

**STAFF REPORT
C25**

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10/19/17
PRC 4357.1
D. Simpkin

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

John A. McIntosh and Lynne B. McIntosh, Trustees Under Revocable Trust Agreement Dated May 27, 1988

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6740 Powderhorn Lane, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

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 \$1,177 per year to \$766 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.

Public Trust and the State's Best Interests Analysis:

On December 5, 2012, the Commission authorized a 10-year General Lease – Recreational Use to John A. McIntosh and Lynne B. McIntosh,

STAFF REPORT NO. **C25** (CONT'D)

Trustees under Revocable Trust Agreement dated May 27, 1988, for an existing pier and one mooring buoy ([Item C01, December 5, 2012](#)). That lease will expire on December 4, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,177 per year to \$766 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

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.

STAFF REPORT NO. **C25** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4357.1, a General Lease – Recreational Use, effective December 5, 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 4357.1 from \$1,177 per year to \$766 per year, effective December 5, 2017.

EXHIBIT A

PRC 4357.1

LAND DESCRIPTION

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 7, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk, lying adjacent to those parcels described in Grant Deed recorded September 24, 2010 as Document Number 2010-0075765-00 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.

PARCEL 2– BUOY

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to those parcels described in Grant Deed recorded September 24, 2010 as Document Number 2010-0075765-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/09/2017 by the California State Lands Commission Boundary Unit.



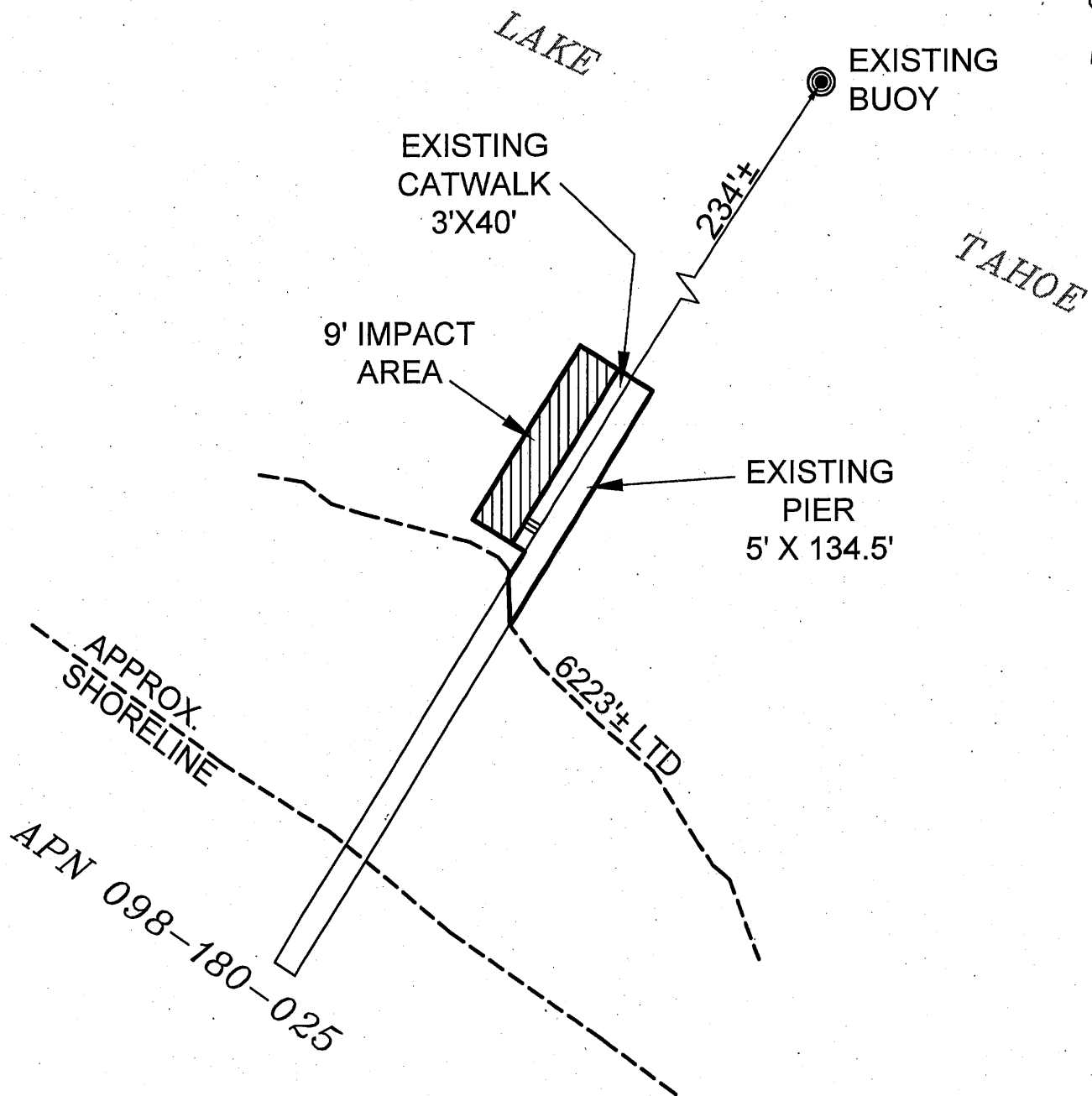


EXHIBIT A

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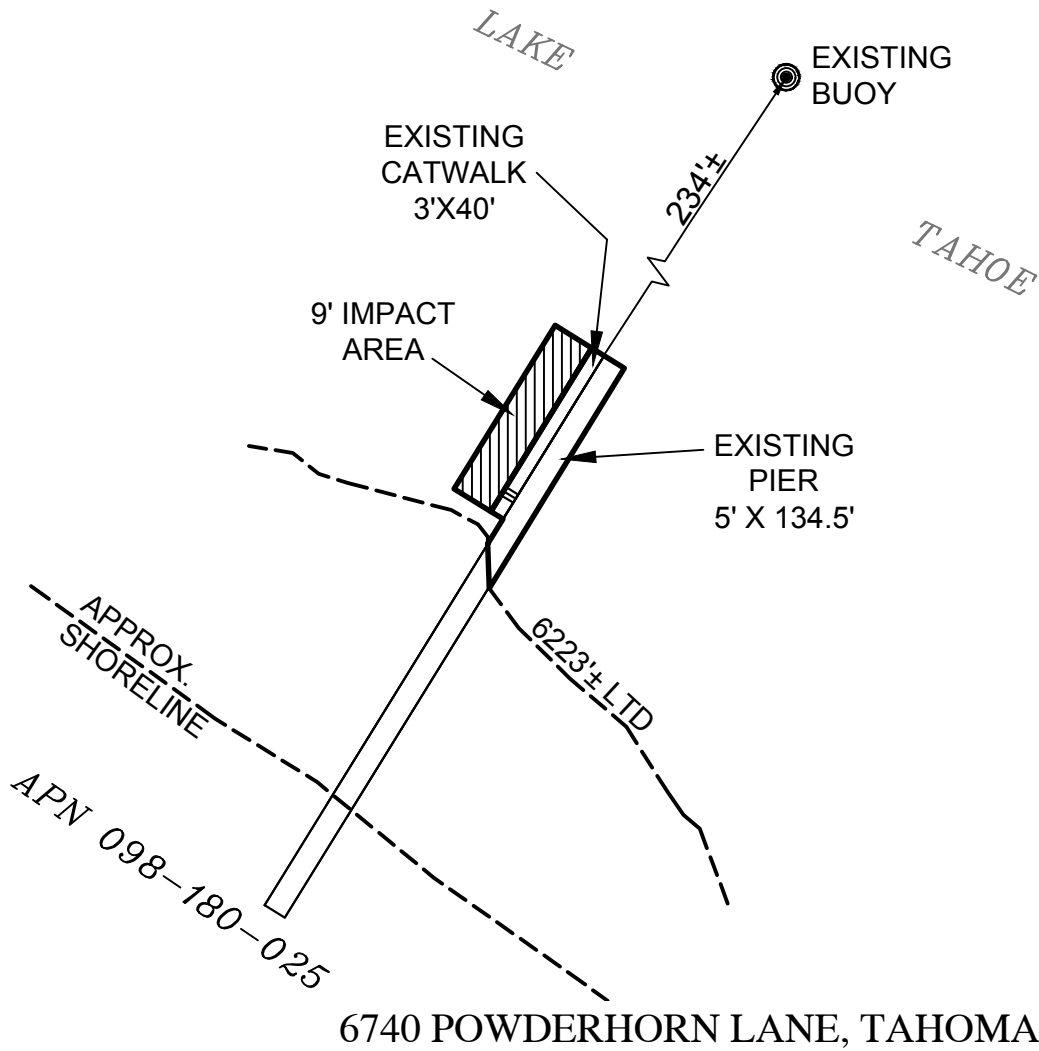
LAND DESCRIPTION PLAT
PRC 4357.1, MCINTOSH
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



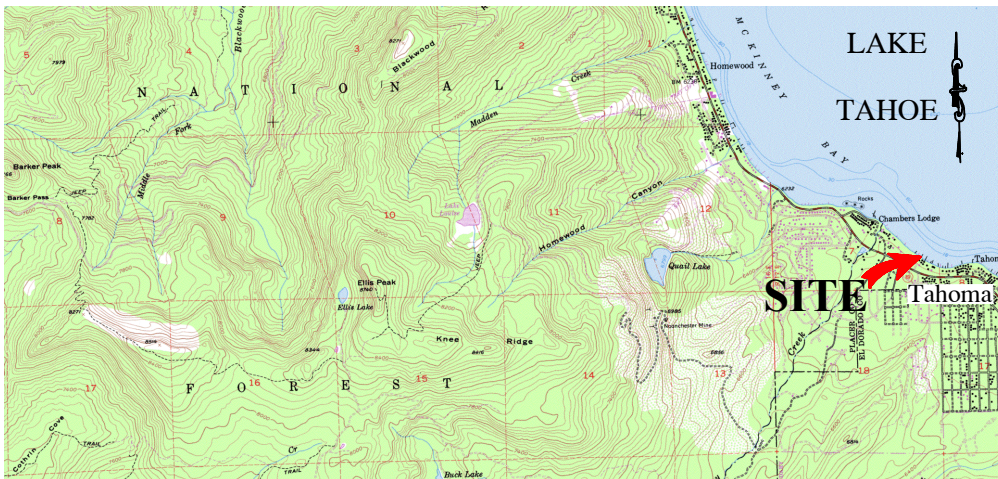
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SITE



NO SCALE

LOCATION

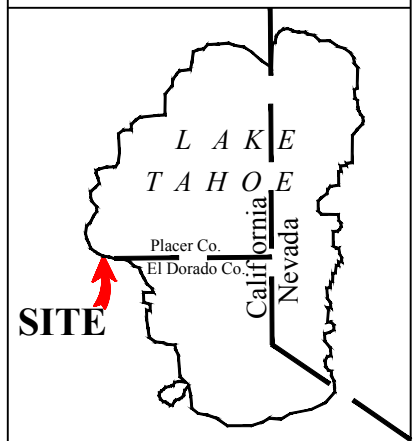


MAP SOURCE: USGS QUAD

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 4357.1
MCINTOSH
APN 098-180-025
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



TS 08/09/17