

STAFF REPORT

03

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08/23/19
PRC 8420.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Robert Buccola

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2169 Cascade Road, near South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat lift.

LEASE TERM:

10 years, beginning October 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 \$777 per year to \$448 per year, effective October 1, 2019.

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 Robert Buccola, for an existing pier and boat

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lift ([Item C01, October 19, 2012](#)). The lease will expire on September 30, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$777 per year to \$448 per year based on changes to the lease (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 area.

Amending the lease to reflect the current Lake Tahoe Benchmark and updated regulations will not result in a change of use for the lease area. As a result, this action will not result in any changed impact to the Public Trust needs, values, or uses in this area for the remainder of the lease term. For these reasons, staff recommends finding the proposed action will not interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the revision of rent and proposed amendment is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, or a revision of rent, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the Lessee has no right to a new lease or to renewal of any previous lease.
2. 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.
3. Amendment of the lease to make an adjustment in the lease area and approving the revision of 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. **03** (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 8420.1 will not result in any changed impact to the Public Trust needs, values, or uses in this area for the remainder of the lease term; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8420.1, a General Lease – Recreational Use, effective October 1, 2019, 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 8420.1 from \$777 per year to \$448 per year, effective October 1, 2019.

EXHIBIT A

PRC 8420.1

LAND DESCRIPTION

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 26, Township 13 North, Range 17 East, MDM., as shown on Official Government Township Plat approved September 25, 1906, County of El Dorado, State of California and more particularly described as follows:

All those lands underlying an existing pier and boat lift lying adjacent to that lot as described in that Grant Deed recorded September 23, 1999 as Document Number 99-00059989-00 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.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 5, 2017 by the California State Lands Commission Boundary Unit.



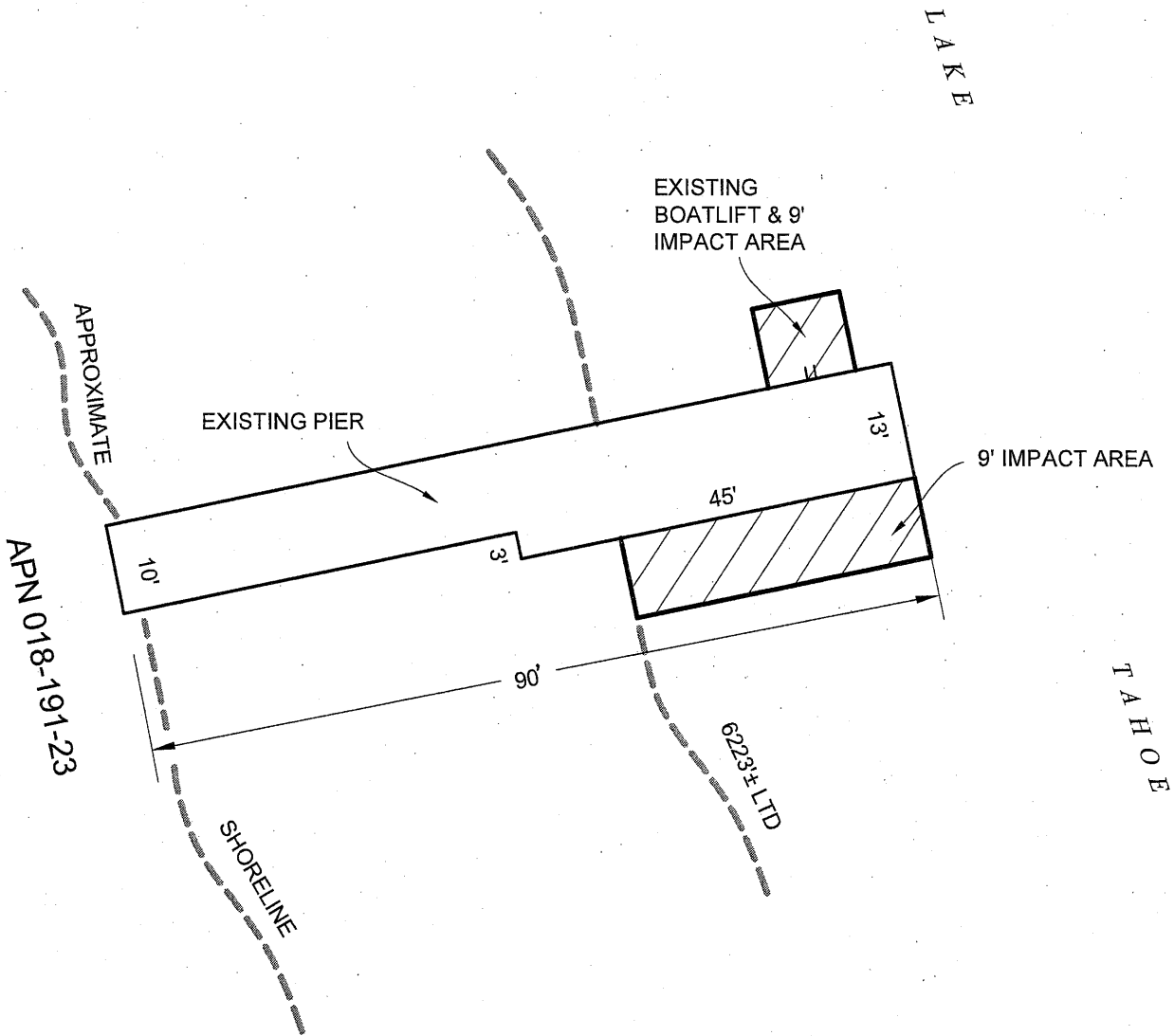


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 8420.1, BUCCOLA
 EL DORADO COUNTY

