

MINUTE ITEM

This Calendar Item No. C33 was approved as Minute Item No. 33 by the California State Lands Commission by a vote of 3 to 0 at its 04-07-03 meeting.

**CALENDAR ITEM
C33**

A	4		04/07/03
S	1	PRC 4380	WP 4380.1 B. Young

GENERAL LEASE-RECREATIONAL USE

APPLICANTS:

Harold M. Messmer, Jr. and Marcia N. Messmer, Trustees of the Messmer Family Trust U/D/T dated October 1, 1993

AREA, LAND TYPE, AND LOCATION:

0.03 acres, more or less, of sovereign lands in Lake Tahoe, Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse with sleeping quarters and two boat slips previously authorized by the Commission; placement of a new boat lift, retention of two existing mooring buoys and a swim float as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning September 13, 2000.

CONSIDERATION:

\$389 per annum for the boathouse with sleeping quarters and the swim float; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease. No monetary consideration for the pier, boat lift and the two mooring buoys pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of \$1,000,000.

Other:

This lease is conditioned on Lessees obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two (2) years after the adoption of the Lake Tahoe Shorezone

CALENDAR ITEM NO. C33 (CONT'D)

Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. On May 7, 1984, the Commission authorized a General Permit - Recreational Use to Bob Frink Chevrolet, Inc., for a pier and a boathouse with sleeping quarters. The lease expired on July 1, 1999. Harold M. Messmer, Jr. and Marcia N. Messmer, Trustees of the Messmer Family Trust U/D/T dated October 1, 1993, purchased the property on September 13, 2000. Applicants submitted an application to include a swim float, placement of a new boat lift and retention of two existing mooring buoys. Applicants do not qualify for a rent-free lease because of the swim float and the boathouse with sleeping quarters. Harold M. Messmer, Jr. and Marcia N. Messmer, Trustees of the Messmer Family Trust U/D/T dated October 1, 1993, are now applying for a new General Lease - Recreational Use.

2. **PIER AND BOATHOUSE WITH SLEEPING QUARTERS AND BOAT SLIPS:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

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

3. **BOAT LIFT, SWIM FLOAT AND BUOYS:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structure; Title 2, California Code of Regulations, section 2905(c)(3).

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

CALENDAR ITEM NO. C33 (CONT'D)

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND BOATHOUSE WITH SLEEPING QUARTERS AND BOAT SLIPS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

