

**STAFF REPORT
05**

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10/24/19
A2069
PRC 5859.1
S. Avila

AMENDMENT OF LEASE

LESSEE:

Camp Richardson Resort, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3001 Jameson Beach Road, near South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use, maintenance, and operation of an existing commercial marina facility known as "Camp Richardson Marina" consisting of an existing fixed pier, floating pier extension, 110 mooring buoys, four marker buoys, boat ramp, two fuel dispensers, pump-out facilities and fire hose, 12 boat slips, placement of a seasonal swim area, shuttle and tour boat operations, parasailing, fishing charter, water ski school operations, rental of 110 mooring buoys, guided boat operation, personal watercraft rental operation, fuel sales, and a boat rental operation.

LEASE TERM:

20 years, beginning January 1, 2018.

CONSIDERATION:

\$47,539 per year, with an annual Consumer Price Index Adjustment, and the State reserving the right to fix a different rent on the 10th anniversary of the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to:

1. Authorize the removal of 12 existing boat slips.
2. Include special lease provisions related to removal.
3. 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).

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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 State's Best Interests Analysis:

On June 21, 2018, the Commission authorized Lease No. PRC 5859.1, a General Lease – Commercial Use, for continued use, maintenance, and operation of an existing commercial marina facility known as “Camp Richardson Marina” consisting of an existing fixed pier, floating pier extension, 110 mooring buoys, four marker buoys, boat ramp, two fuel dispensers, pump-out facilities and fire hose, 12 boat slips, placement of a seasonal swim area, shuttle and tour boat operations, parasailing, fishing charter, water ski school operations, rental of 110 mooring buoys, guided boat operation, personal watercraft rental operation, fuel sales, and a boat rental operation to Camp Richardson Resort, Inc., ([Item C06, June 21, 2018](#)). The lease will expire on December 31, 2037. The Lessee is applying for an amendment of the lease to remove the 12 boat slips.

The Camp Richardson Marina (Marina) is located along Jameson Beach Road in South Lake Tahoe. The Marina's 12 boat slips are in disrepair due to recent winter storm wave action associated with high lake levels, and they currently present a public safety hazard. The boat slips are located in the water in front of a beachfront duplex and to the east of the Marina's boat ramp at the marina, presenting a hazard to beach goers and to users of the Marina's boat ramp. The Marina applied to the Tahoe Regional Planning Agency (TRPA) and was subsequently approved for a permit (Number ERSP2019-0434) to remove the boat slips and to bank the moorings and visual mass of the removed structures. All work will be done from a barge on the shore of Lake Tahoe. Initial demolition of the boat slips will begin with removal of wooden deck boards, then removal of the metal framing, and lastly pulling the 51 steel piles from the sandy substrate. The piles will be pulled vertically, and no significant substrate disturbance is expected to occur.

Because the annual rent was set based upon a percentage of the gross income, staff recommends that the current annual rent remain unchanged.

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The subject commercial marina facilities accommodate, promote, and support recreational boating and provide access to Lake Tahoe. Recreational boating is water dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5).

The boat slips have existed for many years at this location. The structures are built on single pilings with the immediate area of the pier being flat with sand. The topography of the shoreline allows for public access for pedestrians. The location of the waterward structures currently inhibit lake-related activities, therefore the request to amend the lease to remove them was submitted for authorization.

The proposed amendment will alter the authorized improvements and the improvements depicted in the exhibits to the lease. However, the lease area will remain unchanged. The State will continue to be covered by the insurance and indemnity provisions for the area where the work is to occur.

The proposed lease amendment does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the Lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

Conclusion:

For all the reasons above, staff believes the issuance of this amendment does not interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application for a lease amendment is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, 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 also has no right to a new lease or to renewal of any previous lease.

