

**CALENDAR ITEM
C31**

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04/23/14
PRC 5358.1
M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEES:

Ronald M. Fadelli and Joan R. Fadelli; The Fadelli Limited Partnership; Norma L. Combs, Trustee of the Survivor's Trust, set up by the Declaration of Trust dated December 13, 1990; and Norma L. Combs, Trustee of the By-Pass Trust, set up by the Declaration of Trust dated December 13, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5270 and 5274 North Lake Boulevard, near Carnelian Bay, Placer County

AUTHORIZED USE:

Continued use and maintenance of a joint-use pier, two boat lifts, and two mooring buoys.

LEASE TERM:

10 years, beginning April 1, 2007.

CONSIDERATION:

This lease provides that Lessor 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 \$411 per year to \$252 per year, effective April 1, 2014.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Site and Location Map in Section 3 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. On June 1, 2009, the Commission authorized a General Lease – Recreational Use to Ronald M. Fadelli and Joan R. Fadelli; The Fadelli Limited Partnership; and William G. Combs and Norma L. Combs, Co-

CALENDAR ITEM NO. **C31** (CONT'D)

Trustees under Declaration of Trust dated December 13, 1990, for a term of 10 years. The Lease will expire on March 31, 2017. William G. Combs passed away in April 2010 and Norma L. Combs became the surviving trustee.

2. Staff conducted the rent review called for in the lease. In addition, at its January 23, 2014 meeting, the Commission adopted amendments to the regulations, which resulted in changes to the Commission's practice for the calculation of impact areas surrounding piers. Based on the above, staff recommends that the rent be reduced.
3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects 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 and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c)(3), because the activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the Amendment of Lease No. PRC 5358.1, a General Lease – Recreational Use, effective April 1, 2014, to replace the existing Site and Location Map in Section 3 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 will remain in effect without amendment.

CALENDAR ITEM NO. **C31** (CONT'D)

2. Approve the revision of rent for Lease No. PRC 5358.1 from \$411 per year to \$252 per year, effective April 1, 2014.

EXHIBIT A

PRC 5358.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 19, Township 15 North, Range 16 East, MDM., County of Placer, State of California, and more particularly described as follows:

PARCEL 1 –JOINT-USE PIER

All those lands underlying an existing pier, and two (2) boatlifts lying adjacent to those Parcels as described in Exhibit A of that Grant Deed recorded August 3, 2011 as Document Number 2011-0059731 and that Grant Deed recorded January 4, 2001 as Document Number 2001-0000809 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCEL 3 & 4 – BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to said Parcels as described in said Deeds.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 26, 2014 by the California State Lands Commission Boundary Unit.



