CALENDAR ITEM

C42

A 1 12/02/13
PRC 5598.1
S 1 S. Paschall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Roland A. von Metzsch and Christine Wente von Metzsch, Trustees of the Christine and Roland von Metzsch Family Trust dated October 11, 2010, and Eric P. Wente, Trustee of the Christine and Roland von Metzsch 2012 Irrevocable Trust.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 2220 Sunnyside Lane, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, open-sided boathouse, and two mooring buoys previously authorized by the Commission, and use and maintenance of two existing boat hoists not previously authorized by the Commission.

LEASE TERM:

10 years, beginning October 1, 2012.

CONSIDERATION:

$2,800 per year, with the State reserving the right to set a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $1,000,000 per occurrence.

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 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 October 1, 2002, the Commission authorized a Recreational Pier Lease to Robert L. Coleman. That lease expired September 30, 2012. The upland property was deeded to the Applicants on May 31, 2012, who are now applying for a General Lease – Recreational Use.

3. The two existing boat hoists have been in Lake Tahoe for many years but were not previously authorized by the Commission.

4. The 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 2, section 2905, 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.

5. 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.

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 2, section 2905, subdivision (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:

Authorize issuance of a General Lease – Recreational Use to Roland A. von Metzsch and Christine Wente von Metzsch, Trustees of the Christine and Roland von Metzsch Family Trust dated October 11, 2010, and Eric P. Wente, Trustee of the Christine and Roland von Metzsch 2012 Irrevocable Trust beginning October 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, open-sided boathouse, and two mooring buoys previously authorized by the Commission, and use and maintenance of two existing boat hoists not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of $2,800, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in an amount of no less than $1,000,000 per occurrence.

EXHIBIT A

PRC 5598.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 24, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved April 11, 1884, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All of the lands underlying an existing pier, open-sided boathouse with two (2) boat hoists, and catwalks lying adjacent to those Parcels as described in Exhibit "A" of that Grant Deed, recorded May 31, 2012 as Document Number 2012-0048596 of Official Records of said County.

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

PARCELS 2 & 3 – BUOYS

Two (2) circular parcels of land, each being 50 feet in diameter underlying two (2) existing buoys lying adjacent to said Parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared April 23, 2013 by the California State Lands Commission Boundary Unit.

