

**CALENDAR ITEM
C42**

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S 7

10/01/02
WP 8372.1
N. Smith

AMENDMENT OF LEASE

LESSEE:

Kiewit Pacific Co.
Attn: Mr. Ken Riley
P.O. Box 91
Martinez, CA 94553

AREA, LAND TYPE, AND LOCATION:

1.23 acres, more or less, of filled sovereign lands on the east side of the right of way for the new Benicia-Martinez Bridge, city of Martinez, Contra Costa County.

AUTHORIZED USE:

Construct a temporary fence around the lease premises (470' x 100') which will be used for a batch plant and laydown area.

LEASE TERM:

Three years, beginning January 30, 2002.

CONSIDERATION:

\$21,150 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 premises to include an additional 6,775 sq. ft. area to assemble forms as part of the construction of the new Benicia-Martinez Bridge. The annual rent is amended from \$21,150 to \$24,200 effective January 30, 2003, with a prorated amount for the additional lease premises of \$1,135 for the period September 15, 2002, to January 29, 2003. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. **C42** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. The Lessee is a contractor for Caltrans and this project is in support of the construction of the new Benicia-Martinez Bridge.
3. An EIS/EIR was prepared and certified for this project by the United States Department of Transportation and the California Department of Transportation. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
4. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit C, attached hereto.
5. 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.

EXHIBITS:

- A. Site Map
- B. Location Map
- C. CEQA Findings

PERMIT STREAMLINING ACT DEADLINE:

February 8, 2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR/EIS WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. **C42** (CONT'D)

RE-ADOPT THE FINDINGS PREVIOUSLY ADOPTED BY THE COMMISSION ON JUNE 27, 2000, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h).

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 8372.1, A GENERAL LEASE - INDUSTRIAL USE, OF LANDS SHOWN ON EXHIBIT A, ATTACHED, AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 15, 2002, TO AMEND LEASE TO INCLUDE AN ADDITIONAL 6,775 SQ. FT. AREA TO ASSEMBLE FORMS FOR THE NEW BENICIA-MARTINEZ BRIDGE AND THE ANNUAL RENT IS AMENDED TO \$24,200 EFFECTIVE JANUARY 30, 2003 WITH A PRORATED AMOUNT OF \$1,135 FOR THE PERIOD SEPTEMBER 15, 2002, TO JANUARY 29, 2003; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.