

**CALENDAR ITEM
C21**

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12/06/16
PRC 5300.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Bay View Refuse Service, Inc., a California Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 32 Moana Circle, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 14, 2011.

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 \$2,205 per year to \$1,387 per year, effective April 14, 2017.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). Revise rent from \$2,205 per year to \$1,387 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).

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Public Trust and the State's Best Interests Analysis:

On October 27, 2011, the Commission authorized a 10-year General Lease – Recreational Use to Bay View Refuse Service, Inc., a California Corporation, for an existing pier and two mooring buoys ([Calendar Item 12, October 27, 2011](#)). That lease will expire on April 13, 2021.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,205 to \$1,387 per year based on seasonal use and reduced impact area for the pier and application of the 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 make an adjustment in the lease area and 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 5300.1 will not substantially interfere with the Public Trust needs and values at this

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location, 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 5300.1, a General Lease – Recreational Use, effective April 14, 2017, to replace the existing Site and Location Map in Section 3 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 5300.1 from \$2,205 per year to \$1,387 per year, effective April 14, 2017; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 5300.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 7, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and one (1) catwalk lying adjacent to that parcel as described in that Corporation Grant Deed recorded April 14, 1986 in Book 3956 Page 298 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.

PARCEL 2 & 3 – BUOYS (2)

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared April 9, 2015 by the California State Lands Commission Boundary Unit.



