

MINUTE ITEM
This Calendar Item No. C34 was approved as
Minute Item No. 34 by the California State Lands
Commission by a vote of 3 to 0 at its
06/28/07 meeting.

CALENDAR ITEM
C34

A 27

06/28/07

PRC 7971

WP 7971.9

S 15

J. McComas

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

Thomas W. Smith, as Successor Trustee of the Smith 1990 Living Trust

AREA, LAND TYPE, AND LOCATION:

0.02 acres, more or less, of sovereign lands in the Pacific Ocean, near the city of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Continued use and maintenance of an existing seawall and plugged sea cave as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 15, 2007.

CONSIDERATION:

\$1,390 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On July 11, 1997, the Commission authorized the issuance of a ten-year General Lease - Protective Structure Use to Thomas W. and Jeanne B. Smith. That lease expired on June 14, 2007. The upland property has since been placed into a trust and the Applicant, Thomas W. Smith, as Successor Trustee, is now applying for a new General Lease - Protective Structure Use for an existing seawall and plugged sea cave previously authorized by the Commission.

CALENDAR ITEM NO. C34 (CONT'D)

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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:

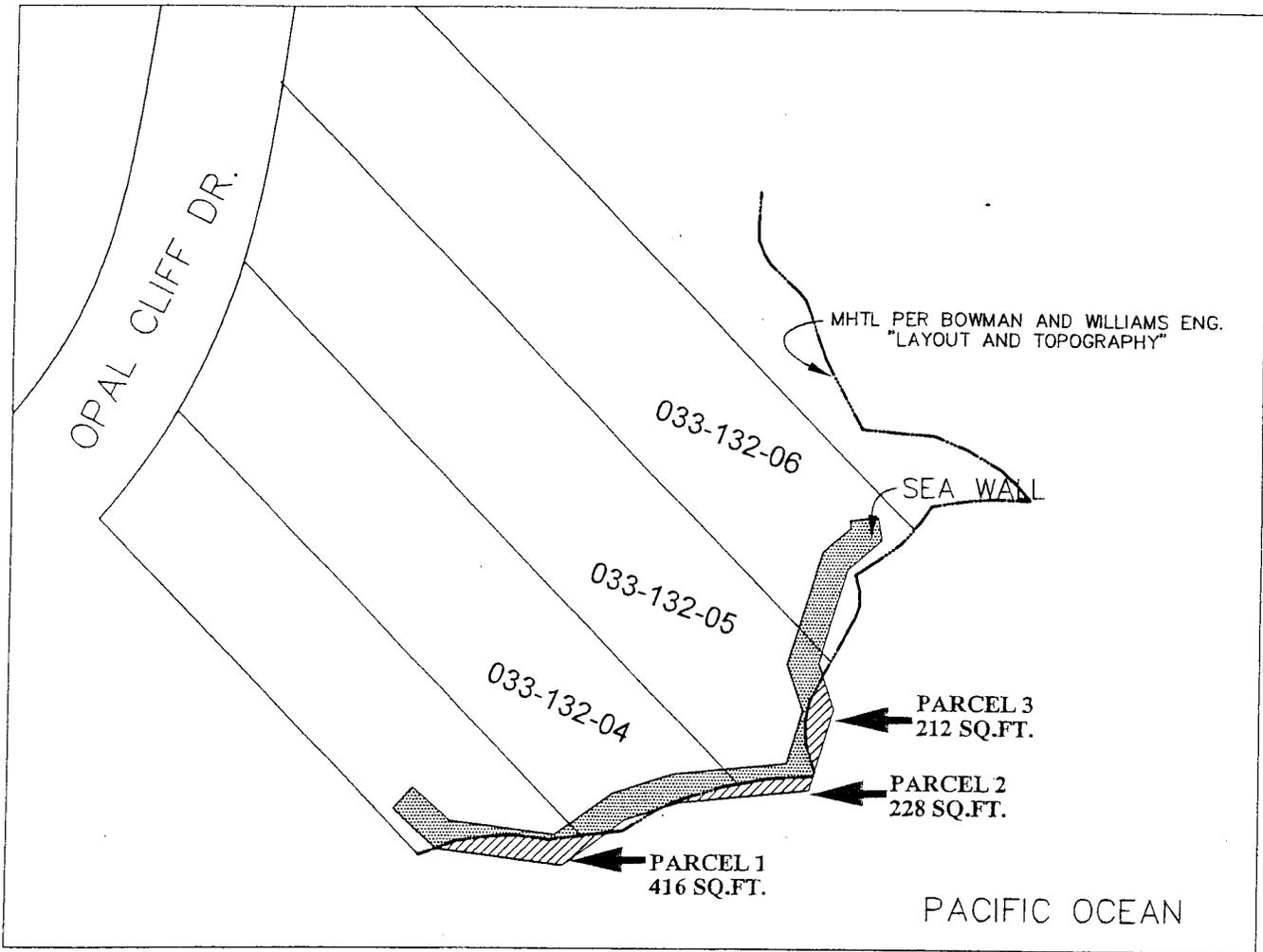
AUTHORIZE ISSUANCE TO THOMAS W. SMITH, AS SUCCESSOR TRUSTEE OF THE SMITH 1990 LIVING TRUST, OF A GENERAL