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2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to land along the State's inland and coastal waterways.
3. On October 24, 2018, the TRPA Governing Board certified a Final Environmental Impact Statement and adopted Lake Tahoe Shorezone Ordinance Amendments.
4. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title ~~14214~~, section ~~15301290515301~~, ~~subdivision (a)(2)~~.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 ~~and California Code of Regulations, title 2, section 2905~~.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency
California Department of Fish and Wildlife

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title ~~14214~~, section ~~15301 2905, subdivision (a)(2)~~. ~~15301~~.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the public's right to navigation and fishing or with the Public Trust needs and values, at this location, at this time, and for the foreseeable

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term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 5859.1, a General Lease – Commercial Use, effective October 24, 2019, to approve removal of 12 existing boat slips; to include special lease provisions related to removal; and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only) 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 will remain in effect without amendment.

EXHIBIT A

LEASE 5859.1

LAND DESCRIPTION

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to irregular Section 6, Township 12 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of El Dorado, State of California, more particularly described as follows:

COMMENCING at GLO brass cap marking the southeast corner of Section 25 and the northeast corner of Section 36, T13N, R17E, M.D.B.&M., and the west line of the Section 6, T12N, R18E, M.D.B.&M., as said GLO brass cap is shown upon Sheet 7 of 17 of that certain map entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe" filed in Record of Surveys, Book No. 2 page 12, as Document No 7367, El Dorado County Recorder's Office; thence N 00° 27' E 409.77 feet to the TRUE POINT OF BEGINNING; thence S 77° 48' E 927.12 feet; thence N 00° 30' E 1587.73 feet; thence N 89° 30' W 1068.74 feet; thence S 00° 30' W 1129.25 feet; thence N 89° 33' W 88.00 feet; thence S 00° 27' W 218.89 feet; thence S 77° 48' 01" E 253.97 feet to the POINT OF BEGINING.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of the elevation 6223 feet LTD on the shoreline of Lake Tahoe.

