

MINUTE ITEM
This Calendar Item No. C46 was approved as
Minute Item No. 440 by the California State Lands
Commission by a vote of 3 to 0 at its
10-06-04 meeting.

**CALENDAR ITEM
C46**

A 35

10/06/04

S 19

PRC 5809 WP 5809.1

S.Young

**TERMINATION OF GENERAL LEASE – PROTECTIVE STRUCTURE USE AND
ISSUANCE OF NEW GENERAL LEASE - PROTECTIVE STRUCTURE USE**

LESSEES:

Timothy J. Ball and Christine M. Holz, Trustees of The Ball/Holz Living Trust
dated October 19, 2001

APPLICANTS:

John Robert Sestak and Kristi Jo Sestak

AREA, LAND TYPE, AND LOCATION:

0.0017 acres, more or less, of sovereign lands in the Santa Barbara Channel,
Santa Barbara, Santa Barbara County.

AUTHORIZED USE:

Use and maintenance of an existing seawall.

LEASE TERM:

Ten years, beginning October 7, 2004.

CONSIDERATION:

\$50 per annum, with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability Insurance for combined single limit coverage of no less than
\$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. In 2003, the Commission authorized the issuance of a General Lease -
Protective Structure Use, PRC 5809.1, for a ten-year term to Timothy J.

CALENDAR ITEM NO. C46 (CONT'D)

Ball and Christine M. Holz, Trustees of The Ball/Holz Living Trust dated October 19, 2001, for the continued use and maintenance of a seawall located below the Ball/Holz bluff top residence in Santa Barbara. The purpose of the seawall is to prevent further bluff top retreat, thus protecting the existing residence. Subsequently, on May 4, 2004, the upland parcel was transferred to Mr. and Mrs. Sestak (Applicants). Applicants are the new owners of the upland residence and have submitted an application for a Protective Structure Lease for the existing seawall.

2. An offer to dedicate an easement for public access from the toe of the bluff seaward to the mean high tide line was recorded by previous landowners. This offer to dedicate was accepted by Santa Barbara County in November 1998.
3. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. **Issuance of New Lease:** On June 13, 2003, the California Coastal Commission (CCC) under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)) granted Permit #4-01-032 for repair and maintenance of this existing seawall. As the prior owners never initiated the repairs and maintenance, the current owners, Mr. and Mrs. Sestak, have requested the CCC transfer this permit.

Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253(b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating

CALENDAR ITEM NO. C46 (CONT'D)

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.

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

ISSUANCE OF NEW LEASE: FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #4-01-032, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

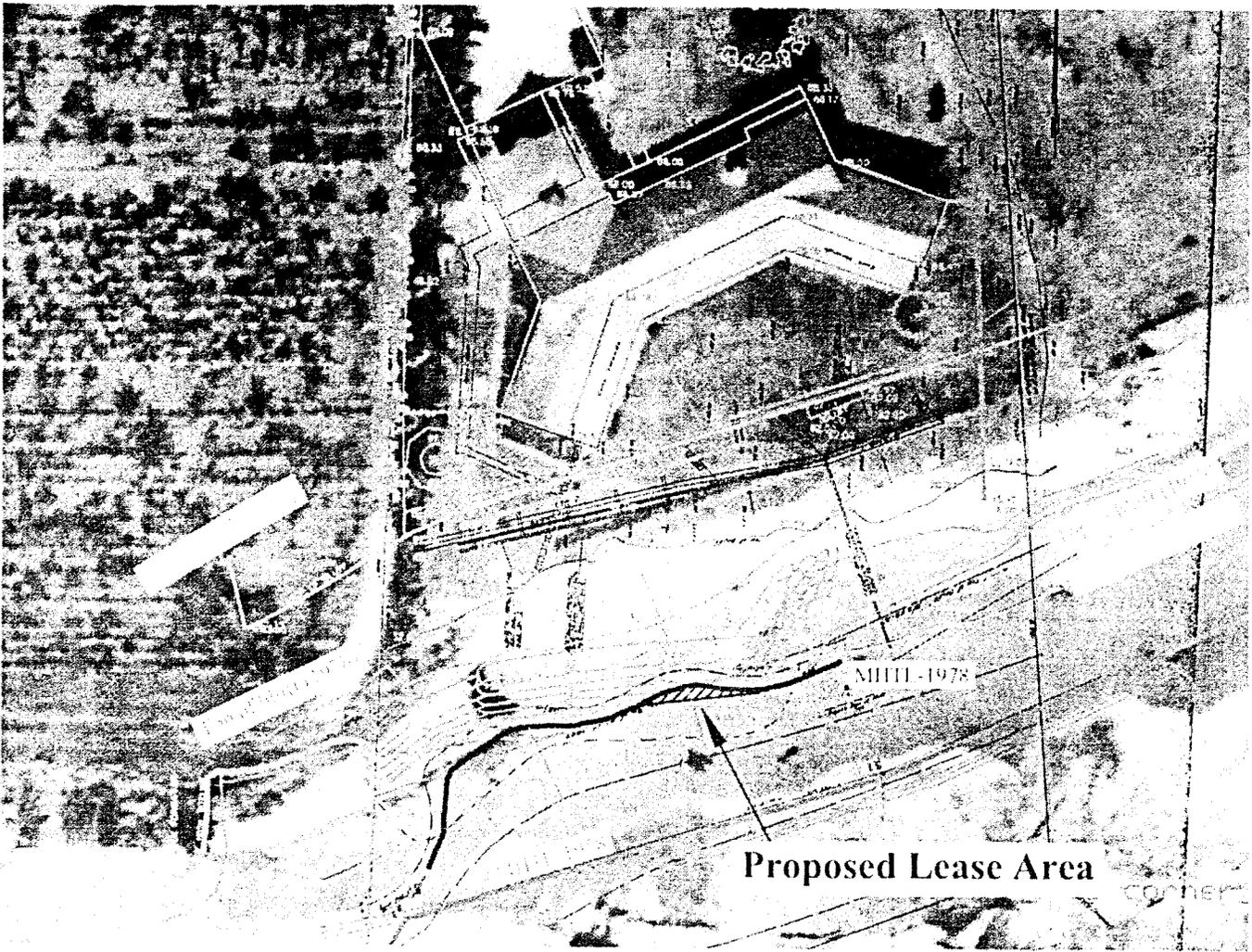
AUTHORIZE THE TERMINATION OF GENERAL LEASE – PROTECTIVE STRUCTURE USE ISSUED TO TIMOTHY J. BALL AND CHRISTINE M. HOLZ, TRUSTEES OF THE BALL/HOLZ LIVING TRUST DATED