CALENDAR ITEM NO. C34 (CONT'D)

LEASE - PROTECTIVE STRUCTURE USE, BEGINNING JUNE 15, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A SEAWALL AND PLUGGED SEA CAVE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,390, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; PUBLIC LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



4660 OPAL CLIFF DR. SANTA CRUZ, CA
SANTA CRUZ COUNTY

NO SCALE

LOCATION

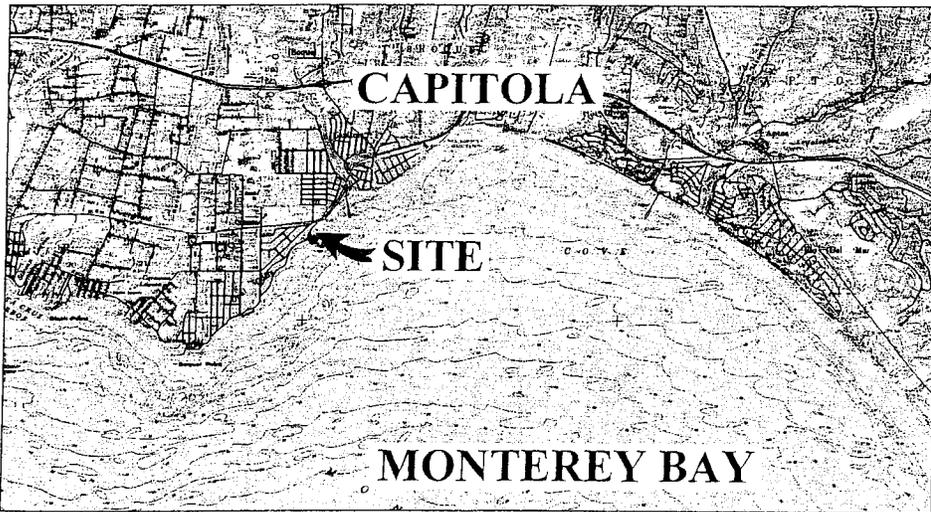


Exhibit A
 SMITH
 WP 7971.1
 GENERAL LEASE
 PROTECTIVE STRUCTURE USE
 NORTH MONTEREY BAY
 SANTA CRUZ COUNTY



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 any other property.

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EXHIBIT B

PRC7971.1

LAND DESCRIPTION

Three parcels of tide and submerged land situated in the Pacific Ocean, County of Santa Cruz, State of California more particularly described as follows:

PARCEL 1

COMMENCING at the most westerly corner of Lot 14, Block A as shown on "Opal Cliffs" recorded in Map Book 25 Page 12 in the Official Records of said County and State, thence S 45°59'55" E, 178.51 feet to the POINT OF BEGINNING and the intersection of the waterward edge of the seawall with the ordinary high water mark of said ocean as shown on Layout and Topography Map by Bowman and Williams Consulting Civil Engineers dated October 1992 and on file at the California State Lands Commission; thence along said water mark the following five (5) courses;

1. N 69°04'39" E, 8.21 feet;
2. N 82°16'06" E, 13.56 feet;
3. N 86°58'26" E, 8.86 feet;
4. S 82°28'57" E, 12.85 feet;
5. N 82°53'16" E, 21.90 feet;

Thence departing from said water mark S 53°14'31" W, 20.76 feet; thence N 82°38'47" W, 48.20 feet to the POINT OF BEGINNING.

PARCEL 2

COMMENCING at said most westerly corner of said Lot 14; thence S 62°46'02" E, 238.12 feet to the POINT OF BEGINNING and the intersection of said seawall with said water mark as shown on said Layout and Topography Map; thence along said water mark the following five (5) courses;

1. N 60°46'56" E, 4.97 feet;
2. N 73°20'32" E, 24.09 feet;
3. N 80°02'41" E, 18.48 feet;
4. N 88°54'48" E, 12.26 feet;
5. S 16°37'52" W, 5.56 feet;

Thence departing from said water mark S 84°12'05" W, 48.48 feet; thence S 72°32'24" W, 8.43 feet to the POINT OF BEGINNING.

PARCEL 3

COMMENCING at said most westerly corner of said Lot 14; thence S 70°36'22" E, 285.93 feet to the POINT OF BEGINNING and the intersection of said seawall with said water mark as shown on said Layout and Topography Map; thence along said water mark the following four (4) courses;

1. N 16°32'42" W, 12.08 feet;
2. N 01°15'53" W, 8.05 feet;
3. N 11°43'00" E, 7.27 feet;
4. N 27°31'58" E, 10.79 feet;

Thence departing from said water mark S 18°51'00" E, 13.21 feet; thence S 16°37'52" W, 24.86 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of both parcels lying landward of the ordinary high water mark of said ocean.

END OF DESCRIPTION

Prepared March 20, 2007 by California State Lands Commission boundary staff.

