

**CALENDAR ITEM
C13**

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S 1

10/27/11
WP 5278.9
N. Lavoie

**CONSIDER ACCEPTANCE OF A LEASE QUITCLAIM DEED
AND ISSUANCE OF A RECREATIONAL PIER LEASE**

LESSEES/APPLICANTS:

Peter Alfons Mentges and Nina Maria Mentges, trustees of the Peter Alfons Mentges and Nina Maria Mentges 1984 Family Trust dated June 26, 1984

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2225 Cascade Road, near the city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission and an existing mooring buoy not previously authorized by the Commission, as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning October 27, 2011.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District

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Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On June 28, 2007, the Commission authorized a Recreational Pier Lease for an existing pier to Peter Alfons Mentges and Nina Maria Mentges, trustees of the Peter Alfons Mentges and Nina Maria Mentges 1984 Family Trust dated June 26, 1984. That lease expires on August 20, 2017. The Applicants are now applying for a quitclaim of the existing lease and issuance of a new Recreational Pier Lease for the continued use and maintenance of the existing pier and retention of one existing mooring buoy.
3. The Applicants' existing mooring buoy has been in Lake Tahoe for many years but was not previously authorized by the Commission. The Applicants qualify for a rent-free Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling. Staff recommends approval of the existing pier and mooring buoy within the lease premises.
4. **Quitclaim of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Cal.Code Regs., tit. 14 § 15060, subd.(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by 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. **Issuance of a New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit 14, §15061), the staff has determined that this activity is exempt from the requirements of 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

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Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Quitclaim of Existing Lease: Find that the activity is not subject to the requirements of 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.

Issuance of a New Lease: Find that the activity is exempt from the requirements of 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 section 6370, et seq.

AUTHORIZATION:

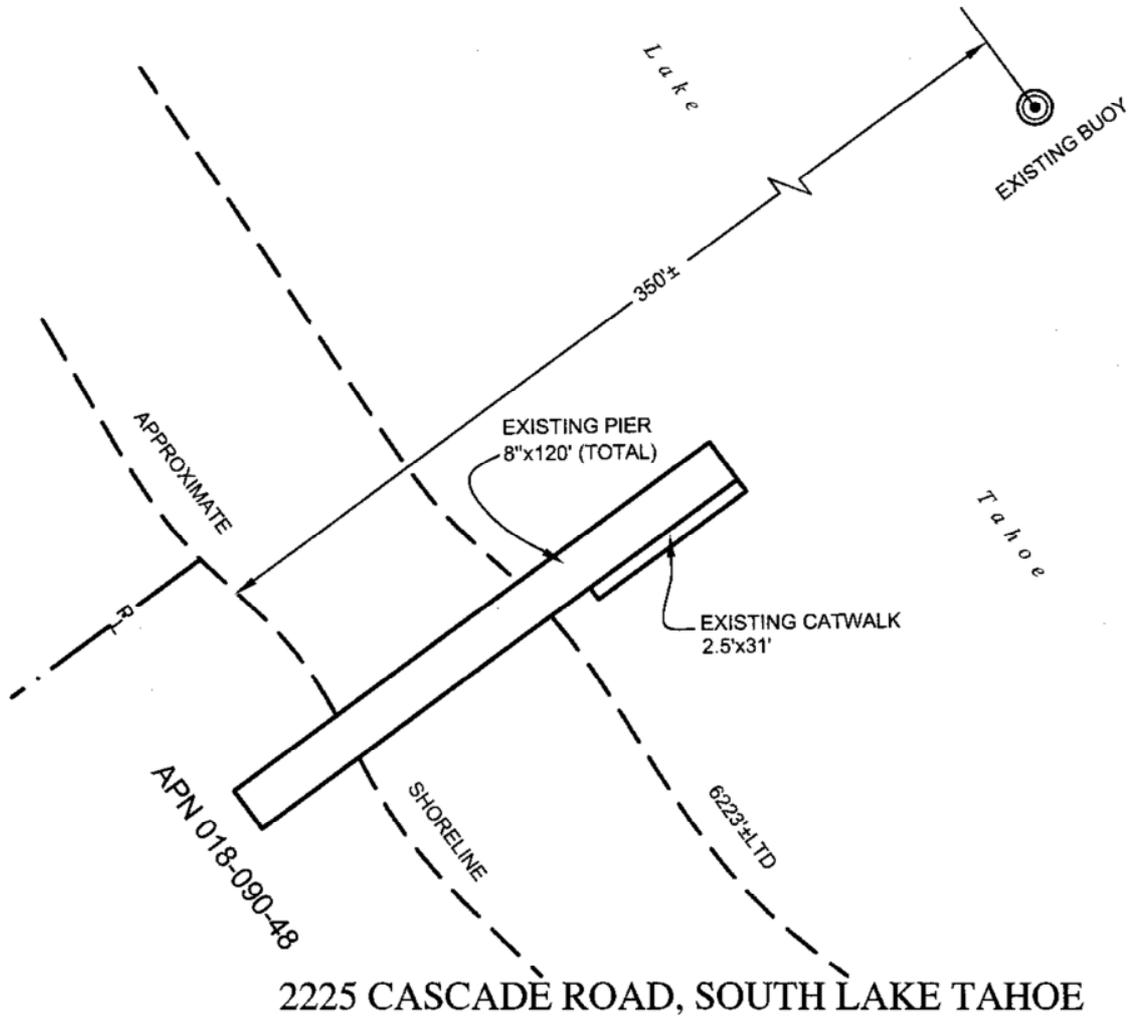
1. Authorize acceptance of a quitclaim deed and the termination, effective October 26, 2011, of Lease No.PRC 5278.9, a Recreational Pier Lease, issued to Peter Alfons Mentges and Nina Maria Mentges, trustees of the Peter Alfons Mentges and Nina Maria Mentges 1984 Family Trust dated June 26, 1984.
2. Authorize issuance of a 10-year Recreational Pier Lease to Peter Alfons Mentges and Nina Maria Mentges, trustees of the Peter Alfons Mentges and Nina Maria Mentges 1984 Family Trust dated

