

**CALENDAR ITEM  
C07**

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S 1

08/15/14  
PRC 5561.1  
M.J. Columbus

**AMENDMENT OF LEASE**

**LESSEES:**

Helio A. Fialho and Therese S. Fialho, Trustees of the Fialho Family Trust; and  
Brian J. Mettler

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

Sovereign land in Lake Tahoe, adjacent to 1600 and 1620 North Lake Boulevard,  
Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use pier, boat lift, and four  
mooring buoys.

**LEASE TERM:**

10 years, beginning August 16, 2012.

**CONSIDERATION:**

\$4,461 per year, with the State reserving the right to fix a different rent  
periodically during the lease term, as provided in the lease.

**PROPOSED AMENDMENT:**

Amend the Lease to revise the annual rent from \$4,461 to \$2,706; and 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.

**OTHER PERTINENT INFORMATION:**

1. Lessees own the upland adjoining the lease premises.
  
2. On April 26, 2013, the Commission authorized a 10-year General Lease –  
Recreational Use with Helio A. Fialho and Therese S. Fialho, Trustees of  
the Fialho Family Trust; and Brian J. Mettler. That lease will expire on  
August 15, 2022.

CALENDAR ITEM NO. **C07** (CONT'D)

3. At the January 23, 2014 meeting, the Commission adopted amendments to sections 1900, 2002, and 2003 of the California Code of Regulations pertaining to its leasing regulations, which resulted in a change to the Commission's practice in terms of assessing rent and the impact area surrounding piers. The Lessees are now applying to amend their lease to reflect the revised lease regulations.
  
4. The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 5561.1, a General Lease Recreational Use, effective August 16, 2014, to revise the annual rent from \$4,461 to \$2,706; and 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.

**EXHIBIT A**

**PRC 5561.1**

**LAND DESCRIPTION**

Five parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 5, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier and boat lift lying adjacent to those parcels described in Grant Deed recorded September 28, 2006 as Document Number 2006-0103344 and Grant Deed recorded August 16, 2012 as Document Number 2012-0074778-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

**PARCELS 2 through 5 – BUOYS**

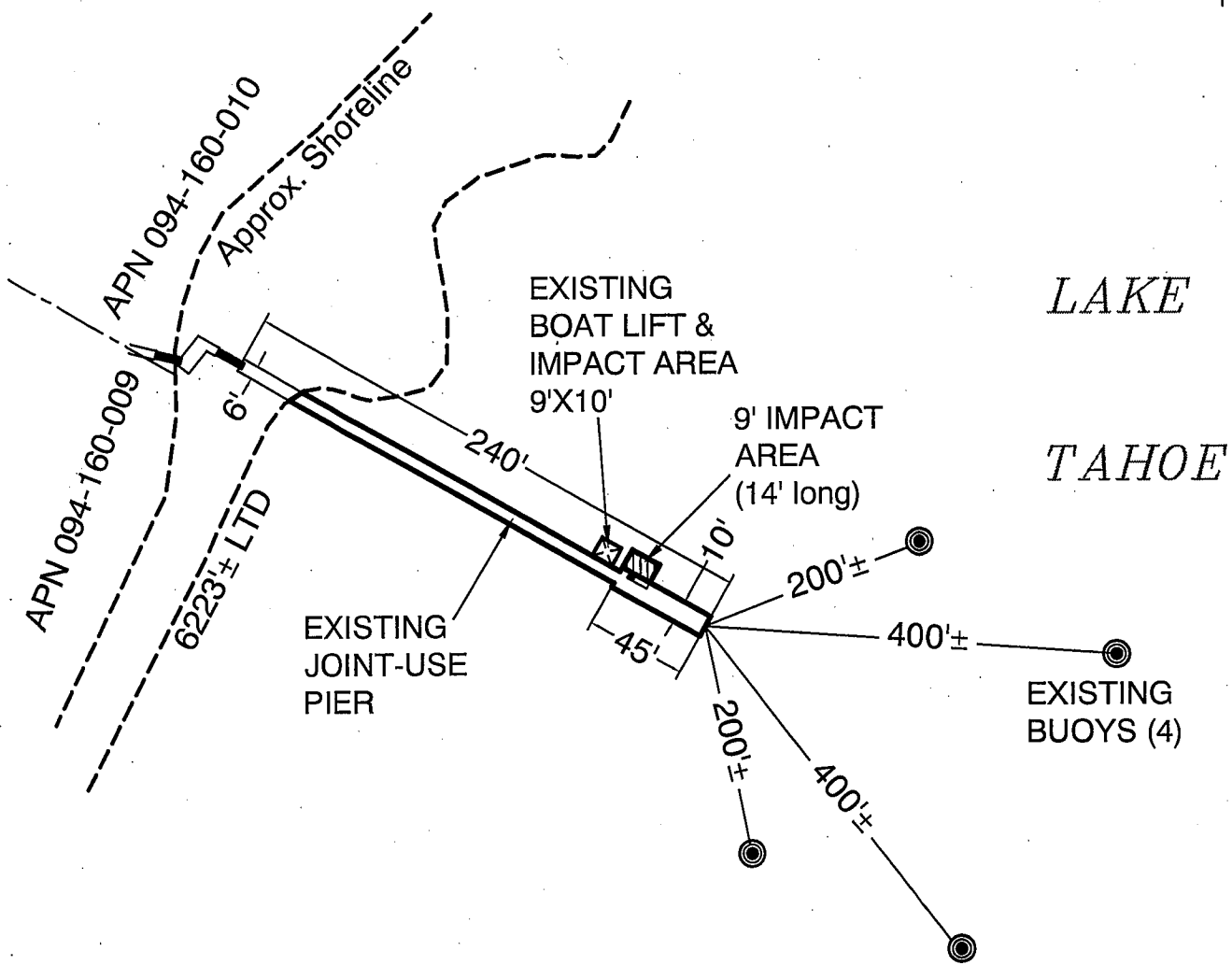
Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to those parcels described in Grant Deed recorded September 28, 2006 as Document Number 2006-0103344 and Grant Deed recorded August 16, 2012 as Document Number 2012-0074778-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 07/02/2014 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

