

**CALENDAR ITEM
C21**

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S 1

06/24/08
WP 6937.1
M. Clark

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A NEW
GENERAL LEASE – RECREATIONAL USE**

LESSEES:

John P. Geyer and Delores G. Geyer, Co-Trustees of the Geyer Family Trust
dated March 28, 1977

APPLICANT:

MSM Tahoe Properties LLC, a California Limited Liability Company
1680 Grand Avenue
San Rafael, CA 94901

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 1040 West Lake Boulevard, near
Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with catwalk, boat lift, and
two mooring buoys as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 22, 2007.

CONSIDERATION:

\$1,488 per year, with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

The lease contains a provision which requires the Applicants to obtain
authorization from the Tahoe Regional Planning Agency (TRPA) for the
mooring buoys within two years after the adoption of the Final
Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone

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Ordinance Amendments and approval of the amended ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a ten-year Recreational Pier Lease to John P. Geyer and Delores G. Geyer, Co-Trustees of the Geyer Family Trust dated March 28, 1977. That lease will expire September 30, 2011. On June 9, 2005, the upland property was deeded to Robert A. Buccola, and on June 22, 2007, the upland property was then deeded to MSM Tahoe Properties LLC, a California Limited Liability Company. The Applicant is now applying for a new General Lease – Recreational Use.
3. Applicant does not qualify for the rent-free use because the Applicant does not own the littoral property as a natural person pursuant to Public Resource Code section 6503.5.
4. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

5. **Existing Pier with Catwalk, Boat Lift, and Two Mooring 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 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.

6. 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

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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. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

EXISTING PIER WITH CATWALK, BOAT LIFT, AND TWO MOORING 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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.

AUTHORIZATION:

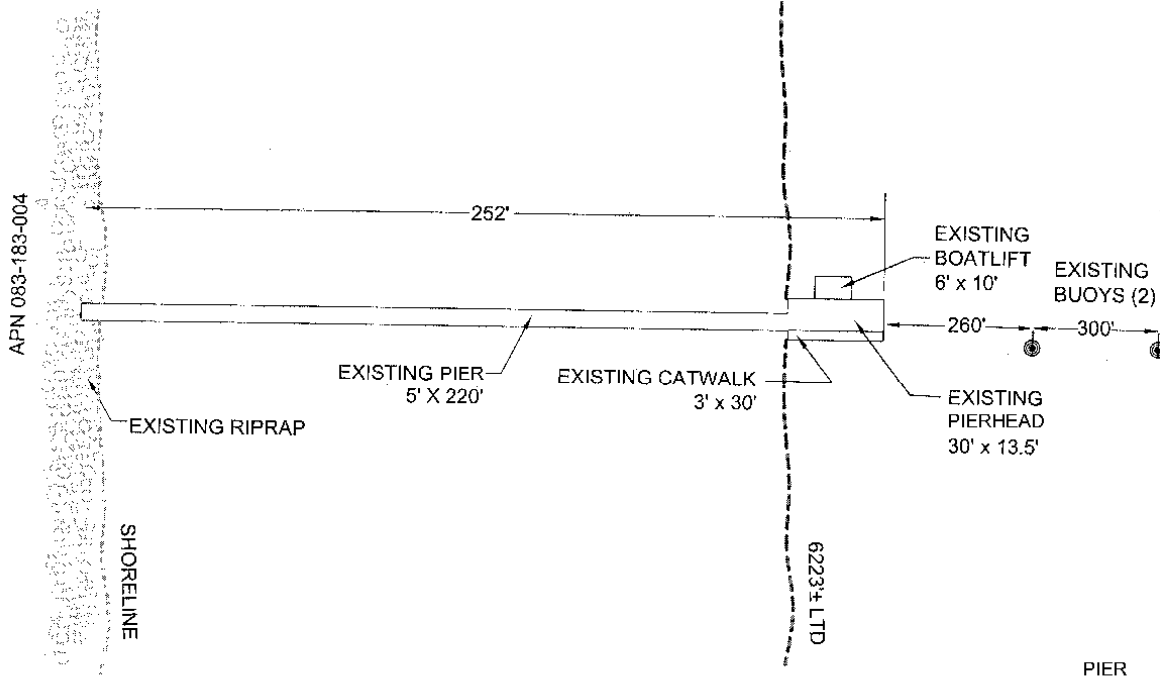
1. AUTHORIZE TERMINATION, EFFECTIVE JUNE 21, 2007, OF LEASE NO. PRC 6937.1, A RECREATIONAL PIER LEASE, ISSUED TO JOHN P. GEYER AND DELORES G GEYER, CO-TRUSTEES OF THE GEYER FAMILY TRUST DATED MARCH 28, 1977.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO MSM TAHOE PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, BEGINNING JUNE 22, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER

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WITH CATWALK, BOAT LIFT, AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,488, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



1040 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

LOCATION

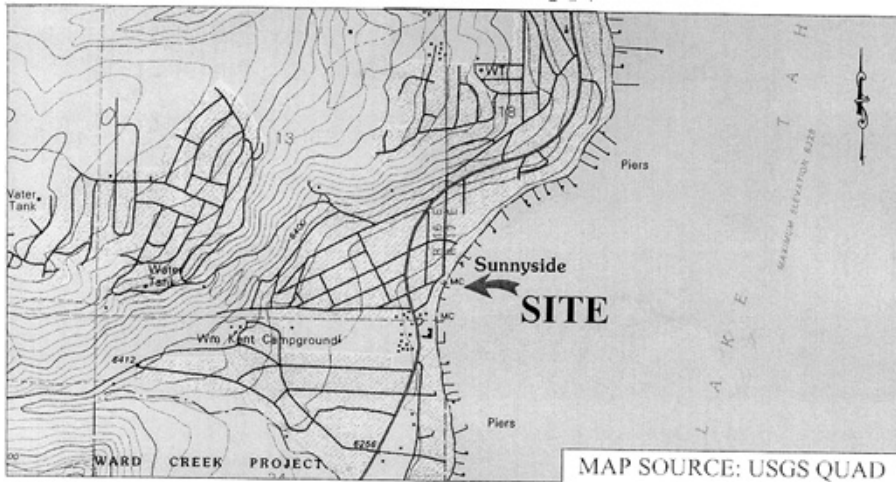
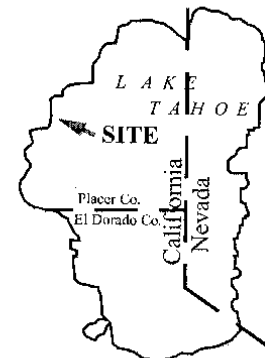


Exhibit A

PRC 6937.1
 MSM TAHOE PROPERTIES LLC
 APN 083-183-004
 GENERAL LEASE
 RECREATIONAL USE
 PLACER 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.