

**CALENDAR ITEM  
C15**

A 15  
S 5

10/29/10  
PRC 3045.1  
M. Clark

**REVISION OF RENT**

**LESSEE:**

Aloysia R. Fouche, Trustee, Fouche Trust

**AREA, LAND TYPE, AND LOCATION:**

0.13 acre, more or less, of sovereign land in Georgiana Slough, adjacent to 455 West Willow Tree Lane, near the town of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing boat shed, enclosed cabana, floating wharf, and walkway.

**LEASE TERM:**

Ten years, beginning May 1, 2005.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$686 per year to \$435 per year, effective May 1, 2011.

**OTHER PERTINENT INFORMATION:**

1. The Lessee owns the upland adjoining the lease premises and has permission, in the form of a written access agreement, from the neighboring upland owner to use the facilities that abut that property.
2. On April 26, 2005, the Commission authorized a General Lease – Recreational Use to Aloysia R. Fouche, Trustee, Fouche Trust. This lease will expire April 30, 2015 or upon termination of the access agreement, whichever is first.
3. The Lessee qualifies for the rent-free use of sovereign lands for the existing boat shed because the Lessee is a natural person who owns the littoral land that is improved with a single-family dwelling. The Lessee

CALENDAR ITEM NO. **C15** (CONT'D)

does not qualify for rent-free use of the enclosed cabana and floating wharf because the enclosed cabana is not used for the docking and mooring of boats pursuant to Public Resources Code section 6503.5 and the floating wharf is not located adjacent to the Lessee's parcel. At the time the lease was negotiated in 2005, staff erred in applying rent to the boat shed which qualifies for rent -free status.

**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 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.

**AUTHORIZATION:**

Approve the Revision of Rent for Lease No. PRC 3045.1 from \$686 per year to \$435 per year, effective May 1, 2011.