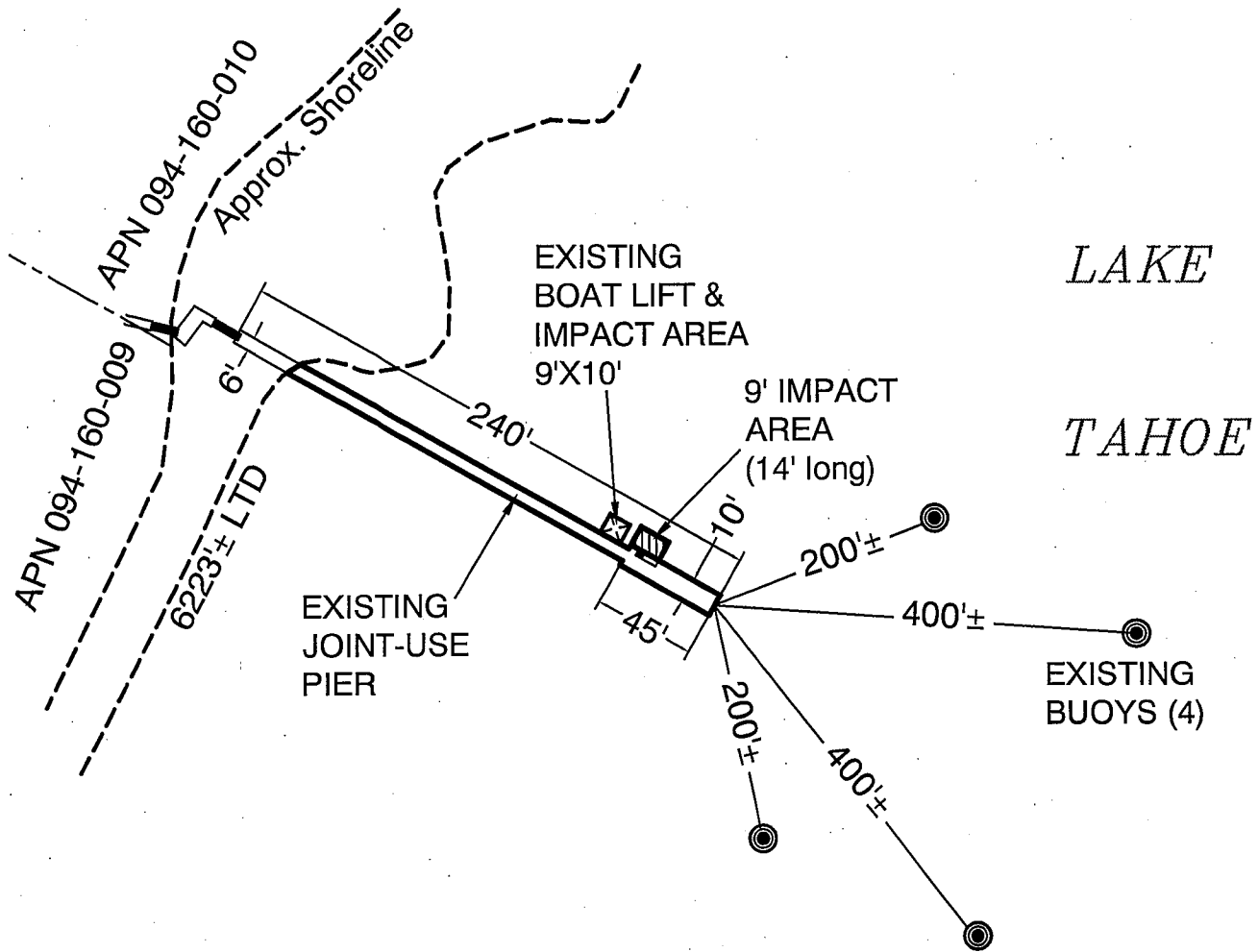
LAND DESCRIPTION PLAT  
 PRC 5561.1, FIALHO/METTLER  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

