

**STAFF REPORT  
C33**

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04/19/18  
PRC 4141.1  
D. Simpkin

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

John B. Lovewell and Cynthia B. Lovewell, Co-Trustees of The Lovewell 2006 Irrevocable Trust fbo James Barry Lovewell dated June 21, 2006, and The Lovewell 2006 Irrevocable Trust fbo Jennifer Hilary Lovewell dated June 21, 2006

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe adjacent to 1406 West Lake Boulevard, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, and one mooring buoy.

**LEASE TERM:**

10 years, beginning April 26, 2013.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$2,111 per year to \$1,312 per year, effective April 26, 2018.

**PROPOSED AMENDMENT:**

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. **C33** (CONT'D)

**Public Trust and the State's Best Interests:**

On April 26, 2013, the Commission authorized a 10-year General Lease – Recreational Use to John B. Lovewell and Cynthia B. Lovewell, Co-Trustees of The Lovewell 2006 Irrevocable Trust fbo James Barry Lovewell dated June 21, 2006, and The Lovewell 2006 Irrevocable Trust fbo Jennifer Hilary Lovewell dated June 21, 2006, for the continued use and maintenance of an existing pier, boat lift, and one mooring buoy ([Item C25, April 26, 2013](#)). The lease will expire on April 25, 2023.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,111 per year to \$1,312 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmarks. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed actions are in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBITS:**

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

STAFF REPORT NO. **C33** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed amendment of Lease No. PRC 4141.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 4141.1, a General Lease – Recreational Use, effective April 26, 2018, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 4141.1 from \$2,111 per year to \$1,312 per year, effective April 26, 2018.

**EXHIBIT A**

**PRC 4141.1**

**LAND DESCRIPTION**

Two parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 18, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, boat lift, and catwalk adjacent to those Parcels described in Exhibit “A” of that Grant Deed recorded August 31, 2006 as Document Number 2006-0093907 in Official Records of said County.

TOGETHER WITH any applicable impact areas.

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

**PARCELS 2 – BUOY**

One circular parcel of land, being 50 feet in diameter, underlying one existing buoy lying adjacent to said Parcels.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared March 12, 2018 by the California State Lands Commission Boundary Unit.





APN 083-162-026

SHORELINE

9 FT. IMPACT AREA

EXISTING CATWALK

EXISTING PIER

100'

EXISTING BUOY

EXISTING BOAT LIFT & 9' IMPACT AREA

LAKE TAHOE

L A K E

APPROXIMATE

6223± LTD

105'

14'

3'

7.5'

9'

