

**CALENDAR ITEM
C90**

A 27

06/23/11

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WP 8795.1
S. Paschall

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Michael N. Inglis, Trustor of the Inglis 2001 Living Trust

ASSIGNEE:

Brian D. Burke and Kathy Lamprecht
4630 Opal Cliff Drive
Santa Cruz, CA 95062

AREA, LAND TYPE, AND LOCATION:

117 square feet, more or less, of sovereign lands in the Pacific Ocean, adjacent to 4630 Opal Cliff Drive, near the City of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Continued use and maintenance of a two-foot wide cutoff stem wall.

LEASE TERM:

10 years, beginning August 22, 2008.

CONSIDERATION:

\$213 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On August 22, 2008, the California State Lands Commission authorized the issuance of a General Lease – Protective Structure Use to Michael N. Inglis, Trustor of the Inglis 2001 Living Trust, for the construction, use, and maintenance of a two-foot wide cutoff stem wall and the removal of rip-rap.

CALENDAR ITEM NO. **C90** (CONT'D)

3. On April 4, 2011, the upland was deeded to Brian D. Burke and Kathy Lamprecht. The new property owners are now applying for an assignment of Lease No. PRC 8795.1.
4. The cutoff stem wall is located adjacent to the toe of the exiting seawall, which is not located on sovereign land. The cutoff stem wall project was approved on May 8, 2008 by the California Coastal Commission, to replace the rip rap at the toe of the existing seawall which had fallen into disrepair, undermining the seawall.
5. 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 CEQA because it is not a "project" as defined by 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.

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(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.

AUTHORIZATION:

Authorize the Assignment of Lease No. PRC 8795.1, a General Lease – Protective Structure Use, of sovereign lands shown on Exhibit A attached and by this reference made a part hereof, from Michael N. Inglis, Trustor of the Inglis 2001 Living Trust to Brian D. Burke and Kathy Lamprecht; effective June 23, 2011.