

**CALENDAR ITEM  
C23**

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08/22/08  
W 26283  
J. McComas

**GENERAL LEASE - PROTECTIVE STRUCTURE USE**

**APPLICANT:**

John C. Laing

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

175 square feet, more or less, of sovereign lands in the Pacific Ocean, adjacent to 4610 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County.

**AUTHORIZED USE:**

Construction, use and maintenance of a two-foot wide cutoff stem wall and the removal of rip-rap as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning August 22, 2008.

**CONSIDERATION:**

\$319 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:**

Liability insurance with coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. Applicant is one of three homeowners who proposes to construct a two-foot wide cutoff stem wall along the entire length of an existing seawall located at the toe of the bluff and along the beach seaward of 4640, 4630, and 4610 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County. Applicant is now applying for a General Lease - Protective Structure Use.
3. The proposed project includes removal of rip-rap, which is located on sovereign lands adjacent to the toe of the existing seawall, which is not located on sovereign lands. The rip-rap part of a seawall structure was

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permitted by the California Coastal Commission in 1993 as toe scour protection, which has fallen into a state of disrepair. As a result, the toe of the existing seawall has been undermined. The rip-rap protection would be replaced by a two-foot wide cutoff stem wall along the entire length of the existing seawall. The cutoff stem wall will be embedded into the bedrock platform and structurally attached to the seawall. All visible components of the seawall will be colored so as to blend with the adjacent natural bedrock.

4. On May 8, 2008, the California Coastal Commission (CCC) granted Permit # 3-07-031 for this project under its certified regulatory program [Title 14, California Code of Regulations, section 15251 (c)]. 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 Mitigated 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.

**APPROVALS OBTAINED:**

California Coastal Commission, Monterey Bay National Marine Sanctuary, and Santa Cruz County

**EXHIBITS:**

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

**PERMIT STREAMLINING ACT DEADLINE:**

January 1, 2009

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 3-07-031, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM [TITLE 14, CALIFORNIA CODE OF REGULATIONS,

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SECTION 15251 (c)], AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE 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 OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE TO JOHN C. LAING BEGINNING AUGUST 22, 2008, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A TWO-FOOT WIDE CUTOFF STEM WALL AND THE REMOVAL OF RIP-RAP AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$319 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN AN AMOUNT OF NO LESS THAN \$1,000,000.