

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
to 0 at its 7/24/86
meeting.

CALENDAR ITEM

C12

A 7
S 1

07/24/86
WP 5516 PRC 5516
Gordon

TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 5516,
ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANTS: Security Pacific National Bank,
Trustee;
Beachcomber Inn, Marina and Ski Resort;
Beachcomber Resort; and
Beachcomber Inn Vacation
Membership Association
P. O. Box 25160
South Lake Tahoe, California 95702

AREA, TYPE LAND AND LOCATION:

12 circular parcels, each 40 feet in diameter
containing 0.0288-acre, together totalling
0.346-acre of submerged land, located in
Lake Tahoe at South Lake Tahoe, El Dorado
County.

LAND USE:

Maintenance of 12 existing mooring buoys
utilized for noncommercial multiple-use
recreational purposes.

TERMS OF ORIGINAL LEASE: (Emmett L. O'Neill, Jr. and Lorraine
O'Neill, Lessees)

Initial period: 15 years beginning June 3,
1977.

Public liability insurance: \$400,000
per occurrence for bodily
injury and \$100,000 for
property damage.

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(REVISED 07/21/86)

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Consideration: \$360 per annum; five-year
rent review.

Special: 1. The lease is conditioned
on lessee's conformance with
the Tahoe Regional Planning
Agency's Shorezone Ordinance.

2. The lease was entered
into by all parties without
prejudice to their respective
claims of boundary.

3. Lessee covenants to
practice water conservation
on the leased premises.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning June 3,
1985.

Public liability insurance: Combined single
limit coverage of \$500,000.

Special: 1. The permit prohibits the
use of the facilities for
residential purposes.

2. The permit is conditioned
on permittee's conformance
with the Tahoe Regional
Planning Agency's Shorezone
Ordinance.

3. The permit conforms to
the Lyon/Fogerty decision.

CONSIDERATION: \$624 from June 3, 1985 through June 2, 1986;
and \$635 per annum, thereafter, with the State
reserving the right to fix a different rental
on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upland.

(ADDED 07/16/86)

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. At its meeting on August 31, 1978, the State Lands Commission, in Minute Item 35, approved the issuance of General Lease - Commercial Use PRC 5516 to Emmett L. O'Neill, Jr. and Lorraine O'Neill for maintenance of an existing pier, an existing pile and 12 existing mooring buoys utilized for noncommercial and commercial recreational boating. The facilities were utilized to accommodate the owners, tenants and guests of a motel on the upland known as the Beachcomber Resort Motel and Marina. The buoys were the only facilities utilized commercially. (The pier and pile are now determined to be located at and landward of the ordinary low water line of Lake Tahoe and are not subject to the proposed permit).

The lessees subsequently conveyed the upland to applicant without first receiving the Commission's approval of the assignment of said lease. Both staff and applicant have each made a diligent effort to locate the lessees to effectuate an assignment. Because these efforts have been unsuccessful, termination of the original lease is recommended.

2. Upon purchase of the littoral upland, applicant converted the upland improvements to a time-sharing resort. The buoys are utilized to accommodate the time-share owners and applicant. They are no longer used for commercial purposes.

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3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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 activity is consistent with its use classification.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of El Dorado.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

(ADDED 07/16/86)

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3. AUTHORIZE TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 5516 DATED AUGUST 31, 1978, EFFECTIVE JUNE 3, 1985; AND THE ISSUANCE TO SECURITY PACIFIC NATIONAL BANK, TRUSTEE; BEACHCOMBER INN, MARINA AND SKI RESORT; BEACHCOMBER RESORT; AND BEACHCOMBER INN VACATION MEMBERSHIP ASSOCIATION OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JUNE 3, 1985; IN CONSIDERATION OF \$624 FROM JUNE 3, 1985 THROUGH JUNE 2, 1986 AND ANNUAL RENT IN THE AMOUNT OF \$636, THEREAFTER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT, AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000, FOR MAINTENANCE OF 12 MOORING BUOYS, ALL EXISTING AND UTILIZED FOR MULTIPLE-USE RECREATIONAL BOATING PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(ADDED 07/16/86)

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EXHIBIT "A"

LAND DESCRIPTION

WP 5516

Twelve circular parcels of land in the State owned bed of Lake Tahoe, El Dorado County, each having a diameter of 40 feet and lying northerly of Lots 9, 10 and 11 of Block 8, as said lots and block are shown on "Amended Map of Al Tahoe" filed in Map Book "A", at page 3, El Dorado County Records.