END OF DESCRIPTION

Prepared 04/30/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

L A K E T A H O E

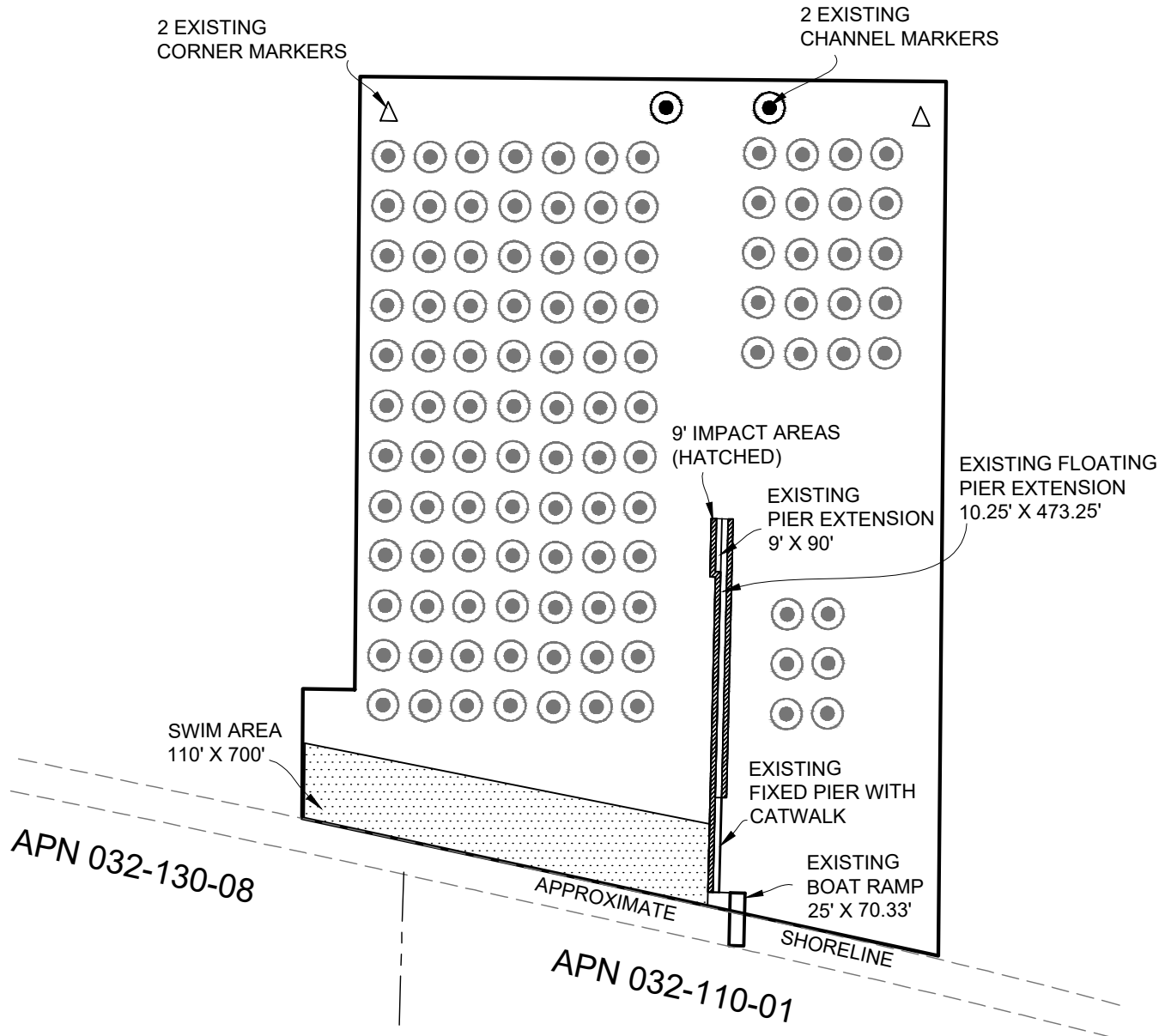


EXHIBIT A

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LAND DESCRIPTION PLAT
LEASE 5859.1, CAMP RICHARDSON
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

