

MINUTE ITEM

This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

CALENDAR ITEM

C21

A	74		02/09/06
		PRC 8661	W 25917
S	38		J. Brown

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

John Cumming

AREA, LAND TYPE, AND LOCATION:

0.02 acre, more or less, of sovereign lands in Solana Beach, San Diego County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning February 9, 2006.

CONSIDERATION:

\$5,331 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:

Insurance:

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. On December 24, 1997, the California Coastal Commission (CCC) issued emergency permit 6-79-156-G to fill two seacaves.
3. On February 23, 1998, the CCC issued Emergency Permit 6-98-21-G to fill two seacaves and surrounding undercut.
4. On January 21, 2003, the city of Solana Beach certified EIR 2002081011 for construction of a 35' x 82.5' seawall.

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5. On October 20, 2005, the California Regional Water Quality Control Board issued conditional water quality certification for the proposed project.
6. The Applicant has now applied to construct the proposed seawall and to stabilize the midbluff with a geogrid reinforced fill slope.
7. On March 22, 2005, the California Coastal Commission (CCC) granted Permit #6-04-83 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)). Staff has reviewed the 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. 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.

APPROVALS OBTAINED:

California Coastal Commission; city of Solana Beach, California Regional Water Quality Control Board

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

July 21, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-04-83, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS,

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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:

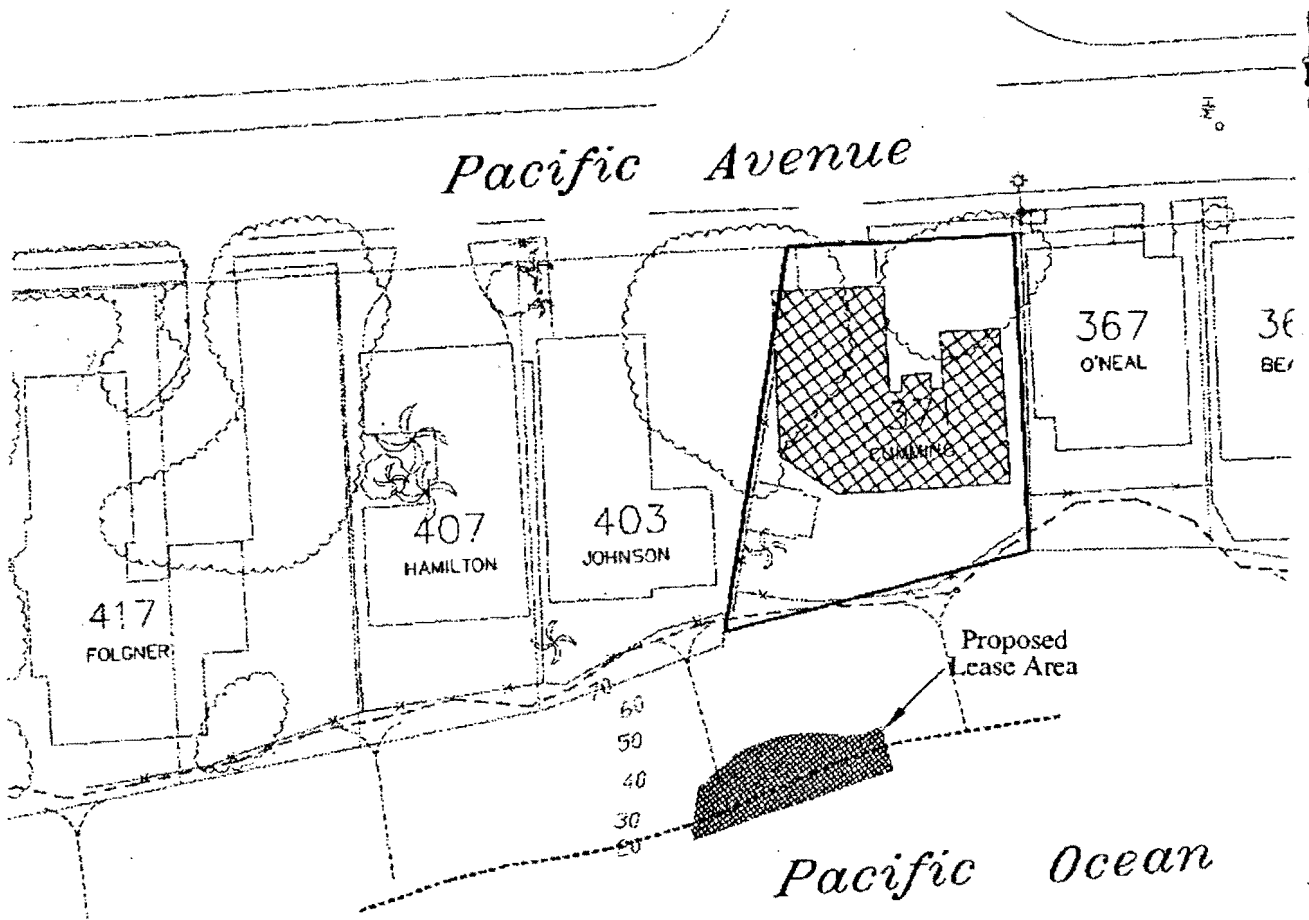
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JOHN CUMMING OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING MARCH 1, 2006, FOR A TERM OF TEN YEARS, FOR MAINTENANCE OF A SEACAVE AND UNDERCUT FILL AND CONSTRUCTION AND MAINTENANCE OF A SEAWALL AS SHOWN AND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$5,331, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; PUBLIC LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

SITE



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

NO SCALE

LOCATION

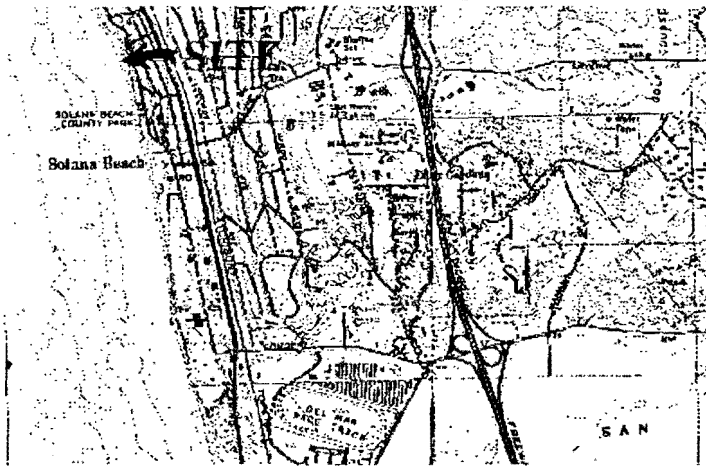


Exhibit A

W 25917
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

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