

**CALENDAR ITEM
C26**

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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:

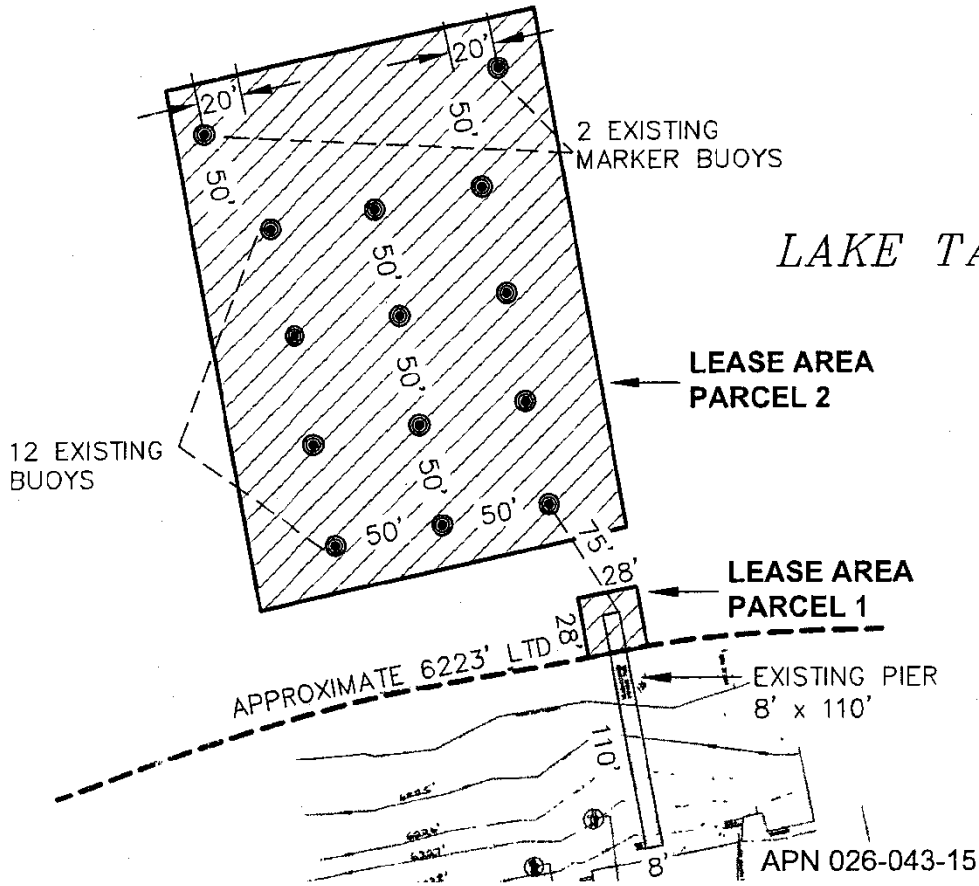
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

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.

NO SCALE

SITE



LAKE TAHOE

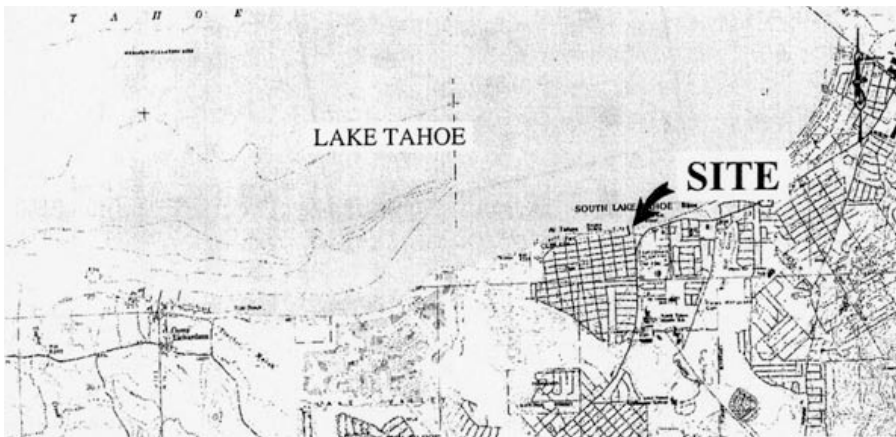
LEASE AREA
PARCEL 2

LEASE AREA
PARCEL 1

999 LAKEVIEW AVENUE, SOUTH LAKE TAHOE

NO SCALE

LOCATION

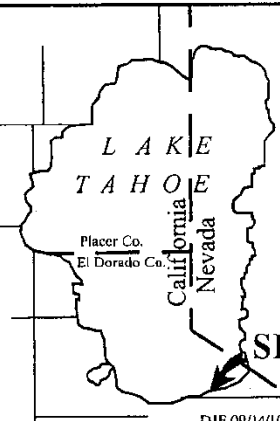


MAP SOURCE: USGS QUAD

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 A

PRC 5516.1
 BEACHCOMBER INN VACATION
 MEMBERSHIP ASSOCIATION, INC.
 APN 026-043-15
 GENERAL LEASE - COMMERCIAL
 USE
 EL DORADO COUNTY



DJF 09/14/10

EXHIBIT B

PRC 5516

LAND DESCRIPTION

Two parcels of submerged land lying in the State owned bed of Lake Tahoe, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

A 28 foot wide strip of submerged land lying in the State owned bed of Lake Tahoe, the centerline of which is more particularly described as follows:

BEGINNING at the centerline of the most southerly end of an existing pier lying adjacent to that parcel of land described in Quitclaim Deed recorded in Book 2633, Page 364 Official Records of El Dorado County, State of California; thence northerly along said centerline, and the prolongation thereof, 120 feet to a point 10 feet northerly of the northerly most end of said pier.

EXCEPTING THEREFROM any portion lying landward of elevation 6223.0 feet, Lake Tahoe Datum.

PARCEL 2 – BUOY FIELD

A parcel of submerged land lying in the State owned bed of Lake Tahoe more particularly described as follows:

COMMENCING at the Southwest corner of that parcel of land described in Quitclaim Deed recorded in Book 2633, Page 364 Official Records of El Dorado County, State of California; thence northerly along the westerly line of Lots 6 and 11 of Block 8 of said Deed, and the prolongation thereof, 320 feet to the POINT OF BEGINNING; thence continuing along the prolongation of said westerly line 245 feet; thence easterly, and at right angles from the previous course, 175 feet; thence southerly, and parallel with said westerly line, 245 feet; thence westerly, and at right angles from the previous course, 175 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of elevation 6223.0 feet, Lake Tahoe Datum.

END OF DESCRIPTION

Prepared 09/14/2010 by the California State Lands Commission Boundary Unit.

