

**CALENDAR ITEM
C28**

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06/22/17
PRC 5402.1
J. Toy

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

The Gar Wood Building, A California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4998 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of a restaurant accommodation pier, 14 mooring buoys, and three marker buoys.

LEASE TERM:

10 years, beginning June 1, 2012.

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 \$4,171 per year to \$3,955 per year, effective June 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). 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 October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to The Gar Wood Building, A California Limited Partnership, for a restaurant accommodation pier, 14 mooring buoys, and

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three marker buoys ([Calendar Item C19, October 19, 2012](#)). That lease will expire on May 31, 2022.

Staff recommends the rent be revised from \$4,171 per year to \$3,955 per year based on changes to the 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 (impact) 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 and at this time or 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 5402.1 will not substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

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AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5402.1, a General Lease – Recreational Use, effective June 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 5402.1 from \$4,171 per year to \$3,955 per year, effective June 1, 2017.

EXHIBIT A

PRC 5402.1

LAND DESCRIPTION

Eighteen (18) parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 22, 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 Grant Deed recorded April 20, 1995 as Document Number 95-020161 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 18– BUOYS

Fourteen (14) circular parcels of land, each being 50 feet in diameter, underlying fourteen existing buoys lying adjacent to that parcel described in Grant Deed recorded April 20, 1995 as Document Number 95-020161 in Official Records of said County.

TOGETHER WITH three U.S. COAST GUARD MARKER BUOYS.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/04/2017 by the California State Lands Commission Boundary Unit.



