

MINUTE ITEM

This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

CALENDAR ITEM
C25

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12/08/05
PRC 4380.1
C. Connor

CONTINUATION OF RENT

LESSEES:

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:

Use and maintenance of an existing pier, boathouse with sleeping quarters and two boat slips, boat lift, two buoys, and a swim float previously authorized by the Commission.

LEASE TERM:

Ten years, beginning September 13, 2000.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be continued at \$389 per year, effective September 13, 2005.

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 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 upland property on September 13, 2000. The new upland owners then submitted an application for a lease to include a swim float, placement of a new boat lift, and retention of two existing mooring buoys. This lease was authorized by the Commission on April 7, 2003, and it will expire on September 12, 2010.

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2. Lessees are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. The existing pier, boatlift and two mooring buoys are exempt from consideration pursuant to Public Resource Code section 6503.5. However, the boathouse with sleeping quarters and swim float do not qualify for a rent-free status because these facilities were not constructed for the docking and mooring of boats.
3. 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.

EXHIBIT:

- A. Location And Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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.

AUTHORIZATION:

APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 4380.1 AT \$389 PER YEAR, EFFECTIVE SEPTEMBER 13, 2005.

