



Agenda Date: 3/6/2007
Agenda Placement: 6A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Margaret Woodbury for Westmeyer, Robert - County Counsel
County Counsel
REPORT BY: Margaret Woodbury, Chief Deputy County Counsel, 259-8246
SUBJECT: Amendment No. 4 to Agreement No. 5064

RECOMMENDATION

County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 5064 with the Peter A. and Vernice H. Gasser Foundation to modify the description of the Ground Lease to exclude a vacant portion of the leased premises not occupied by the South Napa Homeless Shelter facility and for the Chair to execute and record a Memorandum of Amended Ground Lease to reflect this change.

EXECUTIVE SUMMARY

On April 8, 2003, the Gasser Foundation and the County of Napa entered into a Ground Lease (Napa County Agreement No. 5064) which leased to the County for 99 years a .99 acre parcel located on Hartle Court to develop a homeless shelter. The property also included sufficient space to develop transitional housing. The description of the premises was refined by Amendment No. 1, approved on June 28, 2005.

On June 27, 2006, Amendment No. 2 and on September 12, 2006, Amendment No. 3 were approved to exclude from the Ground Lease land not needed for the South Napa Homeless Shelter and its related improvements in order to allow the Gasser Foundation to lease the excluded area to the Progress Foundation for construction and operation of transitional housing. Amendment Nos. 2 and 3 have now lapsed because they were contingent upon compliance with certain subdivision map and general plan actions required by state law which could not be completed by the City of Napa prior to the deadlines in the two Amendments.

Proposed Amendment No. 4 will reinstate the provisions of Amendments No. 2 and 3 to exclude the transitional housing area from the Ground Lease. The proposed amendment does not include either of the previous contingencies because the necessary actions were completed by the City of Napa Planning Commission on March 1, 2007. Amendment No. 4 will also clarify the legal description of the lands remaining subject to the Ground Lease after such exclusion. Authorization for the Chair to execute and record a Memorandum of Amended Ground Lease will allow these changes in the Ground Lease to be memorialized in the Official Records of the Napa County Recorder

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is categorically exempt from the requirements of the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15315 (State CEQA Guidelines) as a minor land division as defined in that section.

BACKGROUND AND DISCUSSION

On April 8, 2003, the Gasser Foundation and the County of Napa entered into a Ground Lease (Napa County Agreement No. 5064) by which the Gasser Foundation leased to the County for 99 years a .99 acre parcel of land located on Hartle Court to develop a homeless shelter. The property also included sufficient space to develop transitional housing. The description of the premises was refined by Amendment No. 1, approved on June 28, 2005.

By Amendment No. 2, approved on June 27, 2006, and again by Amendment No. 3, approved on September 12, 2006, the County and the Gasser Foundation attempted to exclude from the Ground Lease the portion of the leased premises not occupied by the South Napa Homeless Shelter and its related improvements to allow the Gasser Foundation to directly lease the excluded area to the Progress Foundation to use for construction and operation of transitional housing. Amendment Nos. 2 and 3 were subject to a contingency requiring the parties on or before December 31, 2006 to obtain a parcel map waiver from the City of Napa Planning Commission under Government Code section 66428 and general plan consistency referral and report as required by Government Code section 65402.

The provisions of Amendment Nos. 2 and 3 lapsed because the City Planning Commission was unable to complete the process on or before December 31, 2006. However, the process has now been successfully completed by action of the City of Napa Planning Commission on March 1, 2007.

The proposed Amendment No. 4 will reinstate the provisions of Amendment Nos. 2 and 3 to modify the description of the leased premises subject to the Ground Lease to exclude the vacant portion not occupied by the South Napa Homeless Shelter facility, but without the previous contingencies. Amendment No. 4 also refines and clarifies the legal description of the leased premises remaining subject to the Ground Lease after exclusion of the area designated for transitional housing.

Approval of the proposed Amendment No. 4 of the Ground Lease will allow the Board to finalize its approval of various agreements for funding needed for the purchase of the South Napa Homeless Shelter from the Gasser Foundation pursuant to the current Homeless Shelter Lease and Option to Purchase (Napa County Agreement No. 6476-1).

The County Executive Officer is now requesting the Board to approve and authorize its Chair to sign Amendment No. 4 of Napa County Agreement No. 5064 with the Peter A. and Vernice H. Gasser Foundation to amend the Ground Lease and to execute and record in the Official Records of the Napa County Recorder a Memorandum of Amended Ground Lease.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Maiko Klieman