

MINUTE ITEM
This Calendar Item No. C36
was approved as Minute Item
No. C36 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

C 3 6

A 75

S 38

06/11/90
W 24053
Townsend

DENY APPLICATION FOR
GENERAL PERMIT - PROTECTIVE STRUCTURE USE

APPLICANT: Steve Crosby
Crosby Center
7730 Herschel Avenue, Suite K
La Jolla, California 92037

AREA, TYPE LAND AND LOCATION:
A .009-acre parcel of tide and submerged land
located in the City of Solana Beach, San Diego
County.

PROPOSED LAND USE:
Construction of a concrete seawall at the mouth
of a collapsed seacave and erection of three
terrace berms above and behind the seawall.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been
received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: N/A.

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OTHER PERTINENT INFORMATION:

1. By application determined complete and accepted for filing as of February 25, 1988, Steve Crosby proposes to construct an approximately 20-foot-high by 24-foot-long seawall at the mouth of a collapsed seacave, located on the ocean in front of the residence at 521 Pacific Avenue, City of Solana Beach. The wall would be constructed of pre-cast concrete tilt-up blocks, interlocking and with passive steel reinforcing strips. In addition, the proposed project includes the construction of three terrace berms surfacing an area of unstable vertical bluff-face.

At the time of filing, the application contained evidence of Crosby's upland ownership. Staff of the City of Solana Beach has subsequently informed staff of the Commission that the lender for the upland has foreclosed on Crosby, and that a past owner of the property then purchased the first mortgage. The new owner has joined Crosby as a co-applicant for the City's application process. Staff of the City also believes the new owner may have found a purchaser for the property, with the sale remaining in escrow pending completion of the project.

On September 8, 1989, the City Council found the EIR incomplete for certification relative to the proposed seawall. It did, however, allow Crosby to proceed with that portion of the project involving plugging of the seacave, on an emergency basis, exempt from the requirements of the CEQA. Staff of the City has further advised that the funds required to do the additional work on the EIR have not been provided by Crosby and, to their knowledge, he has not undertaken filling of the seacave as allowed by the City.

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Staff recommends the State Lands Commission deny the application, without prejudice to Crosby's right to reapply for the project. In addition, staff believes that no portion of the application fee should be refunded.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Code Regs. 15270.

- EXHIBITS:
- A. Land Description.
 - B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(5) AND 14 CAL. CODE REGS. 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.
2. DENY, WITHOUT PREJUDICE, THE APPLICATION SUBMITTED BY STEVE CROSBY FOR A GENERAL PERMIT - PROTECTIVE STRUCTURE USE, TO CONSTRUCT A SEAWALL AND THREE TERRACES ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

W 24053

A parcel of tide and submerged land at Solana Beach, San Diego County, California, described as follows:

All that tide and submerged land lying immediately beneath a seawall and fill materials placed for bank protection adjacent to and waterward of the land described in the Grant Deed recorded June 18, 1984, in Book 84, Page 226878, Official Records of San Diego County.

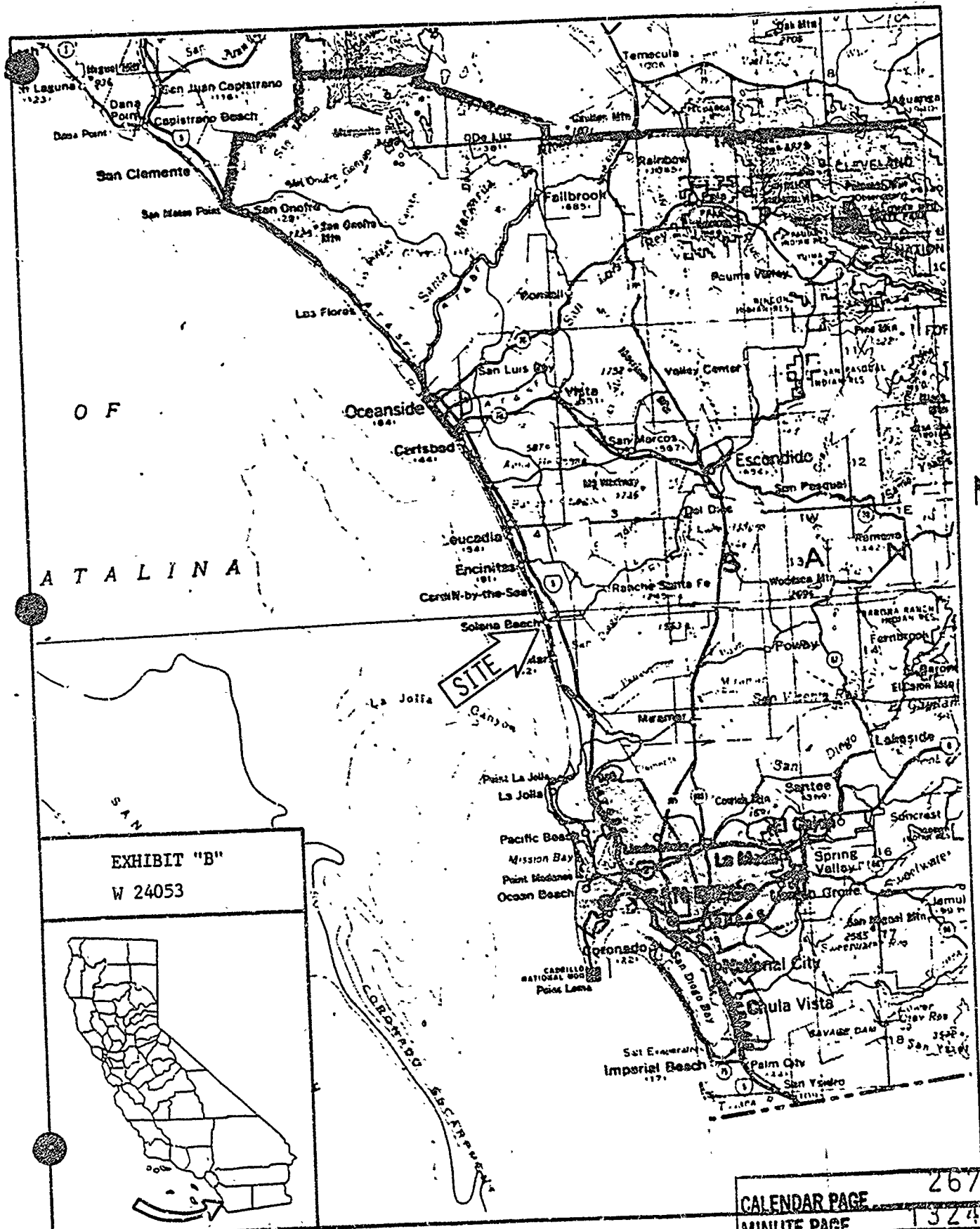
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

PREPARED MARCH 8, 1988, BY BIU 1.

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O F
 A T A L I N A
 S A N

EXHIBIT "B"
 W 24053