

**CALENDAR ITEM  
C47**

A 4  
S 1

10/19/12  
PRC 3556.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Gus C. Gianulias and Julie M. Gianulias, Trustees of the Gus C. and Julie M. Gianulias Family Revocable Trust, established January 20, 1983

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 3880 North Lake Boulevard, near Carnelian Bay, Placer County

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and one mooring buoy and installation of eight steel pilings.

**LEASE TERM:**

10 years, beginning October 19, 2012.

**CONSIDERATION:**

\$928 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 the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicant(s) 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. Applicants own the upland adjoining the lease premises.
2. On November 7, 1997, the Commission authorized a 10-year General Lease – Recreational Use with Gus C. Gianulias and Julie M. Gianulias for a pier repair and modification, installation of a boat lift, swim float, and one existing mooring buoy. However, the lease was never executed by the Lessees. The upland property was subsequently transferred to Gus C. Gianulias and Julie M. Gianulias, Trustees of the Gus C. and Julie M. Gianulias Family Revocable Trust, established January 20, 1983. The previously approved boat lift and swim float were never installed, and the Applicants are now applying for a new General Lease – Recreational Use for the existing pier, one mooring buoy, and installation of eight steel piles.
3. The pier was supported by a rock crib of which a portion was washed away during a 2012 winter storm, leaving the most lakeward portion of the pier in the water. The Applicants are proposing to install eight steel piles on the outer 30 feet of the pier in order to stabilize the portion of the pier where the rock crib washed away. Steel beams will be attached to support the existing joists and decking. There will not be a change in the footprint of the existing pier. All construction material, and debris will be brought in and carried out via barge, and staging will also occur from the water.
4. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The new law took effect January 1, 2012. This law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands. The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

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Because the application was not submitted to the Commission prior to March 31, 2011, the lease does not meet the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code and is subject to rent.

5. **Pier and Mooring Buoy:** The Staff recommends that the Commission find that this activity is exempt from the requirements of 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.

6. **Installation of Pilings:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. 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.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers  
Tahoe Regional Planning Agency  
California Regional Water Quality Control Board

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

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**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Pier and Mooring Buoy:** 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).

**Installation of Pilings:** 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

**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 Gus C. Gianulias and Julie M. Gianulias, Trustees of the Gus C. and Julie M. Gianulias Family Revocable Trust, established January 20, 1983, beginning October 19, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier and one existing mooring buoy and installation of eight steel pilings 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 \$928, with the State reserving the right to fix a different rent periodically during the lease term, as proved in the lease; and liability insurance with coverage of no less than \$1,000,000.

**EXHIBIT A**

**PRC 3556.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 28, Township 16 North, Range 17 East, MDM., approved September 25, 1907, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, lying adjacent to Parcel Two as described in Exhibit “A” of that Quitclaim Deed recorded December 26, 1997 as Document Number 97-0082202-00 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

**PARCEL 2 – BUOY**

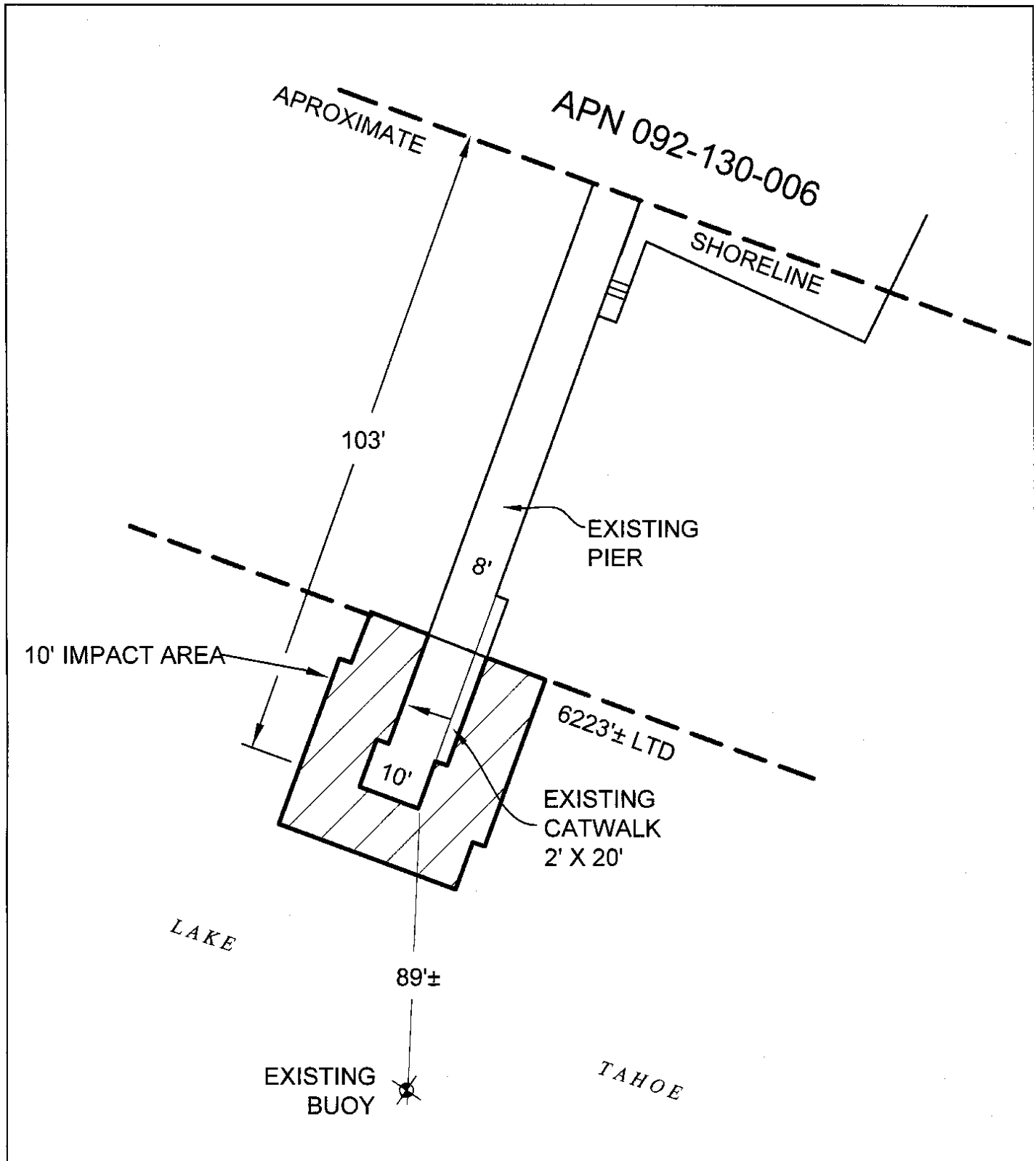
One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to Parcel Two as described in Exhibit “A” of that Quitclaim Deed recorded December 26, 1997 as Document Number 97-0082202-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared September 12, 2012 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