END OF DESCRIPTION

REVISED NOVEMBER 12, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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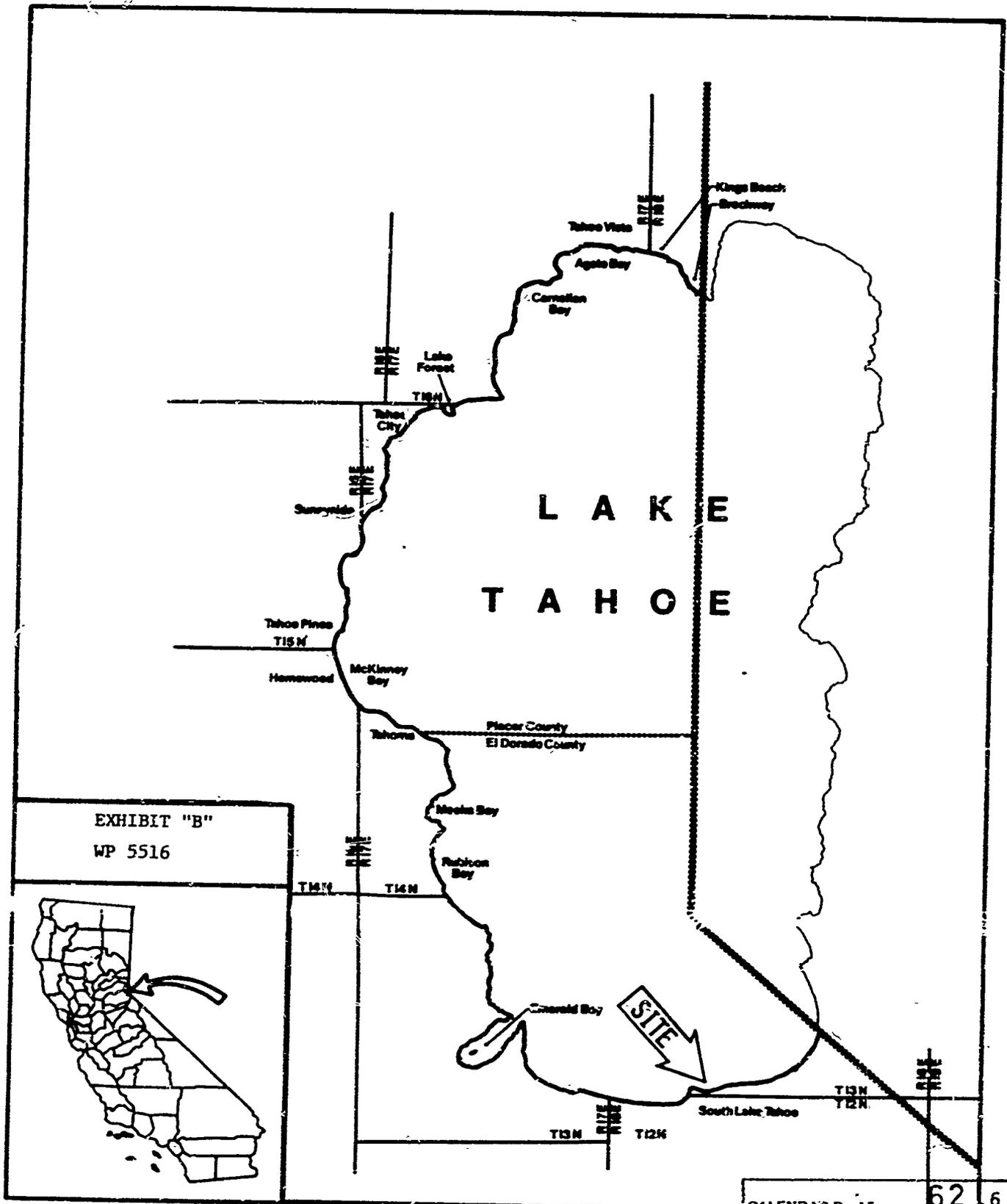


EXHIBIT "B"
WP 5516