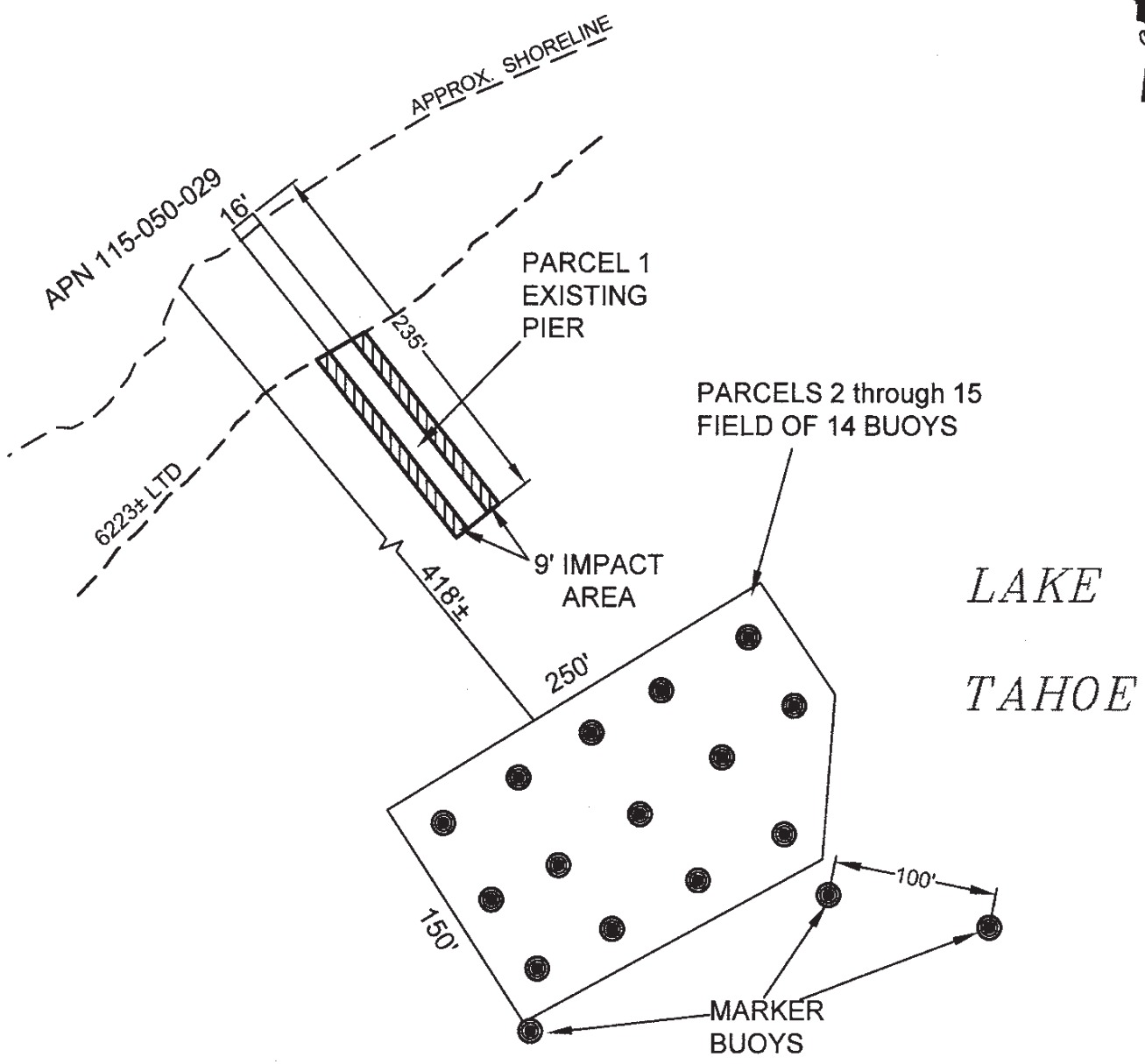
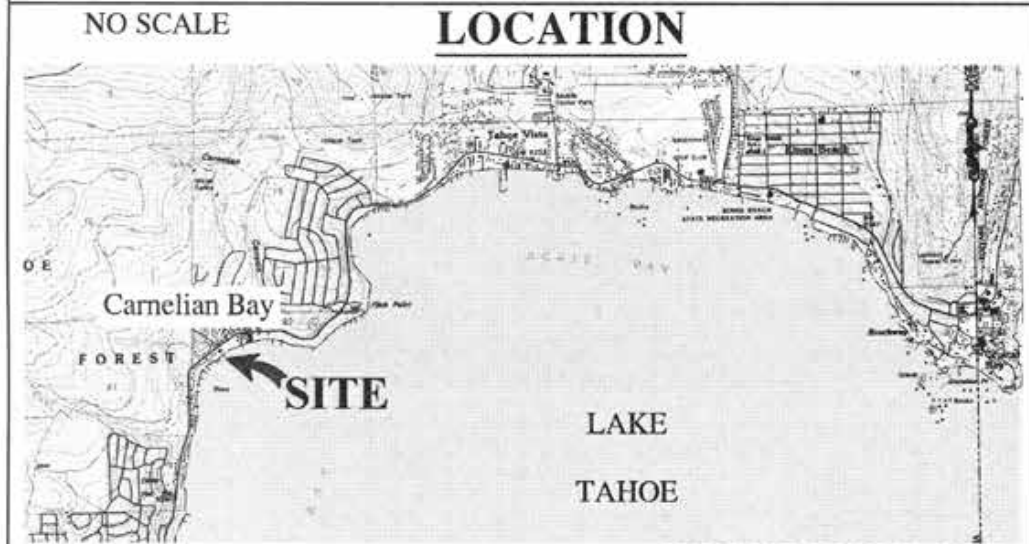
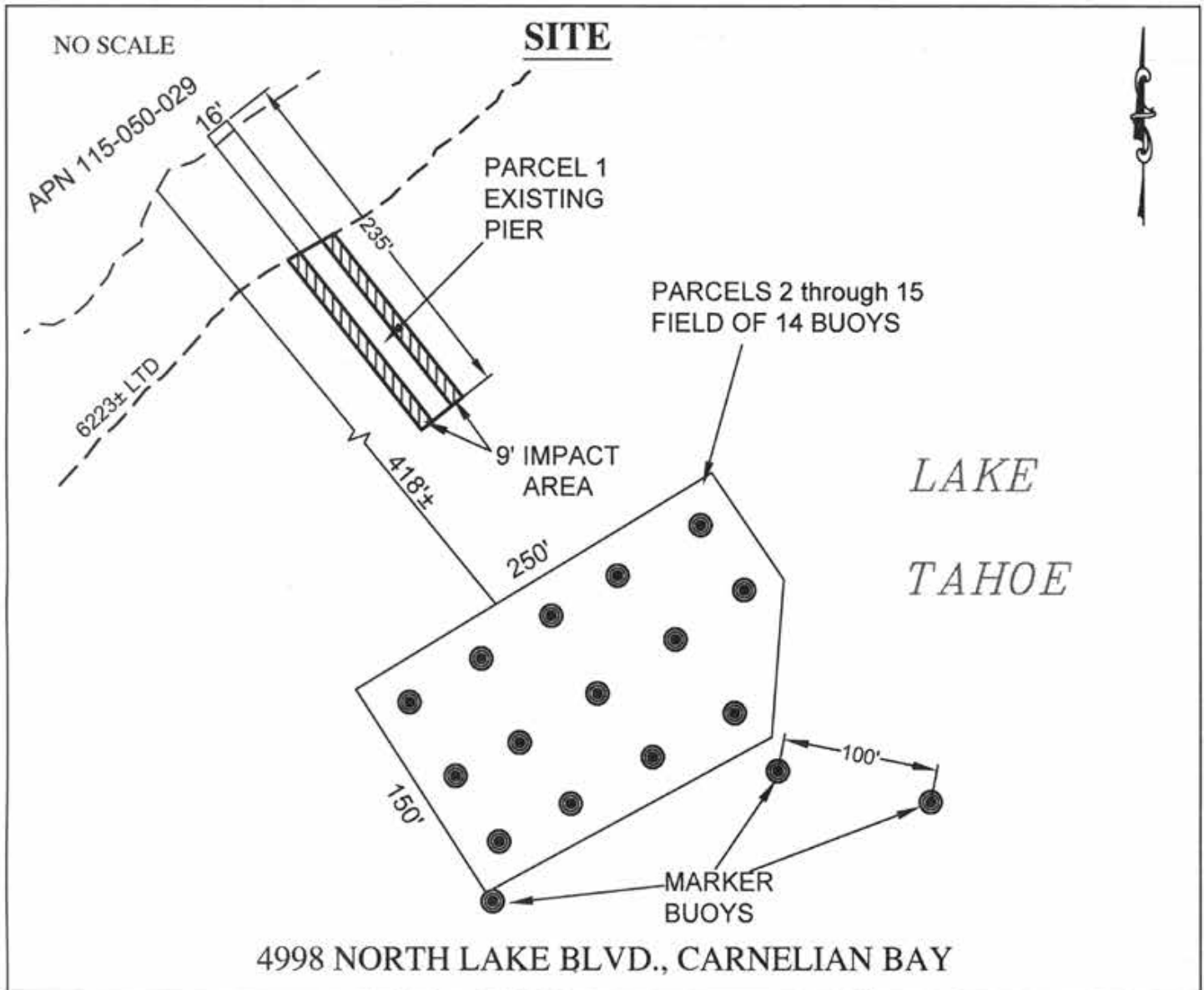


EXHIBIT A

LAND DESCRIPTION PLAT
PRC 5402.1, GAR WOOD BUILDING
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 5402.1
 GAR WOOD BUILDING
 APN 115-050-029
 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.