

**STAFF REPORT  
C23**

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S     1

10/19/17  
PRC 3546.1  
D. Simpkin

**AMENDMENT OF LEASE AND  
REVISION OF RENT**

**LESSEE:**

Brian Johnson Trust; and Gary Steven Pleau and Vivian M. M. Pleau, Trustees under the Pleau Living Trust dated August 29, 1996, fbo Gary Steven Pleau and Vivian M. M. Pleau

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 5460 and 5480 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use pier, two boat lifts, and four mooring buoys.

**LEASE TERM:**

10 years, beginning December 5, 2012.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease and recommends that rent be revised from \$2,938 per year to \$2,432 per year, effective December 5, 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.

STAFF REPORT NO. **C23** (CONT'D)

**Public Trust and the State's Best Interests Analysis:**

On December 5, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Brian Johnson Trust; and Gary Steven Pleau and Vivian M. M. Pleau, Trustees under the Pleau Living Trust dated August 29, 1996, fbo Gary Steven Pleau and Vivian M. M. Pleau, for an existing joint-use pier, two boat lifts, and four mooring buoys ([Item C23, December 5, 2012](#)). That lease will expire December 4, 2022.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,938 per year to \$2,432 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease 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 time and at this location. 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

STAFF REPORT NO. **C23** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed actions 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 are in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 3546.1, a General Lease – Recreational Use, effective October 19, 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 3546.1 from \$2,938 per year to \$2,432 per year, effective December 5, 2017.

## EXHIBIT A

PRC 3546.1

### LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 12, Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, and more particularly described as follows:

#### PARCEL 1 – PIER

All those lands underlying an existing pier, two catwalks and two existing boat lifts lying adjacent to those parcels as described in those Grant Deeds recorded January 27, 1997 as Document Number 97-0004856-00 and recorded November 19, 1997 as Document Number 97-0072265-00 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, 4 & 5 – BUOYS

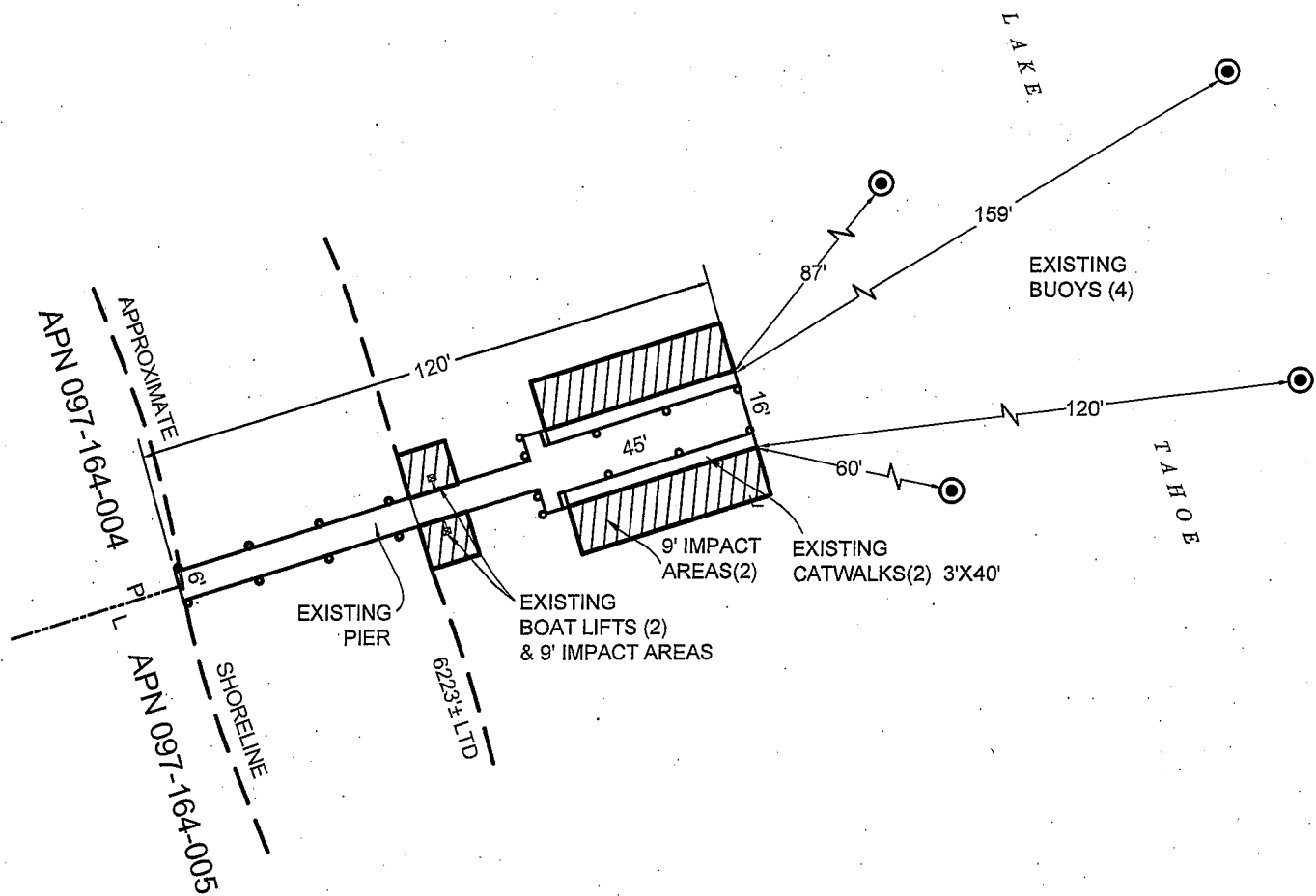
Four (4) circular parcels of land, each being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to those parcels as described in said Grant Deeds.

Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared September 13, 2017 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

Page 2 of 2

MJJ 09/24/2017

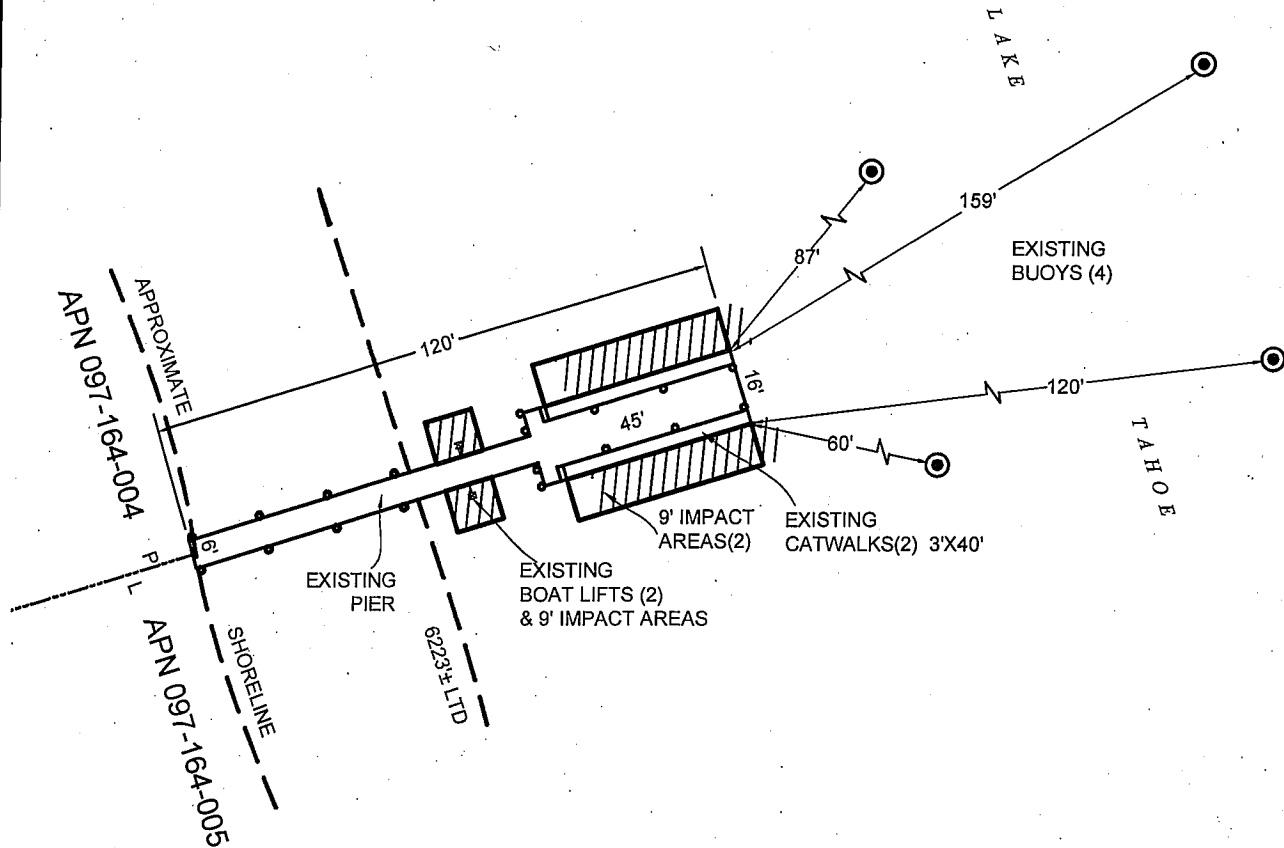
LAND DESCRIPTION PLAT  
PRC 3546.1, PLEAU & JOHNSON  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

