

**STAFF REPORT  
C34**

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10/19/17  
PRC 8356.1  
J. Toy

**AMENDMENT OF LEASE AND  
REVISION OF RENT**

**LESSEE:**

Stephen J. Gordon, Trustee of the Stephen J. Gordon Revocable Trust; and James A. Robertson and Cathy Robertson, as Trustees of the James and Cathy Robertson Trust dated September 5, 1996

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

Sovereign land in Lake Tahoe, adjacent to 8770 and 8774 Brockway Vista Avenue, near Kings Beach, Placer County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning October 19, 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 \$2,877 per year to \$2,214 per year, effective October 19, 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, and 6503.5;  
California Code of Regulations, title 2, sections 2000, and 2003.

## STAFF REPORT NO. **C34** (CONT'D)

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

On October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Stephen J. Gordon, Trustee of the Stephen J. Gordon Revocable Trust; and Jeffrey P. Lanini and Krista D. Lanini, for an existing joint-use pier, boat lift, and four mooring buoys ([Item C43, October 19, 2012](#)). That lease will expire on October 18, 2022. On June 19, 2014, the Commission authorized an assignment of lease from Jeffrey P. Lanini and Krista D. Lanini to James A. Robertson and Cathy Robertson, as Trustees of the James and Cathy Robertson Trust dated September 5, 1996 ([Item C19, June 19, 2014](#)).

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 \$2,877 per year to \$2,214 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks. 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 location, 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

STAFF REPORT NO. **C34** (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 8356.1 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.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 8356.1, 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 8356.1 from \$2,877 per year to \$2,214 per year, effective October 19, 2017.

## EXHIBIT A

PRC 8356.1

### LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 19, Township 16 North, Range 18 East, MDM., as shown on Official Government Township Plat approved January 29, 1875, County of Placer, State of California, and more particularly described as follows:

#### PARCEL 1 – PIER

All those lands underlying an existing joint-use pier, boatlift and catwalk lying adjacent to that parcel as described in Exhibit “A” in that Grant Deed recorded October 11, 2013 as Document Number 2013-0097842 and that parcel as described in that Grant Deed recorded August 18, 2008 as Document Number 2008-0066695 in 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

