

MINUTE ITEM

This Calendar Item No. ~~184~~ was approved as Minute Item No. 84 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

**CALENDAR ITEM
C84**

A 27
S 15

06/19/98
W25456
N. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Aileen Yvette Bardwell
19 Moreno Drive
Santa Cruz, California 95060

Adrian R. Motroni and Frances Motroni
P.O. Box 2025
Granite Bay, California 95746

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Monterey Bay, Pacific Ocean, near city of Capitola, Santa Cruz County.

AUTHORIZED USE:

Construction and maintenance of shotcrete erosion control seawall.

LEASE TERM:

Ten years, beginning April 15, 1998.

CONSIDERATION:

The public health and safety; 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 interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance: Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants are owners of the uplands adjoining the lease premises.
2. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Capitola. The California State Lands Commission's staff has reviewed such document.

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3. On April 8, 1998, the California Coastal Commission (CCC) granted Permit # 3-97-065 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).
4. A Mitigation Monitoring Program was adopted by the city of Capitola and incorporated into the CCC permit as Special Conditions 1.A.
5. 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.
6. 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, Regional Water Quality Control Board, city of Capitola, U.S. Army Corps of Engineers, State Parks and Recreation, and Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

Monterey Bay Sanctuary.

EXHIBITS:

- A-1. Land Description-Bardwell Parcel
- A-2. Land Description-Motroni Parcel
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

October 5, 1998

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT,

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CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 3-97-065, 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 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 AILEEN YVETTA BARDWELL OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING APRIL 15, 1998, FOR A TERM OF TEN YEARS, FOR A SEAWALL ON THE LAND DESCRIBED ON EXHIBIT A-1 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; PUBLIC HEALTH AND SAFETY; 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 INTEREST; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

AUTHORIZE ISSUANCE TO ADRIAN R. MOTRONI AND FRANCES MOTRONI OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING APRIL 15, 1998, FOR A TERM OF TEN YEARS, FOR A SEAWALL ON THE LAND DESCRIBED ON EXHIBIT A-2 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; PUBLIC HEALTH AND SAFETY; 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 INTEREST; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

EXHIBIT A-1

W25456

LAND DESCRIPTION Bardwell Parcel

A strip of tideland situated in City of Capitola, Santa Cruz County, California, said strip lying 5.00 feet southeasterly of and parallel with the existing southerly toe of bluff, said bluff described as follows:

Beginning at the point where the existing toe of bluff along the Pacific Ocean intersects the southeasterly line of that Parcel described in that Quitclaim Deed to Aileen Yvette Garcia Recorded May 14, 1978, in Book 2986 at Page 143, Official Records of Santa Cruz County Thence southwesterly along the toe of said bluff to the southeasterly line of that parcel described in that Grant Deed from Joseph H. Clark to Adrian R. Mortroni and Frances Motroni Recorded May 25, 1976, in Book 2620 at Page 661, Official Records of Santa Cruz County; and the end of said strip.

TOGETHER WITH a temporary limited use construction access area being a 40.00 strip of land lying southeasterly of the above described line.

END OF DESCRIPTION

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EXHIBIT A-2

W25456

LAND DESCRIPTION

Motroni Parcel

A strip of tideland situated in City of Capitola, Santa Cruz County, California, said strip lying 5.00 feet southeasterly of and parallel with the existing southerly toe of bluff, said bluff described as follows:

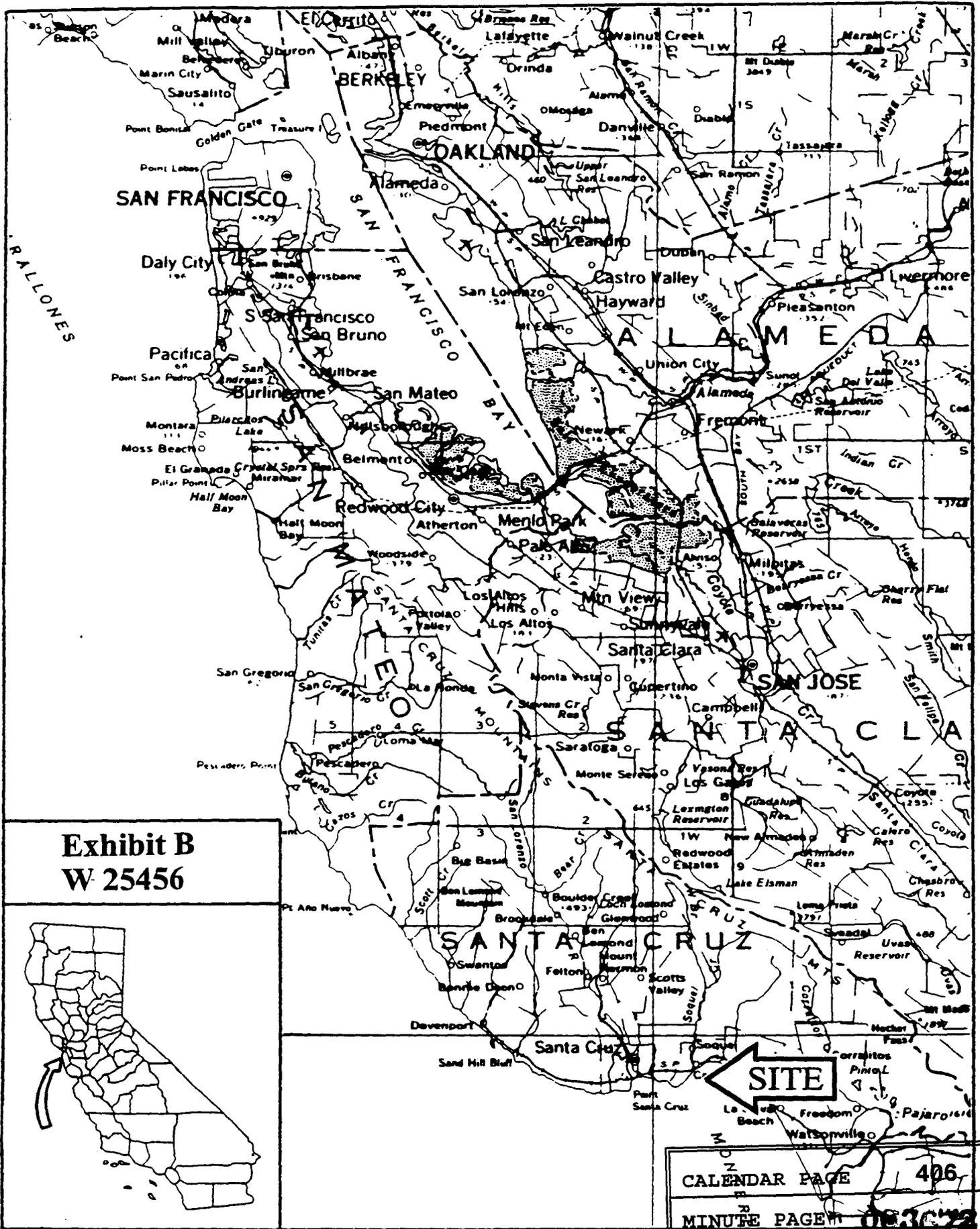
Beginning at the point where the existing toe of bluff along the Pacific Ocean intersects the southeasterly line of that Parcel described in that Grant Deed Recorded May 25, 1976, in Book 2620 at Page 661, Official Records of Santa Cruz County; Thence southwesterly along the toe of said bluff to the northwesterly line of said parcel and the end of said strip.

TOGETHER WITH a temporary limited use construction access area being a 40.00 strip of land lying southeasterly of the above described line.

END OF DESCRIPTION

PREPARED APRIL, 1998 BY SFBCC STAFF

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**Exhibit B
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