

This Calendar Item No. C35 was approved as Minute Item No. 35 by the California State Lands Commission by a vote of to 6 at its 12-09-03 meeting.

**CALENDAR ITEM
C35**

A	35		12/09/03
		PRC 5809	WP 5809
S	19		S. Young

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Timothy J. Ball and Christine M. Holz, Trustees of The Ball/Holz Living Trust dated October 19, 2001

AREA, LAND TYPE, AND LOCATION:

0.0017 acres, more or less, of sovereign lands in the Santa Barbara Channel, Santa Barbara, Santa Barbara County.

AUTHORIZED USE:

Use and maintenance of an existing seawall.

LEASE TERM:

Ten years, beginning December 9, 2003.

CONSIDERATION:

\$50 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:

Insurance:

Liability Insurance for combined single limit coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. In 1980, the Commission authorized the issuance of a General Lease – Protective Structure Use, PRC 5809.9, for a 15-year term to Eugene J. and Joyce R. Flynn for the construction of a seawall located below the Flynn's bluff top residence in Santa Barbara. The purpose of the seawall was to prevent further bluff top retreat, thus protecting the existing residence. The Applicants are the new owners of the upland residence

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and have submitted an application for a Protective Structure Lease for the existing seawall.

3. Pursuant to the California Coastal Commission (CCC) Development Permit # Appeal 365-79 Flynn, an offer to dedicate an easement for public access from the toe of the bluff seaward to the mean high tide line was recorded by the previous upland owners. This offer to dedicate was accepted by Santa Barbara County in November 1998.
4. On June 13, 2003, the California Coastal Commission (CCC) under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)) granted Permit #4-01-032 for repair and maintenance of this existing seawall.

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 Negative Declaration equivalent in order to comply with the requirements of the CEQA.

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

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #4-01-032, 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

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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 COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TIMOTHY J. BALL AND CHRISTINE M. HOLZ TRUSTEES OF THE BALL/HOLZ LIVING TRUST DATED OCTOBER 19, 2001, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING DECEMBER 9, 2003, FOR A TERM OF TEN YEARS, FOR A SEAWALL ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$50 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

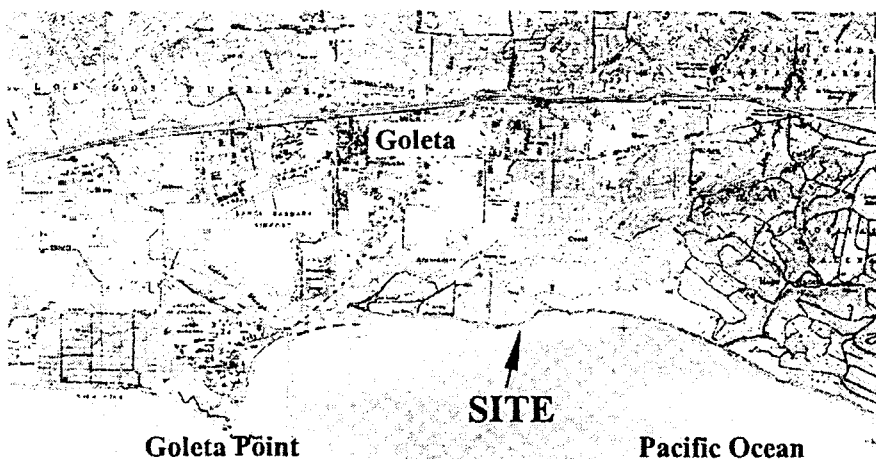
SITE



Existing Seawall
Santa Barbara

NO SCALE

LOCATION



Goleta Point

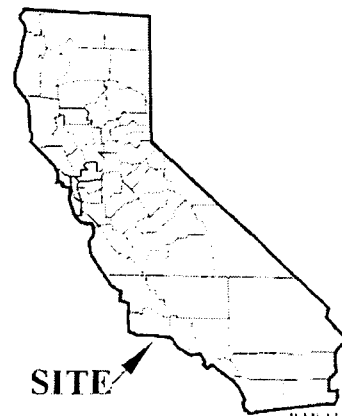
Pacific Ocean

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.

MAP SOURCE: USGS QUAD

Exhibit A

WP 5809
APN 065-310-026
HOLZ / BALL TRUST
SANTA BARBARA
COUNTY



RAK 11.03

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