BOAT LIFT, SWIM FLOAT AND BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

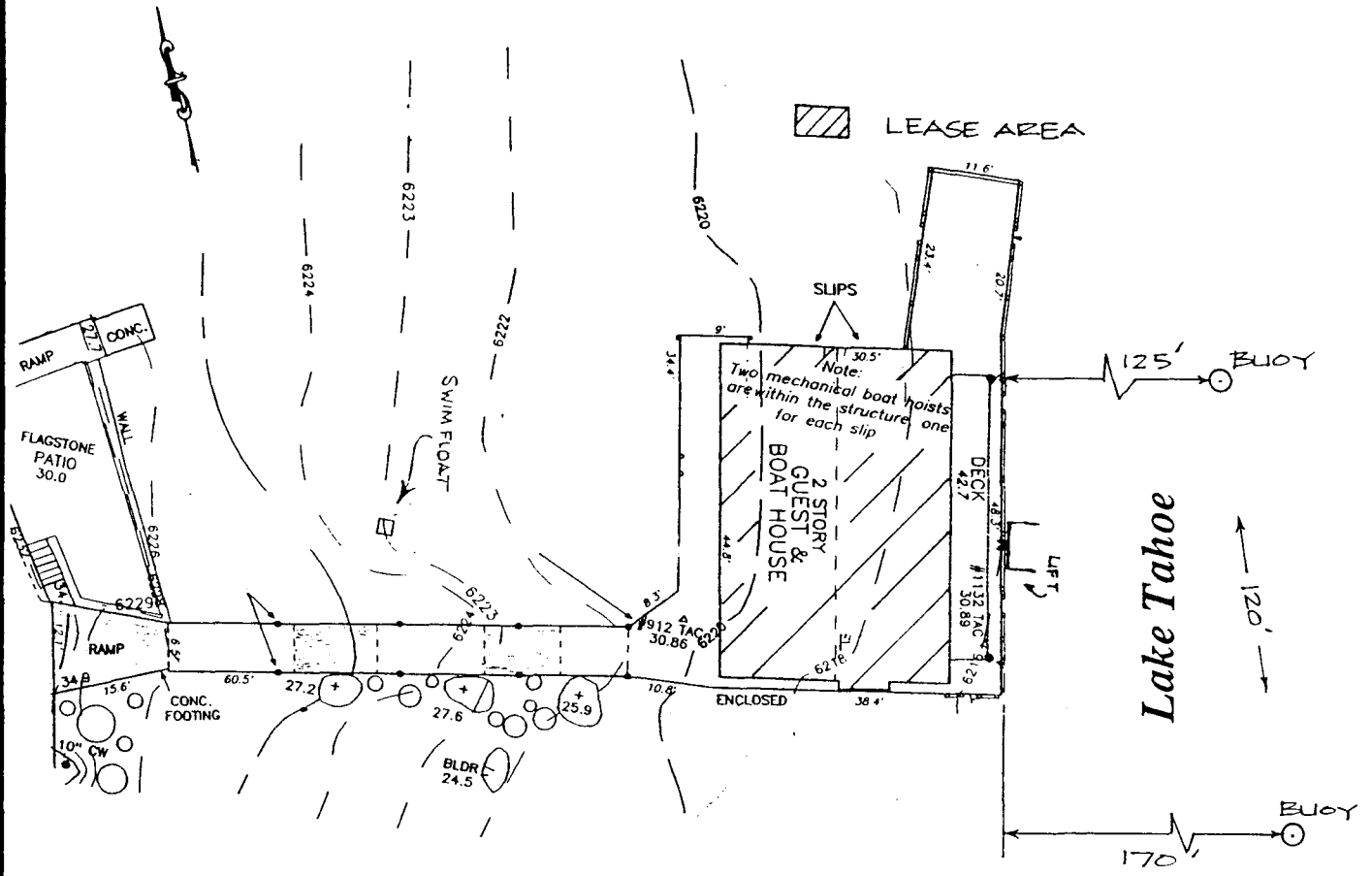
CALENDAR ITEM NO. C33 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO HAROLD M. MESSMER, JR. AND MARCIA N. MESSMER, TRUSTEES OF THE MESSMER FAMILY TRUST U/D/T DATED OCTOBER 31, 1993, OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING SEPTEMBER 13, 2000, FOR A TERM OF TEN YEARS FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATHOUSE WITH SLEEPING QUARTERS AND TWO BOAT SLIPS, A BOAT LIFT, TWO MOORING BUOYS AND A SWIM FLOAT ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING \$389 PER ANNUM FOR THE BOATHOUSE WITH SLEEPING QUARTERS AND THE SWIM FLOAT; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION FOR THE PIER, BOAT LIFT AND BUOYS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; COMBINED SINGLE LIMIT LIABILITY INSURANCE WITH COVERAGE OF \$1,000,000.

NO SCALE

SITE MAP



4440 North Lake Blvd.

NO SCALE

LOCATION MAP

Lake Tahoe

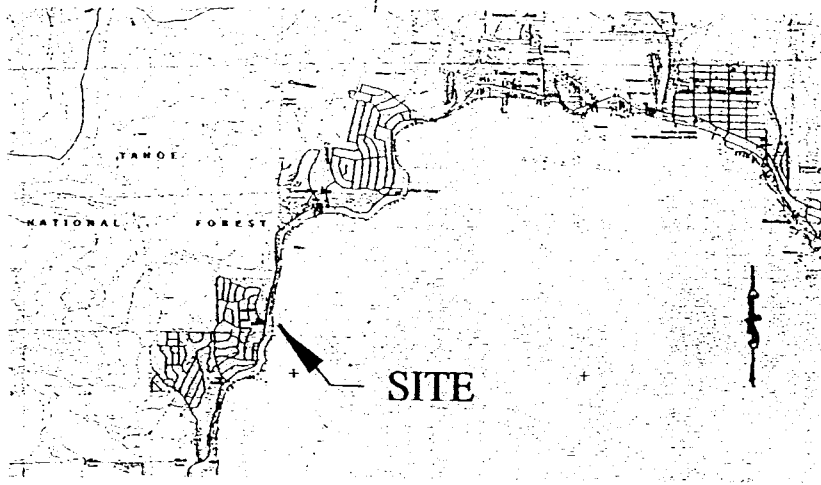
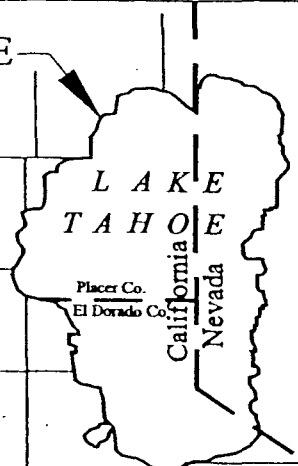


EXHIBIT A
 PRC 4380.1
 APN 091-174-004
 Lake Tahoe
 Placer County

SITE



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

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BY 9/02