CALENDAR ITEM
C13

A 27 04/09/09
WP 8793.1
S 11 M. Clark

RESCISSION AND ISSUANCE OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE

RESCINDING APPLICANT:
John C. Laing

APPLICANT:
John C. Laing

AREA, LAND TYPE, AND LOCATION:
175 square feet, more or less, of sovereign lands in the Pacific Ocean, adjacent to 4610 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:
Construction, use and maintenance of a two-foot wide cutoff stem wall and the removal of rip-rap as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning August 22, 2008.

CONSIDERATION:
$319 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 August 22, 2008, the Commission authorized a General Lease – Protective Structure Use to John C. Laing. Since the meeting, staff of the Commission discovered that the Exhibit A (Site and Location Map), authorized with Item C23 of the agenda, was incorrect. Staff is now requesting that the authorization made by the Commission at its

August 22, 2008 meeting be rescinded and that a new General Lease – Protective Structure be issued to John C. Laing.

3. Applicant is one of three homeowners who proposes to construct a two-foot wide cutoff stem wall along the entire length of an existing seawall located at the tow of the bluff and along the beach seaward of 4640, 4630, and 4610 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County.

4. The proposed project includes removal of rip-rap, which is located on sovereign lands adjacent to the toe of the existing seawall, which is not located on sovereign lands. The rip-rap part of a seawall structure was permitted by the California Coastal Commission in 1993 as toe scour protection, which has fallen into a state of disrepair. As a result, the toe of the existing seawall has been undermined. The rip-rap protection would be replaced by a two-foot wide cutoff stem wall along the entire length of the existing seawall. The cutoff stem wall will be embedded into the bedrock platform and structurally attached to the seawall. All visible components of the seawall will be colored so as to blend with the adjacent natural bedrock.

5. **Rescind Issuance of a General Lease – Protective Structure Use:** 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.

6. **Issuance of a General Lease – Protective Structure Use:** On May 9, 2008, the California Coastal Commission (CCC) granted Permit #3-07-031 for this project under its certified regulatory program [Title 14, California Code of Regulations, section 15251 (c)]. 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 Mitigated Negative Declaration equivalent in order to comply with the requirements of CEQA.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon 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.

APPROVALS OBTAINED:

California Coastal Commission, Monterey Bay National Marine Sanctuary, and Santa Cruz County

EXHIBITS:

A. Site and Location Map
B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCIND ISSUANCE OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15606 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE: FIND THAT AN ENVIROMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #3-07-031, 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 COMMISSIN FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

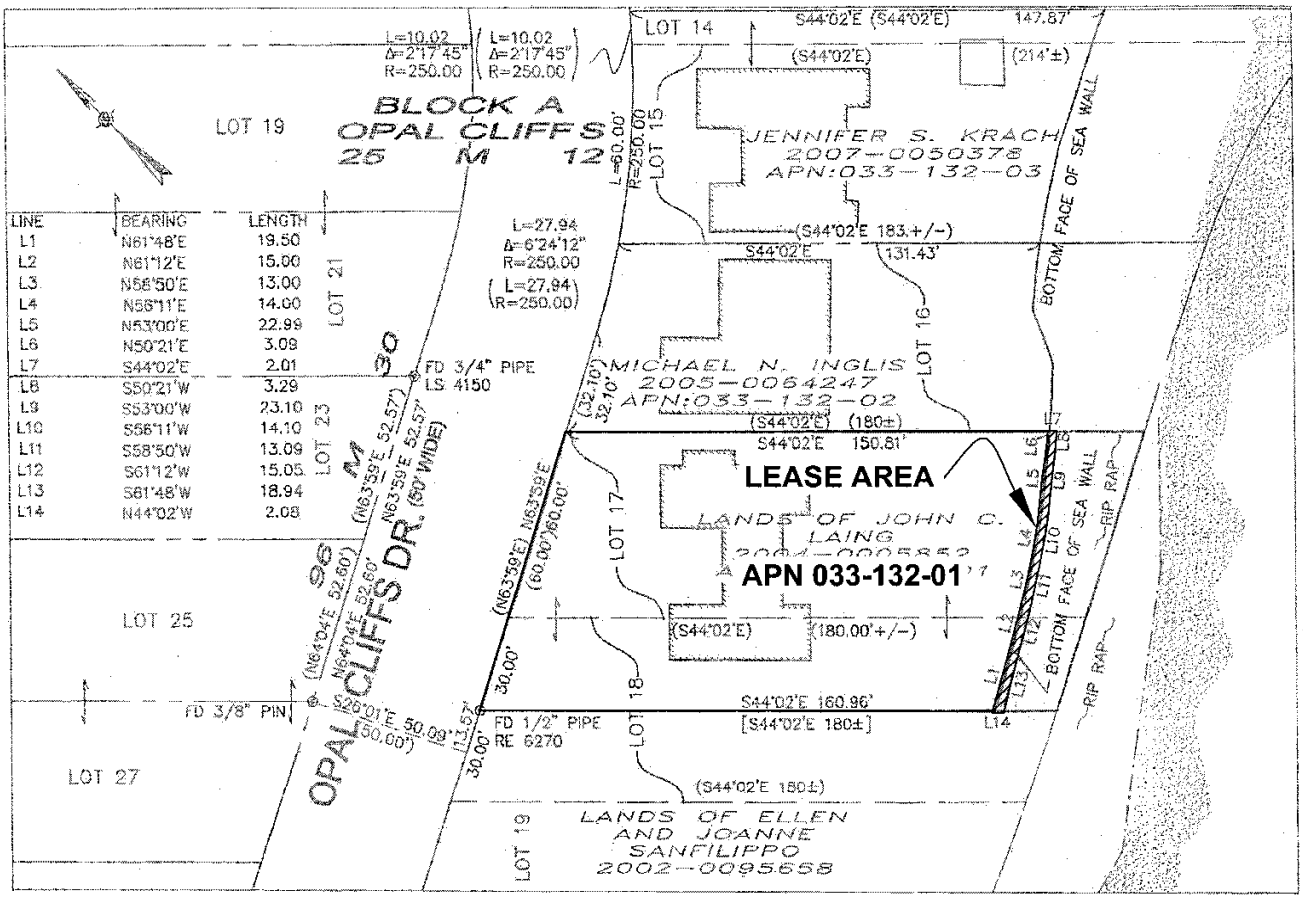
AUTHORIZATION:

