

MINUTE ITEM

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

CALENDAR ITEM

C20

A 74

02/09/06

S 38

PRC 8660.1W 26115

J. Brown

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Seascape Shores Homeowners Association

AREA, LAND TYPE, AND LOCATION:

0.03 acres, more or less, of sovereign lands in the Pacific Ocean, Solana Beach, San Diego County.

AUTHORIZED USE:

Use and maintenance of an existing seawall, seacave, and an existing access stairway.

LEASE TERM:

Ten years, beginning March 1, 2006.

CONSIDERATION:

\$7,524 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. An existing seawall, seacave notch infill and stairway were originally permitted by the California Coastal Commission (CDP NO. F9143, July 25, 1980) and the County of San Diego (CUP No. P79-066, June 16, 1980). At that time, California State Lands Commission staff did not have sufficient information to determine the State's interests at this location.

CALENDAR ITEM NO. C20 (CONT'D)

3. Commission staff subsequently conducted a mean high tide line survey in March 2004, and determined that the existing seacave/notch infill, seawall, and a portion of a private access stairway were located on sovereign lands and advised the Applicant to apply for a lease.
4. The area has been subject to years of marine erosion since the original erosion protection structures were constructed in 1980. Maintenance of the existing seawall and seacave infill is required to prevent future lower-bluff failures. An application has been submitted requesting the Commission's authorization to use and maintain the existing improvements.
5. On November 10, 2005, CSLC staff issued a conditional letter authorizing the Applicant to proceed with repairs to the existing sea cave and notch infill once all required permits were obtained. The repair project will be initiated when the Applicant complies with all permit conditions.
6. On February 18, 2005, the California Coastal Commission (CCC) granted Permit #6-04-092 for this project under its certified regulatory program (Title 14, California Code of Regulations, Section 15251 (c)).
7. Staff has reviewed the CCC 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.
8. CEQA documentation by the city of Solana Beach for its approval of the project was challenged in litigation by the California Beach Advocates and Surfrider Foundation. That CEQA treatment was upheld by the San Diego Superior Court on January 5, 2006. It is unknown whether the petitioners in the litigation will appeal the decision.
9. 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 person's 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.

CALENDAR ITEM NO. C20 (CONT'D)

APPROVALS OBTAINED:

City of Solana Beach
California Coastal Commission

APPROVALS REQUIRED:

California Regional Water Quality Control Board

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

May 30, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) CDP NO. F9143 (JULY 25, 1980) AND PERMIT #6-04-092, 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 SEASCAPE SHORES HOMEOWNERS ASSOCIATION OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING MARCH 1, 2006, FOR A TERM OF TEN YEARS, FOR MAINTENANCE OF A SEAWALL AND SEACAVE AND CONTINUED USE AND MAINTENANCE OF AN EXISTING ACCESS STAIRWAY ON THE LAND DESCRIBED ON

CALENDAR ITEM NO. C20 (CONT'D)

EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF; ANNUAL RENT IN THE AMOUNT OF \$7,524 WITH THE
STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT
PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE
LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN
\$1,000,000.