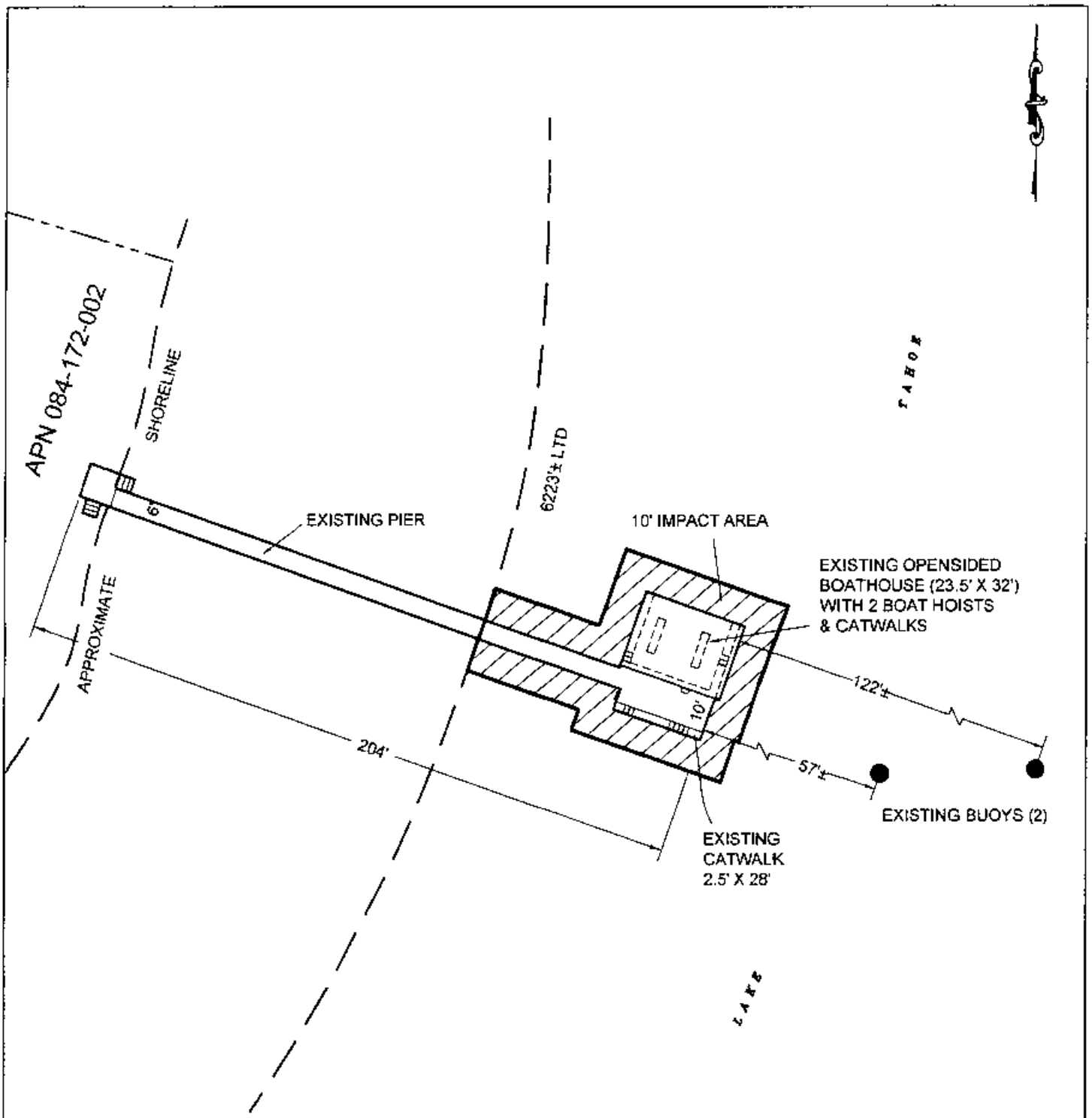

EXHIBIT A

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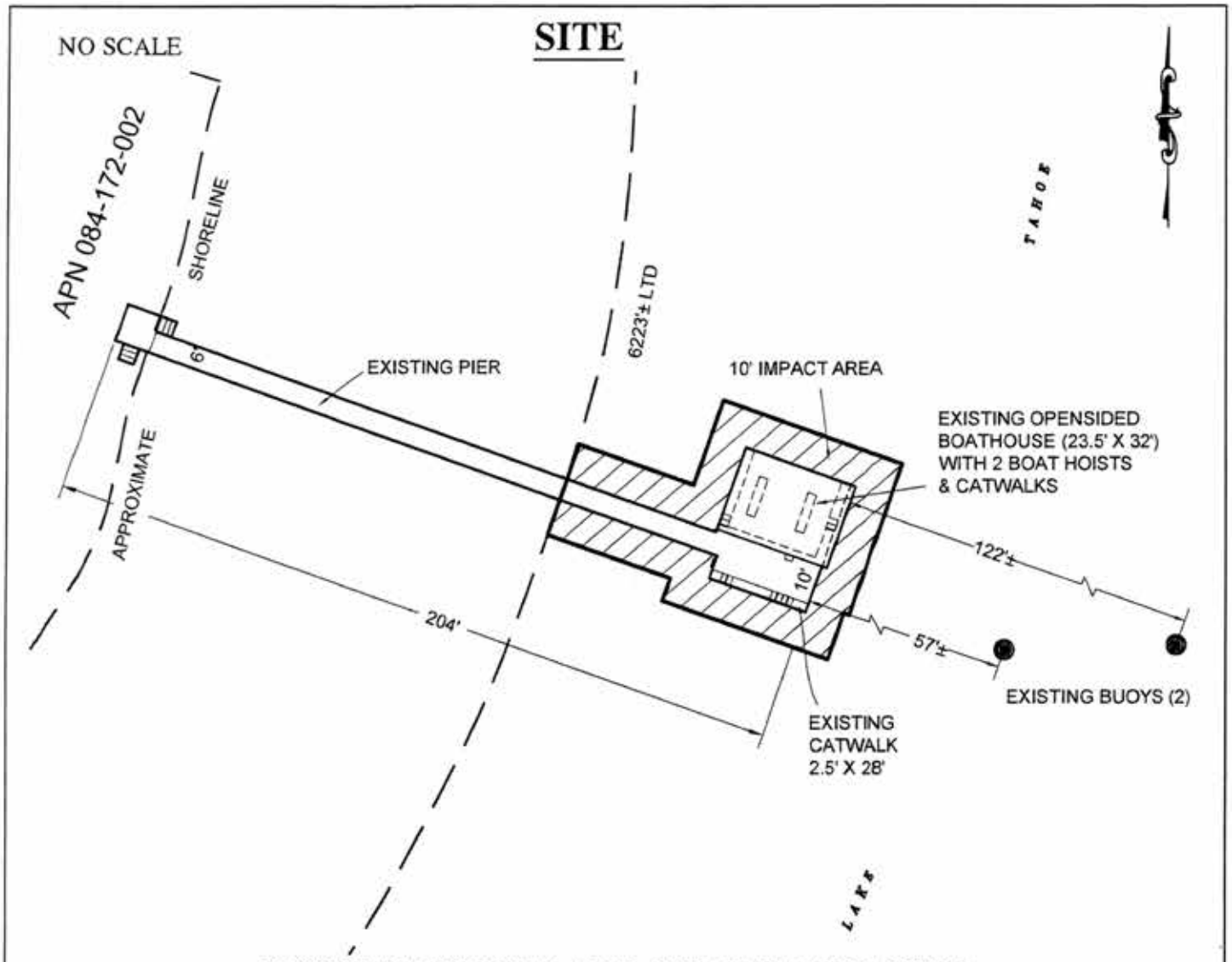
LAND DESCRIPTION PLAT PRC 5598.1, METZSCH TRUST PLACER COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

