

**CALENDAR ITEM  
C37**

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09/01/11  
WP 1951.9  
D. Simpkin

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Santa Cruz  
809 Center Street, Room 201  
Santa Cruz, CA 95060

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean, near the city of Santa Cruz, Santa Cruz County

**AUTHORIZED USE:**

The continued use, maintenance, and operation of an existing 72-inch sewer outfall with diffusers and a 36-inch diameter open-ended pipeline.

**LEASE TERM:**

25 years, beginning September 1, 2011.

**CONSIDERATION:**

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

The city of Santa Cruz must maintain a current National Pollutant Discharge Elimination System (NPDES) permit during the term of the lease.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On September 26, 1986, the Commission approved the issuance of a 25-year lease to the city of Santa Cruz for the construction and maintenance of a 72-inch diameter sewage outfall line and maintenance of an existing 36-inch diameter sewage outfall line. The lease expired on August 31, 2011. Staff is recommending issuance of a new General Lease – Public Agency Use to the city of Santa Cruz for a 25-year term, for the continued use, maintenance, and operation of the existing 72-inch diameter sewer outfall with diffusers and a 36-inch diameter open-ended pipeline.

CALENDAR ITEM NO. **C37** (CONT'D)

3. Since the construction of the 72-inch diameter sewer outfall and diffusers replaced the 36-inch diameter outfall, the existing 36-inch diameter outfall has only been used during emergency back-up conditions and does not function as the primary discharge outfall.
4. On December 9, 2009, a dye test was conducted on the existing 72-inch diameter outfall and diffusers. The dye test did not detect any leaks. On December 11, 2010, the diffuser section of the pipeline was inspected by use of a Remotely Operated Vehicle (ROV). All open diffusers appeared to be functioning properly. Each flapper was intact and allowing effluent to flow unobstructed. All closed diffusers were intact and properly sealing the flow of any effluent.
5. The city of Santa Cruz has been issued a National Pollutant Discharge Elimination System (NPDES) Permit by the Regional Water Quality Control Board. The existing NPDES Permit expires on December 9, 2015.
6. 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 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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

**APPROVALS OBTAINED:**

California Regional Water Quality Control Board

**EXHIBITS:**

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

CALENDAR ITEM NO. **C37** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of 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:**

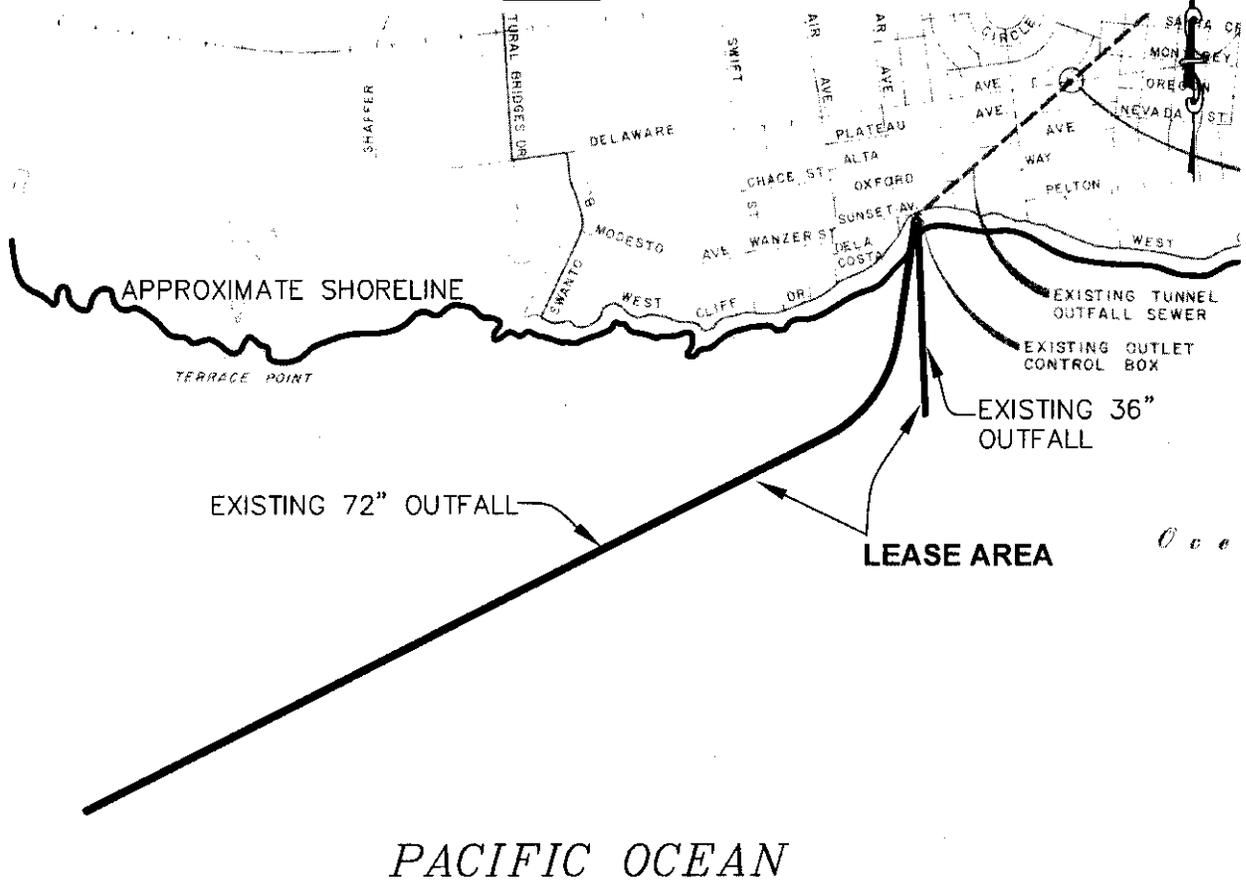
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the city of Santa Cruz, beginning September 1, 2011, for a term of 25 years, for the continued use, maintenance, and operation of an existing 72-inch diameter sewer outfall with diffusers and a 36-inch diameter open-ended pipeline as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration is the public benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the best interest of the State.