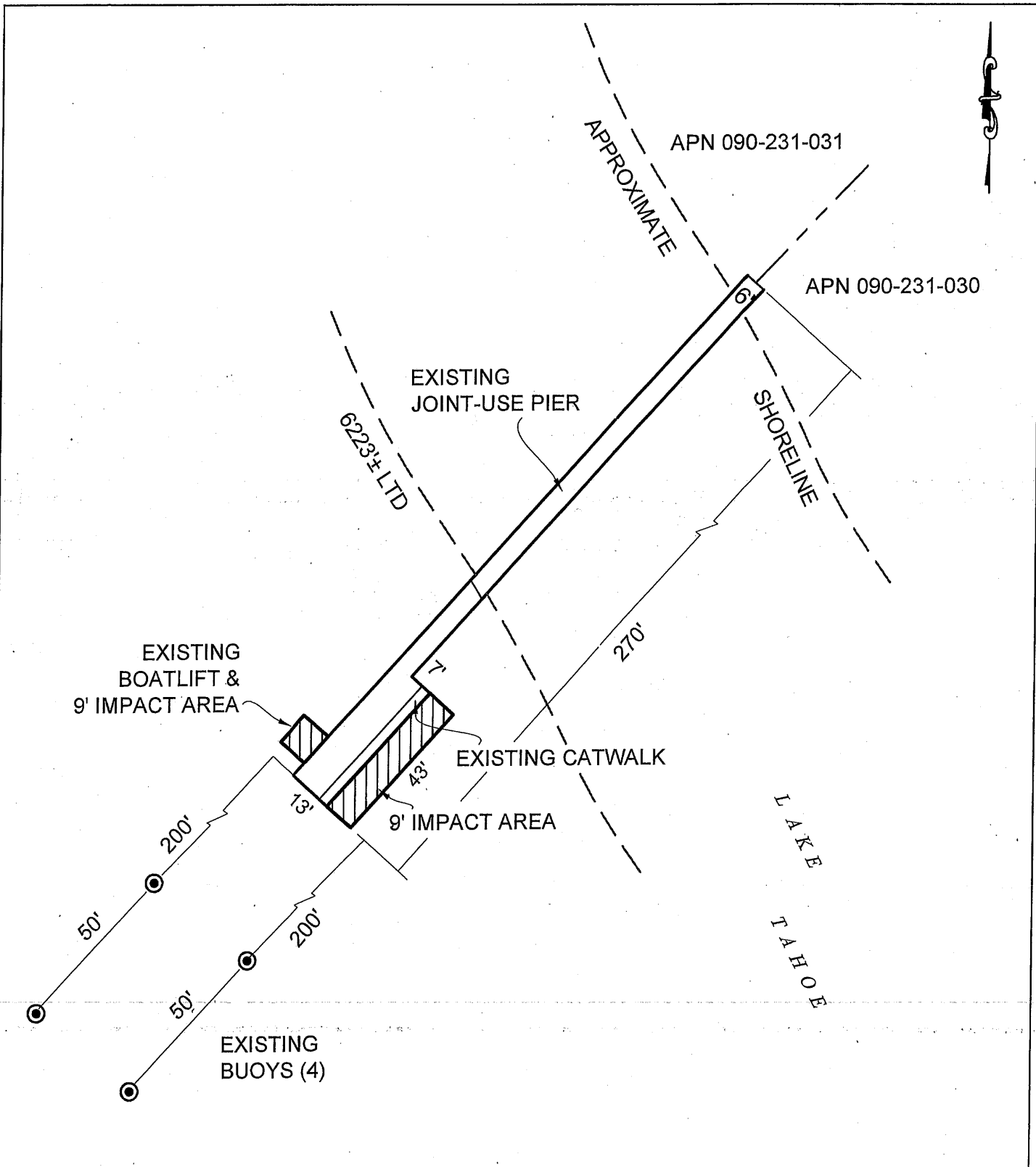
Four (4) circular parcels of land, each being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared June 20, 2017 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

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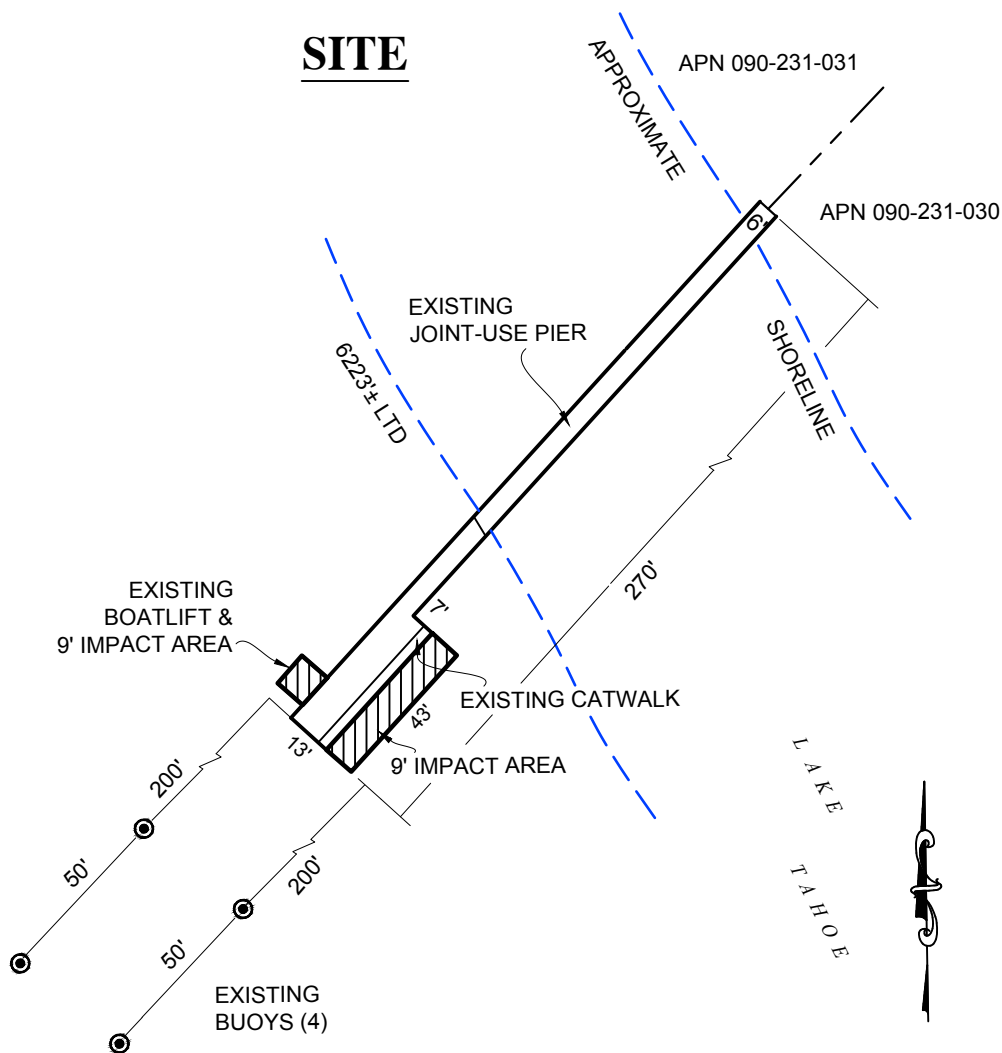
LAND DESCRIPTION PLAT  
PRC 8356.1, ROBERTSON & GORDON  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