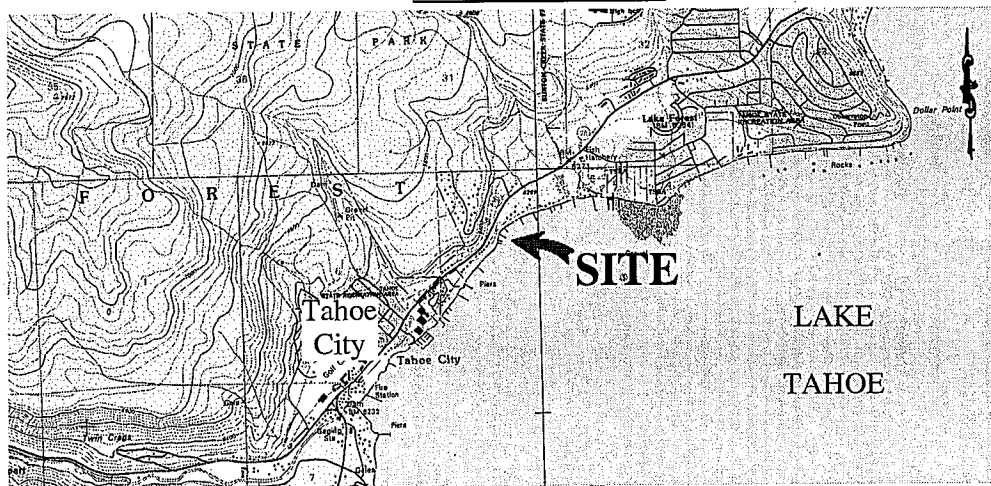
### SITE



1610 & 1620 NORTH LAKE BLVD., TAHOE CITY

NO SCALE

### LOCATION



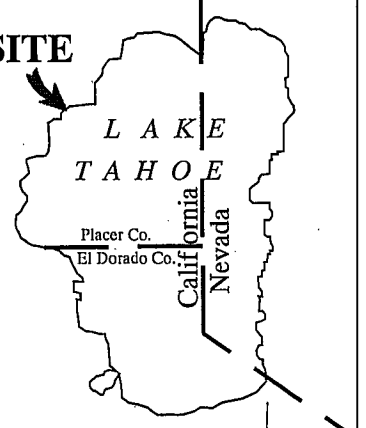
MAP SOURCE: USGS QUAD

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 5561.1  
FIALHO/METTLER  
APN 094-160-009; -010  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY

### SITE



TS 07/02/14