

**CALENDAR ITEM
C29**

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S 17

10/16/15
PRC 8767.9
G. Asimakopoulos

AMENDMENT OF LEASE

LESSEE:

County of Santa Cruz

AREA, LAND TYPE, AND LOCATION:

0.25 acre, more or less, of sovereign land in the Pacific Ocean, adjacent to Assessor's Parcel Numbers 032-182-01 and 032-251-01, near the city of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Construction, use, and maintenance of two fully armored engineered bluff protection structures, two public access stairways, and the removal of concrete rubble and riprap from the beach area.

LEASE TERM:

20 years, beginning October 30, 2007.

CONSIDERATION:

The 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 interests.

PROPOSED AMENDMENT:

Amend Lease No. 8767.9 to:

Replace the existing Section 3, Description of Lease Premises, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the two upland parcels adjoining the premises.

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2. On October 30, 2007, the Commission authorized a 20-year General Lease – Public Agency Use to the County of Santa Cruz beginning October 30, 2007, for the construction, use, and maintenance of two fully armored engineered bluff protection structures, two public access stairways, and the removal of concrete rubble and riprap from the beach area. The Lessee is now applying for a lease amendment to reduce the total lease area.

3. The Lessee recorded a Grant Deed on May 26, 2015, as document number 2015-0020114 in the official records of the County of Santa Cruz, transferring a portion of Assessor's Parcel Number 032-251-01 to Iceplant, LLC. The Grant Deed reserved a perpetual, non-exclusive easement for the purpose of public shoreline access. Iceplant, LLC, is the owner of the adjacent property located at 3054 Pleasure Point Drive, and proposes to construct a shoreline protective structure that will incorporate public amenities, including an overlook area with safety rails, a coastal access path, and new shoreline access stairs. Iceplant, LLC, has submitted a separate lease application to the Commission for the construction of the above-described facilities that is also scheduled to be considered at the October 16, 2015 Commission meeting. Staff recommends the Commission amend the lease to reduce the total lease area by replacing the existing Section 3, Description of Lease Premises, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map.

4. The staff recommends that the Commission find that the subject lease amendments do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section

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15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 8767.9, a General Lease – Public Agency Use, effective October 16, 2015, to replace the existing Section 3, Description of Lease Premises, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map; all other terms and conditions of the lease shall remain in effect without amendment.

EXHIBIT A

PRC 8767.9

LAND DESCRIPTION

Two parcels of tide and submerged lands situate in the Bay of Monterey, County of Santa Cruz, State of California, lying adjacent to Rancho Arroyo Del Rodeo as shown on that GLO Plat approved February 11, 1860 and more particularly described as follows:

Parcel 1

A parcel of land bounded on the northeast by the southerly prolongation of the West line of that certain parcel described in that Grant Deed recorded May 19, 1961 in Volume 1395 at Page 237 of Official Records of the County of Santa Cruz; bounded on the southwest by the easterly prolongation of the northerly most line shown as L2 on the Exhibit Map of that certain parcel described in that Grant Deed recorded May 26, 2015 as Document Number 2015-0020114 of Official Records of the County of Santa Cruz; bounded on the northwest by the Ordinary High Water Mark of the Bay of Monterey; bounded on the southeast by a line running parallel to and 30 feet perpendicular of said Ordinary High Water Mark.

Parcel 2

A parcel of land bounded on the East by the southerly prolongation of the East line of that certain parcel described as Parcel Two in that Grant Deed recorded June 6, 1996 in Volume 5857 at Page 419 of Official Records of the County of Santa Cruz; bounded on the West by the southerly prolongation of the West line of that certain parcel as described in that Grant Deed; bounded on the North by the Ordinary High Water Mark of the Bay of Monterey; bounded on the South by a line running parallel to and 30 feet perpendicular of said Ordinary High Water Mark.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Bay of Monterey.

END OF DESCRIPTION

This legal description amends the legal description contained in Lease PRC 8767.9, by and between the California State Lands Commission and the County of Santa Cruz, as authorized by the California State Lands Commission on October 30, 2007.