CALENDAR ITEM NO. C46 (CONT'D)

OCTOBER 19, 2001, AND APPROVED BY COMMISSION ON DECEMBER 9, 2003. AUTHORIZE ISSUANCE TO JOHN ROBERT SESTAK AND KRISTI JO SESTAK OF A GENERAL LEASE PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 7, 2004, FOR A TERM OF TEN YEARS, FOR A SEAWALL ON THE LAND SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$50 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

SITE

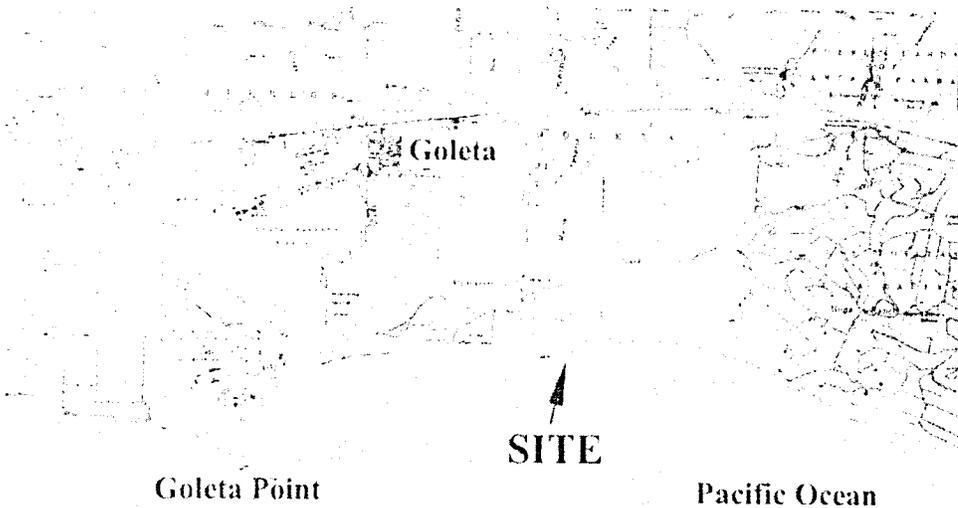


Proposed Lease Area

Existing Seawall
5297 Austin Road, Santa Barbara

NO SCALE

LOCATION



Goleta Point

SITE

Pacific Ocean

Exhibit A
PRC 5809
APN 065-310-026
John J. Sestak and
Kristi J. Sestak
Santa Barbara County



SITE

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 a

**EXHIBIT B
LAND DESCRIPTION**

A parcel of tide and submerged land in the Pacific Ocean situated in Santa Barbara County, California, being adjacent to Lot 26 of Beguhl Tract No.2, recorded in Book 63 at Page 87 of Records of Surveys, Santa Barbara County Records, said parcel being more particularly described as follows:

COMMENCING at the southeast corner of said lot 26 as shown on said map; thence North 58° 57' 04" West 87.66 feet to the TRUE POINT OF BEGINNING; thence South 83° 18' 05" West 2.31 feet; thence North 90° 00' 00" West 4.48 feet; thence North 86° 11' 32" West 4.99 feet; thence North 81° 38' 53" West 5.71 feet; thence South 81° 52' 58" West 3.52 feet; thence South 72° 34' 48" West 6.09 feet; thence South 65° 15' 37" West 4.75 feet; thence South 59° 34' 35" West 2.44 feet; thence North 83° 33' 21" East 31.74 feet; thence North 55° 21' 32" East 1.92 feet, more or less to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared 9-07-2004 by the Boundary Unit of the California State Lands Commission.

