

**CALENDAR ITEM
C08**

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08/15/14
PRC 4967.1
M.J. Columbus

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Ridgewood Property Owners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4520 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 15 mooring buoys, and one swim float.

LEASE TERM:

10 years, beginning September 29, 2008.

CONSIDERATION:

This lease provides that the Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$456 per year to \$502 per year, effective September 29, 2014.

PROPOSED AMENDMENT:

Amend the lease to delete the existing Site and Location Map in Section 3 and add 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.

OTHER PERTINENT INFORMATION:

1. On October 22, 2009, the Commission authorized a General Lease – Recreational Use to Ridgewood Property Owners Association, for a term of 10 years. The lease will expire on September 28, 2018.
2. Staff conducted the rent review called for in the lease. Lessee is a property owners association comprised of 50 members, whose members

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share in the use of the facilities within the Lease Premises. 49 of the 50 members hold ownership as natural persons and qualify for rent-free status pursuant to Public Resources Code section 6503.5 as originally enacted for the term of the lease. Therefore, the rent for the pier and mooring buoys was pro-rated according to the number of members who qualify for rent-free status. In addition, at its January 23, 2014 meeting, the Commission adopted amendments to Sections 1900, 2002, and 2003 of the California Code of Regulations pertaining to its leasing regulations, which resulted in a change to the Commission's practice in terms of assessing rent and the impact area surrounding piers. Based on the above, staff recommends that the rent be increased.

3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Approve the revision of rent for Lease No. PRC 4967.1 from \$456 per year to \$502 per year, effective September 29, 2014.
2. Authorize the amendment of Lease No. PRC 4967.1, a General Lease – Recreational Use, effective August 15, 2014, to delete the existing Site and Location Map in Section 3 and add the attached Exhibit A, Land Description and Exhibit B, Site and Location Map (for reference

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purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 4967.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 fractional Section 21, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, two (2) catwalks lying adjacent to that parcel as described in that Quit Claim Deed recorded July 9, 1964 in Volume 1024, Page 193 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.

PARCEL 2 – SWIM PLATFORM

One parcel of land, being 8 feet by 12 feet in area, underlying an existing swim platform lying adjacent to said parcel.

PARCEL 3 – BUOY FIELD (15 BUOYS)

Fifteen (15) circular parcels of land, being 50 feet in diameter, underlying fifteen (15) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 26, 2014 by the California State Lands Commission Boundary Unit.



