

**CALENDAR ITEM
C24**

A 2, 5
S 4, 6

03/25/08
WP 8732.9
V. Caldwell

AMENDMENT OF LEASE

LESSEES:

Paul A. Coad and Gerica L. Coad

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered boat dock with gangway, five steel pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning December 14, 2006.

CONSIDERATION:

\$269 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 consideration for annual rent in the amount \$269 for the uncovered boat dock with gangway and five steel pilings, to rent free pursuant to Public Resources Code section 6503.5; and effective December 14, 2007. Replace the existing Section 3 with a new Section 3 as shown on Exhibit A. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessees own the uplands adjoining the lease premises.
2. On December 14, 2006, the Commission authorized a General Lease - Recreational and Protective Structure Use to Paul A. Coad and Gerica L. Coad. At the time the lease was issued, the Lessees did not qualify for the rent free use of the boat dock because there was not a residence

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constructed on the upland property. However, in 2007, the Lessees completed construction of a single-family dwelling on the upland and have applied to amend the consideration provision of the lease as the Lessees now qualify for rent-free status pursuant to Public Resources Code section 6503.5 for the uncovered boat dock with gangway and five steel pilings. The lease will also be amended to delete the existing Section 3 and add a new Section 3 as shown on Exhibit A attached and by reference made a part hereof. The Lessees have paid rent in the amount of \$269 for the period of December 14, 2007 through December 13, 2008, which will be refunded.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8732.1, A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 14, 2007, TO AMEND THE CONSIDERATION FROM \$269 PER YEAR TO NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 6503.5, FOR THE UNCOVERED BOAT DOCK WITH GANGWAY AND FIVE PILINGS; REFUND PREPAID RENT IN THE AMOUNT OF \$269; AND TO REPLACE THE EXISTING SECTION 3 WITH A NEW SECTION 3 AS SHOWN ON THE ATTACHED EXHIBIT A AND BY REFERENCE MADE A PART HEREOF; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.