QUAD

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 5499.1
 CHAMBERS LANDING
 PARTNERSHIP
 APN 098-330-016
 GENERAL LEASE -
 COMMERCIAL USE
 PLACER COUNTY



DIF 5/1/2012