APN 091-165-005

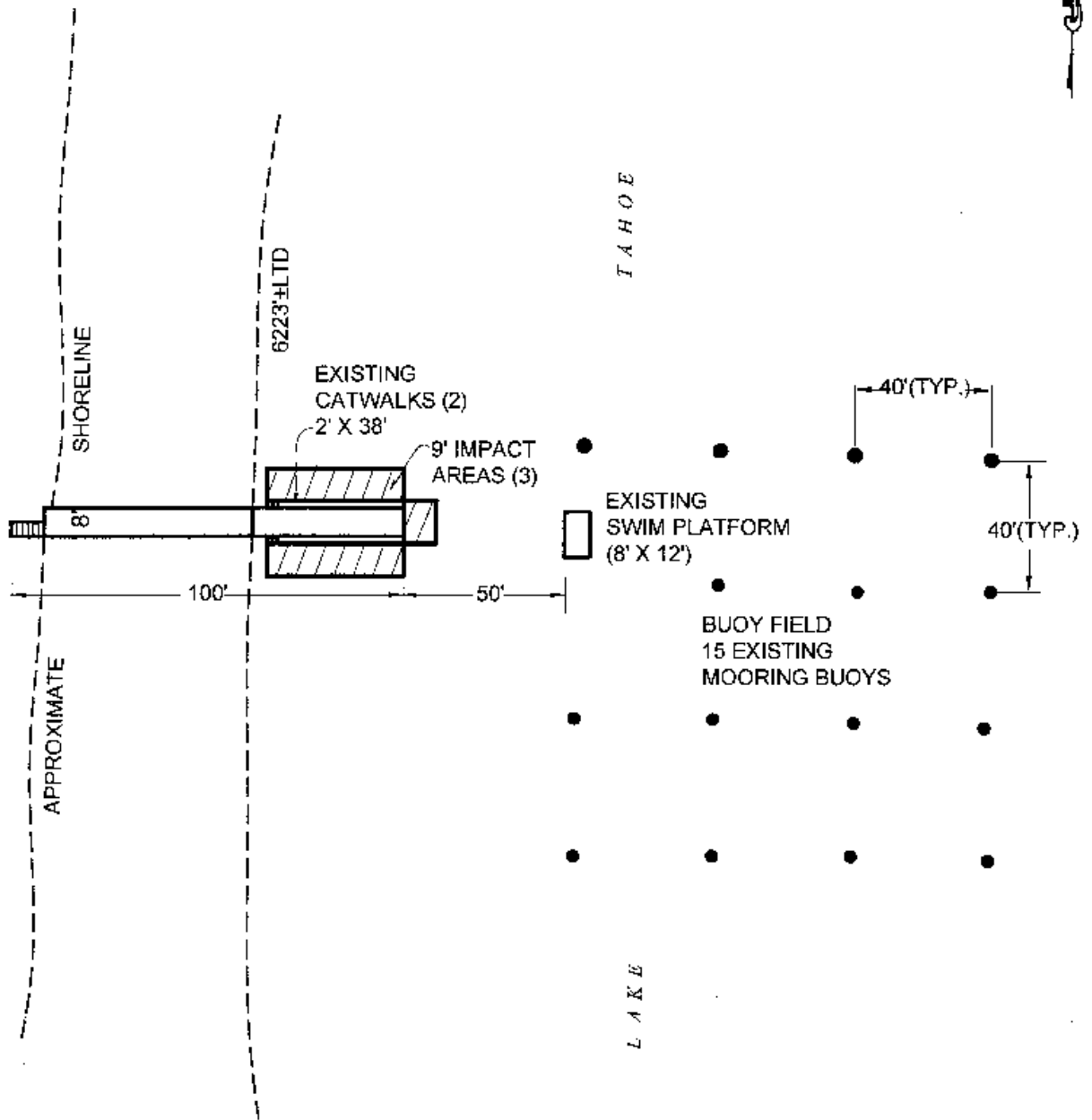


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 4967.1, RIDGEWOOD
PROPERTY OWNERS ASSOC.
PLACER COUNTY

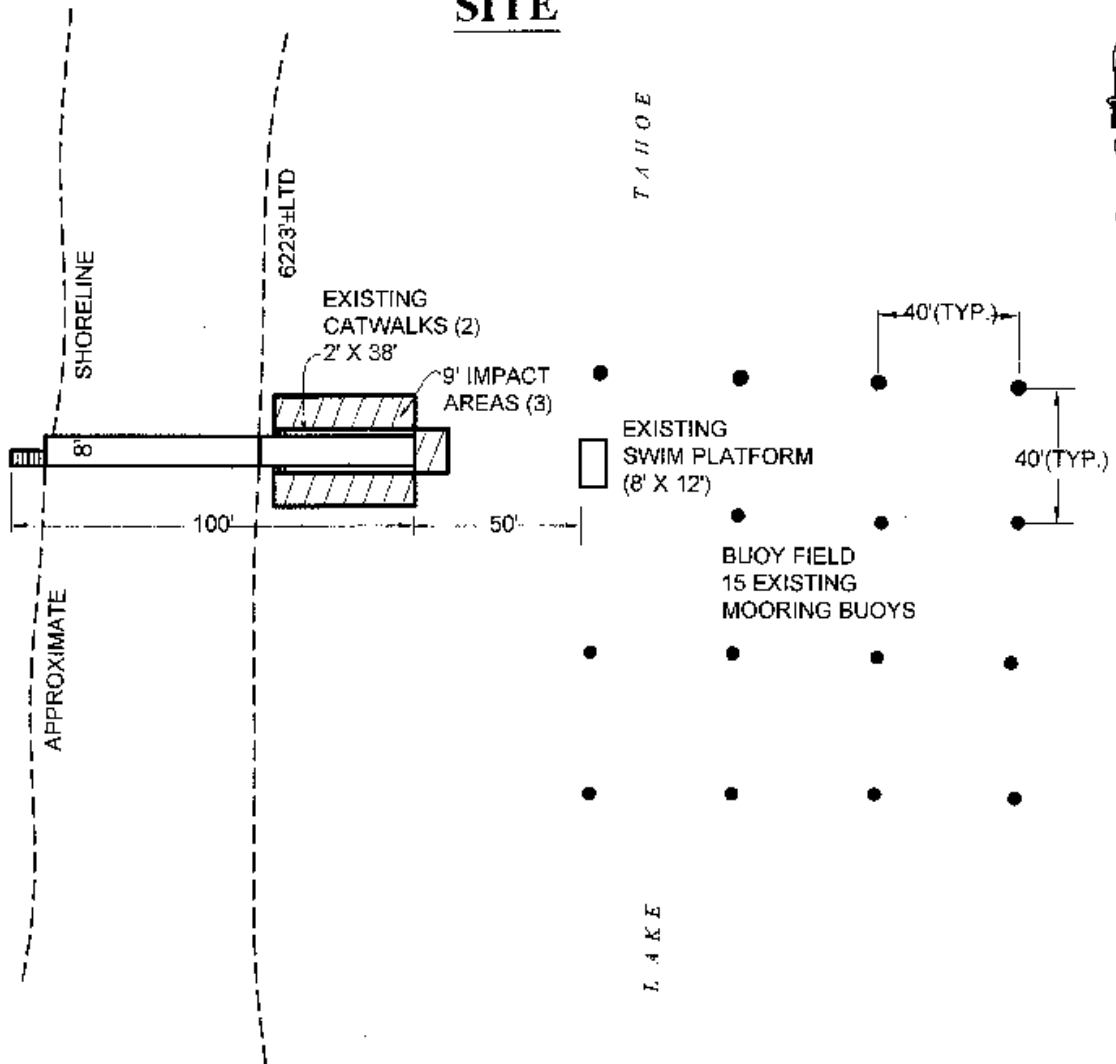
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 091-165-005



4520 NORTH LAKE BLVD., NEAR CARNELIAN BAY

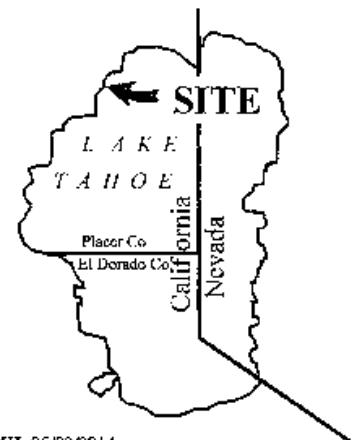
NO SCALE

LOCATION



Exhibit B

PRC 4967.1
 RIDGEWOOD PROPERTY OWNERS ASSOCIATION
 APN 091-165-005
 GENERAL LEASE - RECREATIONAL USE
 PLACER COUNTY



MIJ 05/02/2014

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.