

MINUTE ITEM

This Calendar Item No. C49 was approved as
Minute Item No. 49 by the California State Lands
Commission by a vote of 2 to 0 at its
5/9/96 meeting.

CALENDAR ITEM

C49

A 35

05/09/96

S 18

WP 5764.9/AD 210
PRC 5764 J. Smith

**TERMINATION OF LEASE, ISSUANCE OF NEW
GENERAL LEASE - PROTECTIVE STRUCTURE USE,
AND ASSIGNMENT OF LEASE**

APPLICANT/ASSIGNOR:

Casa Blanca Project Lenders, L.P.-1,
a California Limited Partnership
3892 State Street
Santa Barbara, California 93105

ASSIGNEE:

Casa Blanca Beach Estates Owners' Association
3892 State Street
Santa Barbara, California 93105

AREA, TYPE LAND AND LOCATION:

A 0.147-acre parcel, more or less, of tide and submerged land located in the Pacific
Ocean, near the City of Carpinteria, Santa Barbara County.

LAND USE:

Continued use and maintenance of an existing rock revetment.

TERMS OF ORIGINAL PERMIT:

Permit Period: Ten-years beginning January 1, 1990.

Public liability insurance: Combined single limit coverage of \$100,000.

Consideration: \$960.00 per annum; with the State reserving the right to fix a
different rental on each fifth anniversary of the permit.

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PROPOSED LEASE TERMS:

Lease period: Ten-years beginning May 10, 1993.

Public liability insurance: Combined single limit coverage of \$500,000.

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

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT/ASSIGNOR STATUS:

Applicant/Assignor is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and Processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. By its action on January 17, 1990, Minute Item 4, the State Lands Commission authorized the issuance of a ten-year General Permit - Protective Structure Use to Frank Serena Construction and Development, Inc., beginning January 1, 1990, for a protective seawall. As a condition of

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approval, the County of Santa Barbara required: (a) an offer of dedication to the County and construction of an accessway for lateral pedestrian access for public use along and over the seawall; and (b) a grant deed to the State Lands Commission of all lands waterward of the toe of the seawall (Lot 12 shown on Exhibit B). Such quitclaim deed and Certificate of Acceptance and Consent to Recording were recorded on July 18, 1990, as Document 90-047794, Official Records of Santa Santa Barbara County.

The Applicant/Assignor acquired the upland property through foreclosure, (Trustee's Deed, recorded as Document 93-035242, on May 10, 1993, Official Records of County of Santa Barbara). Commission staff was not notified of the foreclosure until mid-1994. On February 13, 1996, staff of the Commission received an application for a new lease/lease assignment. Since that time, Commission staff has been working with the Applicant/Assignor's representative to complete this transaction. Staff is recommending that the Commission use the foreclosure document in lieu of a quitclaim deed.

Pursuant to grant deed dated September 19, 1994, the Applicant/Assignor granted the common area known as Lot 11, which includes the seawall, to the Proposed Assignee, the Casa Blanca Beach Estates Owners' Association. As such, the Association is responsible for maintenance of the seawall and is the appropriate entity to assume responsibilities as lessee.

2. 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.

LEASE TERMINATION AND ASSIGNMENT

1. Pursuant to the Commission's delegation of authority and the State CEQA

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Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and 14 Cal. Code Regs. 15378.

ISSUANCE OF NEW LEASE

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA pursuant to 14 Cal. Code Regs. 15061 as a categorically exempt project, Class 1, Existing Facilities; 2 Cal. Code Regs. 2905(a).

EXHIBITS:

- A. Land Description
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. **FIND, WITH RESPECT TO TERMINATION OF EXISTING LEASE AND ASSIGNMENT OF NEW LEASE, THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.**
2. **FIND, WITH RESPECT TO ISSUANCE OF A NEW LEASE, THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; 2 CAL. CODE REGS. 2905(a).**

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3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.
4. AUTHORIZE TERMINATION OF LEASE NO.PRC 5764.1 EFFECTIVE MAY 10, 1993; ACCEPT FORECLOSURE DOCUMENT (TRUSTEE'S DEED, DOCUMENT 93-035242, OFFICIAL RECORDS OF COUNTY OF SANTA BARBARA) IN LIEU OF QUITCLAIM DEED; AND CONSIDER MONIES ALREADY RECEIVED AS SETTLEMENT OF BACK RENT OBLIGATIONS, INCLUDING PENALTY AND INTEREST.
5. AUTHORIZE ISSUANCE TO CASA BLANCA PROJECT LENDERS, L.P.-1, A CALIFORNIA LIMITED PARTNERSHIP, OF A 10-YEAR GENERAL LEASE - PROTECTIVE STRUCTURE USE (LEASE PRC 5764.9) BEGINNING MAY 10, 1993; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION FOR PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING SEAWALL LOCATED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. AUTHORIZE ISSUANCE OF AN ASSIGNMENT OF LEASE NO. PRC 5764.9 FROM CASA BLANCA PROJECT LENDERS, L.P.-1, A CALIFORNIA LIMITED PARTNERSHIP TO CASA BLANCA BEACH ESTATES OWNERS' ASSOCIATION, EFFECTIVE SEPTEMBER 19, 1994. ALL TERMS AND CONDITIONS OF LEASE NO. PRC 5764.9 REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

