

**CALENDAR ITEM
C25**

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04/26/13
PRC 4141.1
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

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, 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:

\$2,111 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 \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

CALENDAR ITEM NO. **C25** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcel adjoining the lease premises.
2. On April 9, 2002, the Commission authorized a Recreational Pier Lease with John B. Lovewell and Cynthia B. Lovewell, Trustees of the John B. Lovewell and Cynthia B. Lovewell Revocable Trust dated September 21, 1990, for an existing pier, boat lift and one mooring buoy. That lease expired on December 31, 2011.
3. On August 31, 2006, the Applicants conveyed their interest in the upland parcel to 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, as Co-Trustees. Applicants are now applying for a new General Lease - Recreational Use.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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 the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CALENDAR ITEM NO. **C25** (CONT'D)

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a 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, beginning April 26, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and one mooring buoy described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,111, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

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 a ten foot impact area.

EXCEPTING THEREFROM any portion 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 February 15, 2013 by the California State Lands Commission Boundary Unit.



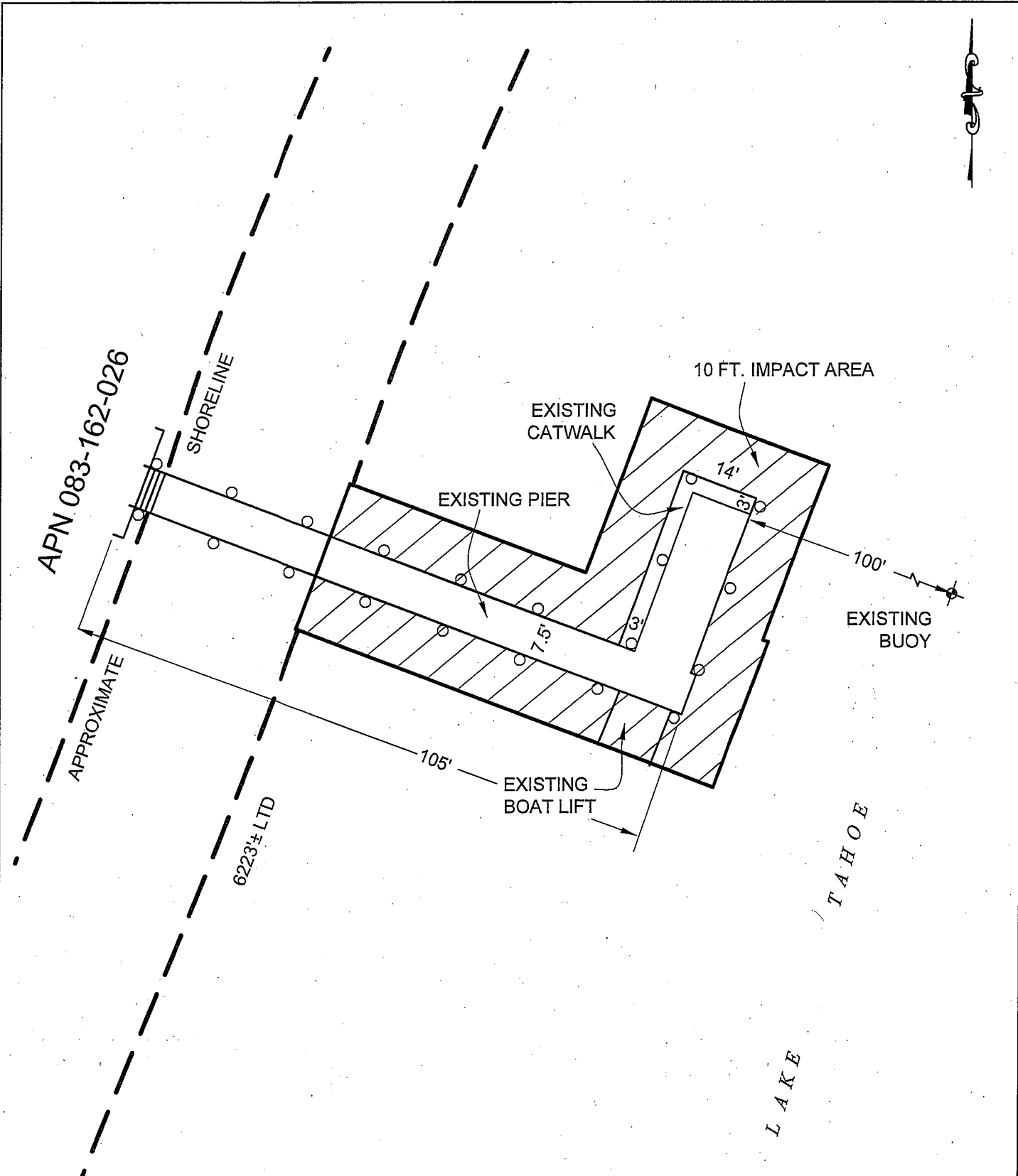
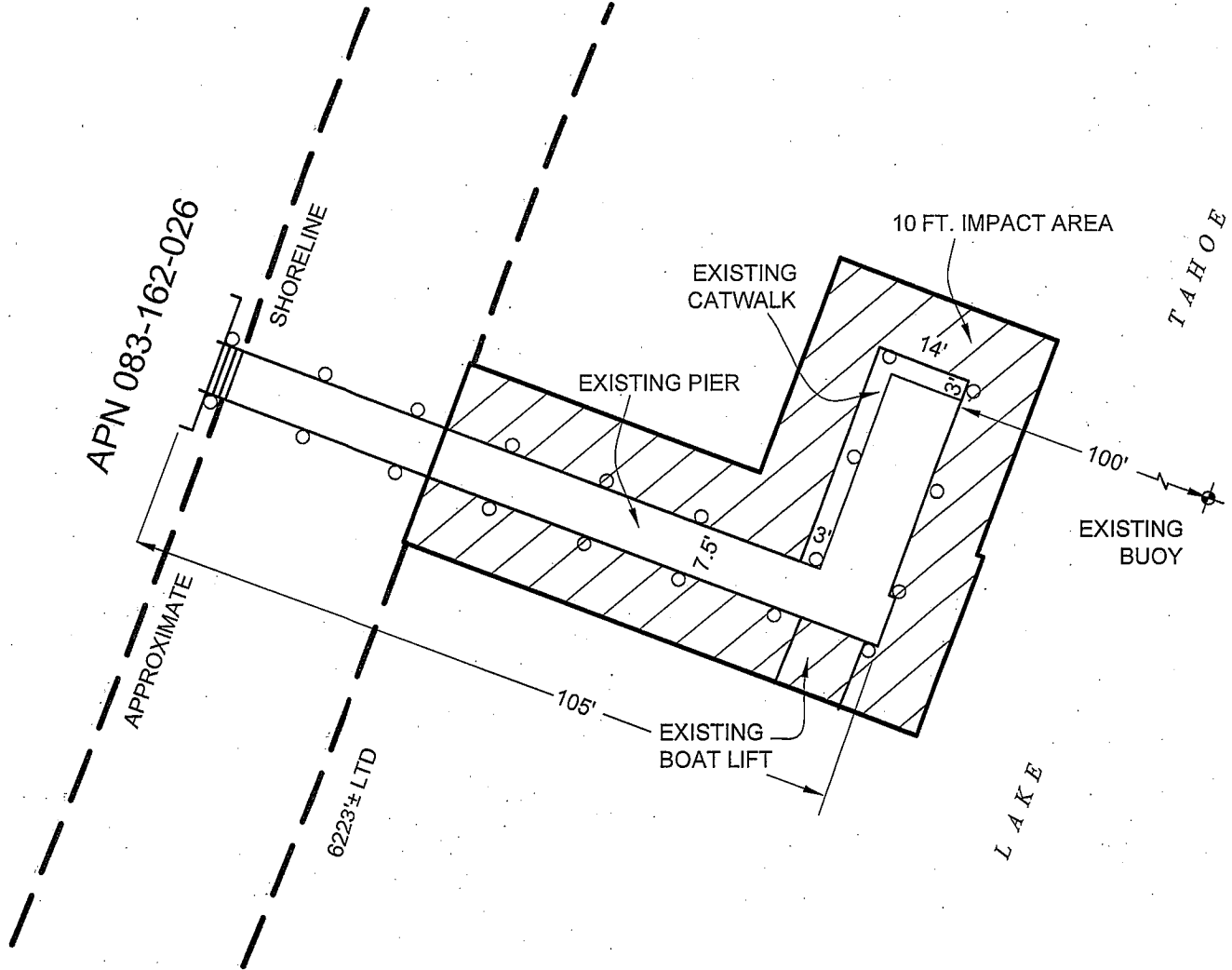