1) AUTHORIZE RESCISSION OF LEASE NO. PRC 8793.1, A GENERAL LEASE – PROTECTIVE STRUCTURE USE, ISSUED TO JOHN C. LAING, EFFECTIVE APRIL 9, 2009.

2) AUTHORIZE ISSUANCE OF A GENERAL LEASE – PROTECTIVE STRUCTURE TO JOHN C. LAING, BEGINNING AUGUST 22, 2008, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A TWO-FOOT WIDE CUTOFF STEM WALL AND THE REMOVAL OF RIP-RAP AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $319 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN AN AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

SITE

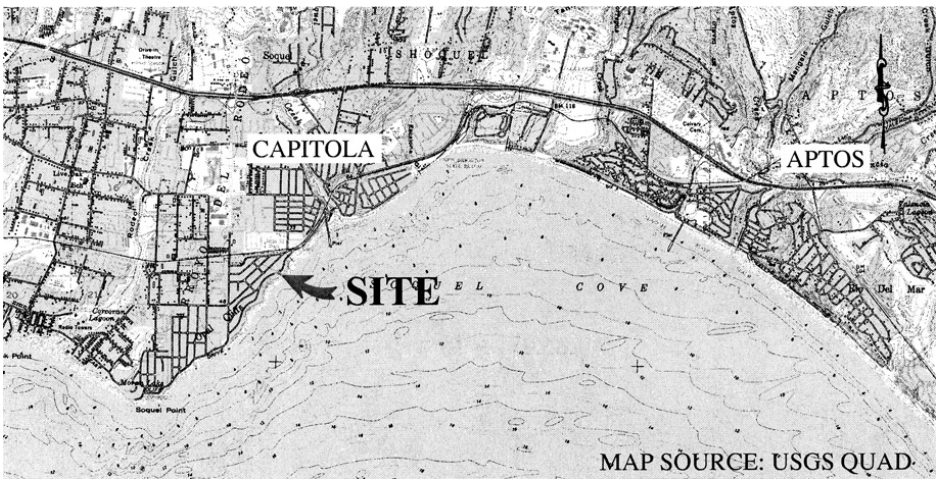


LINE	BEARING	LENGTH
L1	N61°48'E	19.50
L2	N61°12'E	15.00
L3	N56°50'E	13.00
L4	N56°11'E	14.00
L5	N53°00'E	22.99
L6	N50°21'E	3.09
L7	S44°02'E	2.01
L8	S50°21'W	3.29
L9	S53°00'W	23.10
L10	S56°11'W	14.10
L11	S58°50'W	13.09
L12	S61°12'W	15.05
L13	S61°48'W	18.94
L14	N44°02'W	2.08

4610 Opal Cliff Drive

NO SCALE

LOCATION



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.

Exhibit A

WP 8793.1
APN 033-132-01
JOHN C. LAING
GENERAL LEASE
PROTECTIVE STRUCTURE
SANTA CRUZ COUNTY

JAK 07/08