EXHIBIT "A"

SEAWALL LEASE

DESCRIPTION

PARCEL 1

That portion of Lot 2 as shown on that map recorded in Book 146 Page 95 of Records of Survey in the Office of the County Recorder of Santa Barbara County, California, described as follows:

Beginning at the westerly-most corner of said Lot 2;

Thence 1st: along the southerly line of said Lot, S. 41° 57'23" E. a distance of 40.23 feet;

Thence 2nd: continuing along the southerly line of said Lot S.34°34'52" E. a distance of 69.99 feet;

Thence 3rd: continuing along the southerly line of said Lot S. 33°34'02" E. a distance of 120.15 feet;

Thence 4th: continuing along the southerly line of said Lot S. 40°44'24" E. a distance of 41.66 feet;

Thence 5th: continuing along the southerly line of said Lot S. 30°33'20" E. a distance of 30.94 feet;

Thence 6th: continuing along the southerly line of said Lot S. 30°41'26" E. a distance of 38.75 feet;

Thence 7th: continuing along the southerly line of said Lot S. 38°56'35" E. a distance of 43.31 feet;

Thence 8th: continuing along the southerly line of said Lot S. 24°54'13" E. a distance of 38.80 feet;

Thence 9th: continuing along the southerly line of said Lot S. 37°36'13" E. a distance of 37.66 feet;

Thence 10th: continuing along the southerly line of said Lot S. 43°19'46" E. a distance of 36.33 feet;

Thence 11th: continuing along the southerly line of said Lot S. 61°17'24" E. a distance of 19.72 feet;

Thence 12th: continuing along the southerly line of said Lot S. 66°16'22" E. a distance of 30.69 feet;

Thence 13th: continuing along the southerly line of said Lot S. 52°22'14" E. a distance of 26.26 feet;

Thence 14th: continuing along the southerly line of said Lot S. 76°36'04" E. a distance of 29.75 feet;

Thence 15th: continuing along the southerly line of said Lot S. 85°01'49" E. a distance of 38.59 feet;

Thence 16th: continuing along the southerly line of said Lot N. 70°30'28" E. a distance of 27.05 feet;

Thence 17th: continuing along the southerly line of said Lot N. 64°04'20" E. a distance of 39.98 feet;

Thence 18th: continuing along the southerly line of said Lot N. 74°03'33" E. a distance of 15.74 feet;

Thence 19th: continuing along the southerly line of said Lot N. 28°55'57" E. a distance of 28.84 feet;

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Thence 21st: continuing along the southerly line of said Lot N. 07°36'21" E. a distance of 28.02 feet;

Thence 22nd: continuing along the southerly line of said Lot N. 21°42'38" E. a distance of 18.41 feet;

Thence 23rd: continuing along the southerly line of said Lot S. 38°54'55" E. a distance of 35.50 feet;

Thence 24th: continuing along the southerly line of said Lot S. 51°48'41" E. a distance of 57.97 feet to the southeasterly corner of said Lot 1;

Thence 25th: Along the easterly line of said Lot 1, N. 01°05'00" E. a distance of 85.53 feet;

Thence 26th: Leaving said easterly line, N. 89°42'30" W. a distance of 45.82 feet;

Thence 27th: S. 79°33'31" W. a distance of 43.05 feet;

Thence 28th: S. 52°37'07" W. a distance of 17.94 feet;

Thence 29th: S. 70°08'19" W. a distance of 54.34 feet;

Thence 30th: S. 88°53'44" W. a distance of 76.42 feet;

Thence 31st: N. 79°03'17" W. a distance of 19.88 feet;

Thence 32nd: N. 54°37'10" W. a distance of 41.94 feet;

Thence 33rd: N. 10°47'21" W. a distance of 32.46 feet;

Thence 34th: N. 35°57'38" W. a distance of 134.26 feet;

Thence 35th: N. 36°12'19" W. a distance of 126.37 feet;

Thence 36th: N. 68°47'12" W. a distance of 9.04 feet;

Thence 37th: N. 34°10'20" W. a distance of 53.79 feet;

Thence 38th: N. 86°21'31" W. a distance of 7.60 feet;

Thence 39th: N. 04°38'52" E. a distance of 14.52 feet;

Thence 40th: N. 19°05'17" E. a distance of 12.34 feet;

Thence N. 32°04'03" E. a distance of 6.09 feet;

Thence N. 36°09'58" W. a distance of 109.06 feet to a point on the westerly line of said Lot 1;

Thence S. 33°10'41" W. a distance of 84.07 feet to the Point of Beginning.

PARCEL 2

A strip of Tide and Submerged Land, 25 feet in width, lying southerly of, immediately adjacent to and parallel with the southerly boundary of the here-in-above described PARCEL 1.