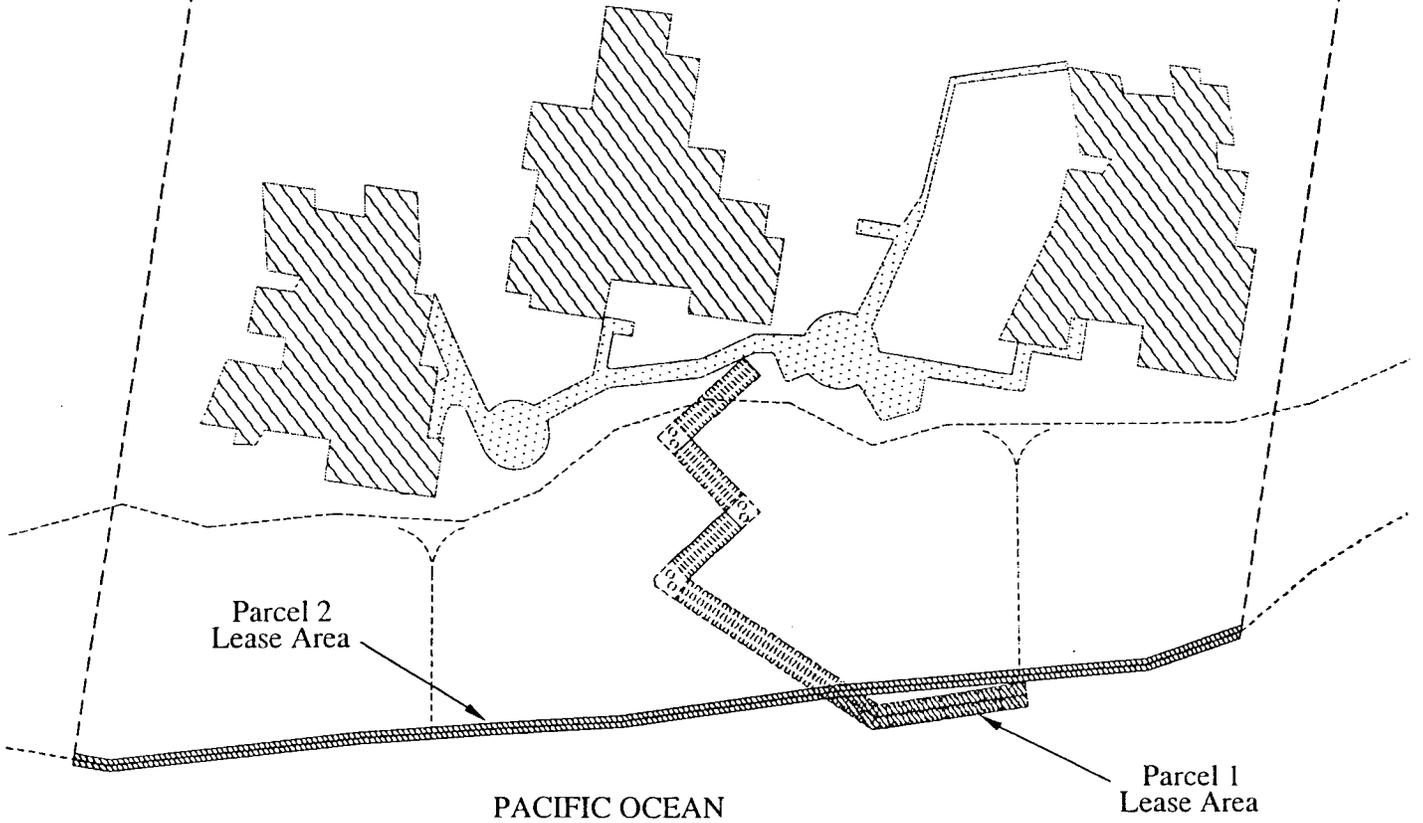
IN THE EVENT THAT THE PETITIONERS SEEK APPELLATE REVIEW
OF THE CITY'S APPROVAL OF THE PROJECT, AUTHORIZE STAFF
TO ADVISE THE SEASCAPE SHORES HOMEOWNERS ASSOCIATION,
PURSUANT TO SECTION 15233, STATE CEQA GUIDELINES (PRC
SECTION 21167.3b), THAT THIS AUTHORIZATION PROVIDES
"PERMISSION TO PROCEED WITH THE PROJECT AT THE
APPLICANT'S RISK PRIOR TO A FINAL DECISION" IN THE
LITIGATION.

NO SCALE

SITE



SEASCAPE SHORES



SEASCAPE SHORES HOMEOWNERS ASSOCIATION,
325 SOUTH SIERRA AVENUE

NO SCALE

LOCATION



Exhibit A

W 26115
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

CALENDAR PAGE

THIRTEEN PAGE

RAB 01/06

LAND DESCRIPTION

Two parcels of tide and submerged land adjacent to Seascape Shores as shown on Map No. 6941, filed May 26th, 1971, Official Records of San Diego, situated in Solana Beach, San Diego County, State of California, being more particularly described as follows:

Parcel 1 – A 3' wide strip of land lying 1.5 feet on each side of the following described centerline: COMMENCING at a 6" x 6" concrete monument as shown on said Map No.6941, said monument having CCS83, Zone 6 (2004 Epoch) coordinates: North 1,941,653.24 feet and East 6,248,036.32 feet; thence South 20° 24' 22" West 943.87 feet to the TRUE POINT OF BEGINNING; thence South 02° 09' 19" West 8.98 feet; thence South 14° 09' 37" East 62.89 feet; thence South 11° 23' 47" East 64.17 feet; thence South 15° 58' 06" East 54.08 feet; thence South 12° 51' 05" East 75.91 feet; thence South 26° 47' 36" East 11.00 feet and the end of said strip.

The sidelines of said strip shall be shortened or prolonged to terminate at the northerly end on the southerly line of "Surf Song" as shown on Map No. 8173, filed September 17th, 1975, Official Records of San Diego and terminate at the southerly end of the southerly line of said "Seascape Shores".

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

Parcel 2 – A 6' wide strip of land lying 3 feet on each side of the following described centerline: COMMENCING at a 6" x 6" concrete monument, said monument having CCS83, Zone 6 (2004 Epoch) coordinates: North 1,941,653.24 feet and East 6,248,036.32 feet; thence South 14° 08' 41" West 1149.91 feet to the TRUE POINT OF BEGINNING; thence North 16° 31' 05" West 37.44 feet; thence North 25° 44' 43" East 9.10 feet and the end of said strip.

The sidelines of said strip to be shortened or prolonged to terminate at the south/westerly line of herein described parcel 1.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

Bearings used for this description are California Coordinate System of 1983, Epoch 2004, Zone 6. All distances are grid.

END OF DESCRIPTION

Prepared 01-24-2006 by the Boundary Unit of the California State Lands Commission