NO SCALE

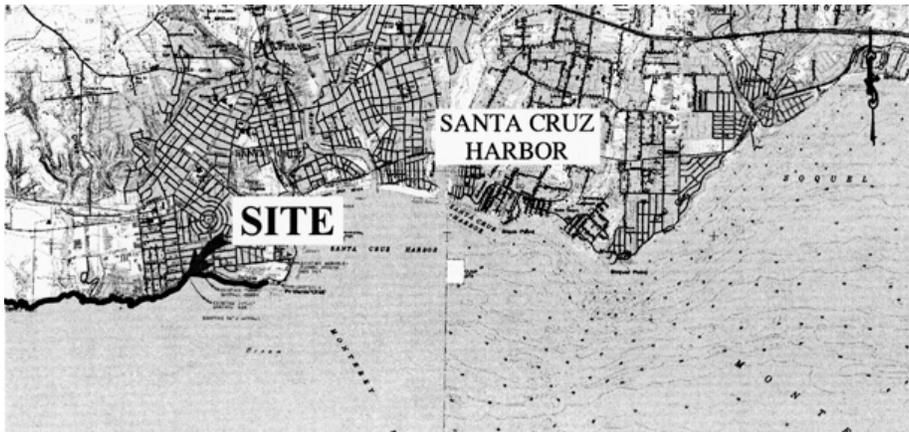
### SITE



### WASTEWATER OUTFALL, SANTA CRUZ

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

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 1951.9  
CITY OF SANTA CRUZ  
APN 003-305-01  
GENERAL LEASE -  
PUBLIC AGENCY USE  
SANTA CRUZ COUNTY



EXHIBIT B

LAND DESCRIPTION

WP 1951.9

Two parcels of tide and submerged land in Monterey Bay, Santa Cruz County, California, described as follows:

PARCEL 1 - 72" Outfall Line

A strip of tide and submerged land 40 feet wide, the centerline of which is described as follows:

BEGINNING at a point having California Coordinate System, Zone 3 coordinates of N=168616.99 and E=1549856.68; thence S 80° 29' 29" W, 1343.1 feet; thence along a tangent curve concave to the northwest and having a radius of 1500 feet a distance of 1430.41 feet; thence tangent to said curve S 63° 07' 45" W 9339.00 feet to the end of the herein described line.

PARCEL 2 - 36" Outfall Line

A strip of tide and submerged land 30 feet wide, the centerline of which is described as follows:

BEGINNING at a point have California Coordinate System, Zone 3 coordinates of N=168616.99 and E=1549867.18; thence S 20° 19' 18" E 2200 feet to the end of the herein described line.

EXCEPTING THEREFROM any portion thereof lying within above described Parcel 1.

EXCEPTING from above described Parcels 1 and 2 any portion lying within the Grant to the City of Santa Cruz, Chapter 342, Statutes of 1872.

ALSO EXCEPTING from the above described Parcels 1 and 2 any portion lying landward of the ordinary high water mark of Monterey Bay.

This description is based on the California Coordinate System, Zone 3.

END OF DESCRIPTION

PREPARED JULY 31, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR