

**CALENDAR ITEM
C64**

A 27
S 11

02/22/13
W 26640
D. Simpkin

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Richard H. Novak, Trustee of the Richard H. Novak Trust dated December 3, 1986

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, adjacent to 4460 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Continued use and maintenance of existing rock riprap located on State sovereign land.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

Annual rent in the amount of \$389, with the State reserving the right to fix a different rent periodically during the term of the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. Prior to the submittal of a lease application, Commission staff received a request to conduct a jurisdictional determination for a proposed seawall maintenance project adjacent to two parcels owned by the Applicant. Staff concluded that, approximately 127 square feet of existing rock riprap encroaches onto State-owned sovereign land. On October 31, 2012, the Applicant submitted an application for the continued use and maintenance of the existing riprap adjacent to 4460 Opal Cliff Drive.

CALENDAR ITEM NO. **C64** (CONT'D)

3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

4. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 – Protective Structure Use to Richard H. Novak, Trustee of the Richard H. Novak Trust dated December 3, 1986, beginning February 22, 2013, for a term of 10 years, for the continued use and maintenance of existing rock riprap located on sovereign land, as described on Exhibit A and shown on Exhibit B (for

CALENDAR ITEM NO. **C64** (CONT'D)

reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$389, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

W26640

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Pacific Ocean, lying adjacent to that parcel as described in that Grant Deed recorded October 27, 2010 as Document Number 2010-0044037 in Official Records, County of Santa Cruz, State of California, and more particularly described as follows:

BEGINNING at a point on the southwesterly line of said parcel, said point being 167 feet southeasterly from the northwesterly corner of said parcel; thence along the following eight (8) courses:

1. North $06^{\circ}34'21''$ West 23.63 feet;
2. North $90^{\circ}00'00''$ East 2.29 feet;
3. South $74^{\circ}44'48''$ East 0.26 feet;
4. South $04^{\circ}25'28''$ East 11.84 feet;
5. South $51^{\circ}31'21''$ East 10.75 feet;
6. South $07^{\circ}50'00''$ West 16.43 feet;
7. North $42^{\circ}37'19''$ West 2.09 feet to the southeasterly prolongation of said southwesterly line;
8. Northwesterly along said southwesterly line and the southeasterly prolongation thereof to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

BASIS OF BEARINGS for this description is CCS 83, Zone 3. All distances are Grid.

