

**CALENDAR ITEM
C24**

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06/29/15
W 26834
M. Schroeder

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Danny Giovannoni, Thomas Giovannoni, and Rebecca Giovannoni

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River, adjacent to 1234 Milton Road, city of Napa, Napa County.

AUTHORIZED USE:

Use and maintenance of an existing deck with seven fiberglass pilings, uncovered floating boat dock with two wood pilings, gangway, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

Deck with Seven Fiberglass Pilings, Uncovered Floating Boat Dock with Two Wood Pilings, Gangway: \$390 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The existing dock facilities were never authorized but have existed at this location for many years. The facilities came to the attention of the San Francisco Bay Conservation and Development Commission (BCDC) when the Applicant reconstructed the deck with seven fiberglass pilings,

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uncovered floating boat dock with two wood pilings, and gangway in 2014. BCDC notified the Applicant that permits were required and also notified Commission staff of the unauthorized structures. The Applicant is in the process of obtaining after-the-fact permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, San Francisco Regional Water Quality Control Board, and BCDC. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Staff recommends authorization of these facilities.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Napa River will have additional protection for the river channel from wave action provided at no cost to the public.
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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Wildlife
San Francisco Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C24** (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 and Protective Structure Use to Danny Giovannoni, Thomas Giovannoni, and Rebecca Giovannoni beginning June 29, 2015, for a term of 10 years, for the use and maintenance of an existing deck with seven fiberglass pilings, uncovered floating boat dock with two wood pilings, gangway, and bank protection not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the existing deck with seven fiberglass pilings, uncovered floating boat dock with two wood pilings, and gangway: \$390 per year with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26834

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Napa River, lying adjacent to Swamp and Overflowed Land Survey 76, patented June 9, 1887, Napa County, State of California and more particularly described as follows:

All those lands underlying an existing floating boat dock, gangway, deck and two pilings, lying adjacent to those parcels described in Exhibit "A" of Grant Deed, recorded August 23, 2012 in Document Number 2012-0021985 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to said parcels.

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 04/23/15 by the California State Lands Commission Boundary Unit