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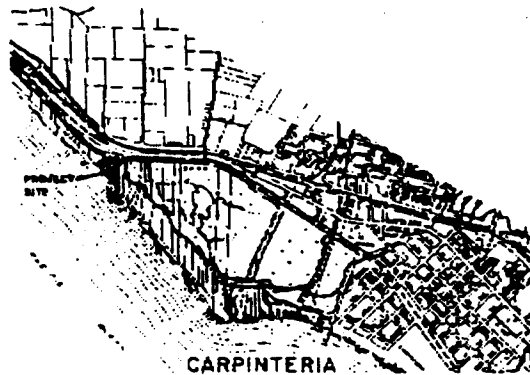
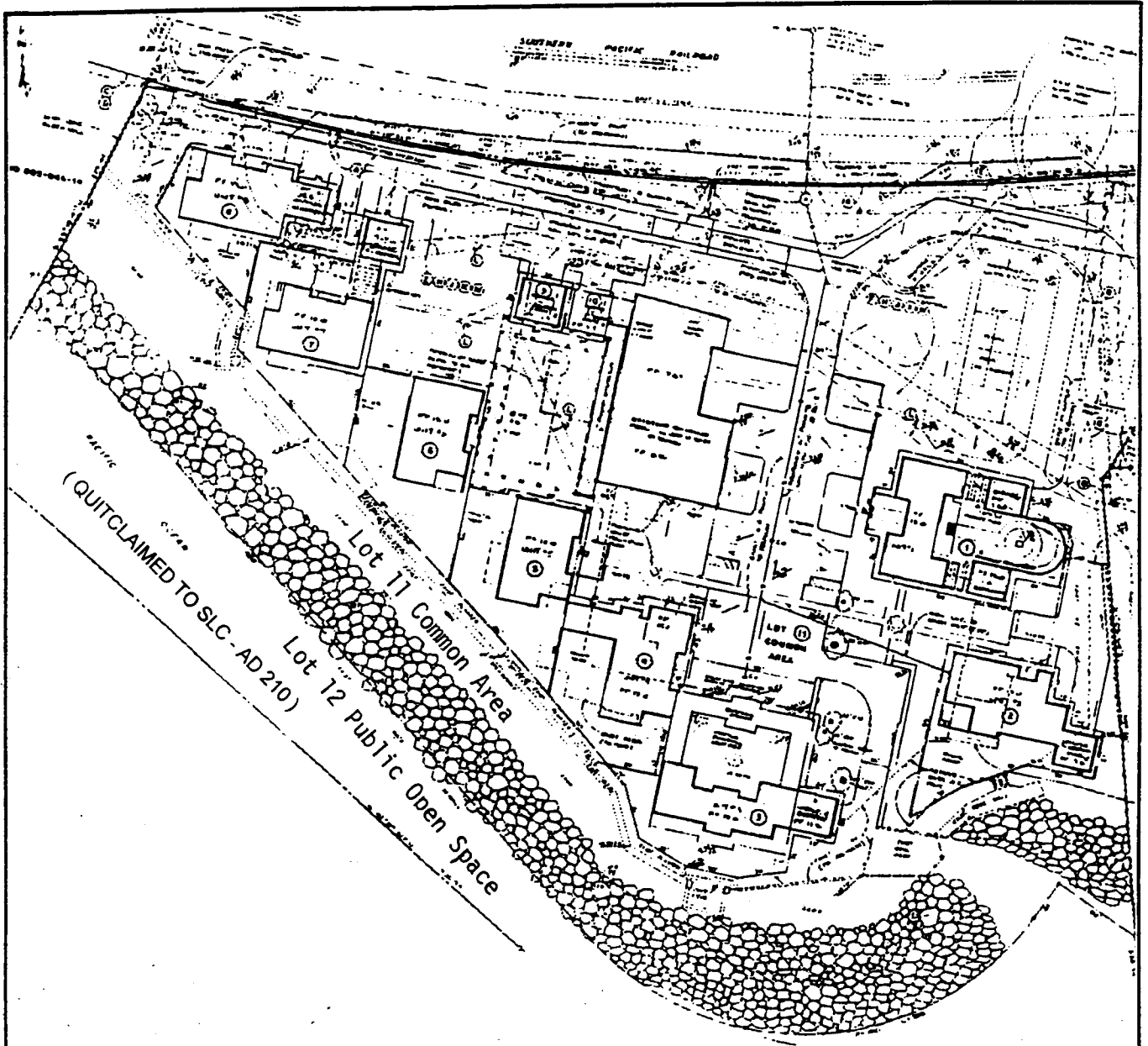
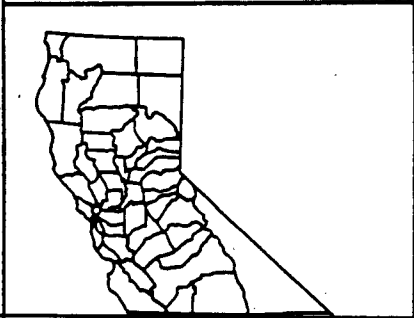


EXHIBIT "B"
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