

**CALENDAR ITEM
C53**

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04/23/14
PRC 2222.1
J. Sampson

AMENDMENT OF LEASE

LESSEE:

Coney Island Farms, Inc.

AREA, LAND TYPE, AND LOCATION:

0.28 acre, more or less, of sovereign land in the Old River, adjacent to Contra Costa County Assessor's Parcel Number (APN) 001-111-005 and San Joaquin County APN 189-250-07.

AUTHORIZED USE:

Continued use and maintenance of an existing wood bridge.

LEASE TERM:

20 years, beginning August 15, 2007.

CONSIDERATION:

\$100 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 Lease No. PRC 2222.1 to:

1. Include in the Authorized Improvements an existing floating boat dock, two pilings, and gangway not previously authorized by the Commission.
2. Change the Lease Type in Section 1 from a General Lease – Right-of-Way Use to General Lease – Right-of-Way and Recreational Use.
3. Revise the annual rent from \$100 per year to \$300 per year, effective August 15, 2014.
4. Add special lease provisions pertaining to the Public Trust and use of the docking facilities.

CALENDAR ITEM NO. **C53** (CONT'D)

5. Replace Section 3 (Land Description) with the attached Exhibit A (Land Description) and add the attached Exhibit B (Site and Location Map).

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 28, 2007, the Commission authorized a General Lease – Right-of-Way Use to Coney Island Farms, Inc. (Applicant) for an existing wood bridge with steel support members. That lease will expire on August 14, 2027. The Applicant is now applying to amend the lease to include an existing floating boat dock, pilings, and gangway.
3. The Applicant's dock, pilings, and gangway have existed in the Old River for many years but were not previously authorized by the Commission. Staff recommends amending the lease to include the private floating boat dock, two pilings, and gangway to the authorized improvements.
4. Staff calculated a revised annual rent to account for the addition of the floating boat dock, two pilings, and gangway. In addition, the lease provides that the State may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent for the bridge and recommends that the rent be increased to \$300, effective on the August 15, 2014 anniversary date.
5. **Lease Amendment:**
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.

CALENDAR ITEM NO. **C53** (CONT'D)

6. Revision of Rent:

The staff recommends that the Commission find that the subject revision of rent 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 CEQA.

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

7. 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:

CEQA FINDING:

Lease Amendment:

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).

Revision of Rent:

Find that the subject revision of rent 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.

CALENDAR ITEM NO. **C53** (CONT'D)

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 the Amendment of Lease No. PRC 2222.1, a General Lease – Right-of-Way Use, effective April 23, 2014, to include the existing floating boat dock, two pilings, and gangway not previously authorized by the Commission; change the Lease Type from a General Lease – Right-of-Way Use to General Lease – Right-of-Way and Recreational Use; revise the annual rent from \$100 to \$300 per year, effective August 15, 2014; include special lease provisions pertaining to the Public Trust and use of the docking facilities; and Replace Section 3 (Land Description) with the attached Exhibit A (Land Description) and add the attached Exhibit B (Site and Location Map), attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 2222.1

LAND DESCRIPTION

Two parcels of tide and submerged land in the bed of Old River and lying adjacent to Swamp and Overflowed Land Survey 431, patented November 17, 1882, Counties of Contra Costa and San Joaquin, State of California and more particularly described as follows:

PARCEL 1

Commencing at a point in Section Twenty-seven (27), Township one (1) South Range four (4) East, Mount Diablo Base and Meridian, on the North levee of the "Grant Line Canal", which point is also on a North and South line parallel to and distant West 191 chains and 61 links from the partition line between the lands of David Bixler and the Estate of Thomas H. Williams, deceased, as said line was established by Julius H. Smith in 1889 and re-established by M. M. O'Shaughnessy and E. P. Haas in 1898; said point of commencement being also a concrete monument between the lands of M. J. Lund and Frank Hansford Johnson, and running thence from said point of commencement (true bearing magnetic variation 17°30' E.) N. 1°13' W. along the division line between the lands of M. J. Lund and Frank Hansford Johnson, 7890.8 feet to the center line of a 60-foot County Road; thence along the center line of said County Road, South 88°42' West, 3523.3 feet to a point on the westerly line of a County Road, North 0°19' East 10 feet; thence South 88°42' West, parallel to the north line of the property of J. W. M. Lund, a distance of 139 feet; thence continuing North 61°10' West 39 feet; North 49°15' West 57 feet; North 36°40' West 43 feet; North 13°10' West 45 feet; North 2°30' East 59 feet; North 30°50' East 145 feet; North 27°15' East 104 feet; and North 51°10' West 60 feet, more or less, to the Ordinary High Water mark on the right bank of Old River and the point of beginning of the centerline of a 40-foot wide strip of land herein described; thence North 51°10' West, 240 feet, more or less, to the Ordinary High Water Mark of the left bank of Old River, being the westerly end of the 40-foot wide strip herein described.