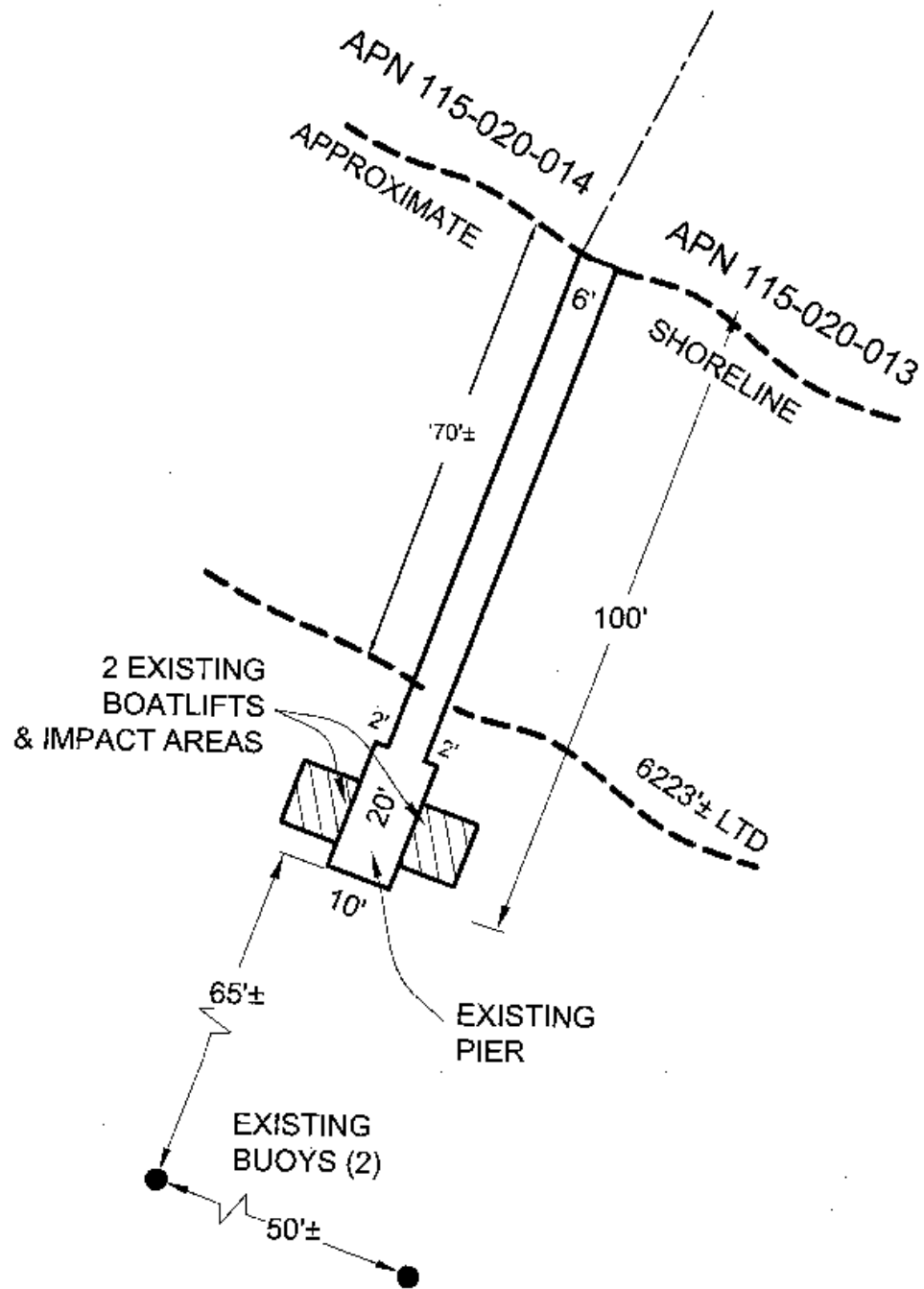


EXHIBIT A

Page 2 of 2

MJJ 03/24/14

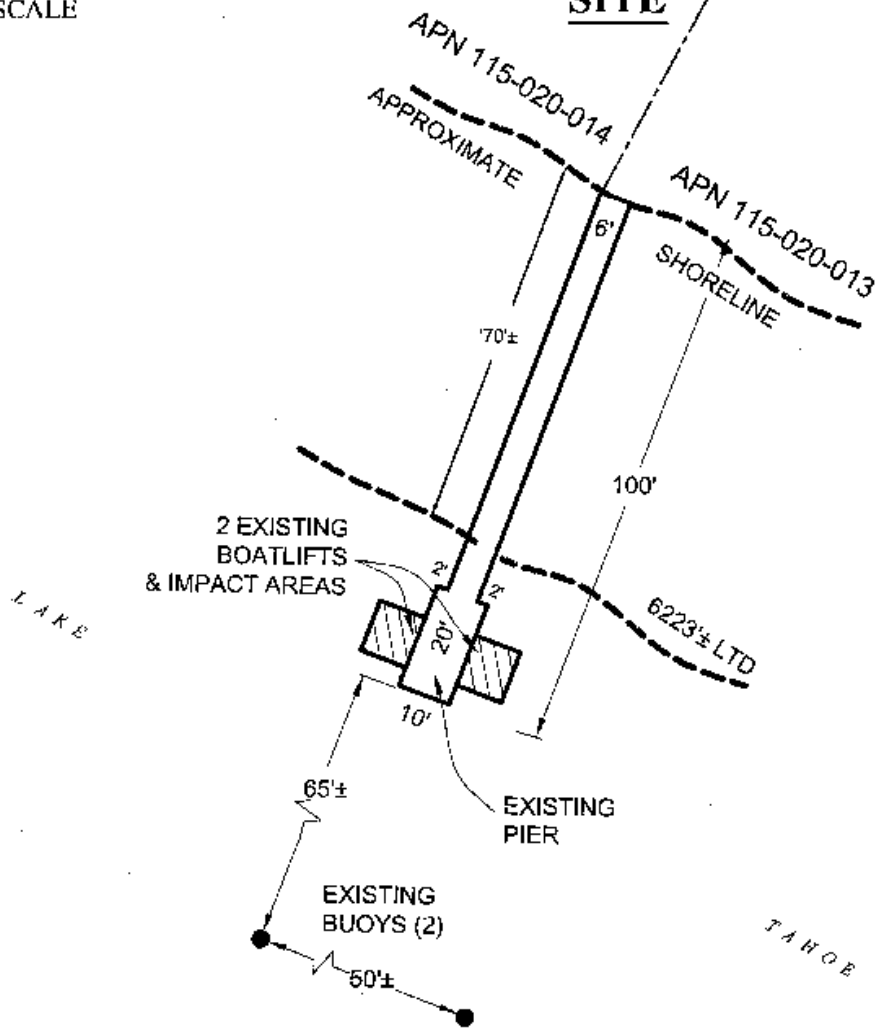
LAND DESCRIPTION PLAT
PRC 5358.1, FADELL I/COMBS TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



5270 & 5274 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