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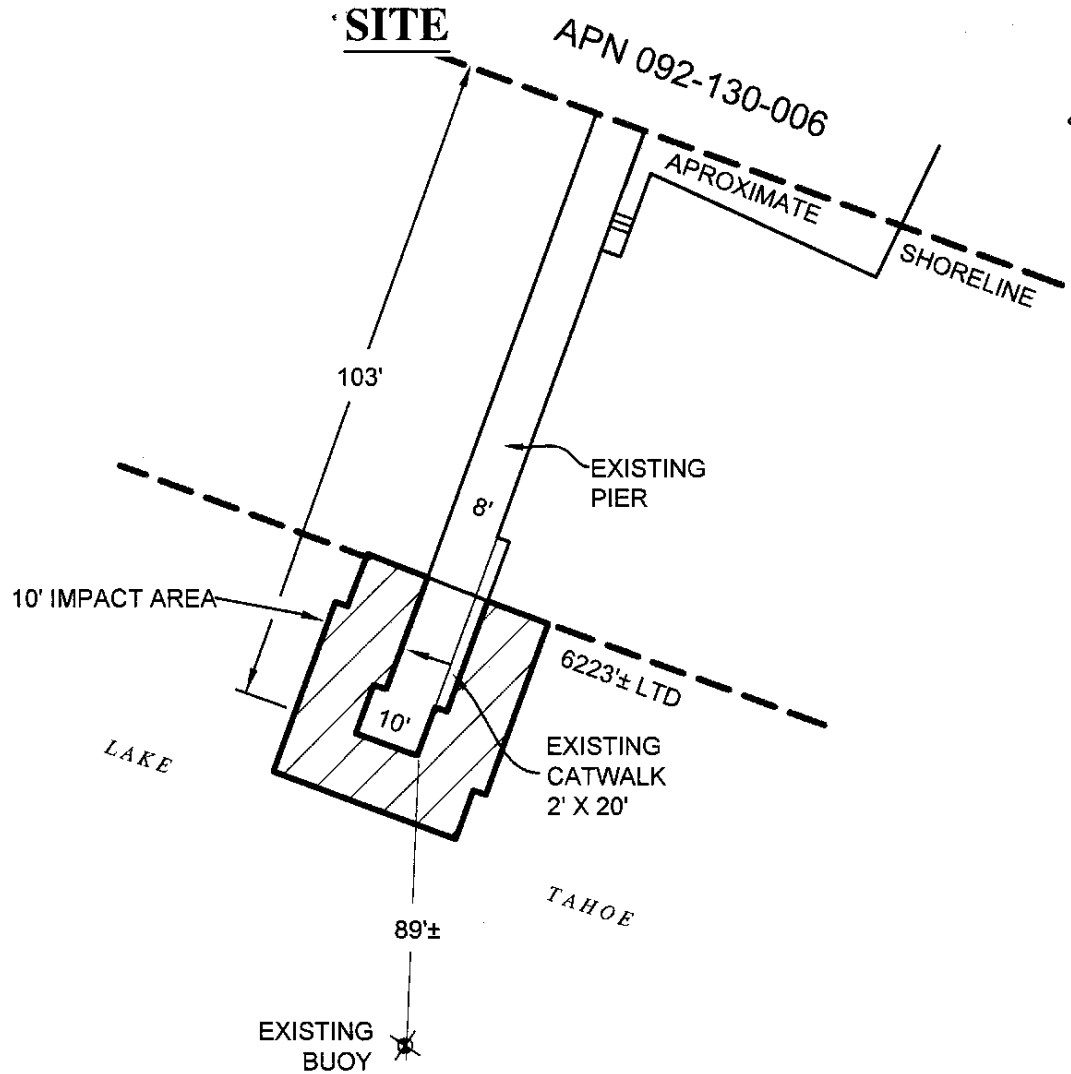
MJJ 09/12/12

LAND DESCRIPTION PLAT  
 PRC 3556.1 GIANULIAS  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE



3880 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

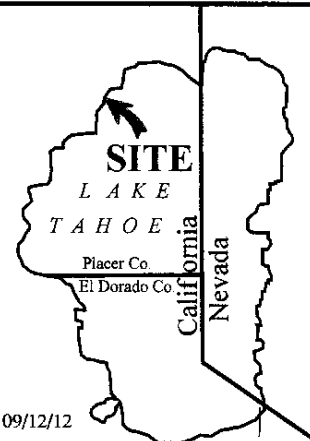
### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 3556.1  
 GIANULIAS  
 APN 092-130-006  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJJ 09/12/12

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.