

MINUTE ITEM

This Calendar Item No. 14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 2
to 0 at its 12/12/89
meeting.

CALENDAR ITEM

14

A 8

S 4

12/12/89
PRC 5822
Bancroft

FIVE-YEAR RENT REVIEW

LESSEE: Albert D. Giovannoni
1200 Milton Road
Napa, California 94558

AREA, TYPE LAND AND LOCATION:
A 0.138-acre parcel of tide and submerged land
in the bed of the Napa River, City of Napa,
Napa County.

LAND USE: Launching ramp, gangway, and decks.

TERMS OF ORIGINAL LEASE:

Initial period: 20 years beginning May 1,
1980.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$300,000.

Consideration: \$333 per annum; five-year
rent review.

TERMS OF PROPOSED LEASE:

Initial period: 20 years beginning May 1,
1980.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$300,000.

CALENDAR ITEM NO. 14 (CONT'D)

CONSIDERATION: \$420.56 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The lease set forth on the attached Exhibit "A" provides that the State may adjust the annual rental to a different amount effective on each fifth anniversary or subsequent anniversary of the lease.

Staff reviewed the lease in accordance with the Commission's rental regulations (2 Cal Code Regs. 2003) and is recommending that the Commission take the action indicated on Exhibit "A". Staff has notified the lessee of the change to rental, as recommended herein within the time limits prescribed under the lease and has afforded the lessee the opportunity to comment on the proposed change.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

3. Mr. Giovannoni called October 27 objecting to the October 17, 1989 rent-review letter that reflected an increase in annual rent to \$755. He also expressed a desire to appear before the Commission and asked for a copy of the staff appraisal.

Pursuant to discussions with the Applicant, the rent increase was subsequently reduced to \$420.56. When contacted by phone about the reduction, he again asked for a copy of our staff appraisal.

On November 29, 1989, Steve Sekelsky and Mike Bancroft called on Mr. Giovannoni on site. After a brief conversation, it became clear that Mr. Giovannoni's complaint was not over the rent, but concerned his general feeling that government was taking over the rights of private individuals. He specifically complained that government was competing with private industry in the boat storage and marina business citing several examples in the area. He indicated that he was preparing a letter setting forth his views to be sent to the State Lands Commission.

Mr. Giovannoni has been sent a letter recapping and explaining the State's appraisal procedures as they apply to his property.

EXHIBITS: A. Lessee.
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. APPROVE THE CHANGE TO ANNUAL RENTAL FOR THE LEASE LISTED ON THE ATTACHED EXHIBIT "A".

EXHIBIT "A"

LEASE NUMBER	LESSEE	TYPE OF LEASE AND LOCATION	OLD RENT PER ANNUM	NEW RENT PER ANNUM	BASIS FOR CHANGE	EFFECTIVE DATE	NEGOTIATOR
PRC 5822	Albert D. Giovannoni 1200 Milton Road Napa, CA 94558	General Lease - Commercial Use, Napa River, Napa County	\$333	\$420.56	Benchmark Appraisal	05/01/90	Bancroft

CALENDAR PAGE 78
MINUTE PAGE 4076

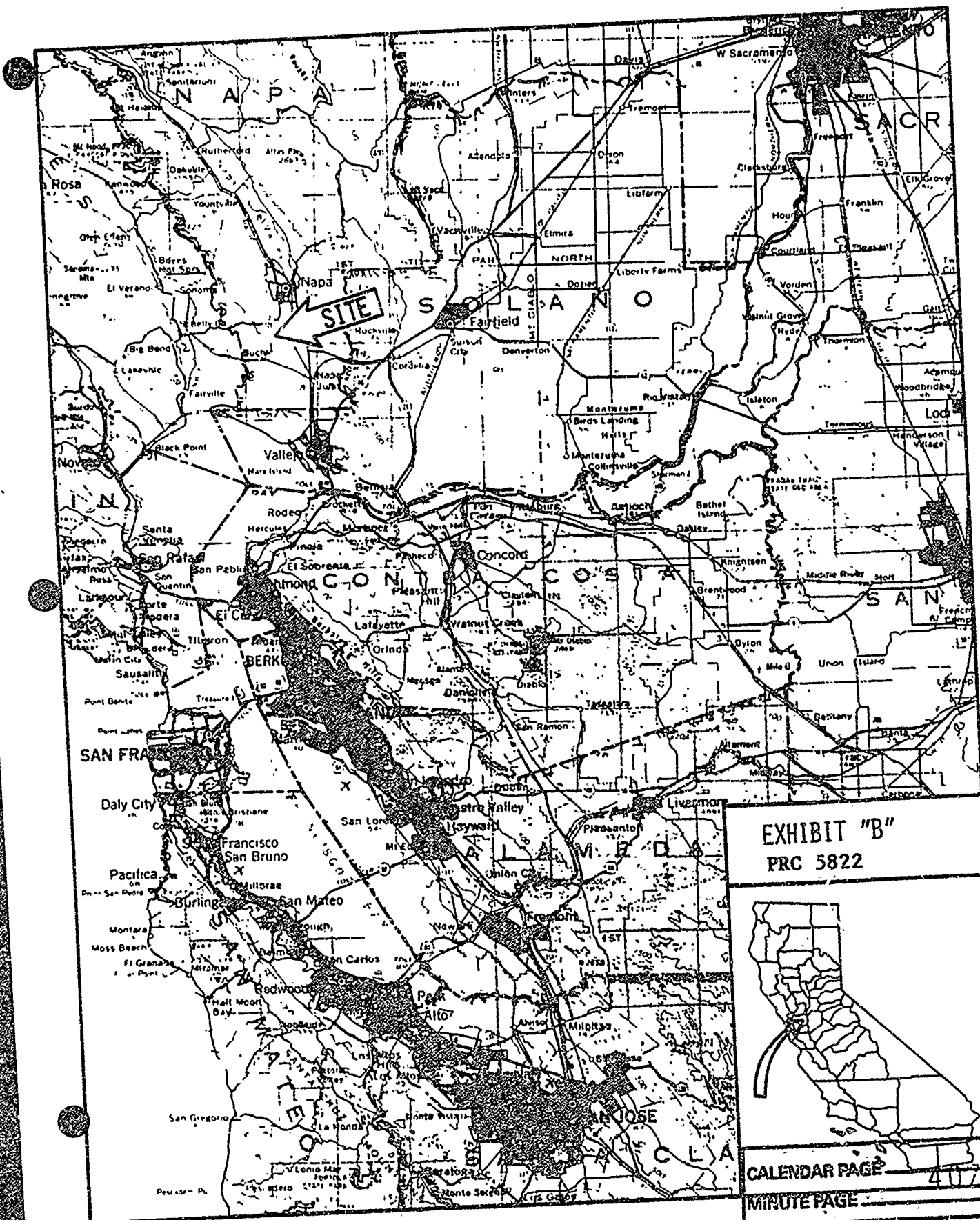


EXHIBIT "B"
 PRC 5822



CALENDAR PAGE 379
 MINUTE PAGE 4077