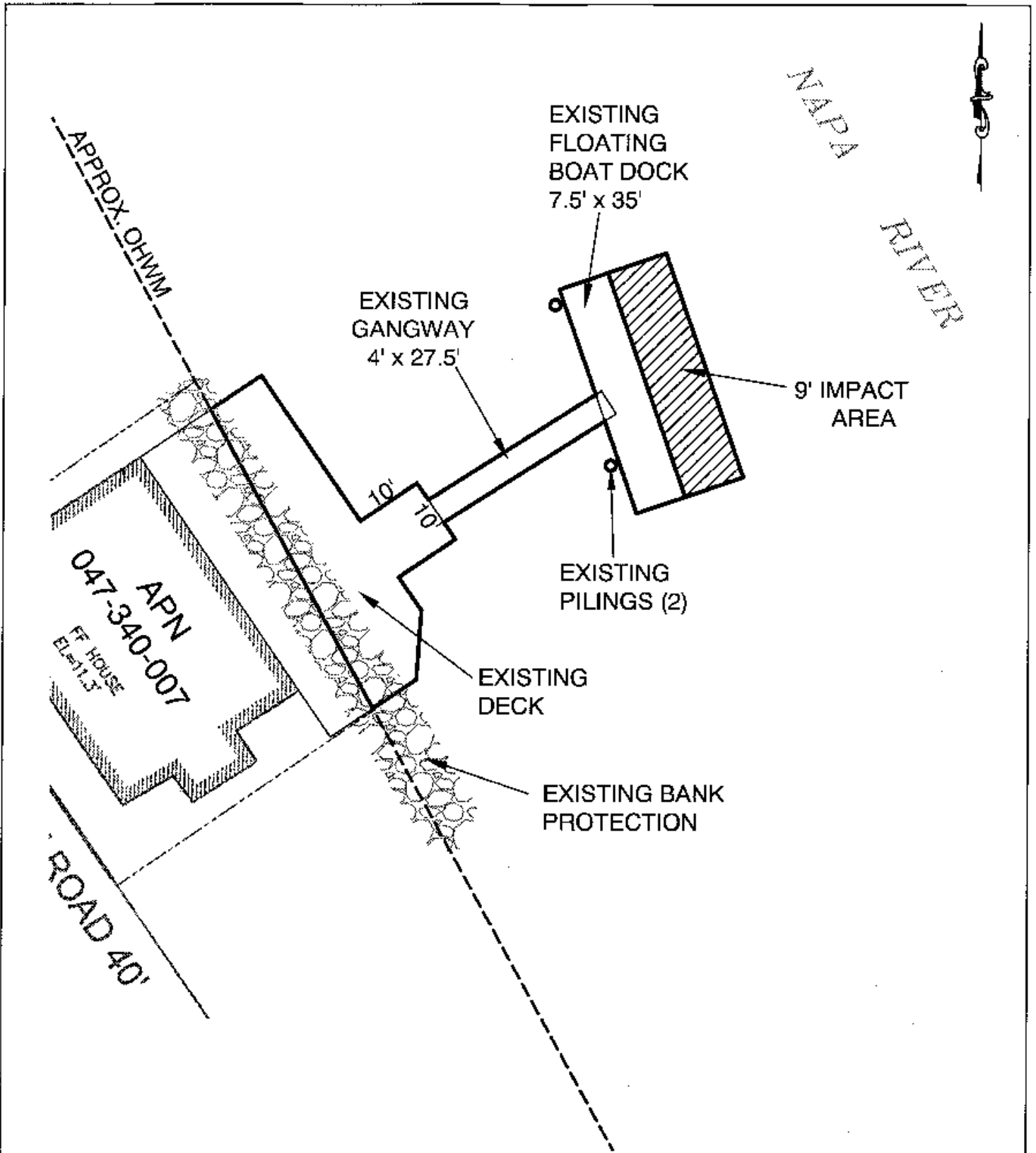


EXHIBIT A



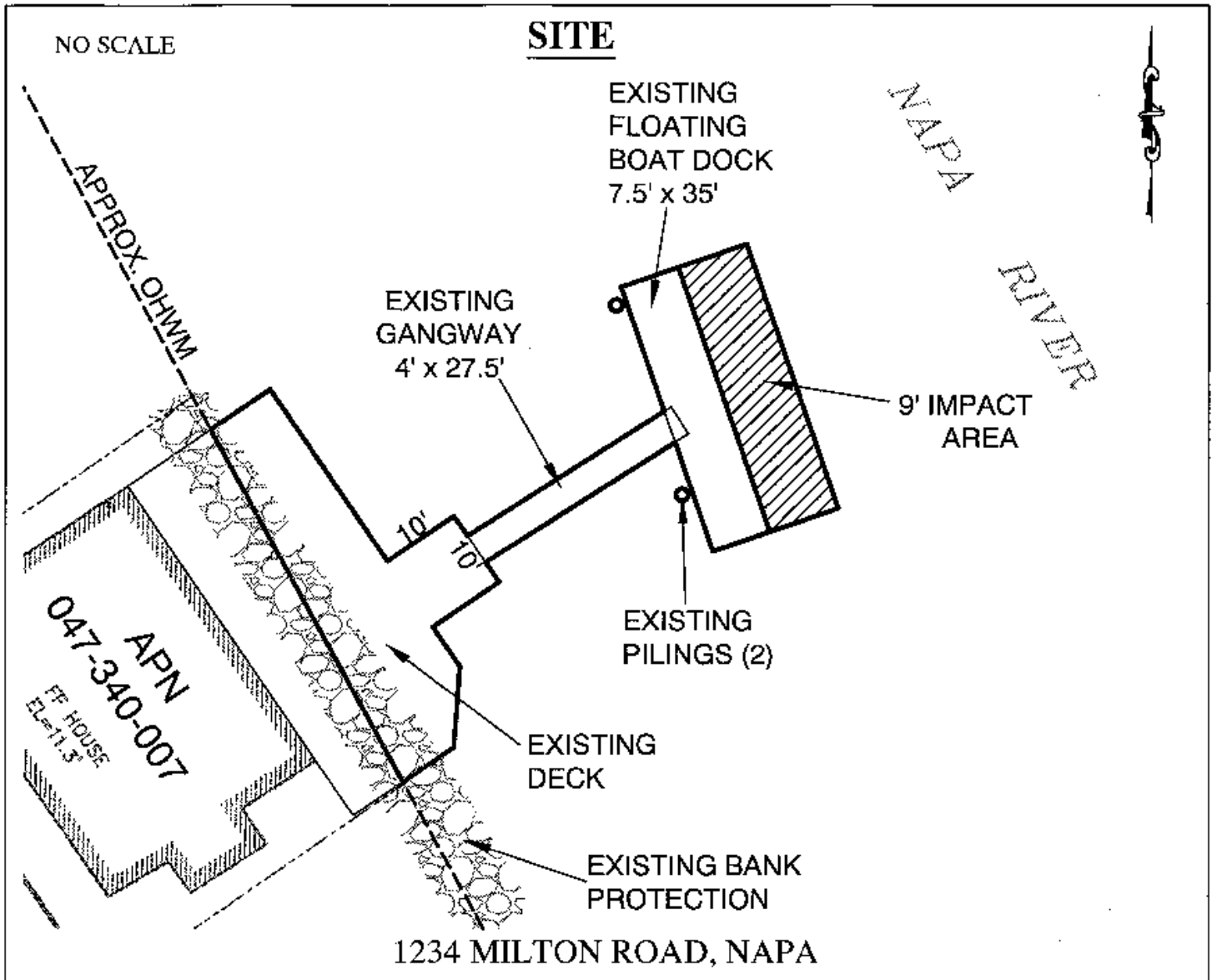


Exhibit B
 W 26834
 GIOVANNONI
 APN 047-340-007
 GENERAL LEASE -
 RECREATIONAL AND
 PROTECTIVE STRUCTURE USE
 NAPA COUNTY



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.