

MINUTE ITEM

This Calendar Item No. C42 was approved as
Minute Item No. 42 by the California State Lands
Commission by a vote of 3 to 0 at its
11-21-06 meeting.

CALENDAR ITEM

C42

A 74
S 39

11/21/06
PRC 7899 WP 7899.9
S. Young

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Frank R. Warren and Joanne C. Warren, trustees of the Frank R. Warren and Joanne C. Warren Trust dated August 2, 1985

AREA, LAND TYPE, AND LOCATION:

0.126 acre parcel, more or less, of tide and submerged lands in the San Dieguito River, city of Del Mar, San Diego County.

AUTHORIZED USE:

Continued use and maintenance of an existing rock riprap revetment.

LEASE TERM:

Ten years, beginning September 1, 2006.

CONSIDERATION:

The public health and safety; 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.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On August 21, 1996, the Commission authorized the issuance of a General Lease – Protective Structure Use to Frank R. and Joanne C. Warren, for a ten-year term for repairs to and continued use and maintenance of an existing rock riprap revetment. The Warren family subsequently transferred its interest in the upland parcel to Frank R. Warren and Joanne C. Warren, trustees of the Frank R. Warren and

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Joanne C. Warren Trust dated August 2, 1985. Frank R. Warren and Joanne C. Warren, trustees, are now applying for a new General Lease – Protective Structure Use.

3. The proposed lease authorizes the continued use and maintenance of an existing rock riprap revetment adjacent to the San Dieguito River, on the north side of the Applicants' property. The existing rock riprap on the west (ocean) side is subject to compliance with the city of Del Mar's Beach Preservation Initiative (BPI) regarding encroachments and construction on the sandy beach. In 1996, in recognition of property owners compliance with the City's BPI, the State Lands Commission agreed not to pursue asserting jurisdiction over the revetment on the ocean side.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (d).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 (d).

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.

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT

CALENDAR ITEM NO. C42 (CONT'D)

PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301(d).

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 FRANK R. WARREN AND JOANNE C. WARREN, TRUSTEES OF THE FRANK R. WARREN AND JOANNE C. WARREN TRUST DATED AUGUST 2, 1985, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 1, 2006, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING ROCK RIPRAP REVETMENT AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.

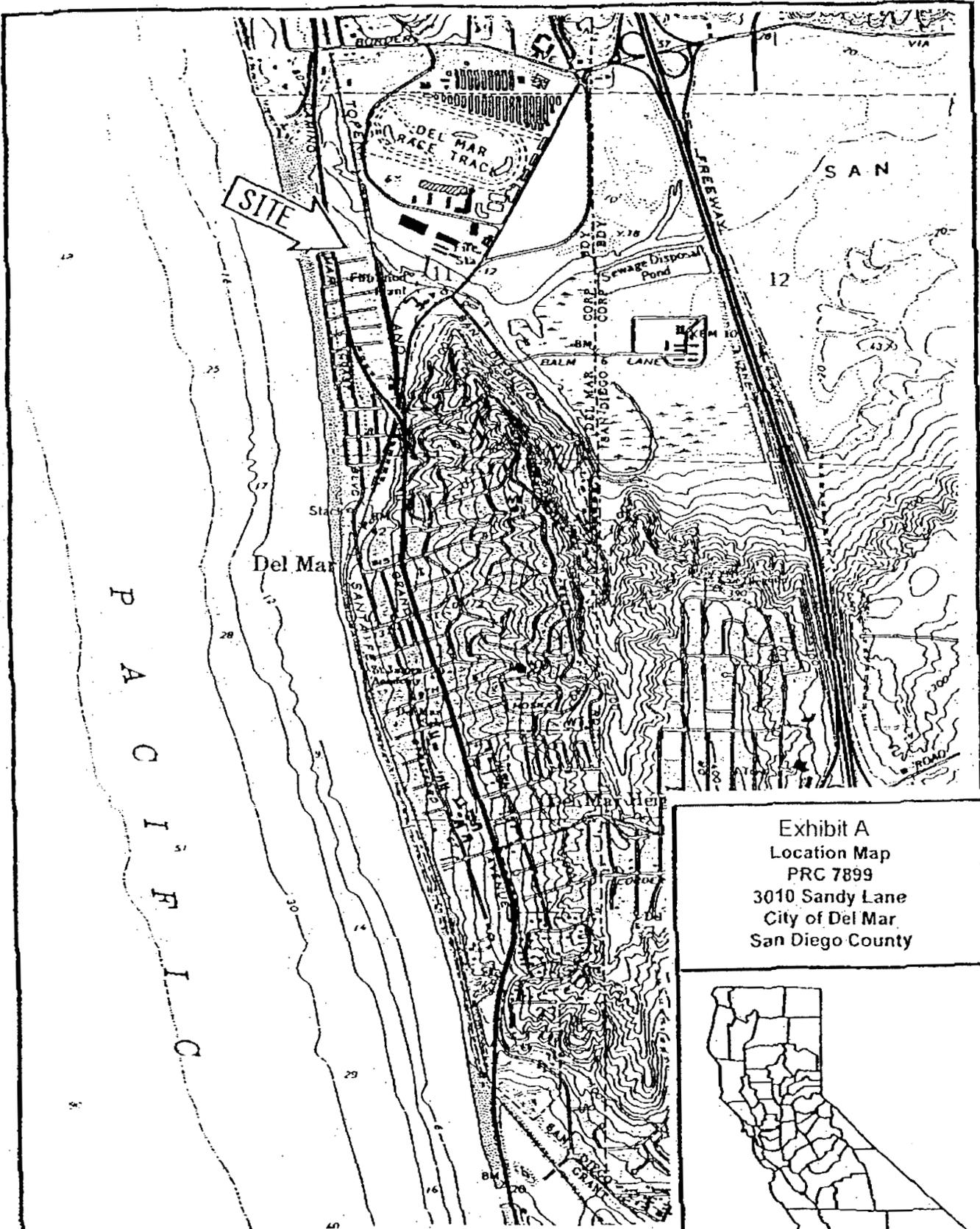


Exhibit A
 Location Map
 PRC 7899
 3010 Sandy Lane
 City of Del Mar
 San Diego County



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.

Exhibit B

LEGAL DESCRIPTION
OF
REVETMENT EASEMENT ON NORTH SIDE OF WARREN PROPERTY
3010 SANDY LANE, DEL MAR, CALIFORNIA

THAT PORTION OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST,
SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN
DIEGO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY BOUNDARY OF THAT PARCEL OF
LAND DESCRIBED IN DEED TO STEPHEN G. FLETCHER AND WIFE,
RECORDED JANUARY 6, 1949 AS DOCUMENT NO. 1147, IN BOOK 3071,
PAGE 90 OF OFFICIAL RECORDS, SAID POINT BEING THE TRUE POINT OF
BEGINNING; THENCE ALONG THE NORTHEASTERLY AND NORTHERLY
BOUNDARY OF SAID FLETCHERS LAND NORTH 55° 52' WEST, 57.15 FEET;
THENCE SOUTH 82° 41' 30" WEST, 100.40 FEET; THENCE NORTH 8° 32' 35"
WEST, 27.01 FEET; THENCE NORTH 82° 41' 30" EAST, 96.30 FEET; THENCE
SOUTH 77° 18' 50" EAST, 85.70 FEET; THENCE SOUTH 16° 20' 48" WEST,
50.91 FEET; AND THENCE NORTH 55° 52' 15" WEST, 16.00 FEET TO THE
TRUE POINT OF BEGINNING.



Robert G. Schoettmer
10/15/96

Robert G. Schoettmer

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