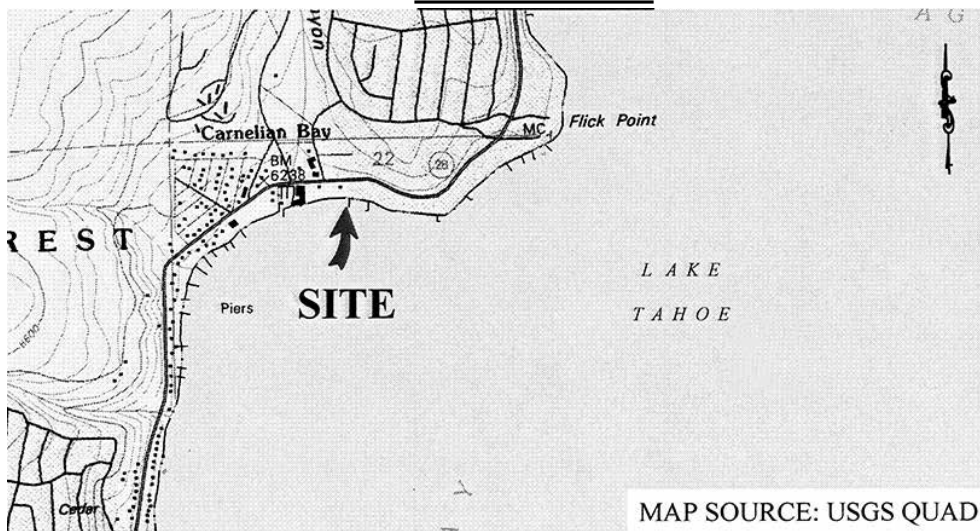
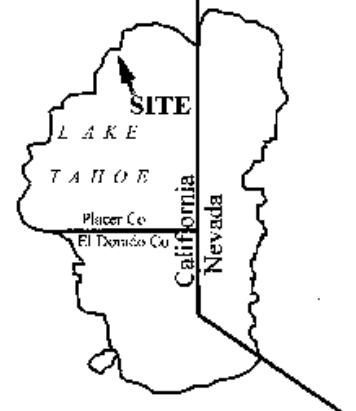


Exhibit B

PRC 5358.1
FADELLI / COMBS TRUST
APN 115-020-013 & 014
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MIT 03/24/2014

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.