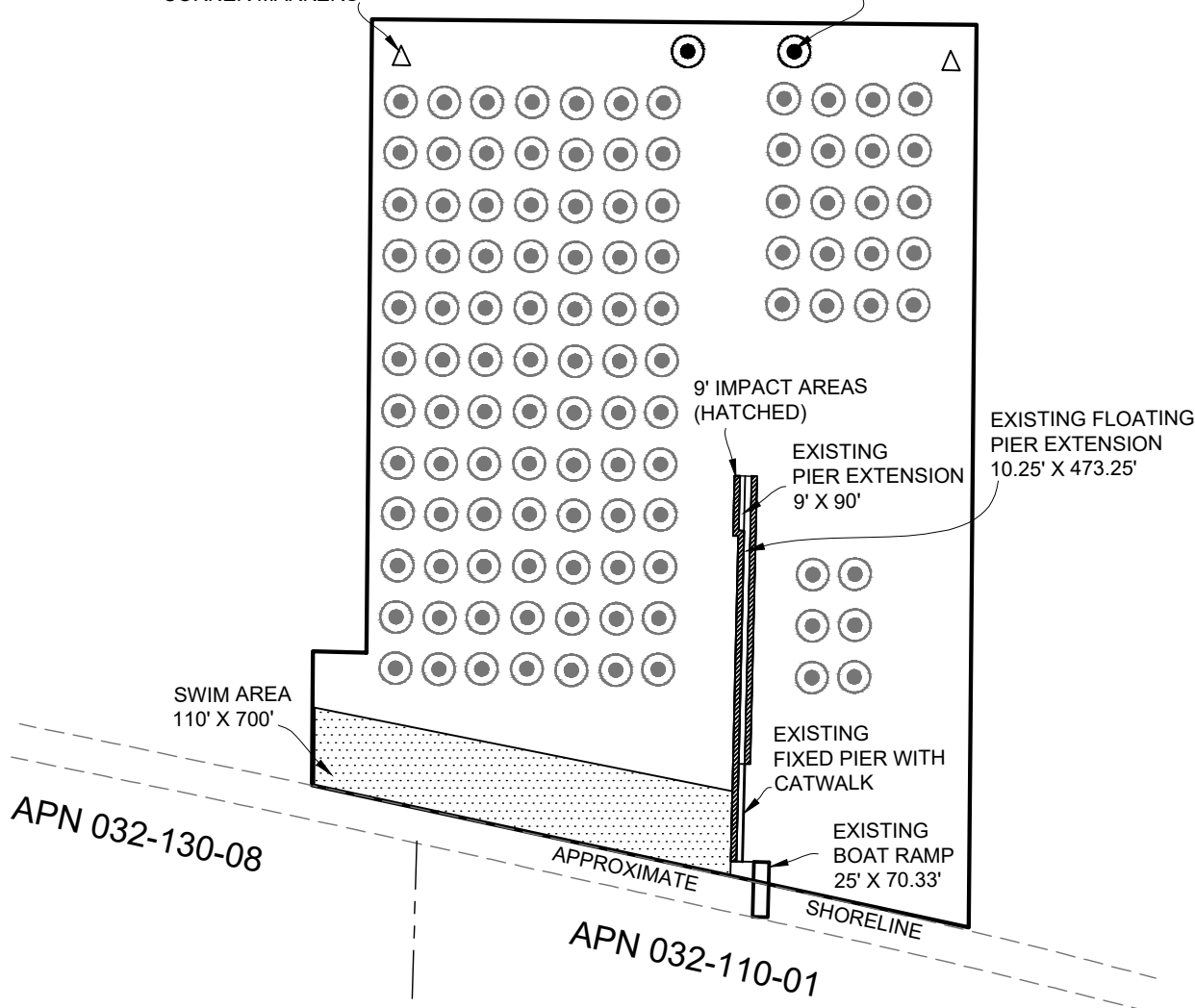


NO SCALE

SITE

2 EXISTING
CORNER MARKERS

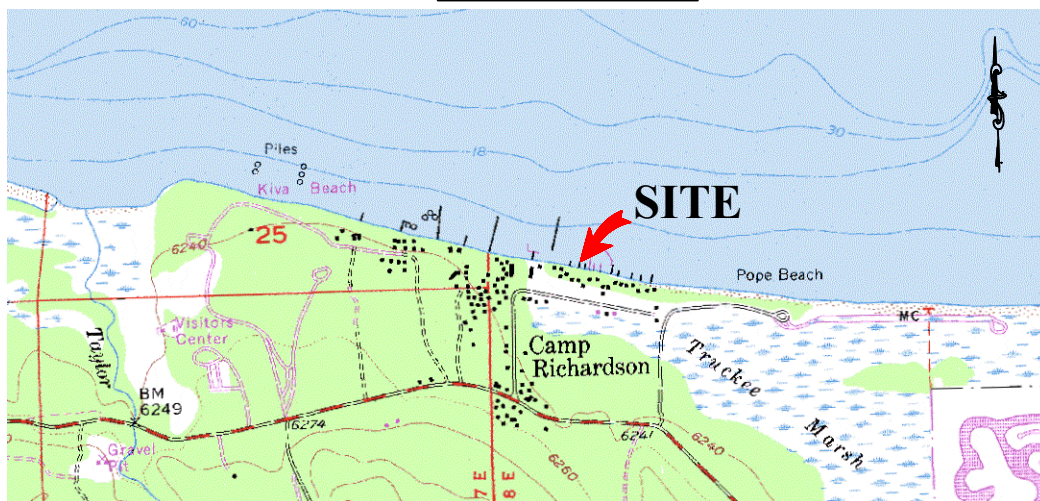
2 EXISTING
CHANNEL MARKERS



3001 JAMESON BEACH ROAD, SOUTH LAKE TAHOE

NO SCALE

LOCATION

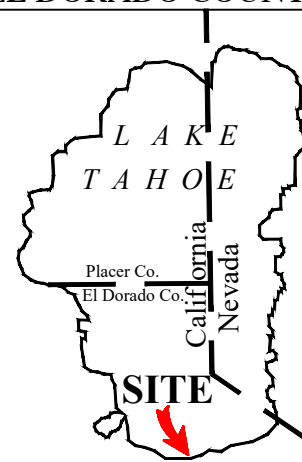


MAP SOURCE: USGS QUAD

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

LEASE 5859.1
CAMP RICHARDSON
APN 032-110-01
GENERAL LEASE -
COMMERCIAL USE
EL DORADO COUNTY



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