MINUTE ITEM
This Calendar Item No. C04
was approved as Minute Item
No. 04 by the State Lands
Commission by a vote of 2
0 at its 1/17/1990
meeting.

CALENDAR ITEM

C04

A 35

S 18

01/17/90
WP 5764 PRC 5764
Townsend

ISSUANCE OF GENERAL PERMIT - PROTECTIVE STRUCTURE USE

APPLICANT: Frank Serena Construction and Development, Inc.
a California corporation
1140 Eugenia Place, Suite B
Carpinteria, California 93013

AREA, TYPE LAND AND LOCATION:
A 0.147-acre parcel of tide and submerged land located in the Pacific Ocean, City of Carpinteria, Santa Barbara County.

LAND USE: Continued use and maintenance of an existing protective seawall.

TERMS OF ORIGINAL PERMIT:
Initial period: Ten years beginning January 1, 1980.

Public liability insurance: Combined single limit coverage of $100,000.

Consideration: $384 per annum; five-year rent review.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning January 1, 1990.

Public liability insurance: Combined single limit coverage of $100,000.

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CONSIDERATION: $960 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

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. By its action on December 20, 1979, Minute Item 1, the State Lands Commission authorized the issuance of a ten-year General Permit - Protective Structure Use to Montgomery Equipment Co., beginning January 1, 1980, for a protective seawall. The permit was subsequently assigned to the Bracton Corporation and again to Frank and Lorraine Serena, the current lessees.

   Frank Serena Construction and Development, Inc., a California corporation, has filed an application with staff of the Commission to replace the permit for the continued use and maintenance of the existing protective seawall. Constructed of rock, the structure is 800 feet long and eight (8) feet wide. No changes have been made to the structure.

   During the application process, staff was asked by the County of Santa Barbara to review and comment on the proposed Final Development Plan showing placement of the seawall for the Casa Blanca Subdivision. A planned community development, the proposal

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provides for the conversion of the existing single-family residence and other structures located on the upland into condominiums for a total of eight units.

The County placed several conditions of approval on the filing of the tentative map for the subdivision. Among these conditions was one requiring the Applicant to request State Lands Commission to determine the location of the ordinary high water mark, the boundary separating State-owned tidelands and submerged lands and private uplands at the subject property. Staff conducted a preliminary study of the boundary and title issues at this location and were unable to reach agreement with the Lessees (Serenas) concerning a compromise placement of the boundary. The Lessees and the County agreed, however, and the proposed lease agreement contains a requirement similar to one of the County's conditions of approval requiring that they offer to dedicate to the County and to construct a lateral access way for public use on the seawall.

In approving the tentative development plan for property landward of the seawall on the leased premises, the County of Santa Barbara required that Frank Serena Construction and Development, Inc. deed to the Commission all lands waterward of the toe of the seawall. This area consists of unimproved tidelands and submerged lands along the ocean coast. Staff recommends that the Executive Officer be authorized to execute and have recorded a certificate of acceptance and consent to record a quitclaim, or other deed, from the Lessee of that property.

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

3. 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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Code Regs 2905(a)(2).

   Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

EXHIBITS:
A. Land Description.
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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).

2. AUTHORIZE ISSUANCE TO FRANK SERENA CONSTRUCTION AND DEVELOPMENT, INC., A CALIFORNIA CORPORATION, OF A TEN-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE USE, BEGINNING JANUARY 1, 1990; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $960, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $100,000; FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PROTECTIVE SEAWALL LOCATED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

3. THE COMMISSION FINDS THAT IT IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA TO ACCEPT AND TO HAVE RECORDED A DEED FROM LESSEE TO THAT LAND LYING WATERWARD OF THE TOE OF THE EXISTING SEAWALL. THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE SUCH A CERTIFICATE AND TO HAVE IT AND THE DEED RECORDED ON THE COMMISSION'S BEHALF.

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EXHIBIT "A"

PRC 5764

LAND DESCRIPTION

The tide and submerged land beneath the existing seawall according to the application on file, located at Santa Barbara Assessor's Parcel 005-460-44-00.

