

**CALENDAR ITEM
C15**

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12/06/16
PRC 4483.1
N. Lee

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

John H. Bottomley III and Marion W. Bottomley, Trustees (and their successors in trust) of the Bottomley Residential Trust u/a/d September 24, 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4694 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2012.

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 rent be revised from \$1,392 to \$1,203 per year, effective February 1, 2017.

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). Revise the rent from \$1,392 to \$1,203 per year. 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, and 6503.5;
California Code of Regulations, title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C15** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On March 29, 2012, the Commission authorized a 10-year General Lease – Recreational Use to John H. Bottomley III and Marion W. Bottomley, Trustees (and their successors in trust) of the Bottomley Residential Trust u/a/d September 24, 1997, for an existing pier, boat lift, and two mooring buoys ([Calendar Item C54, March 29, 2012](#)). That lease will expire on January 31, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,392 to \$1,203 per year based on seasonal use and reduced impact area for the pier and application of the updated Lake Tahoe Benchmark. Staff also recommends Exhibits A and B of the lease be amended to reflect the new reduced lease (impact) area.

The amendment and revision of rent are lease administrative actions unlikely to result in any changes to the use of the lease premises. 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 action is in the best interests of the State at this time.

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 replace Exhibit A, the Land Description, and Exhibit B, Site and Location Map, 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

CALENDAR ITEM NO. **C15** (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 4483.1 will not substantially interfere with the Public Trust needs and values at this location; find these actions are consistent with the common law Public Trust Doctrine and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4483.1, a General Lease – Recreational Use, effective February 1, 2017, 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 4483.1 from \$1,392 to \$1,203 per year, effective February 1, 2017; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 4483.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 fractional Section 22, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk and one (1) boat lift adjacent to that parcel described in Exhibit A of that Grant Deed recorded October 23, 1997 in Document Number 97-0065885 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2, 3 – BUOYS (2)

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 29, 2016 by the California State Lands Commission Boundary Unit.