Gregory R. Jones
9/1/15

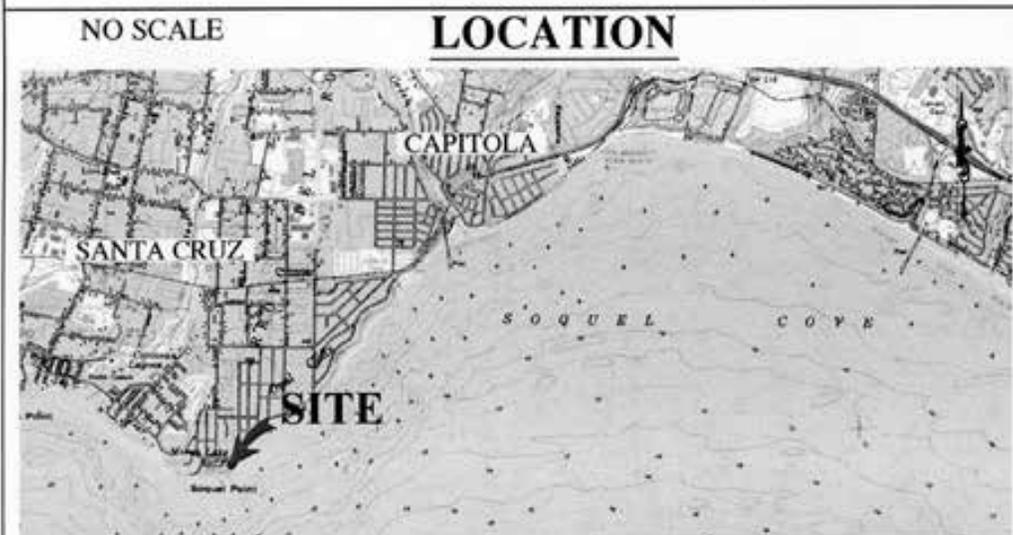
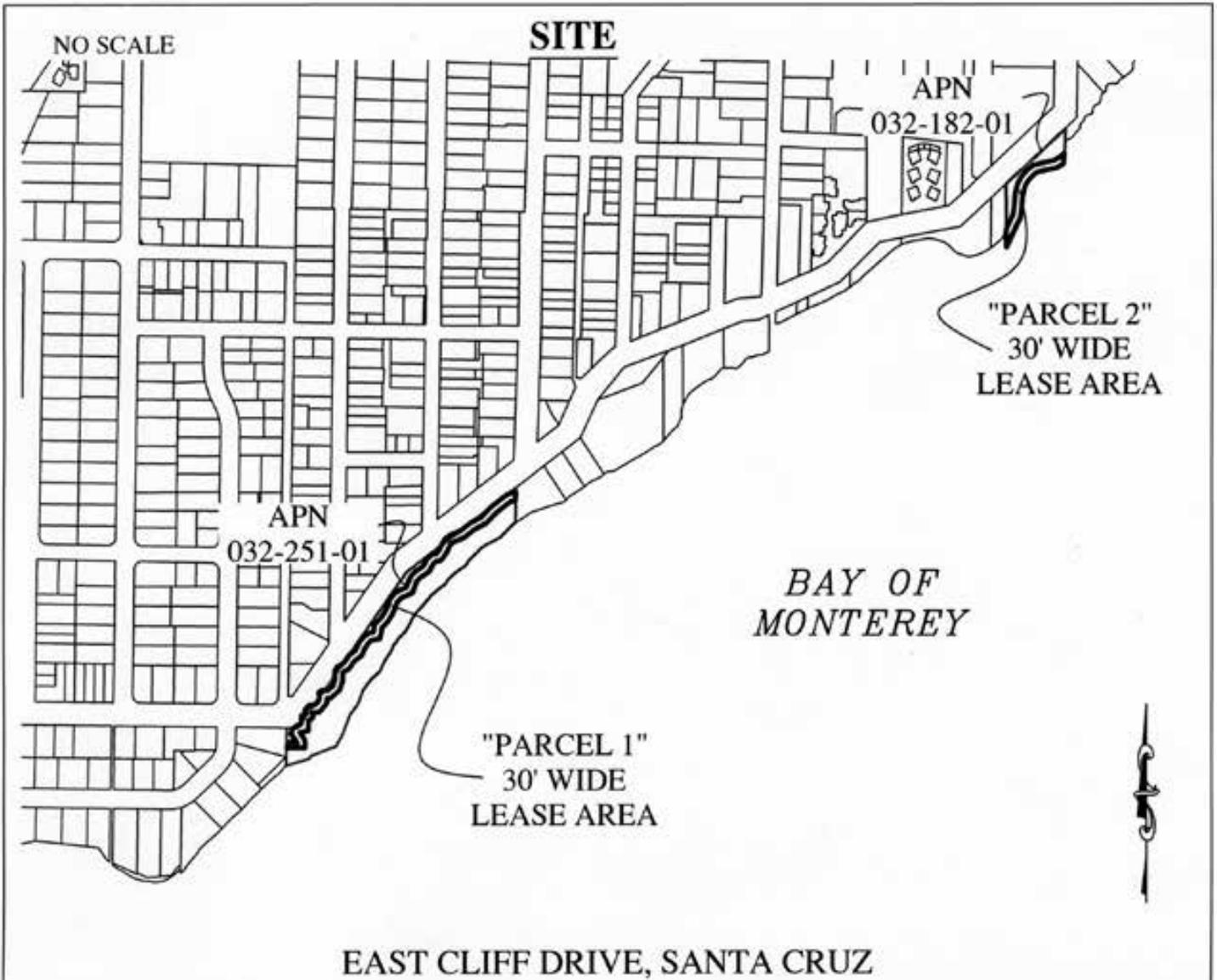


Exhibit B
 PRC 8767.9
 COUNTY OF SANTA CRUZ
 APN 032-251-01, 032-182-01
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SANTA CRUZ COUNTY



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.