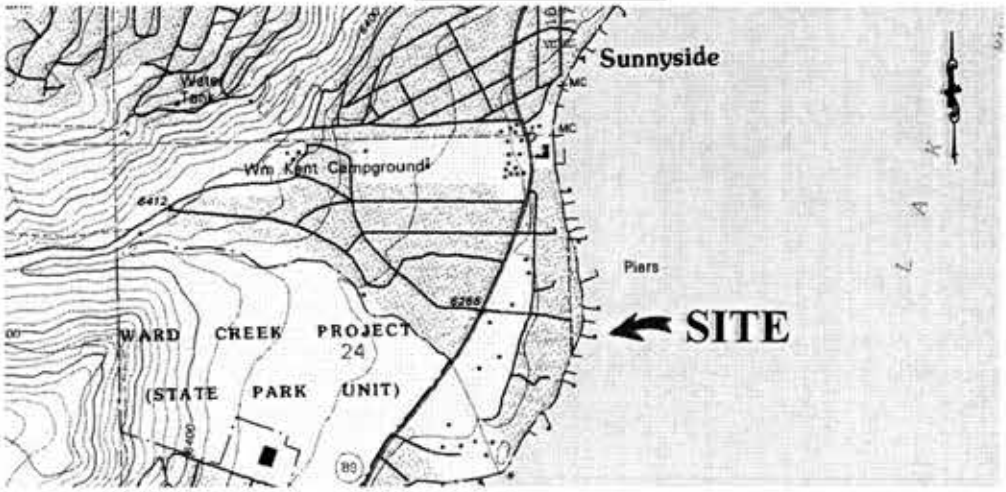
SITE



2220 SUNNYSIDE LANE, NEAR TAHOE CITY

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

PRC 5598.1
METZSCH TRUST
APN 084-172-002
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY

MJJ 04/11/13