

**CALENDAR ITEM
C26**

A 4
S 1

10/29/10
WP 5516.1
N. Lee

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Beachcomber Inn Vacation Membership Association
999 Lakeview Avenue
South Lake Tahoe, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 999 Lakeview Avenue, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 12 mooring buoys, and two marker buoys as shown on the attached Exhibit A.

LEASE TERM:

15 years, beginning June 3, 2010.

CONSIDERATION:

\$4,760 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 \$2,000,000.

Other:

The lease requires the lessee implement the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the "BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

CALENDAR ITEM NO. **C26** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On July 24, 1986, the Commission authorized a General Permit – Recreational Use with Security Pacific National Bank, Trustee; Beachcomber Inn, Marina and Ski Resort; Beachcomber Resort; and Beachcomber Inn Vacation Membership Association. On July 5, 1994, the Commission authorized an amendment to the lease to convert the permit to a General Lease – Commercial Use to allow a commercial jet ski operation from four of the Lessee’s 12 mooring buoys; retain and reconstruct the existing pier; and approve a sublease with the Lessee’s concessionaire. That lease expired and the upland property has since been deeded to Beachcomber Inn Vacation Membership Association. Applicant is now applying for a new General Lease – Commercial Use.
3. The mooring buoys were permitted by the Tahoe Regional Planning Agency (TRPA) on June 1, 1994. The operation of the commercial jet ski concession was discontinued in 2004. Since then, the buoys have not been used for concession activities. Currently, the Applicant does not have a lease with a concessionaire and is operating its own concessions landward of the low-water mark, elevation 6223 feet, Lake Tahoe Datum. One of the mooring buoys has been rented to a long-term buoy user. The remaining buoys are used by members of the Beachcomber Inn Vacation Membership Association during their weekly stays.
4. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of 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., 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 staff’s opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C26** (CONT'D)

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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 of a General Lease – Commercial Use to Beachcomber Inn Vacation Membership Association beginning June 3, 2010, for a term of 15 years, for the continued use and maintenance of an existing pier, 12 mooring buoys, and two marker buoys as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$4,760 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 of no less than \$2,000,000.