

**CALENDAR ITEM
C64**

A 74
S 38

10/19/12
PRC 8661.1
K. Foster

REVISION OF RENT

LESSEE:

John Cumming, Trustee of the John D. Cumming Revocable Trust

AREA, LAND TYPE, AND LOCATION:

0.02 acres, more or less, of sovereign land in the Pacific Ocean adjacent to 371 Pacific Avenue, city of Solana Beach, San Diego County.

AUTHORIZED USE:

Maintenance of an existing seacave and undercut fill, and the construction and maintenance of a seawall.

LEASE TERM:

Ten years, beginning February 9, 2006.

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 \$5,331 per year to \$6,663 per year, effective February 9, 2013.

OTHER PERTINENT INFORMATION:

1. On February 9, 2006, the Commission authorized the issuance of Lease No. PRC 8661.1, a General Lease- Protective Structure Use, to the Lessee for the maintenance of an existing seacave and bluff undercut fill, and for the construction and maintenance of a seawall to help protect the adjacent residential property from erosion. Construction of the seawall was completed in October 2006.

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

CALENDAR ITEM NO. **C64** (CONT'D)

is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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:

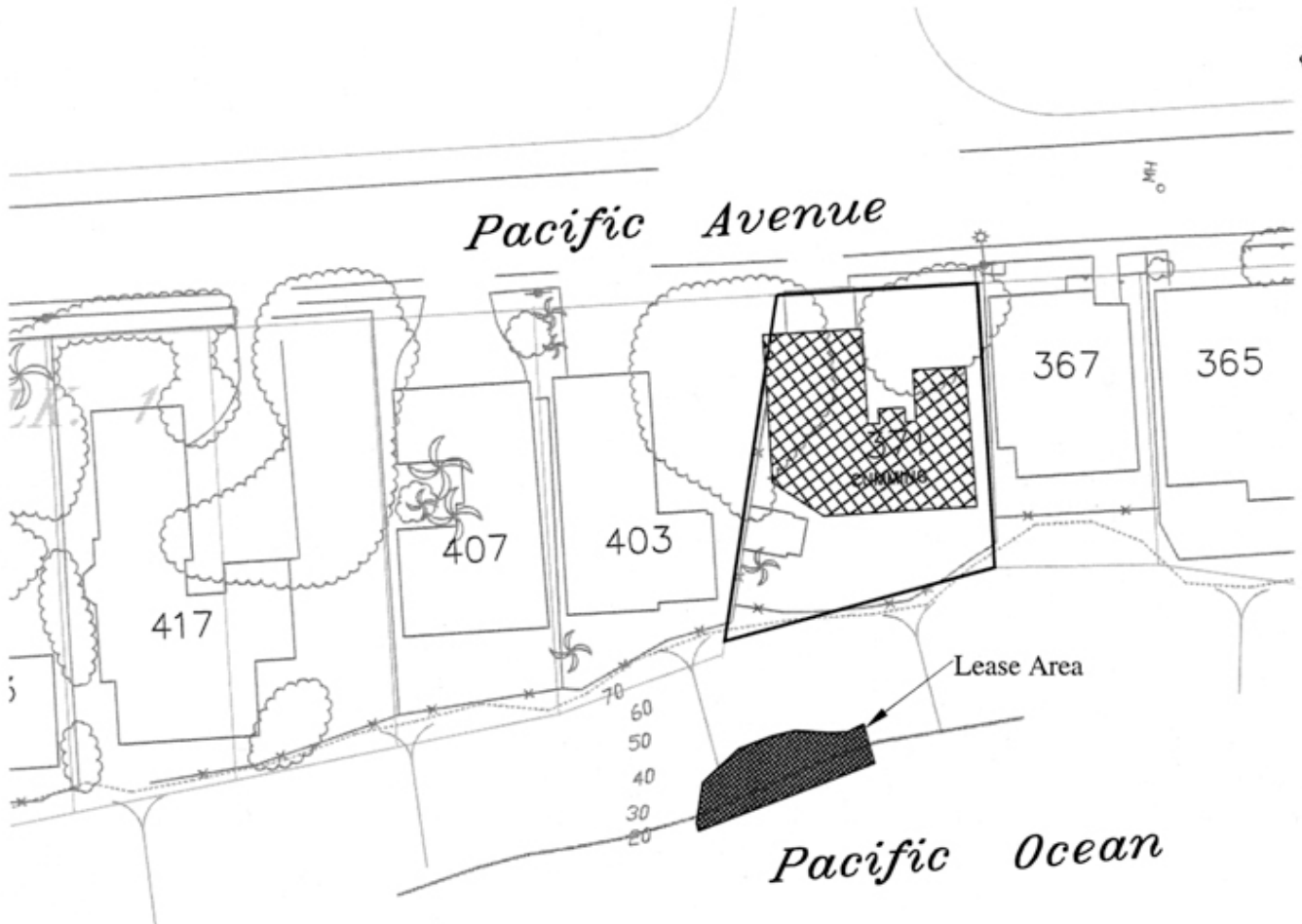
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8661.1 from \$5,331 per year to \$6,663 per year, effective February 9, 2013.

NO SCALE

SITE



371 PACIFIC AVENUE, SOLANA BEACH
APN 263-301-02-00

NO SCALE

LOCATION



Exhibit A

PRC 8661.1
GENERAL LEASE -
PROTECTIVE STRUCTURE
SOLANA BEACH
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. MAP SOURCE: USGS QUAD

SITE →

MJF 9/25/12