

MINUTE ITEM

This Calendar Item No. C36 was approved as Minute Item No. 36 by the California State Lands Commission by a vote of 3 to 0 at its 2/2/04 meeting.

**CALENDAR ITEM
C36**

A 70
S 35

02/02/04
PRC 4513.1
S. Young

CONTINUATION OF RENT

LESSEE:

Emerald Bay Community Association
600 Emerald Bay
Laguna Beach, CA 92651

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, Laguna, Orange County.

AUTHORIZED USE:

Continued use and maintenance of seven marker buoys and three swimmer safety lines.

LEASE TERM:

Ten years, beginning March 30, 1999.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be continued at \$515 per year, effective March 30, 2004.

OTHER PERTINENT INFORMATION

1. Lessee owns the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a General Lease – Recreation Use to the Emerald Bay Community Association for a term of ten years. The lease will expire on March 29, 2009. The Commission originally approved the lease of these sovereign lands to the Lessee in 1969. The marker buoys and associated swimmer safety lines are installed and used seasonally beginning May 1st through October 1st.

CALENDAR ITEM NO. C36 (CONT'D)

3. The Emerald Bay Community Association operates as a non-profit corporation that manages a common interest development restricted to its members, guests and tenants. As noted in the Association's by-laws, membership in the Association is restricted to owners of property within the jurisdiction of the Association and is appurtenant to ownership of specific lots comprising the Emerald Bay Community. This is a private gate guarded community. The Lessee owns the three beachfront lots landward of the Lease premises. The lease provides that the Lessee may not exclude the public from recreational use of the lease area.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

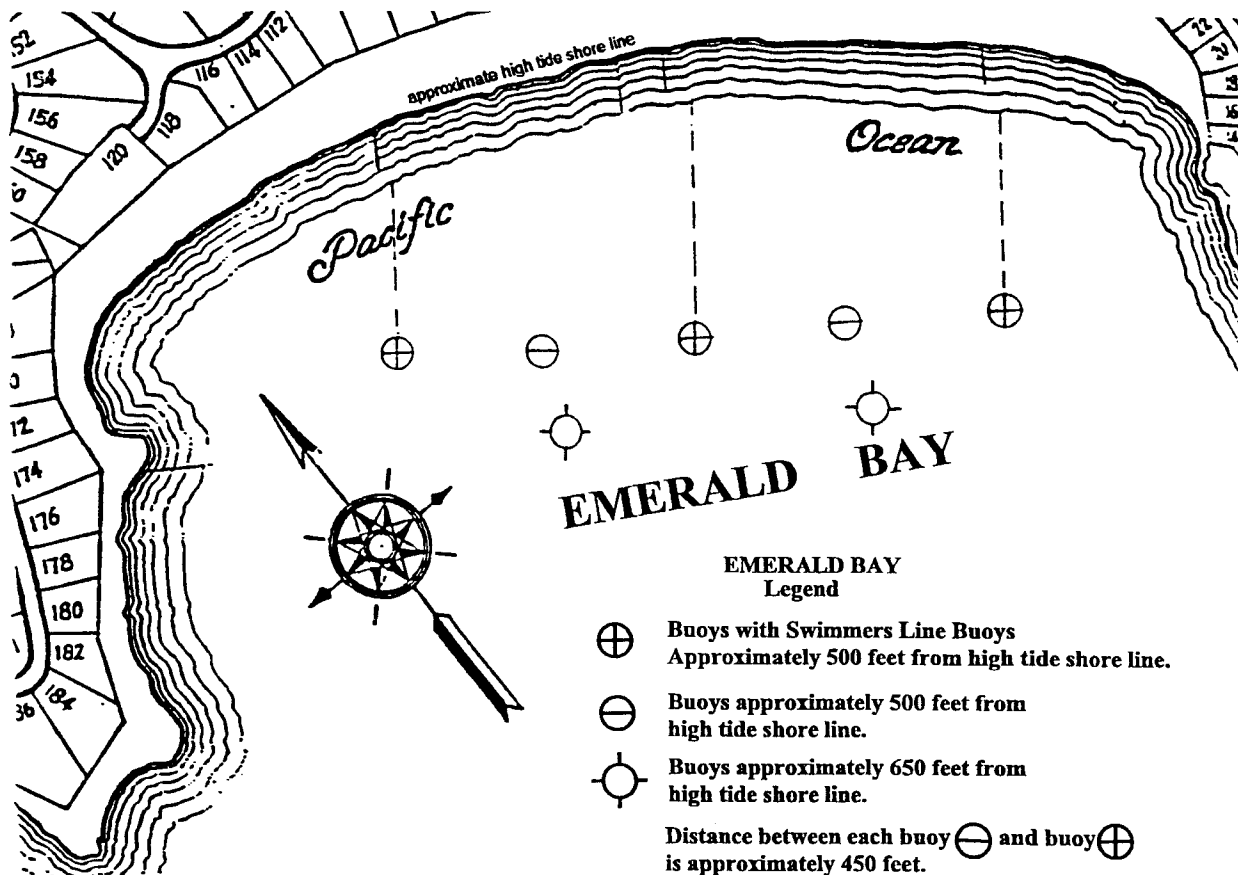
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 4513.1 AT \$515 PER YEAR, EFFECTIVE MARCH 30, 2004.

NO SCALE

SITE MAP



EMERALD BAY Legend

- ⊕ Buoy with Swimmers Line Buoy
Approximately 500 feet from high tide shore line.
 - ⊖ Buoy approximately 500 feet from high tide shore line.
 - ⊙ Buoy approximately 650 feet from high tide shore line.
- Distance between each buoy ⊖ and buoy ⊕ is approximately 450 feet.
Buoys not to scale.

NO SCALE

LOCATION MAP

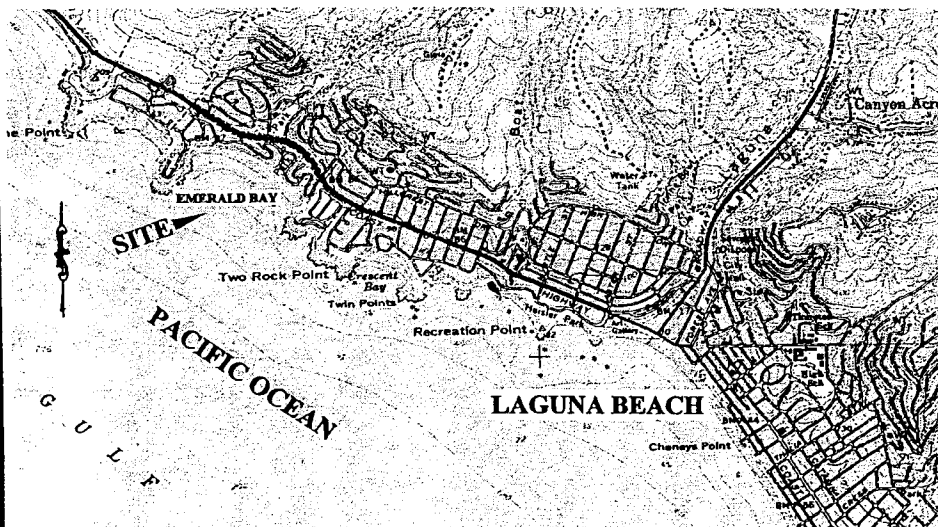


Exhibit A
 PRC 4513.1
 Emerald Bay Community Assoc.
 Emerald Bay/Pacific Ocean
 vicinity
 Laguna Beach
 ORANGE COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

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