

**CALENDAR ITEM
C57**

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10/14/14
PRC 2164.1
B. Terry

GENERAL LEASE - COMMERCIAL USE

APPLICANTS:

Sum M. Seto Properties, LLC and Jenny P. Seto Properties, LLC

AREA, LAND TYPE, AND LOCATION:

0.396 acre, more or less, of sovereign land in the Albion River, adjacent to Assessor's Parcel Number 123-170-01 near Albion, Mendocino County.

AUTHORIZED USE:

Continued operation, use and maintenance of an existing commercial marina, consisting of an existing boat launch ramp, two landings, three floating docks, and pilings previously authorized by the Commission and two water intake pipelines not previously authorized by the Commission.

LEASE TERM:

20 years, beginning December 30, 2013.

CONSIDERATION:

\$5,000 per year, with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Bond:

Surety bond or other security in the amount of \$10,000.

Other:

Lessee agrees to implementation of the Commission's "Best Management Practices for Marina Owners/Operators" and "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the

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BMPs in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On March 2, 1992, the Commission authorized a General Lease – Commercial Use to Seto Family Trust, Sum M. and Jenny P. Seto, Co-Trustees, for the maintenance of existing permanent and seasonal floating docks, floats, fixed pier structure and pilings. On November 15, 1994, the Commission authorized an amendment to include dredging. That lease expired on December 28, 2013. On August 2, 2002, the ownership of the upland was transferred to Sum M. Seto Properties, LLC and Jenny P. Seto Properties, LLC. The Applicants are now applying for a General Lease –Commercial Use.
3. The Applicants run a commercial facility known as the Albion River Campground and Marina. A recreational vehicle park and campground are located upland from the marina facilities. Visitors of the campground are the main users of the marina for docking of fishing boats.
4. On October 16, 2013, Commission Boundary staff conducted a survey and site visit at the Albion River Campground and Marina. Staff became aware of two existing water pipelines that had not been previously authorized by the Commission. These pipelines are used to pump water up to the campground. Staff is recommending authorizing the two existing water pipelines.
5. 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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

6. 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.

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EXHIBITS:

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

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 14, section 15301.

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 – Commercial Use to Sum M. Seto Properties, LLC and Jenny P. Seto Properties, LLC beginning December 30, 2013, for a term of 20 years, for the continued operation, use and maintenance of an existing commercial marina, consisting of an existing boat launch ramp, two landings, three floating docks, and pilings previously authorized by the Commission, and two water intake pipelines 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; annual rent in the amount of \$5,000, with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the lease; liability insurance in an amount no less than \$2,000,000 per occurrence; and surety bond or other security in the amount of \$10,000.

EXHIBIT A

PRC 2164.1

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of the Albion River lying adjacent to Lot 5 of Section 28, T16N, R17W, MDM as shown on the Official Government Plat approved April 16th, 1873, County of Mendocino, State of California and more particularly described as follows:

BEGINNING at a point on the right bank of the Albion River, and having the following CCS83, Zone 2 coordinates N(Y)=2213248.22 feet, E(X)=6060584.49 feet from which Continuous Operating Reference Stations (CORS) LILRVRAIR_CN2006 CORS ARP bears North 24°38'01" East 13,957.52 feet thence along said bank the following nine (9) courses:

- 1) South 84°13'28" East 81.73 feet;
- 2) South 57°48'17" East 348.07 feet;
- 3) South 72°43'09" East 495.00 feet;
- 4) North 40°21'07" East 97.50 feet;
- 5) North 26°59'41" East 205.54 feet;
- 6) North 20°33'20" East 215.32 feet;
- 7) North 46°00'22" East 106.20 feet;
- 8) North 26°40'06" East 195.00 feet;
- 9) North 10°32'29" West 38.62 feet;

thence leave said bank South 41°57'23" East 46.34 feet;

thence the following eleven (11) courses:

- 1) South 23°51'55" West 280.10 feet;
- 2) South 21°37'55" West 195.08 feet;
- 3) South 27°38'53" West 190.21 feet;
- 4) South 21°40'45" West 133.60 feet;
- 5) South 54°01'59" West 78.65 feet;
- 6) South 85°53'25" West 60.64 feet;
- 7) North 75°29'07" West 406.07 feet;
- 8) North 71°21'40" West 149.11 feet;
- 9) North 07°30'43" East 55.60 feet;
- 10) North 62°33'07" West 295.82 feet;
- 11) North 34°25'45" West 75.08 feet;

thence North 53°22'08" East 13.37 feet to the POINT OF BEGINNING.

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

The Basis of Bearings is CCS83, Zone 2 (Epoch 2010.000) as determined locally by a line between Continuous Operating Reference Stations (CORS) LILRVRAIR_CN2006 CORS ARP and POTRVLYSCHCN2005 CORS ARP bearing North 84° 14' 32" East as derived from geodetic values published by the National Geodetic Survey (NGS). All distances are grid and in U.S. survey feet.

END OF DESCRIPTION

PREPARED 9/02/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