END OF DESCRIPTION

REVIEWED JUNE 20, 1989 BY BIU 1.

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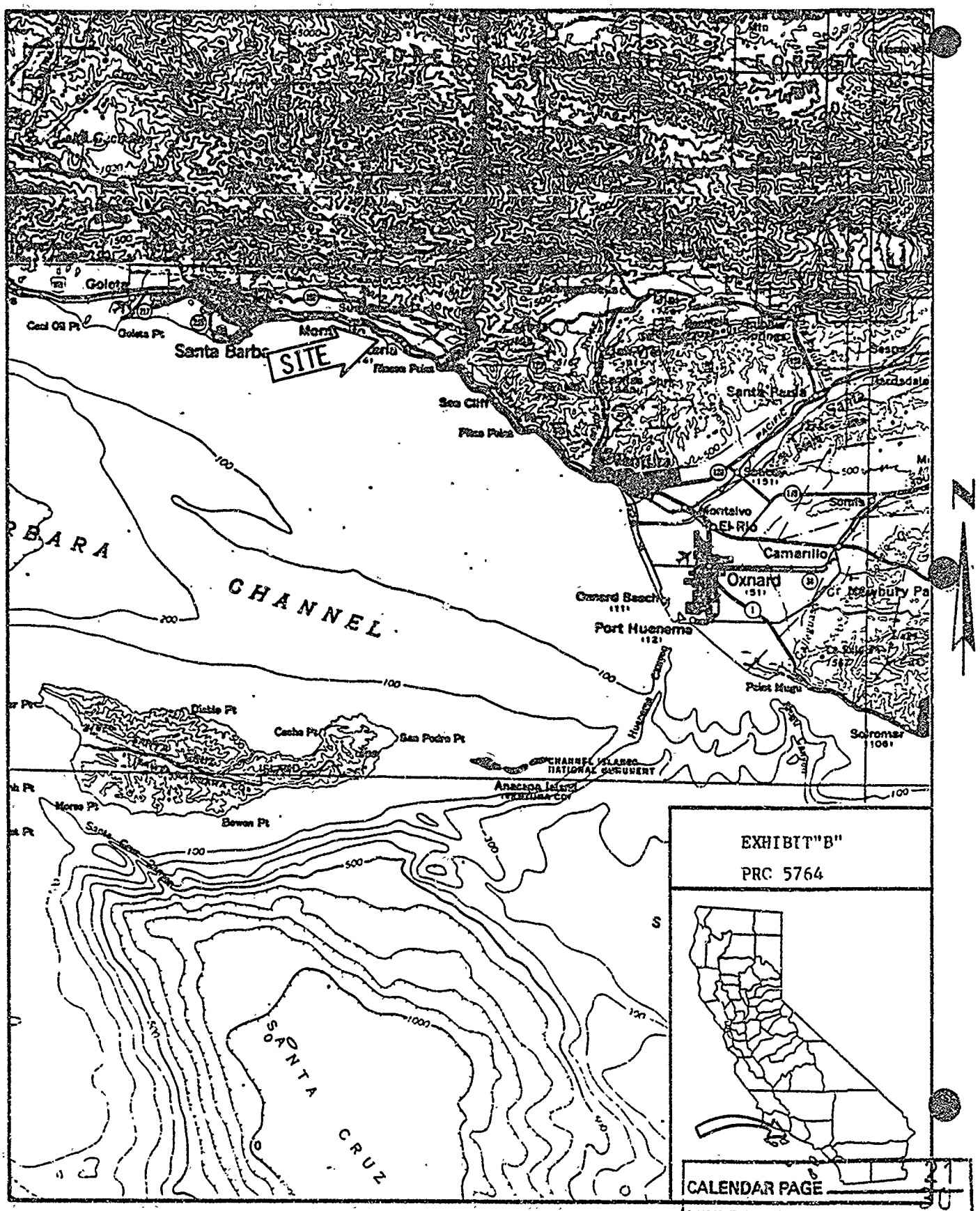

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