

MINUTE ITEM

Time of the hearing 35
was held at the Board Room
at 35 on the State Lands
at the meeting of 3
of the Board on 3/21/78
meeting.

CALENDAR ITEM

35.

GENERAL LEASE
COMMERCIAL USE

8/78
W 6234
Gordon
PRG 5516

APPLICANT:

Emmett L. O'Neill, Jr. and Lorraine O'Neill
P. O. Box 15160
South Lake Tahoe, California 95702

AREA, TYPE LAND AND LOCATION:

A 0.0983 acre parcel, a 0.0001 acre parcel
and 12 circular parcels together totalling
0.3461 acres, each 40 feet in diameter
containing 0.029 acre, with all parcels
together composing an aggregate of 0.4445
acre of submerged lands in Lake Tahoe at
South Lake Tahoe, El Dorado County.

LAND USE:

Maintenance of 1 existing pier, 1 existing
pile and 12 existing mooring buoys, respec-
tively, utilized for non-commercial and
commercial recreational boating.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from June 3,
1977.

Public liability insurance: \$400,000 per
occurrence for bodily
injury and \$100,000 for
property damage, or com-
bined single limit cover-
age of \$500,000.

Special:

1. The lease is conditioned on lessee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
2. The lease is entered into by all parties without prejudice to their respective claims of boundary.
3. Lessee covenants to practice water conservation on the leased premises.

A 7

S 13

CALENDAR ITEM NO. 25. (CONTD)

CONSIDERATION: Buoys: \$360 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease. Rental is charged for only those facilities which extend waterward of the low water mark.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Adm. Code: Title 2, Div. 3.

- OTHER PERTINENT INFORMATION:
1. The facilities are utilized to accommodate the owners, tenants and guests of a motel on the upland known as the Beachcomber Resort Motel and Marina. The buoys are the only facilities utilized commercially.
 2. Applicant desires that the term of this lease be for 30 years to coincide with the term of applicant's mortgage. Therefore, applicant has requested the Commission grant a 30-year term with their approval of this transaction. Staff recommends a 15-year term.
 3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
 4. This project is situated on State land identified as possessing significant environmental values pursuant to Public

CALIFORNIA ITEM NO. 35. (CONTD)

Resources Code 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of El Dorado. The proposed lease is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO EMMETT L. O'NEILL, JR. AND LORRAINE O'NEILL OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM JUNE 3, 1977; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$360, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$400,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE \$500,000; FOR MAINTENANCE OF 1 EXISTING PIER, 1 EXISTING PILE AND 12 EXISTING MOORING BUOYS UTILIZED FOR NON-COMMERCIAL AND COMMERCIAL RECREATIONAL BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 6234

Fourteen parcels of land in the State owned bed of Lake Tahoe, El Dorado County, California, lying adjacent to 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, and more particularly described as follows:

PARCEL 1 - PIER

BEGINNING at the southeast corner of said Lot 9; thence along the easterly line of said Lot 9, North 85.00 feet; thence N 09° 15' W, 36.00 feet; thence S 82° 55' W, 24.00 feet; thence N 07° 05' W, 77.00 feet; thence S 82° 55' W, 28.00 feet; thence S 07° 05' E, 197.32 feet to the southerly line of said Lot 9; thence along said southerly line of Lot 9, N 82° 55' E, 42.88 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Lake Tahoe.

PARCEL 2 - 13 - BUOYS

Twelve circular parcels of land, each having a diameter of 40 feet and lying northerly of said Lots 9, 10 and 11.

PARCEL 14 PILING

A circular parcel of land, having a diameter of one foot and lying northerly of the abovementioned Lots 9, 10 and 11.

END OF DESCRIPTION

Prepared

M. J. [Signature]

Checked

[Signature]

Reviewed

[Signature]

Date

8/16/77

L A K E

TOUYAUB
Nevada Bench
Forest Camp

T A H O E

411
(Univ)

MAXIMUM ELEVATION 6229

Stateline

Bijou Park

Boat Hbr.

SOUTH LAKE TAHOE

Bijou

El Dorado
Beach

Al Tahoe

SITE

BM 662E
Truckee

BM 6246

El Dorado Co
Cany Ground

BM 6260

South Tahoe
Sch

South Tahoe
High Sch

BM 6264

Bijou
Course

Happy Homestead
Cemetery

Marsh

Trout

Fish pond

BOUNDARY

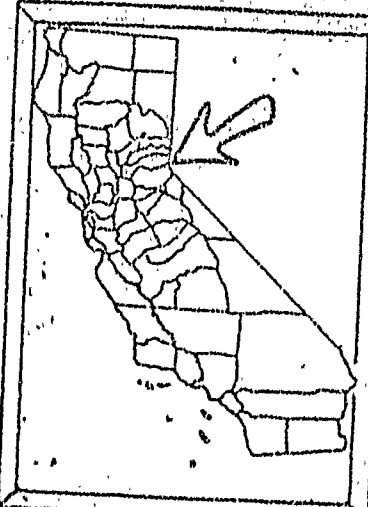


EXHIBIT 'B'
W 6234