

**CALENDAR ITEM
C71**

A 29
S 17

04/26/13
PRC 7971.1
K. Foster

REVISION OF RENT

LESSEE:

Susan M. Gray, as Successor Trustee of the Smith 1990 Living Trust

AREA, LAND TYPE, AND LOCATION:

0.02 acre, more or less, of sovereign land in the Pacific Ocean adjacent to 4660 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Continued use and maintenance of a seawall and plugged seacave.

LEASE TERM:

10 years, beginning June 15, 2007.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that rent be revised from \$1,390 per year to \$1,520 per year, effective June 15, 2013.

OTHER PERTINENT INFORMATION:

1. On June 22, 2007, the Commission authorized a General Lease – Protective Structure Use to Thomas W. Smith, as Successor Trustee to the Smith 1990 Living Trust, for a term of 10 years. The lease will expire June 14, 2017. Upon Mr. Smith's death in 2010, Susan M. Gray became Successor Trustee to the Smith 1990 Living Trust. Staff conducted the rent review called for in the lease and recommends that the rent be increased.

2. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

CALENDAR ITEM NO. **C71** (CONT'D)

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

EXHIBIT:

- A. Site And Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

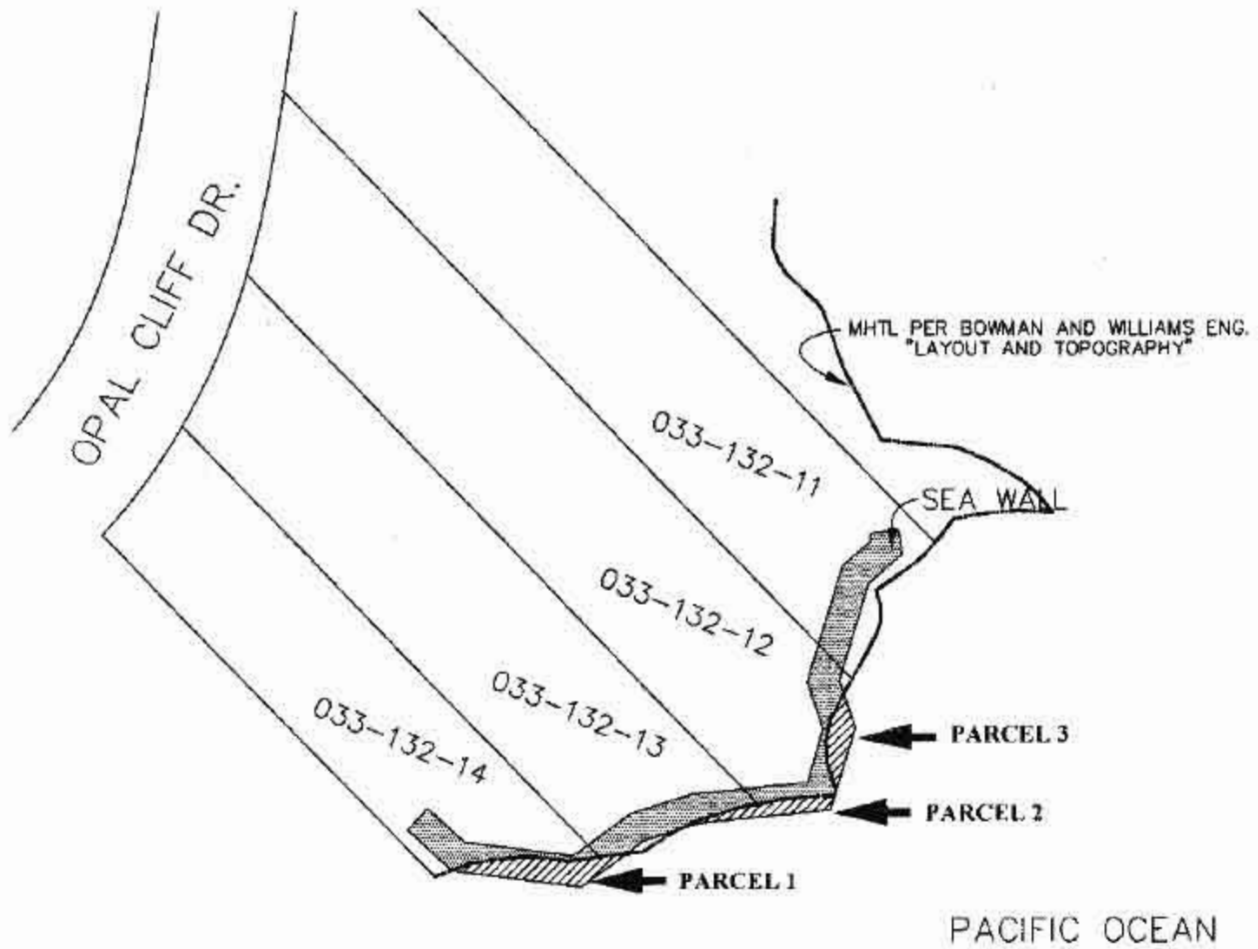
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 7971.1 from \$1,390 per year to \$1,520 per year, effective June 15, 2013.

NO SCALE

SITE



4660 OPAL CLIFF DR. SANTA CRUZ, CA
SANTA CRUZ COUNTY

NO SCALE

LOCATION

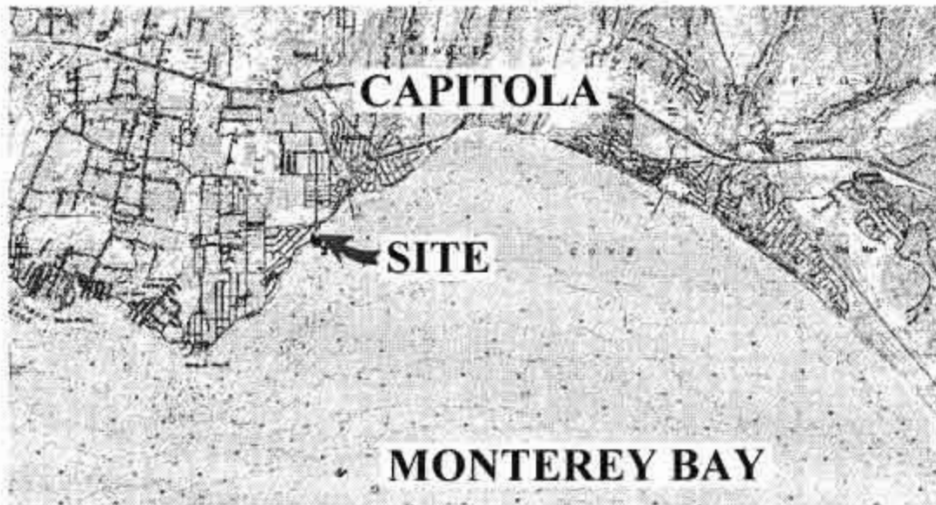


Exhibit A

GRAY
PRC 7971.1
GENERAL LEASE -
PROTECTIVE STRUCTURE USE
NORTH MONTEREY BAY
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.