

**CALENDAR ITEM
C10**

A 5
S 6

08/14/12
PRC 5382.1
R. Boggiano

REVISION OF RENT

LESSEE:

Joyce Berger, as Trustee of the Berger Family Trust dated March 16, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 1957 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of two existing uncovered floating boat docks, nine pilings, ramp, and deck.

LEASE TERM:

10 years, beginning October 30, 2007.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends the rent be revised from \$55 per year to \$234 per year, effective October 30, 2012.

OTHER PERTINENT INFORMATION:

1. On October 30, 2007, the Commission approved issuance of General Lease – Recreational Use for a 10-year term beginning October 30, 2007, to Joyce Berger, as Trustee of the Berger Family Trust dated March 16, 1999.
2. The existing uncovered floating docks, pilings, and ramp are not subject to rent because the lease was authorized prior to the January 1, 2012 change in section 6503.5 of the Public Resources Code, which repealed the rent-free provision. Because it was not constructed for the docking or mooring of boats, the deck is subject to rent.

CALENDAR ITEM NO. **C10** (CONT'D)

3. 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 the California Environmental Quality Act (CEQA).

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

EXHIBIT:

- A. Site Location and Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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.

AUTHORIZATION:

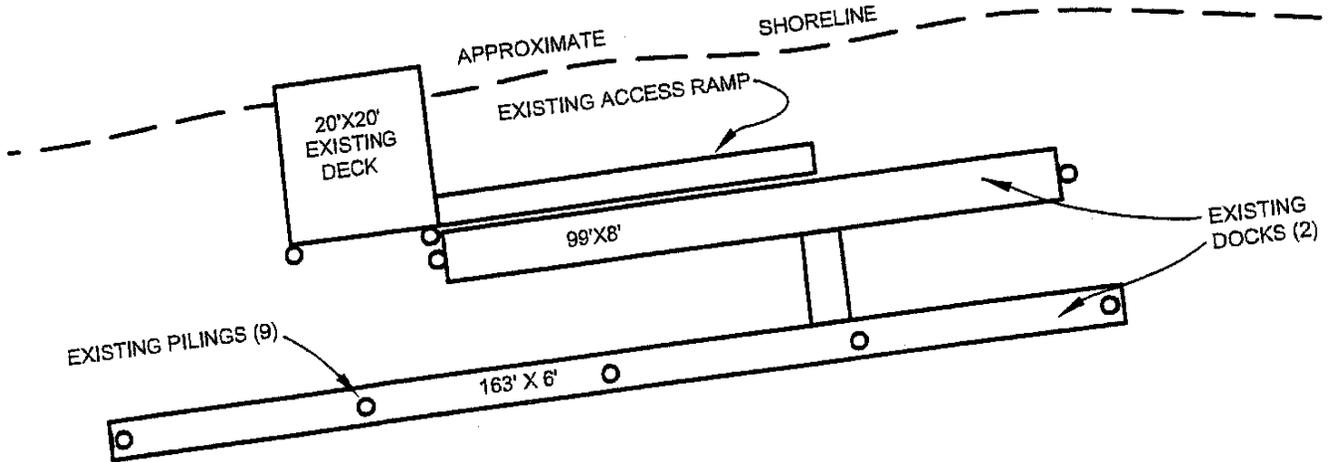
Approve the revision of rent for Lease No. PRC 5382.1 from \$55 per year to \$234 per year, effective October 30, 2012.

NO SCALE

SITE



274-0021-009



Flow

Sacramento River

1957 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION

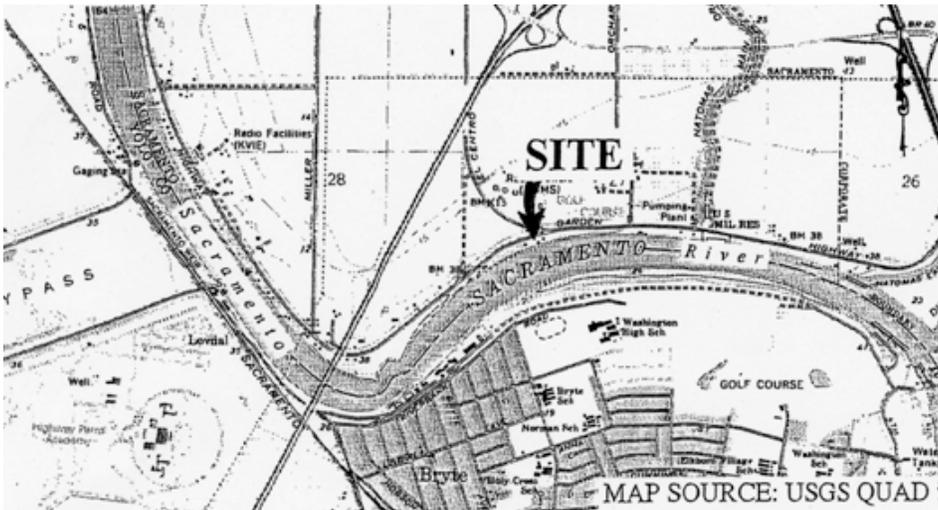


Exhibit A

PRC 5382.1
 BERGER
 APN 274-0021-009
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



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.