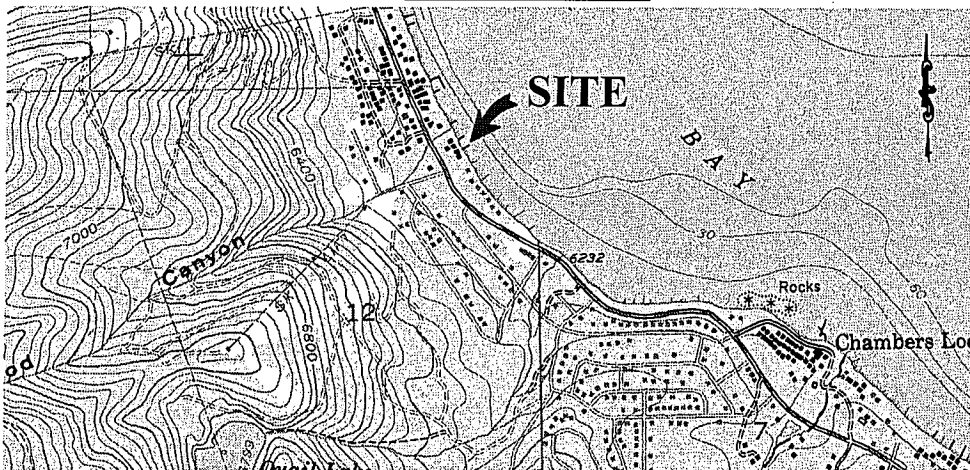
## SITE



5460 & 5480 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

## LOCATION

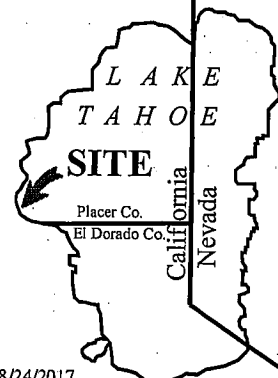


MAP SOURCE: USGS QUAD

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 3546.1  
PLEAU & JOHNSON  
APN 097-164-004 &  
APN 097-164-005  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 08/24/2017