PARCEL 2

All those lands underlying an existing floating boat dock, ramp and two (2) pilings lying adjacent to and southeasterly of those lands as described in "Exhibit A" of that Individual Grant Deed, Recorded June 4, 1975 in Book 7525, Page 704 in Official Records of Contra Costa County and which the centerline of said gangway lies approximately 180 feet more or less southwesterly of the centerline of the above described Parcel 1.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION



PARCEL 1 OF THE ABOVE DESCRIPTION IS BASED ON THAT ORIGINAL DESCRIPTION REVISED 2/58 AS FOUND IN CALIFORNIA STATE LANDS COMMISSION LEASE FILE PRC 2222.1

PARCEL 2 PREPARED 1/30/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT.

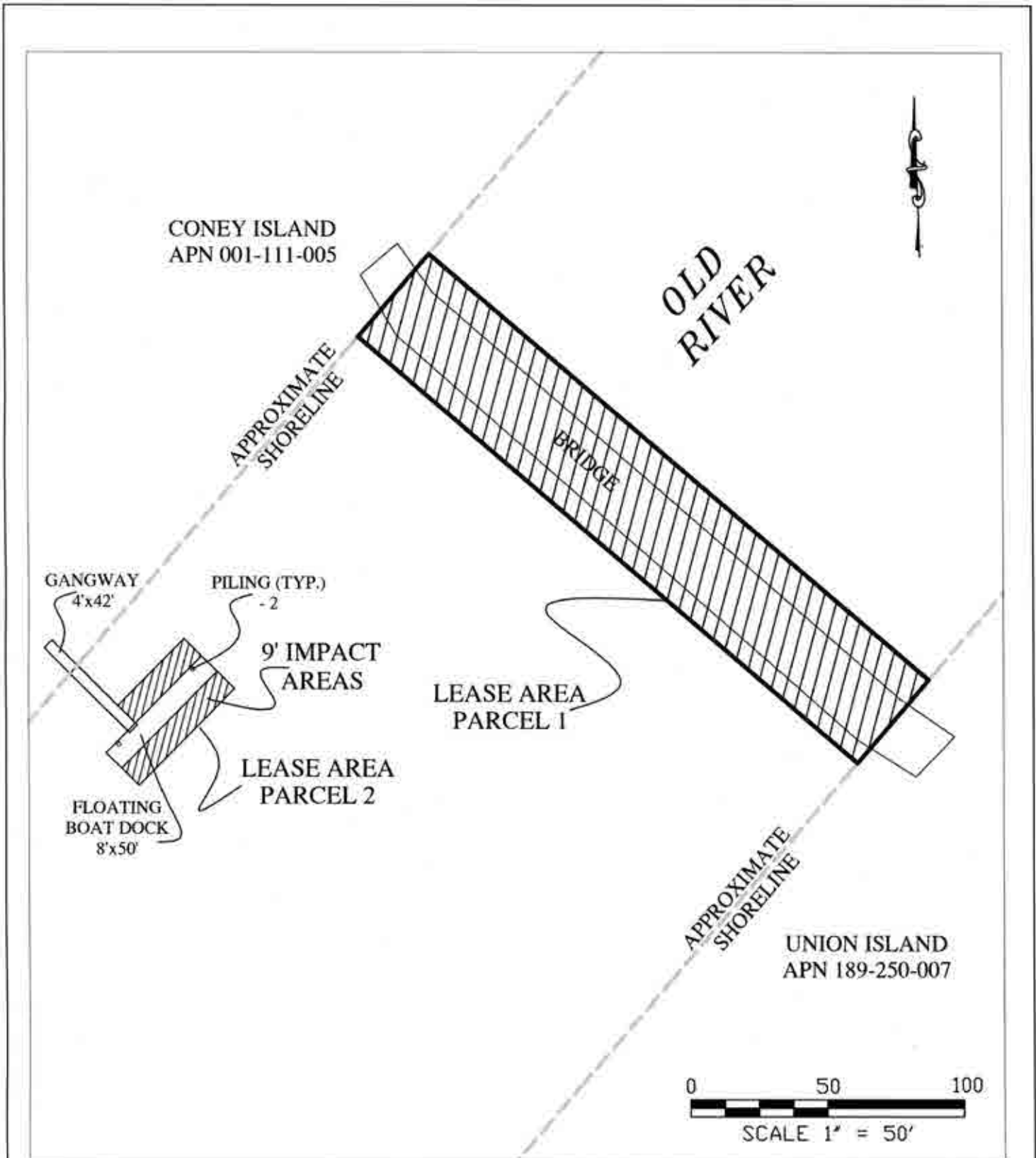
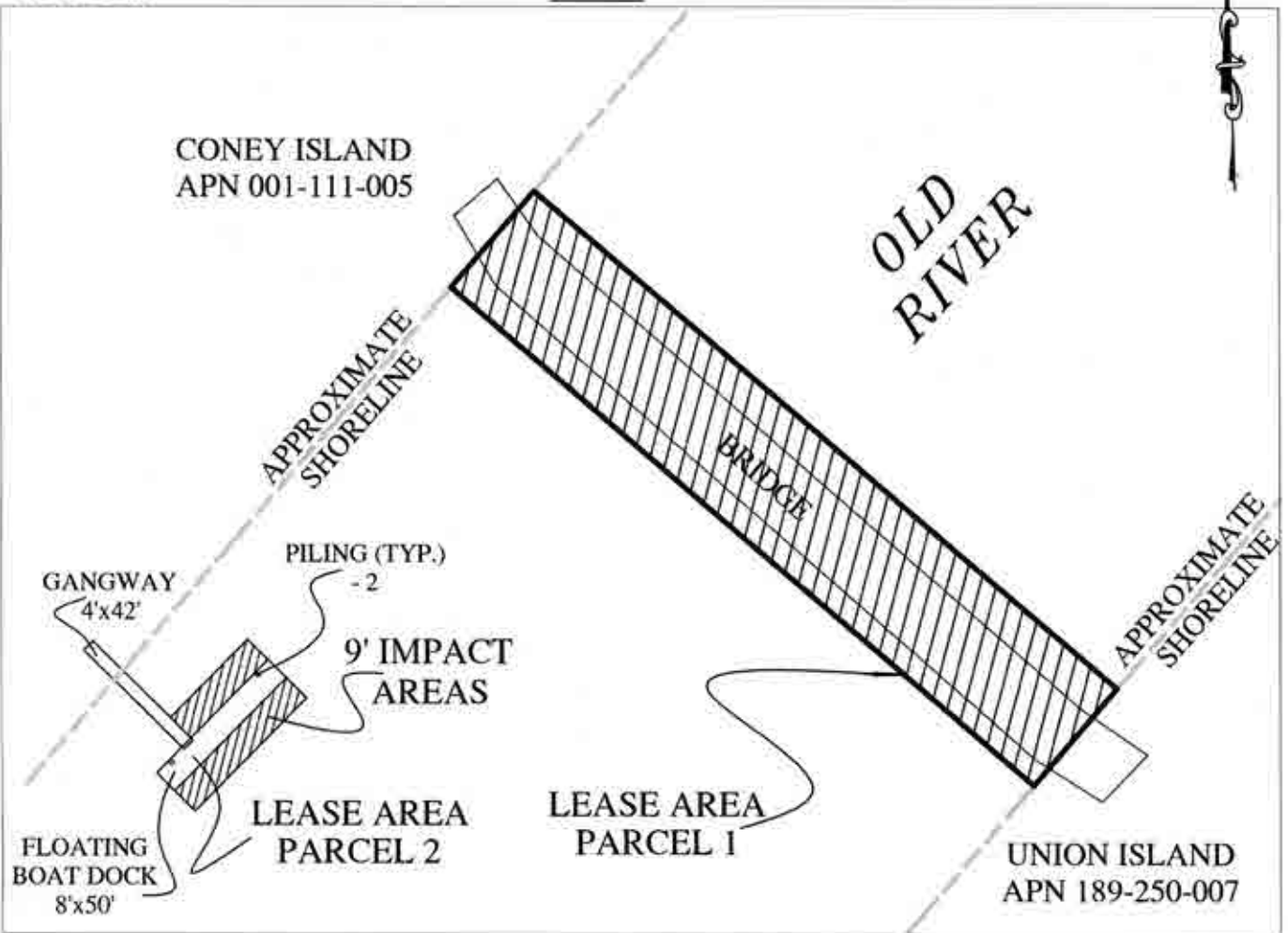


EXHIBIT A



NO SCALE

SITE



OLD RIVER BETWEEN CONEY ISLAND & UNION ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2222.1

CONEY ISLAND FARMS, INC.
GENERAL LEASE -
RIGHT-OF-WAY &
RECREATIONAL USE
CONTRA COSTA & SAN
JOAQUIN COUNTIES



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.