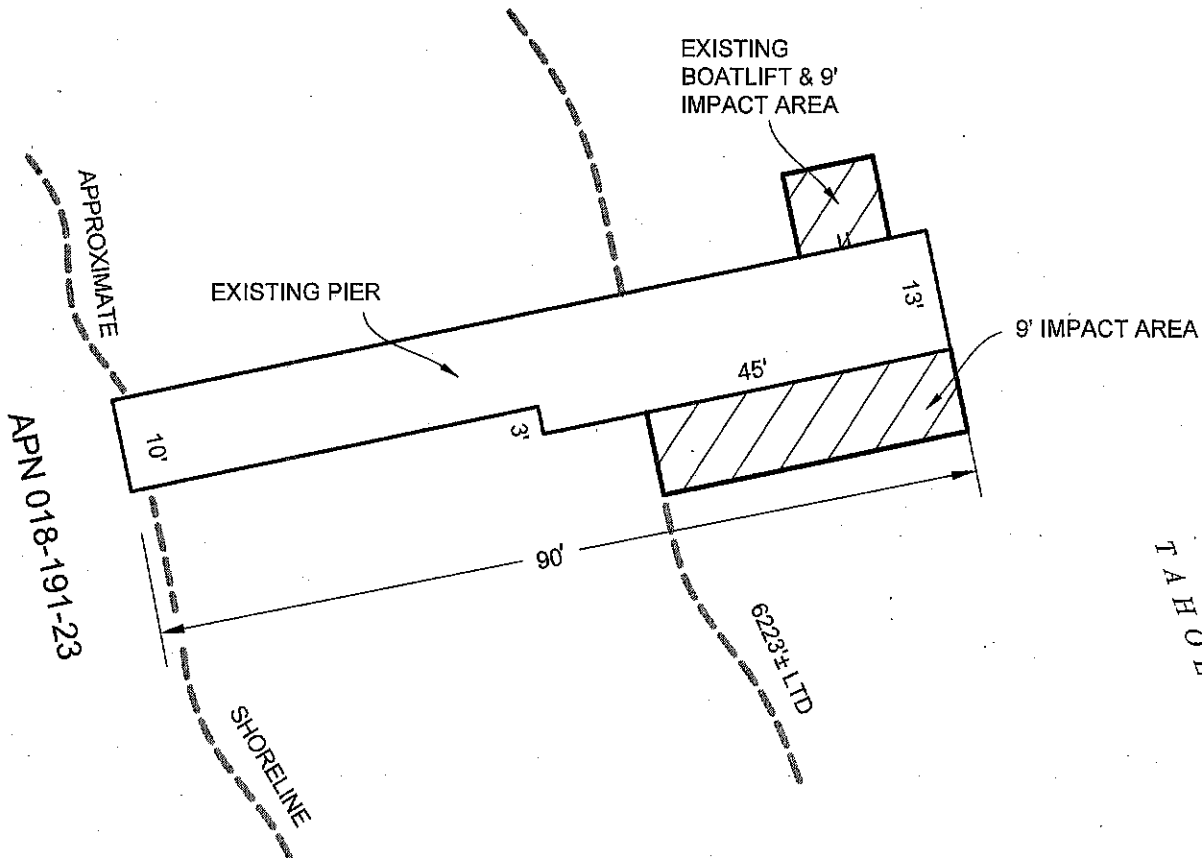
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

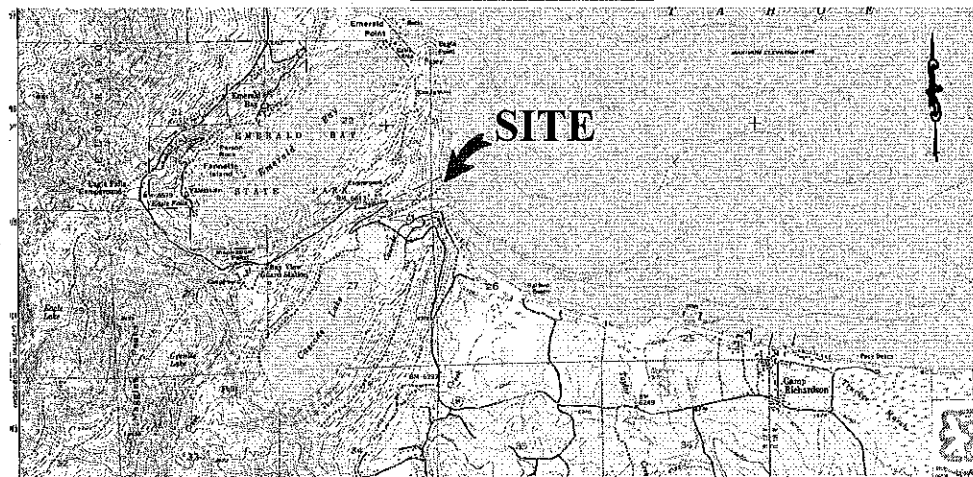
LAKE



2169 CASCADE ROAD, SOUTH LAKE TAHOE

NO SCALE

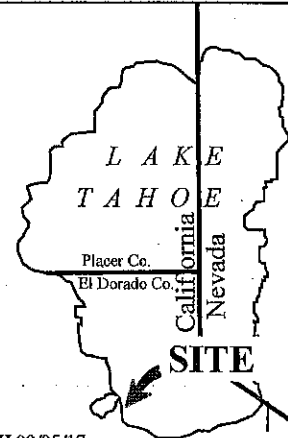
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8420.1
 BUCCOLA
 APN 018-191-23
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO 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.

MJJ 09/05/17