# EXHIBIT A

Page 2 of 2

MJJ 03/12/18

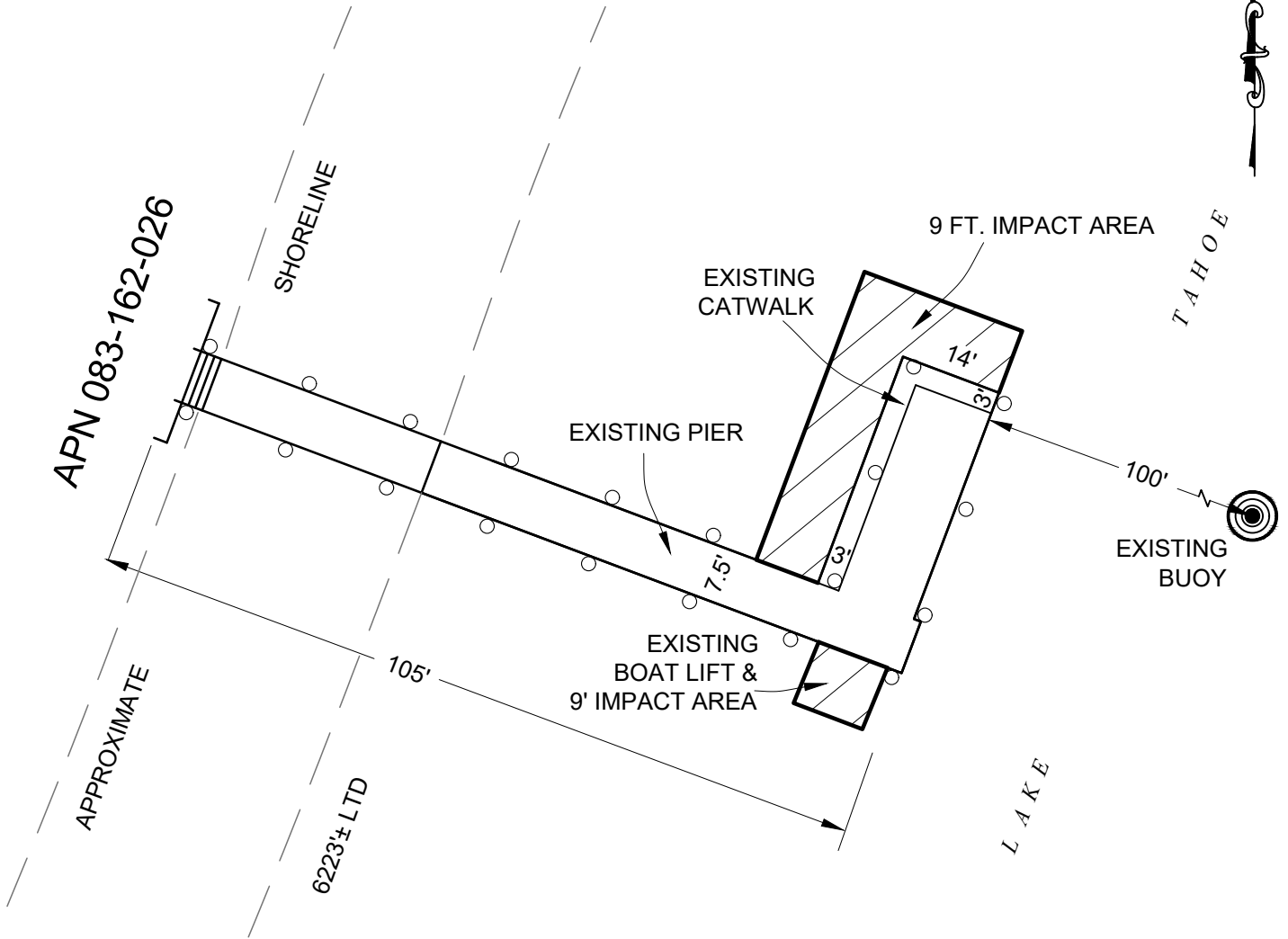
LAND DESCRIPTION PLAT  
PRC 4141.1, LOVEWELL TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

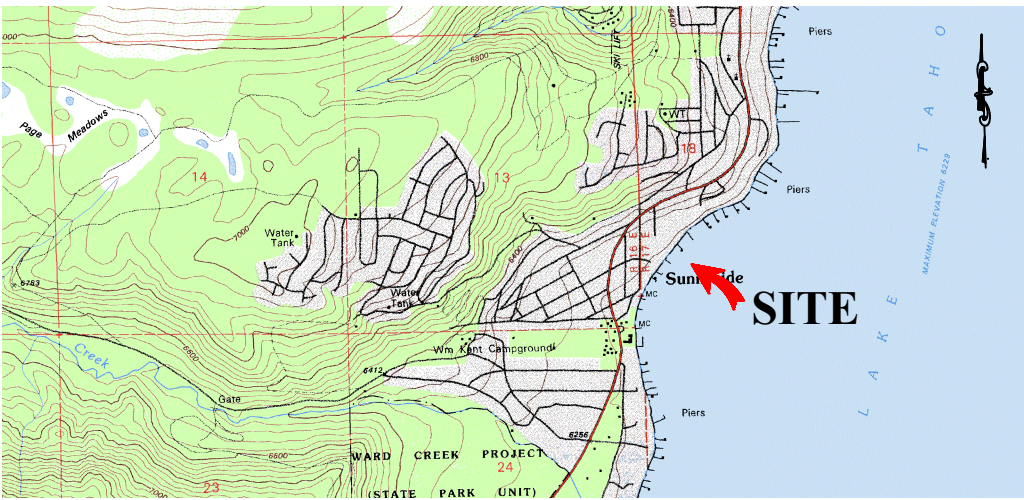
# SITE



1406 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

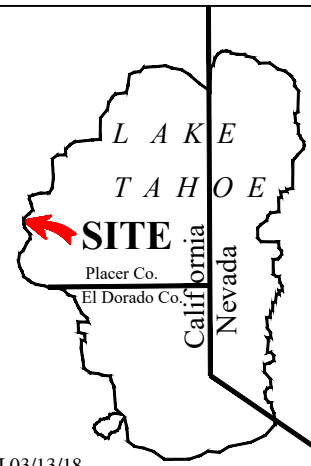
# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 4141.1  
 LOVEWELL TRUST  
 APN 083-162-026  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



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.