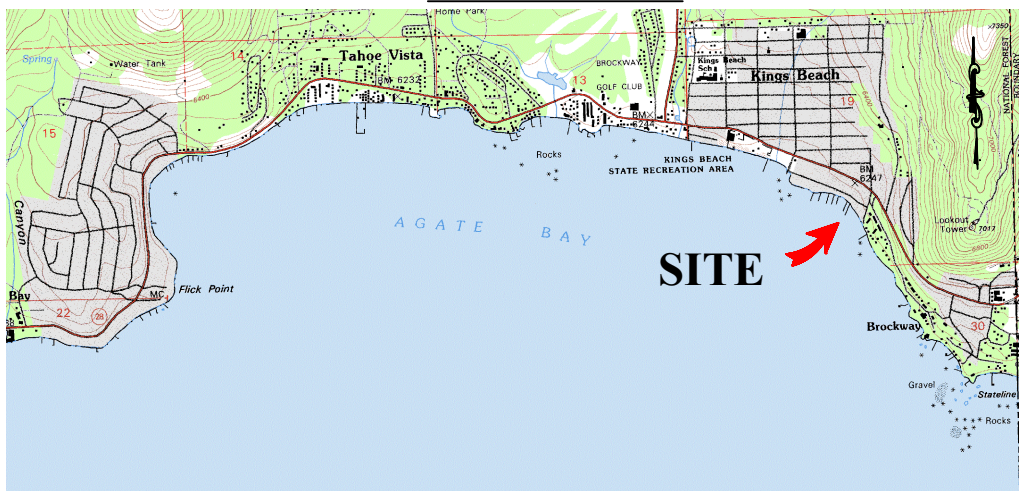
## SITE



8770 & 8774 BROCKWAY VISTA AVE., NEAR KINGS BEACH

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.

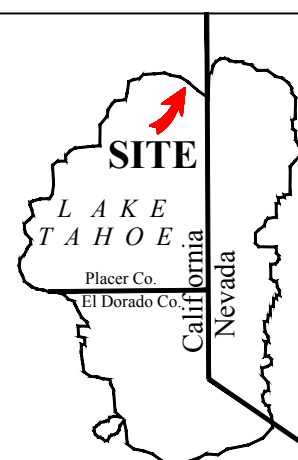
## **Exhibit B**

PRC 8356.1

ROBERTSON & GORDON

APN 090-231-030 & 031

GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



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