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June 26, 1984, beginning October 27, 2011, for the continued use and maintenance of an existing pier previously authorized by the Commission and an existing mooring buoy not previously authorized by the Commission as shown on the attached Exhibit A and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$500,000.

NO SCALE

SITE



NO SCALE

LOCATION

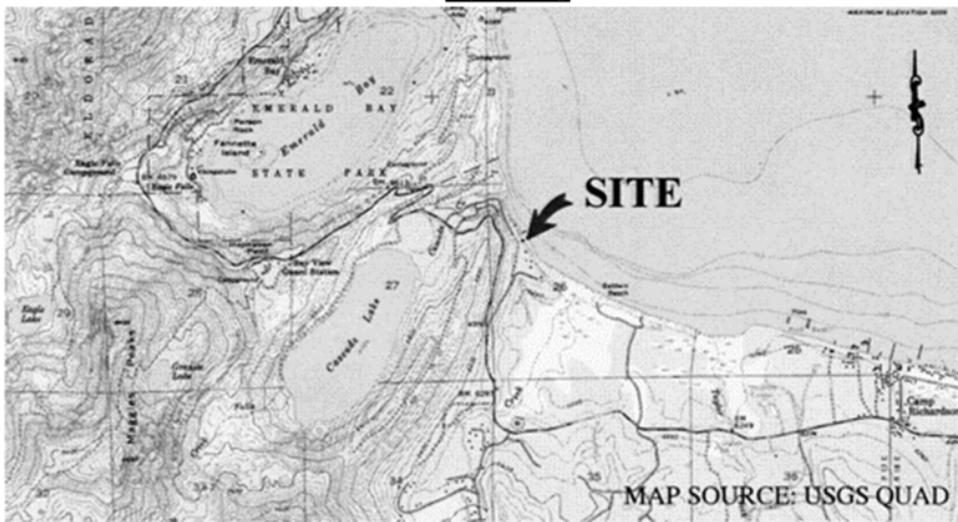


Exhibit A

WP 5278.9
 MENTGES
 APN 018-090-48
 RECREATIONAL PIER LEASE
 EL DORADO CO.



MJ 07/11

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.