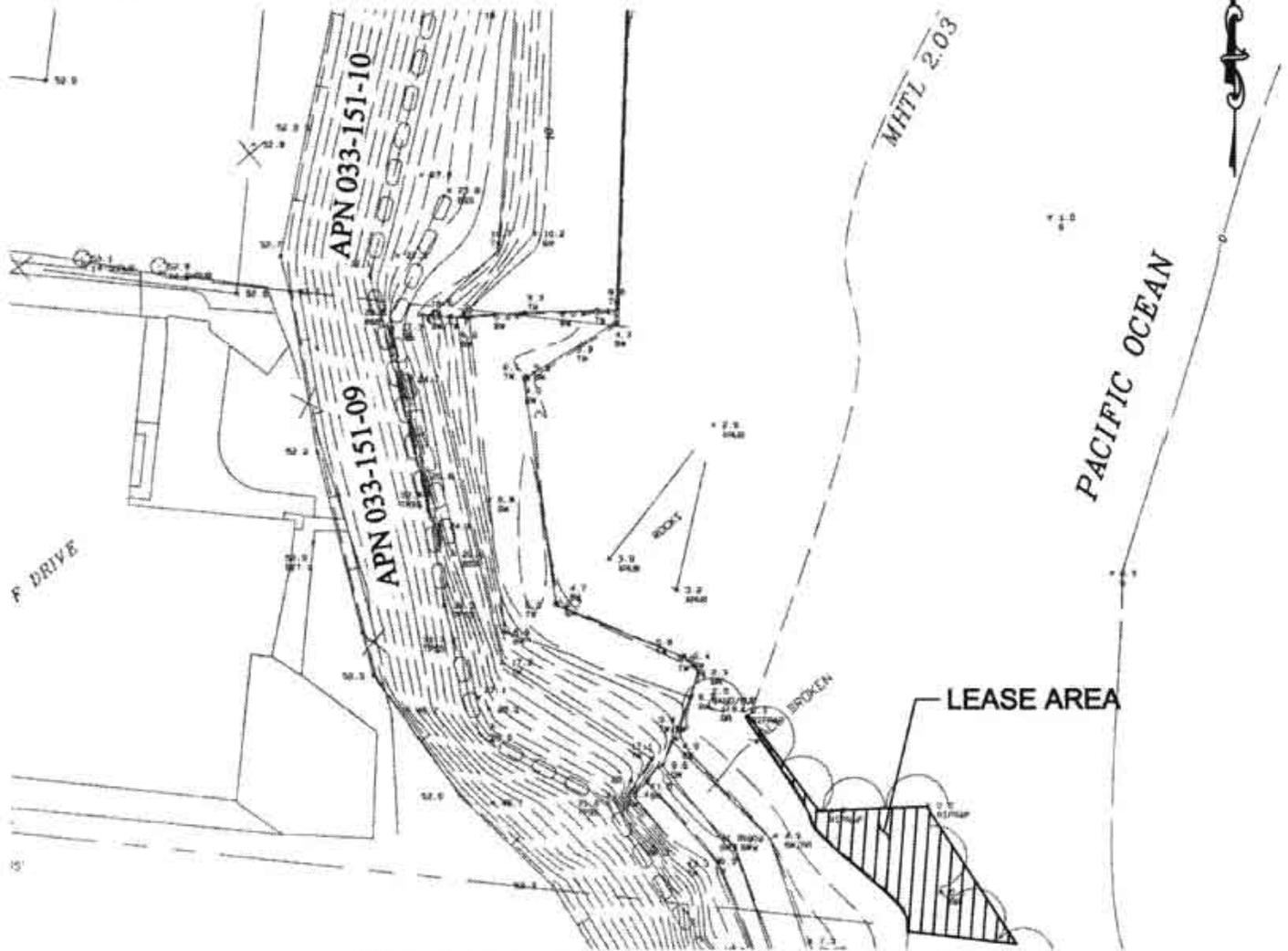
END OF DESCRIPTION

Prepared January 23, 2013 by the California State Lands Commission Boundary Unit.



NO SCALE

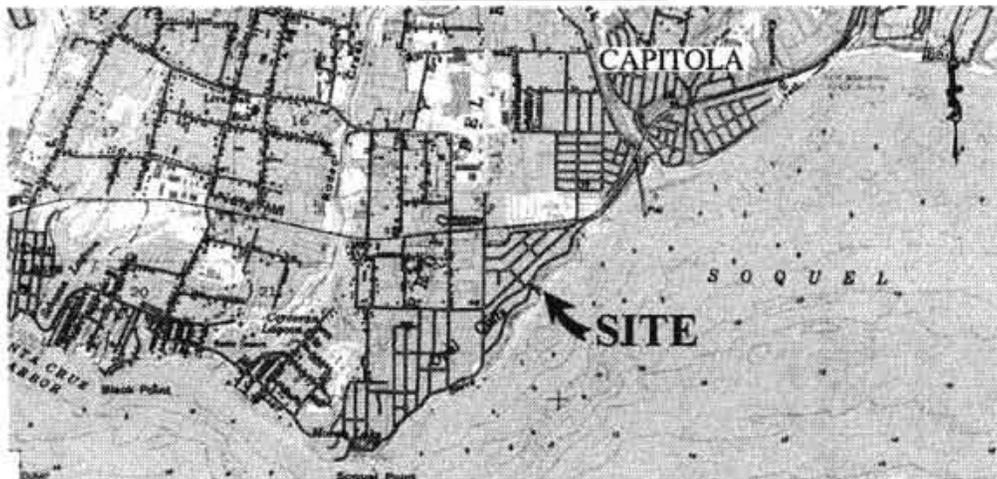
SITE



4460 OPAL CLIFF DR, SANTA CRUZ

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26640
 NOVAK
 APN 033-151-09
 GENERAL LEASE -
 PROTECTIVE STRUCTURE USE
 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.