

**CALENDAR ITEM
C22**

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09/20/13
PRC 1710.1
M. J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

The Kouretas Family Trust U/A Dated November 15, 1978, as Amended

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5230 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2013.

CONSIDERATION:

\$1,412 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 in an amount 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 buoy 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

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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. Applicant owns the upland adjoining the lease premises.
2. On April 7, 2003, the Commission authorized a 10-year General Lease – Recreational Use with the Kouretas Family Limited Partnership. That lease expired on January 31, 2013. At the time the prior lease was issued, staff was informed that the Partnership was the upland owner. Staff was not made aware that ownership was transferred to Nicholas and Valdean Kouretas on January 10, 2003. On December 20, 2011, the upland was deeded to The Kouretas Family Trust U/A Dated November 15, 1978, as Amended.
3. The agent for Mr. and Mrs. Kouretas contacted staff on March 11, 2011, informing staff that the partnership had not owned the upland since 2003. An application was received from Mrs. Valdean Kouretas on June 24, 2011. Starting from the date that Mr. and Mrs. Kouretas obtained ownership, Mr. and Mrs. Kouretas qualified for rent-free status pursuant to the original definition of section 6503.5 of the Public Resources Code. As a result, staff instructed Mrs. Kouretas not to pay rent as of June 24, 2011, the date staff was formally notified of the ownership change. Staff is recommending that rent, penalties, and interest be waived for the period from June 24, 2011, through January 31, 2013, the date the prior lease expired.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of 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

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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:

1. Authorize annual rent, penalties, and interest be waived for the period beginning June 24, 2011 through January 31, 2013.
2. Authorize issuance of a General Lease – Recreational Use to The Kouretas Family Trust U/A Dated November 15, 1978, as Amended, beginning February 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys 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 \$1,412 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 1710.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 22, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and boat lift lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded January 10, 2003 as Document Number 2003-0003719 in Official Records of said County.

TOGETHER WITH a ten (10) foot impact area.

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 that parcel as described in Exhibit A of that Grant Deed recorded January 10, 2003 as Document Number 2003-003719 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 24, 2013 by the California State Lands Commission Boundary Unit.



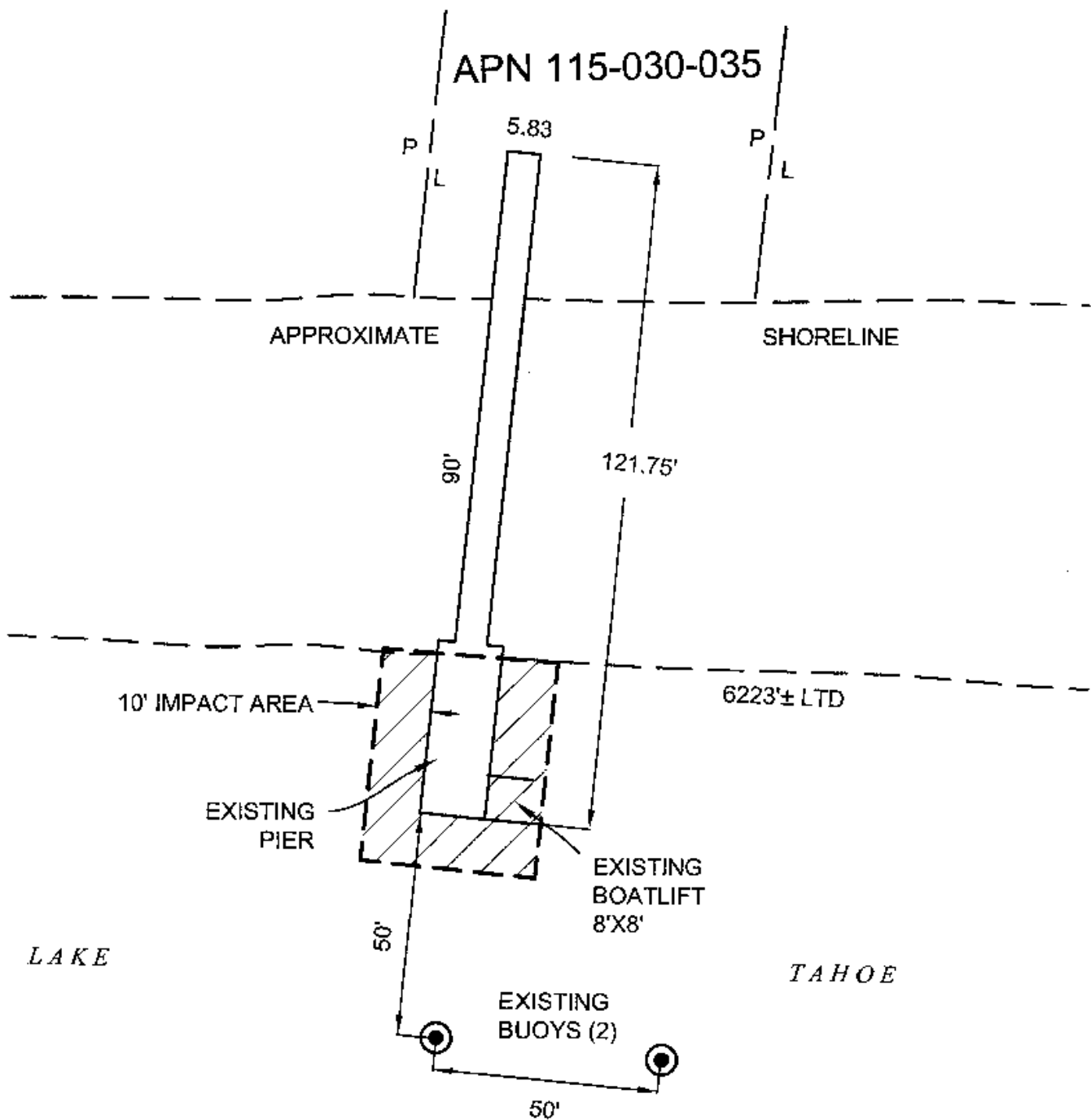


EXHIBIT A

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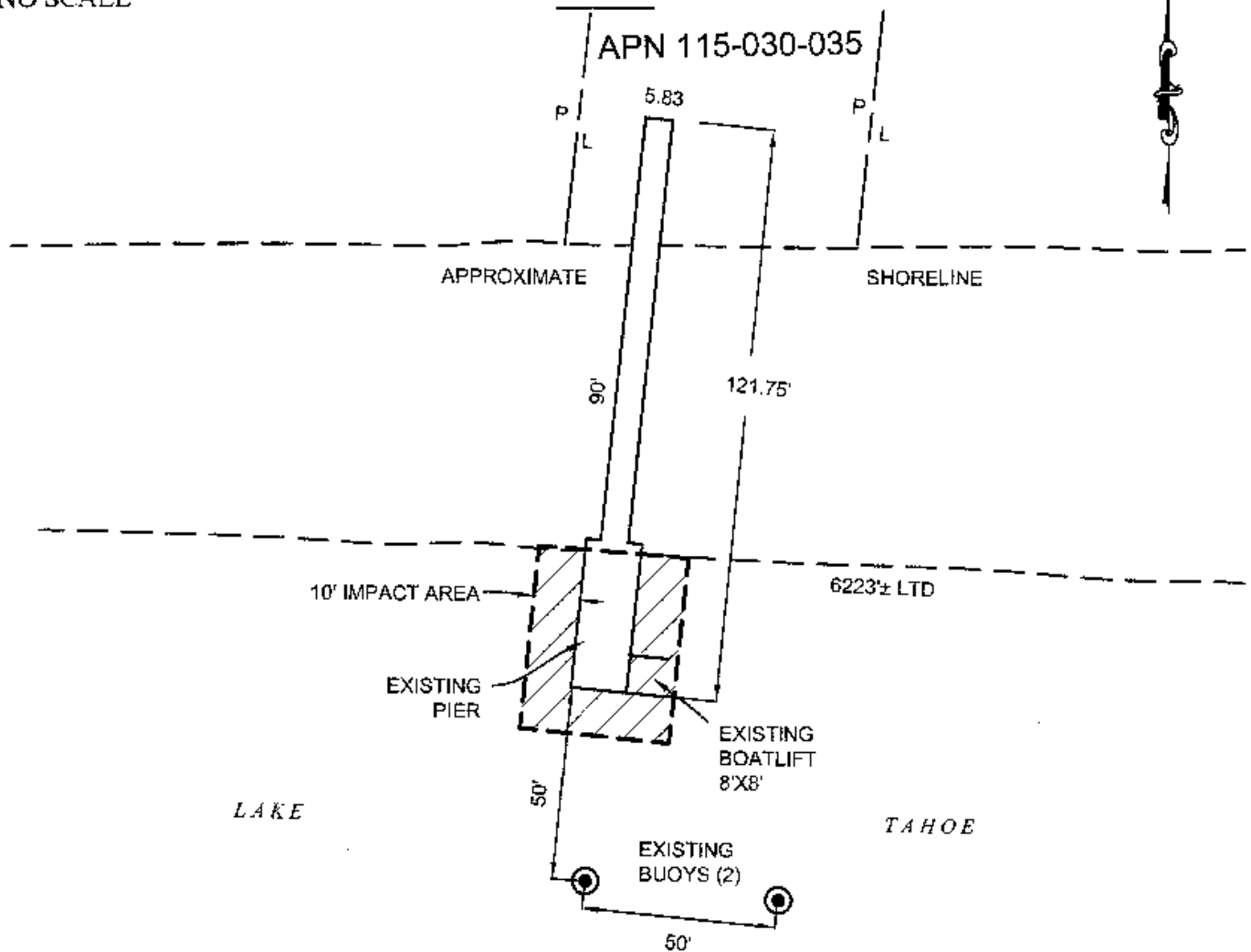
LAND DESCRIPTION PLAT
PRC 1710.1, KOURETAS
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

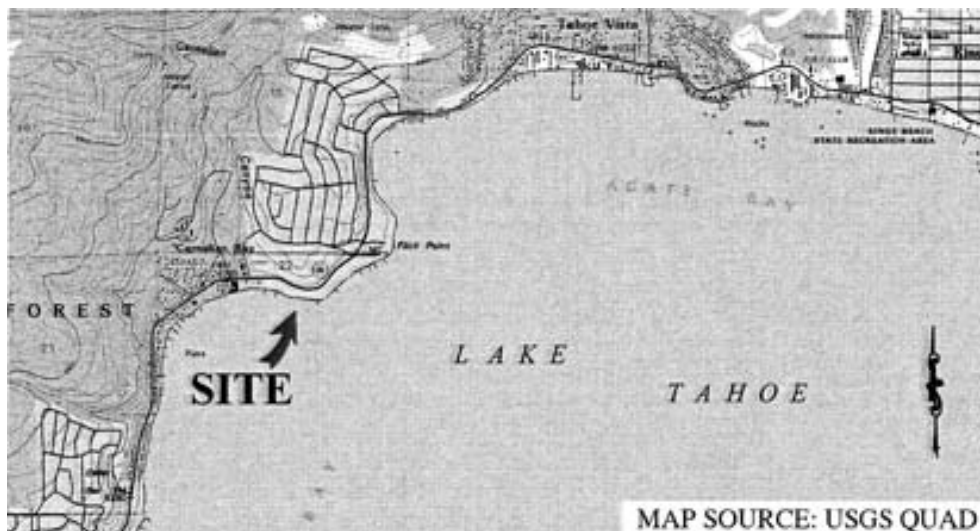
SITE



5320 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

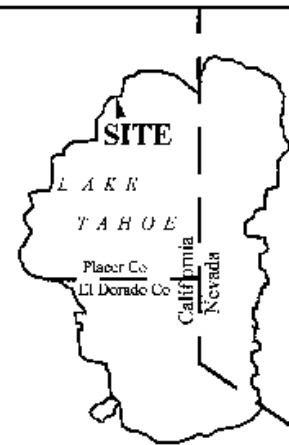
LOCATION



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 1710.1
KOURETAS
APN 115-030-035
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MT 07/24/13