

Staff Report 16

LESSEE:

Carolyn Trimble FKA Carolyn Sue Grisct, as Trustee of the Carolyn Sue Grisct Family Trust dated August 15, 1989

APPLICANT:

Lake Tahoe Vista LLC

PROPOSED ACTION:

Consider Waiver of Rent, Penalty, and Interest and Termination and Issuance of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION

Sovereign land in Lake Tahoe, adjacent to 6123 North Lake Boulevard, near Tahoe Vista, Placer County.

AUTHORIZED USE:

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

TERM:

10 years beginning October 22, 2020.

CONSIDERATION:

\$1,161 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from Tahoe

Regional Planning Agency (TRPA) or any other regulatory agency for the improvements authorized by the Commission.

- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing, and lake-related recreational uses.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 21, 2013, the Commission authorized a General Lease – Recreational Use for the existing pier, boat lift, and two mooring buoys to Carolyn Trimble FKA Carolyn Sue Griset, as Trustee of the Carolyn Sue Griset Family Trust dated August 15, 1989 ([Item C03, April 21, 2013](#)). On June 21, 2018, the Commission authorized an amendment and revision of rent to reduce the annual rent and replace the exhibits to reflect a reduced lease area ([Item C28, June 21, 2018](#)). The lease expires on August 1, 2023. The Lessee sold their property to John M. Curotto and Bree A. Curotto on May 10, 2019. The Curotto's transferred their interest to Lake Tahoe Vista LLC on May 20, 2020. The Applicant has acknowledged their interest in and control over the improvements on state land by applying for a General Lease - Recreational Use, for the continued use and maintenance of the pier, boat lift, and two mooring buoys. The Applicant has registered their moorings with TRPA (#11235, dated September 26, 2019).

Staff recommends termination of the existing lease because the Lessee improperly conveyed the lease by selling the upland property without notifying the Commission, seeking an assignment, or executing a lease quitclaim deed, as required in the lease.

The Lessee paid rent through July 31, 2019, prior to transferring the upland property to the Curottos. On June 27, 2019, staff sent a rental invoice, Invoice No. 47724, to the Lessee for annual rent covering the period of August 1, 2019 through July 31, 2020, which the Lessee did not pay. The Curotto's agreed to pay compensation for the unauthorized occupation of State land from August 1, 2019 through October 21, 2020, the day before staff recommends the new lease begin. Staff believes it is not in the State's best interests to pursue the collection of rent, penalty, and interest

from the Lessee for this period because they were no longer the upland owner as of May 10, 2019. Staff further recommends the Commission accept compensation from the Curottos for the unauthorized occupation of State land in the amount of \$1,425 for the period of non-payment prior to the commencement of the proposed lease.

The subject facilities are privately owned and maintained. The pier, boat lift, and two mooring buoys are used for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

The pier, boat lift and mooring buoys have existed for many years at this location. The pier is built on pilings with the immediate area of the pier being steep and rocky. The topography and location are difficult to navigate, however public access for pedestrians and lake-related activities is available at varying water levels underneath the pier and by passing through the upland parcel within the Public Trust easement. The buoys are located directly lakeward of the upland property and occupy a relatively small area of the lake.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Lessee may be required to remove the pier, boat lift, and two mooring buoys and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
3. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. Staff recommends that the Commission find that issuance of the lease 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease 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).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at

this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Waive annual rent, penalty, and interest due for the period of August 1, 2019 through July 31, 2020, and void annual rent invoice number 47724 issued to Carolyn Trimble FKA Carolyn Sue Grisct, as Trustee of the Carolyn Sue Grisct Family Trust dated August 15, 1989.
2. Authorize termination effective May 9, 2019, of Lease No. PRC 6924, a General Lease – Recreational Use, issued to Carolyn Trimble FKA Carolyn Sue Grisct, as Trustee of the Carolyn Sue Grisct Family Trust dated August 15, 1989.
3. Authorize acceptance of compensation from the Applicant in the amount of \$1,425 for unauthorized occupation of State land for the period beginning August 1, 2019 through October 21, 2020.
4. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning October 22, 2020, 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 \$1,161, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

LEASE 6924

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 14, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk and boat lift lying adjacent to those parcels described in Grant Deed recorded May 20, 2020 as Document Number 2020-0047026-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCELS 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded May 20, 2020 as Document Number 2020-0047026-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/05/2020 by the California State Lands Commission Boundary Unit.



NO SCALE

APN 117-020-024

NORTH LAKE BLVD.