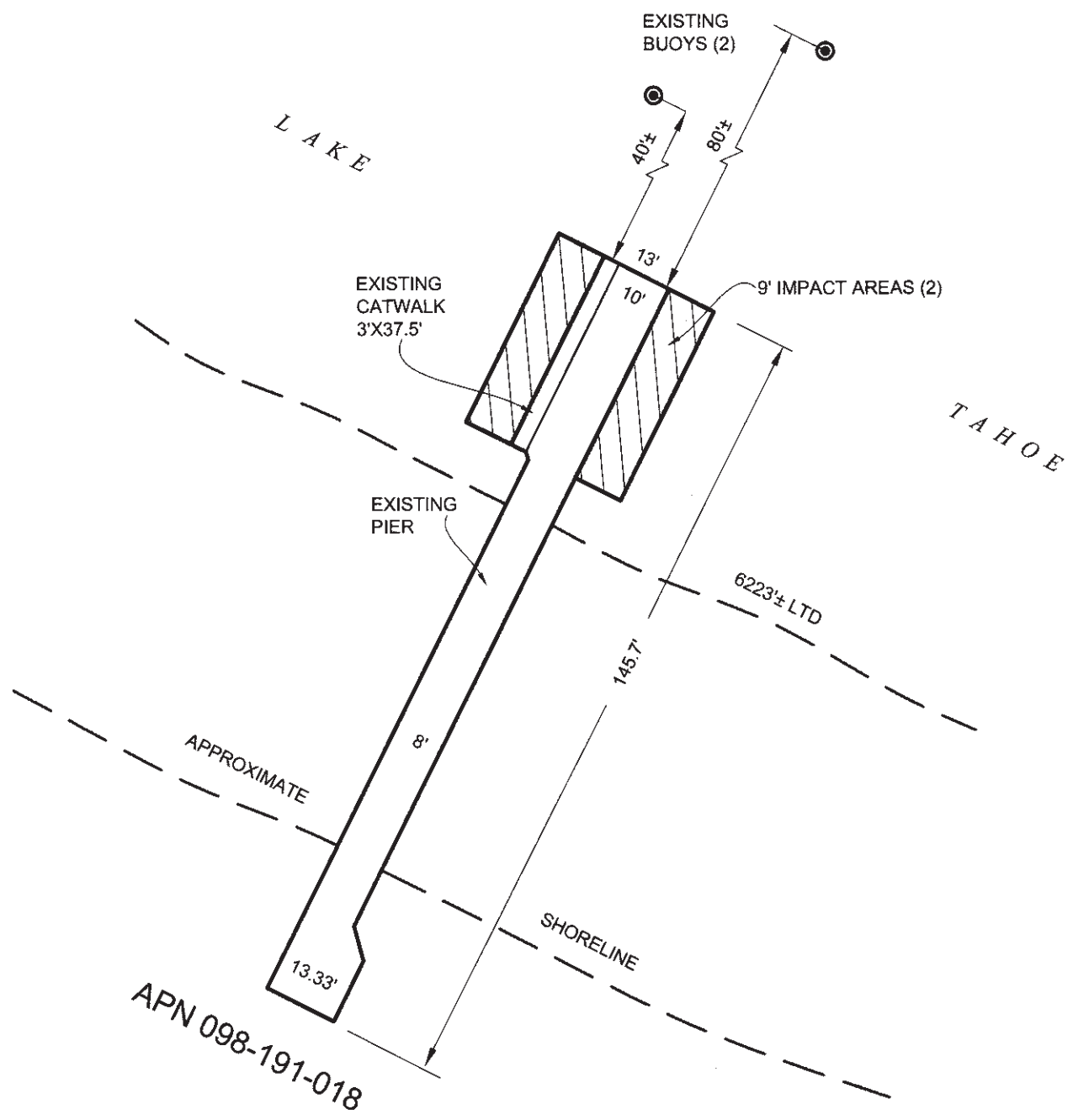


EXHIBIT A

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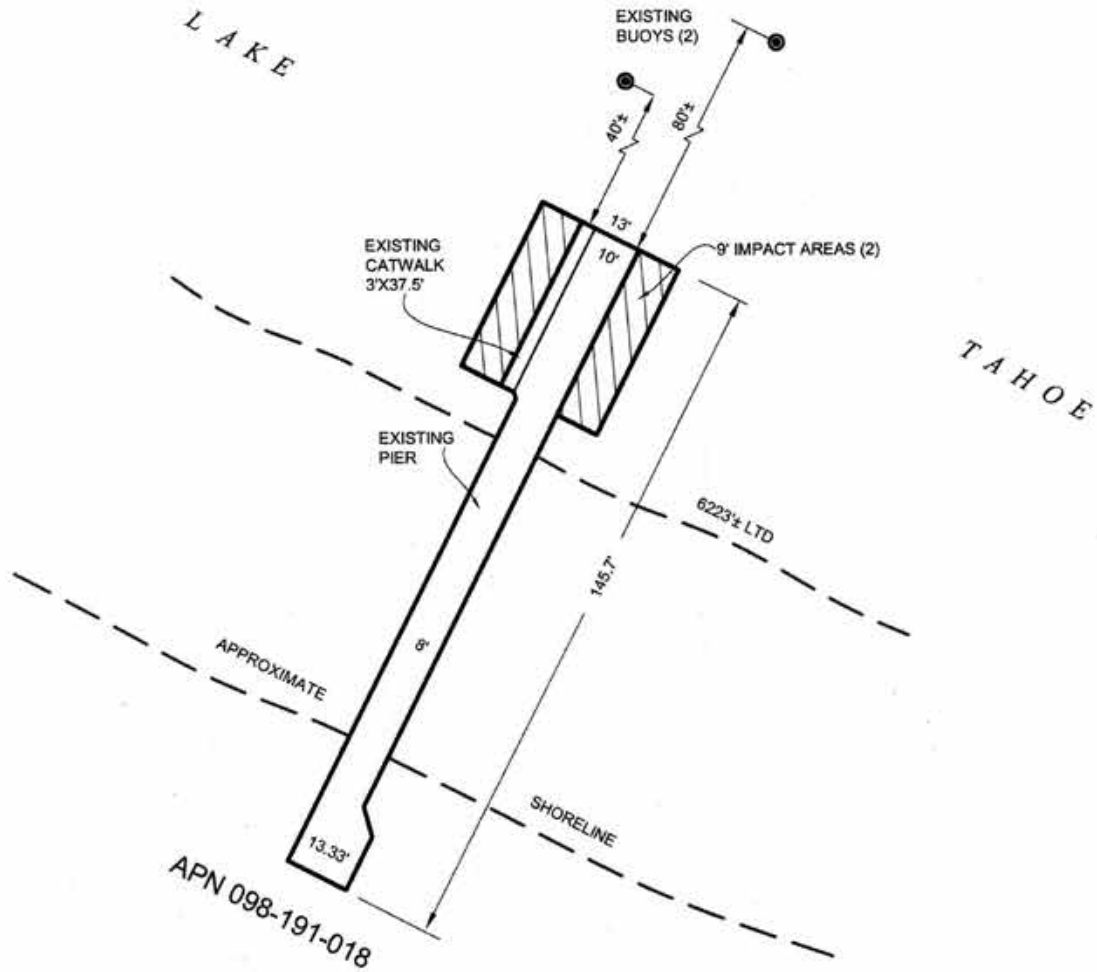
LAND DESCRIPTION PLAT
 PRC 5300.1, BAY VIEW REFUSE SERVICE, INC
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

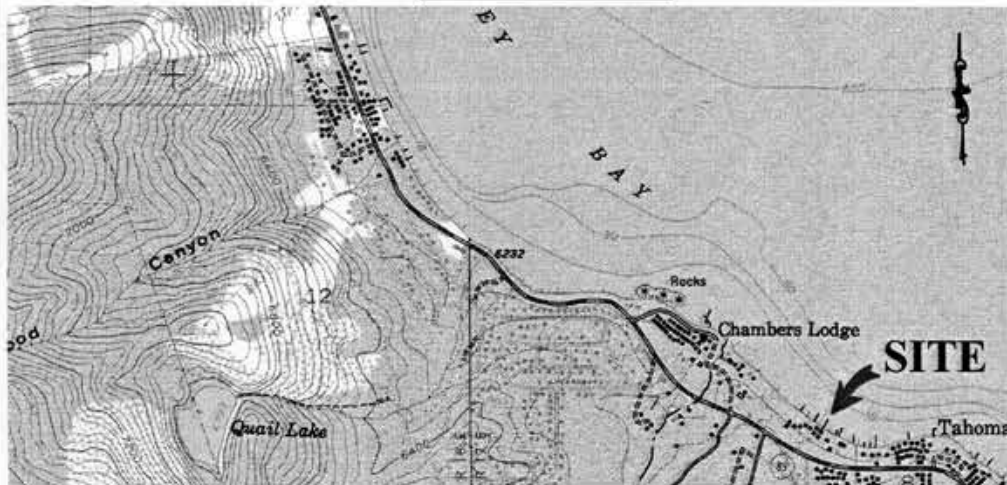
SITE



32 MOANA CIRCLE, NEAR HOMEWOOD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5300.1
 BAY VIEW REFUSE
 SERVICE, INC.
 APN 098-191-018
 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.

MIJ 04/10/15