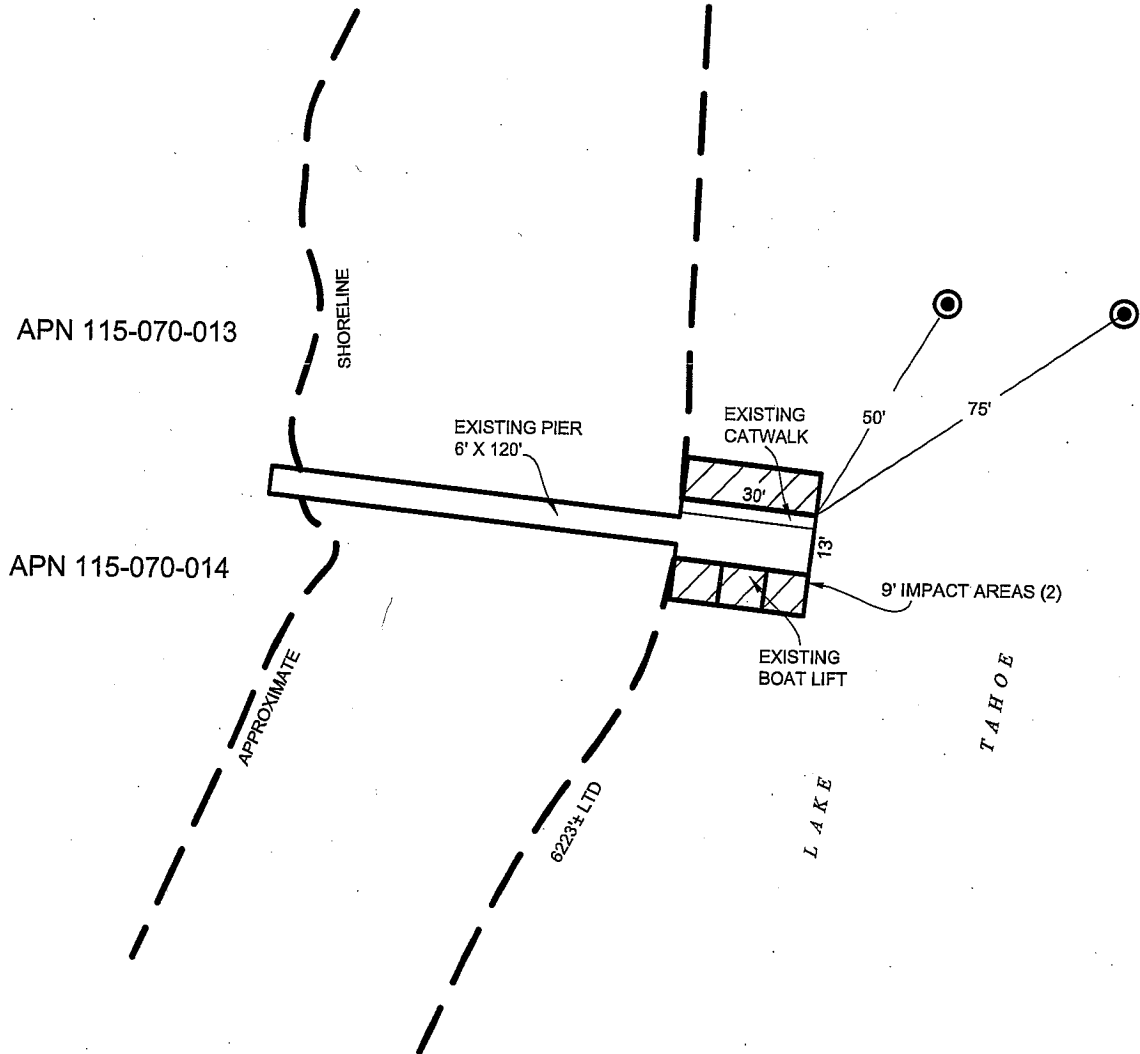


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 4483.1, BOTTOMLEY TRUSTEE
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



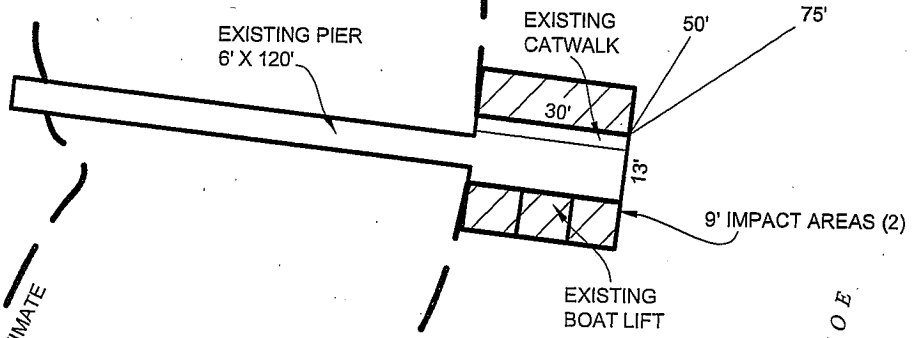
APN 115-070-013

SHORELINE

APN 115-070-014

APPROXIMATE

6223± LTD



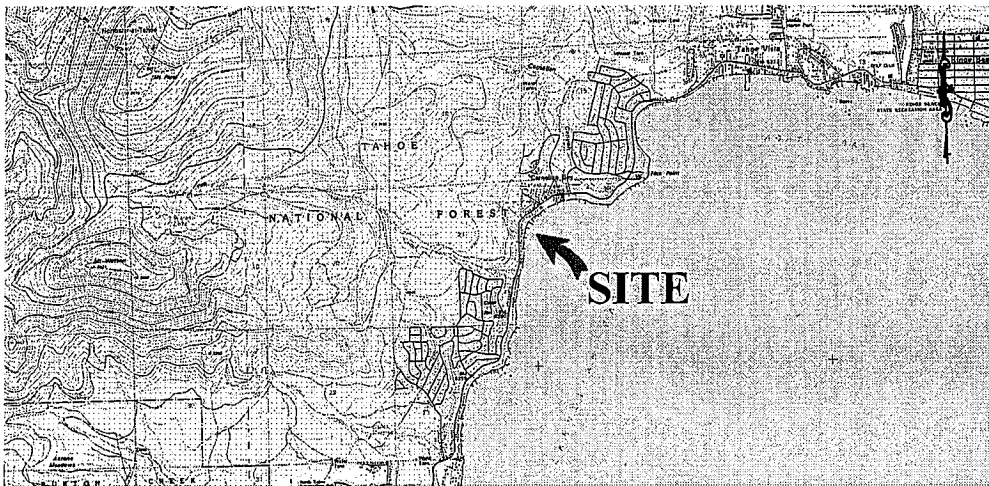
L A K E

T A H O E

4694 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

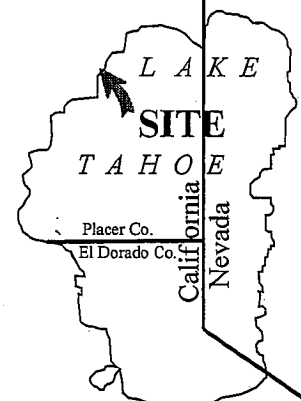
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4483.1
 BOTTOMLEY TRUSTEE
 APN 115-070-013 & 014
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER 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.

MJJ 09/28/2016