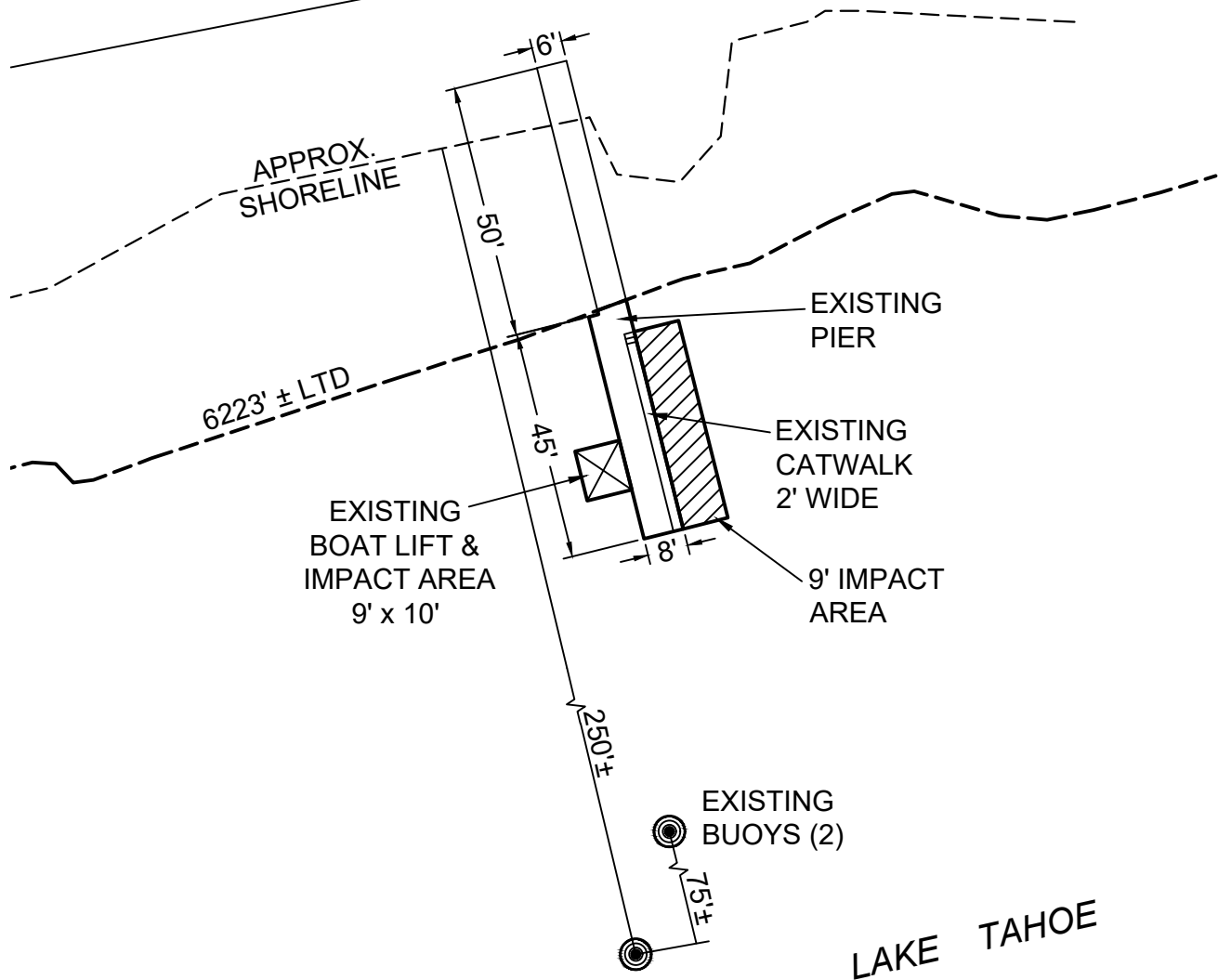


EXHIBIT A

Page 2 of 2

TS 08/05/2020

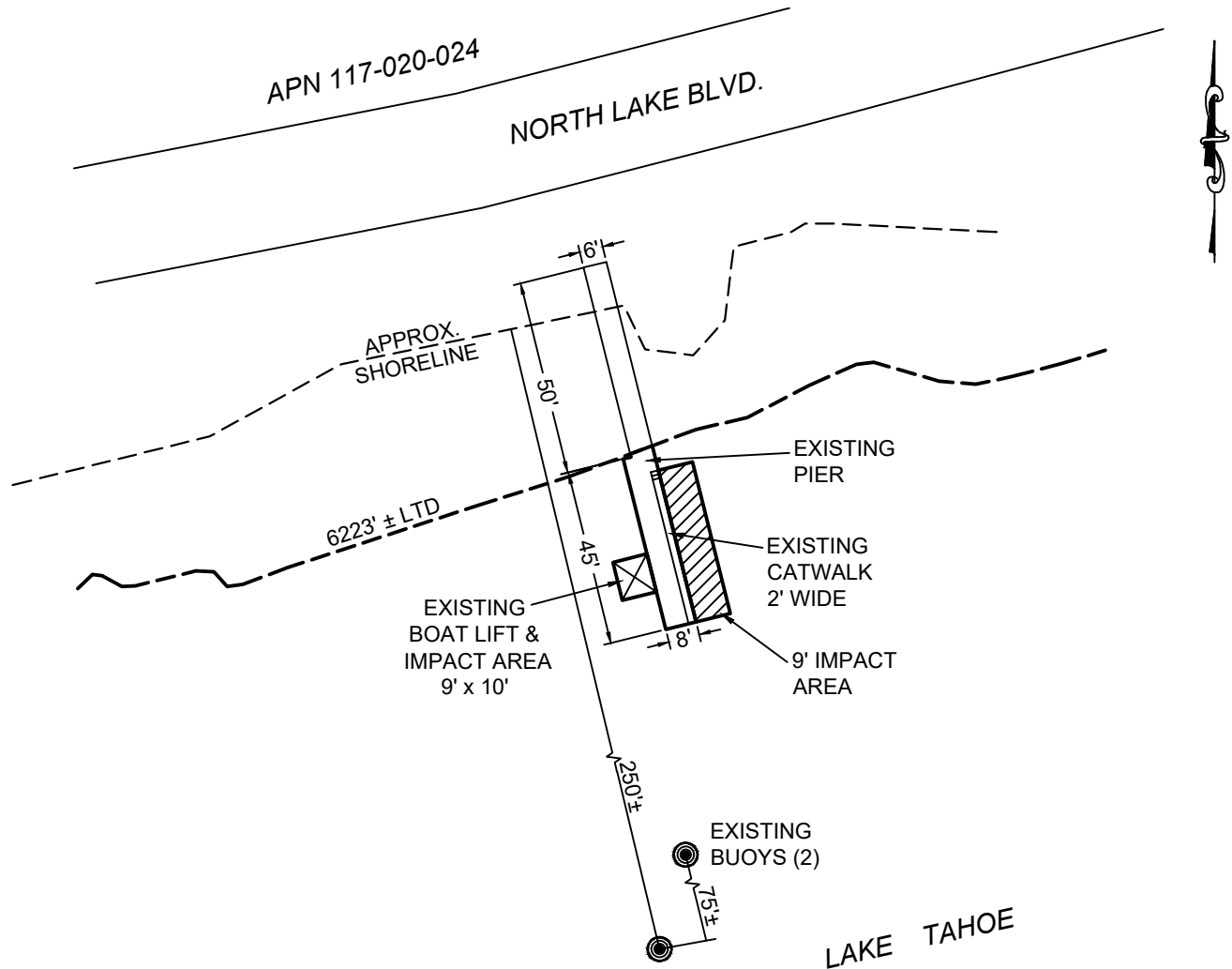
LAND DESCRIPTION PLAT
LEASE 6924, LAKE TAHOE VISTA, LLC
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

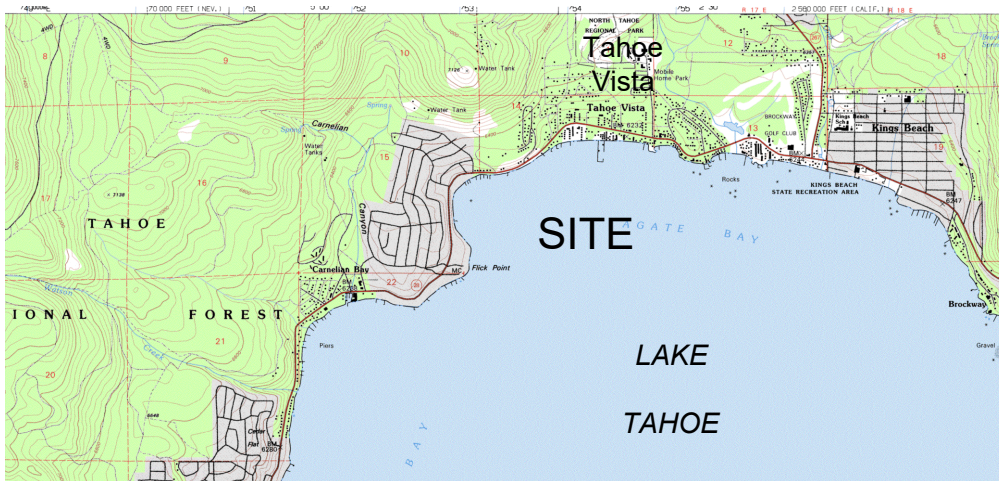
SITE



6123 NORTH LAKE BOULEVARD, NEAR TAHOE VISTA

NO SCALE

LOCATION

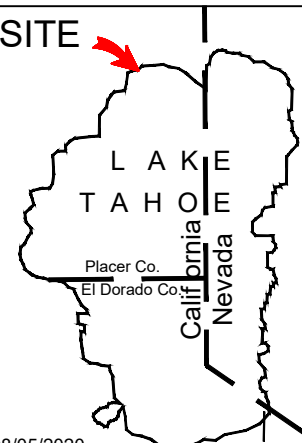


This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

LEASE 6924
LAKE TAHOE VISTA, LLC
APN 117-020-024
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY

SITE



TS 08/05/2020