EXHIBIT A



NO SCALE

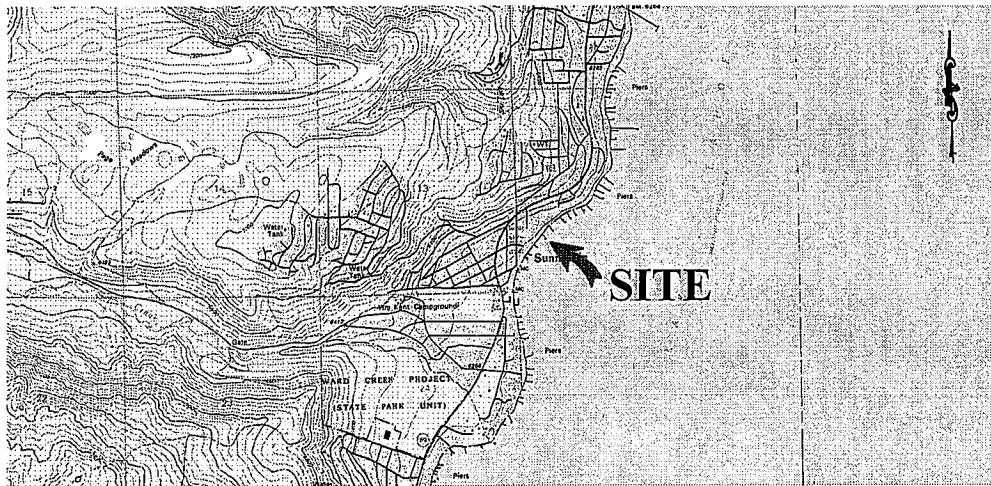
SITE



1406 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

LOCATION

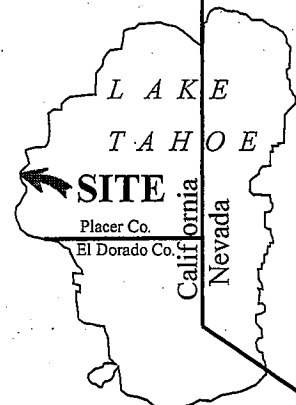


MAP SOURCE: USGS QUAD

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 B

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



MJJ 02/13/13