

MINUTE ITEM

This Calendar Item No. 14 was approved as Minute Item No. 14 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

**CALENDAR ITEM
C14**

A 4
S 1

02/09/06
PRC 4456 WP 4456
V. Massey

RECREATIONAL PIER LEASE

APPLICANTS:

Ute W. Zapf, Trustee of the Survivor's Trust under The Zapf Family Revocable Trust Agreement dated May 5, 1993 as to an undivided one half (1/2) Interest As A Tenant-In-Common, and U.S. Trust Company, N.A. and Ute W. Zapf, Co-Trustees of the Qtip Trust under The Zapf Family Revocable Trust Agreement dated May 5, 1993, as to an undivided one half (1/2) Interest as a Tenant-In-Common.

AREA, LAND TYPE, AND LOCATION:

Submerged lands in Lake Tahoe, near Tahoe City, Placer County.

AUTHORIZED USE:

The continued use and maintenance of an existing pier, and two mooring buoys, as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 19, 2005.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the two mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS..

CALENDAR ITEM NO. C14 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On May 9, 1996, the Commission authorized a Recreational Pier Lease to Hans J. Zapf and Ute W. Zapf, Trustees of the Zapf Family Revocable Trust. The lease expired on September 18, 2005. Since the lease was last issued, Hans J. Zapf died on August 8, 2001 and the upland property is now held by Ute W. Zapf, Trustee of the Survivor's Trust under The Zapf Family Revocable Trust Agreement dated May 5, 1993 as to an undivided one half (1/2) Interest As A Tenant-In-Common, and U.S. Trust Company, N.A. and Ute W. Zapf, Co-Trustees of the Qtip Trust under The Zapf Family Revocable Trust Agreement dated May 5, 1993, as to an undivided one half (1/2) Interest as a Tenant-In-Common. The applicants have now submitted an application for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and uses the upland for, a single-family dwelling.
4. 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.
5. 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.

APPROVALS OBTAINED:

Buoys: Tahoe Regional Planning Agency.

CALENDAR ITEM NO. C14 (CONT'D)

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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:

AUTHORIZE ISSUANCE TO UTE W. ZAPF, TRUSTEE OF THE SURVIVOR'S TRUST UNDER THE ZAPF FAMILY REVOCABLE TRUST AGREEMENT DATED MAY 5, 1993 AS TO AN UNDIVIDED ONE HALF (1/2) INTEREST AS A TENANT-IN-COMMON, AND U.S. TRUST COMPANY, N.A. AND UTE W. ZAPF, CO-TRUSTEES OF THE QTIP TRUST UNDER THE ZAPF FAMILY REVOCABLE TRUST AGREEMENT DATED MAY 5, 1993, AS TO AN UNDIVIDED ONE HALF (1/2) INTEREST AS A TENANT-IN-COMMON OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 19, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, AND TWO MOORING BUOYS AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE



NO SCALE

LOCATION

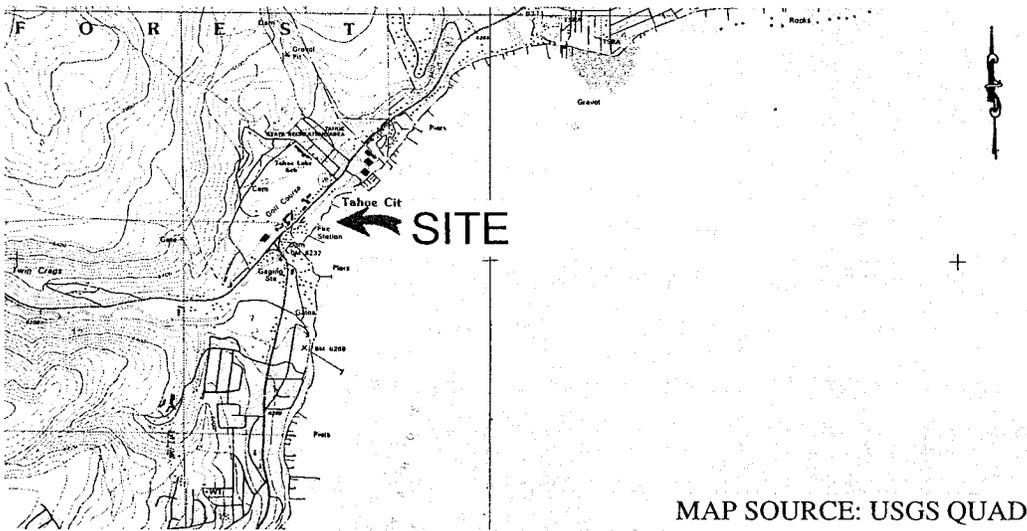
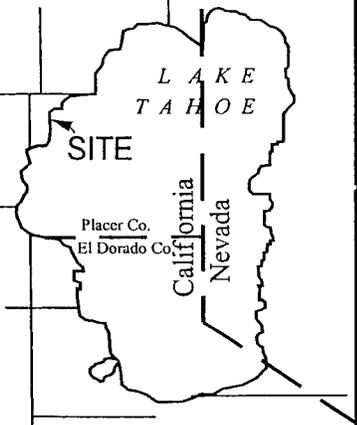


Exhibit A

PRC 4456.9
 ZAPF UTE
 APN 085-030-007
 RECREATIONAL PIER LEASE
 LAKE TAHOE
 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.