

CALENDAR ITEM

C39

A 4

10/14/14

S 3

PRC 8149.9

J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Maurice Andaya and Margaret Ann Andaya, Trustees of the Maurice Andaya and Margaret Andaya Revocable Living Trust dated August 28, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Napa River, adjacent to 1768 Milton Road, near the city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, gangway, walkway, and five pilings.

LEASE TERM:

10 years, beginning October 14, 2014

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On February 8, 2000, the Commission authorized issuance of a Recreational Pier Lease to Maurice Andaya and Margaret A. Andaya. That lease expired May 31, 2009. On September 2, 2003, the property was deeded to Maurice Andaya and Margaret Ann Andaya, Trustees of the Maurice Andaya and Margaret Andaya Revocable Living Trust dated August 28, 2003. The Applicants are now applying for a General Lease – Recreational Use.

CALENDAR ITEM NO. C39 (CONT'D)

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law took effect January 1, 2012. This law repealed section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - a. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - b. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to section 6503.5 of the Public Resources Code for the term of this lease.

4. 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.

5. 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

CALENDAR ITEM NO. **C39** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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).

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 issuance of a General Lease – Recreational Use to Maurice Andaya and Margaret Ann Andaya, Trustees of the Maurice Andaya and Margaret Andaya Revocable Living Trust dated August 28, 2003, beginning October 14, 2014, for a term of 10 years, for continued use and maintenance of an existing floating boat dock, gangway, walkway, and five pilings, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8149.9

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Napa River, lying adjacent to Swamp and Overflowed Land Locations 840, patented July 3, 1893, Napa County, State of California and more particularly described as follows:

All those lands underlying an existing floating boat dock, gangway, walkway and five wood pilings, lying adjacent to that parcel described in Grant Deed, recorded September, 1996 in Document Number 1996 021740 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/08/14 by the California State Lands Commission Boundary Unit





APN 048-042-018

SLC OHWM 1953

EXISTING WALKWAY
6' X 25'

EXISTING GANGWAY
3' X 15'

EXISTING PILING (5)

EXISTING FLOATING BOAT DOCK
6' X 35'

