

**CALENDAR ITEM
C33**

A 11
S 7

02/05/07
WP 8372.1
N. Smith

AMENDMENT OF LEASE

LESSEE:

Kiewit Pacific Co.
Attn: Mr. Paul White
One Thousand Kiewit Plaza
Omaha, Nebraska 68131

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Construct a temporary fence around the lease premises which will be used for a batch plant, lay down area and an assembly area for forms as part of the construction of the new Benicia-Martinez Bridge.

LEASE TERM:

Three years, beginning January 30, 2002, with additional lease term of two years ending January 30, 2007.

CONSIDERATION:

\$69,250 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Extension of lease for an additional seven months ending August 31, 2007. The prorated rent for the seven months shall be \$40,400. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has a right to use the lands adjoining the lease premises.

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2. The Lessee is a contractor for Caltrans and use of the lease premises is in support of the construction of the new Benicia-Martinez Bridge.
3. Lessee is preparing a plan for restoration of the lease premises and upon Commission staff approval shall implement the restoration plan prior to expiration of the Lease.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon 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. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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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 DESCRIBED ON
EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF, TO EXTEND THE LEASE TERM FOR A PERIOD OF SEVEN
MONTHS ENDING AUGUST 31, 2007; ANNUAL RENT IS PRORATED
FOR THE SEVEN MONTHS TO \$40,400; ALL OTHER TERMS AND
CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT
AMENDMENT.