9' IMPACT AREA

NAPA RIVER

EXHIBIT A

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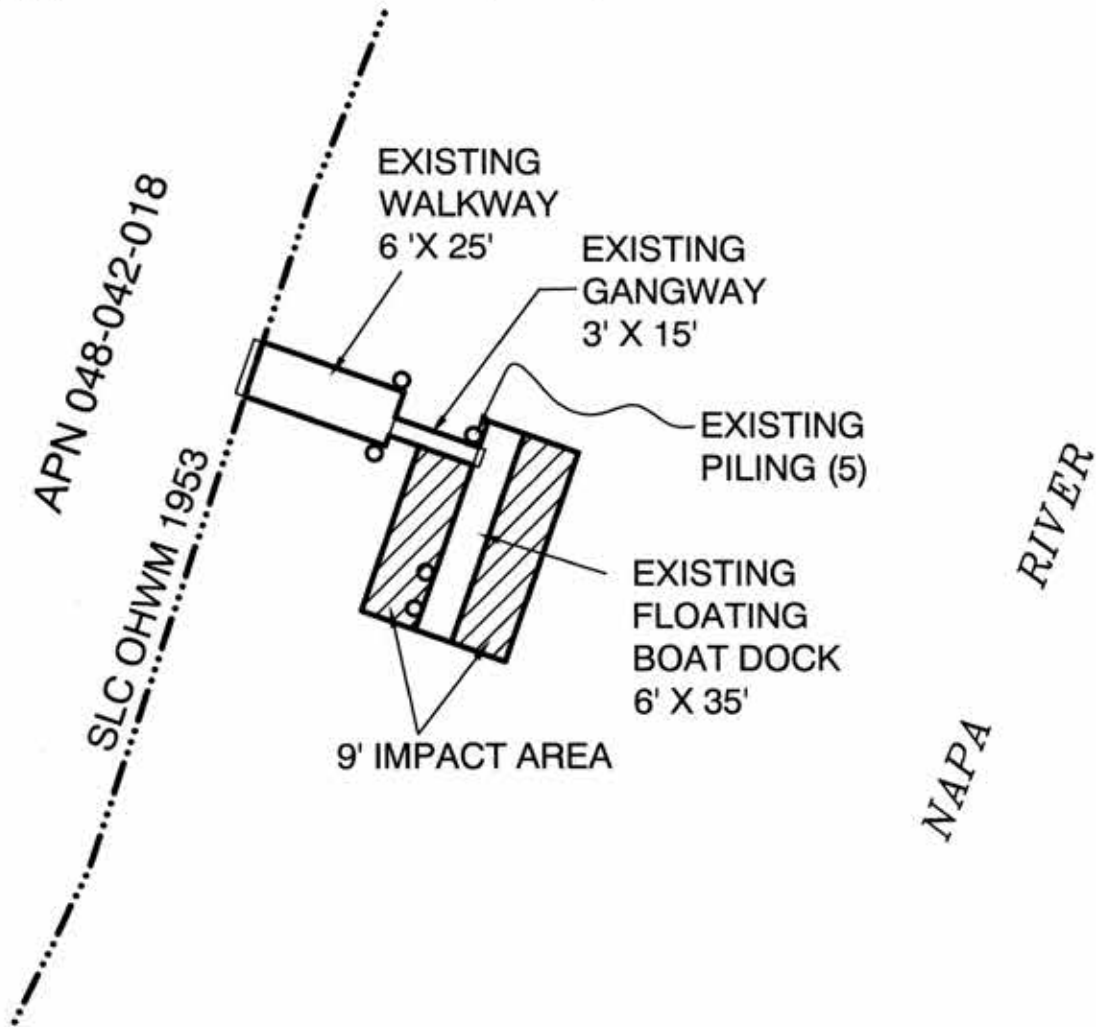
LAND DESCRIPTION PLAT
PRC 8149.9, ANDAYA
NAPA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

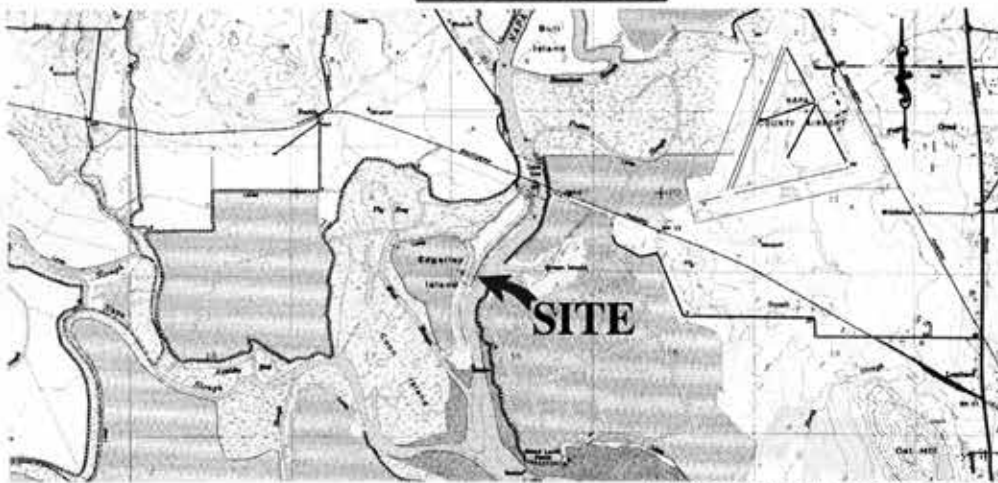
SITE



1768 MILTON ROAD, NAPA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8149.9
 ANDAYA
 APN 048-042-018
 GENERAL LEASE -
 RECREATIONAL USE
 NAPA 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.

TS 08/08/14