

**CALENDAR ITEM
C84**

A 74
S 36

04/23/15
PRC 8821.1
D. Oetzel

REVISION OF RENT

LESSEE:

Chris Joseph Hamilton and Judith Wren Hamilton, Trustees of the Hamilton Trust
Dated December 5, 1995

LAND, TYPE, AND LOCATION:

0.017 acre, more or less, of sovereign lands in the Pacific Ocean below 407
Pacific Avenue, city of Solana Beach, San Diego County.

AUTHORIZED USE:

The construction, use and maintenance of a 50-foot long by 37-foot seawall and
seacave/notch fill.

LEASE TERM:

10 years, beginning April 9, 2009.

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 \$4,529 per year to \$6,227 per
year, effective April 9, 2015.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the upland adjacent to the Lease Premises.
2. On April 9, 2009, the Commission authorized a General Lease –
Protective Structure Use to Chris Joseph Hamilton and Judith Wren
Hamilton, Trustees of the Hamilton Trust, for the construction, use and
maintenance of a 50-foot long by 37-foot high seawall and a
seacave/notch fill; the lease commenced on April 9, 2009, and will expire
on April 8, 2019.
3. Staff conducted the rent review called for in the lease and recommends
the rent be increased to \$6,227 per year, effective April 9, 2015.

CALENDAR ITEM NO. **C84** (CONT'D)

4. 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 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:

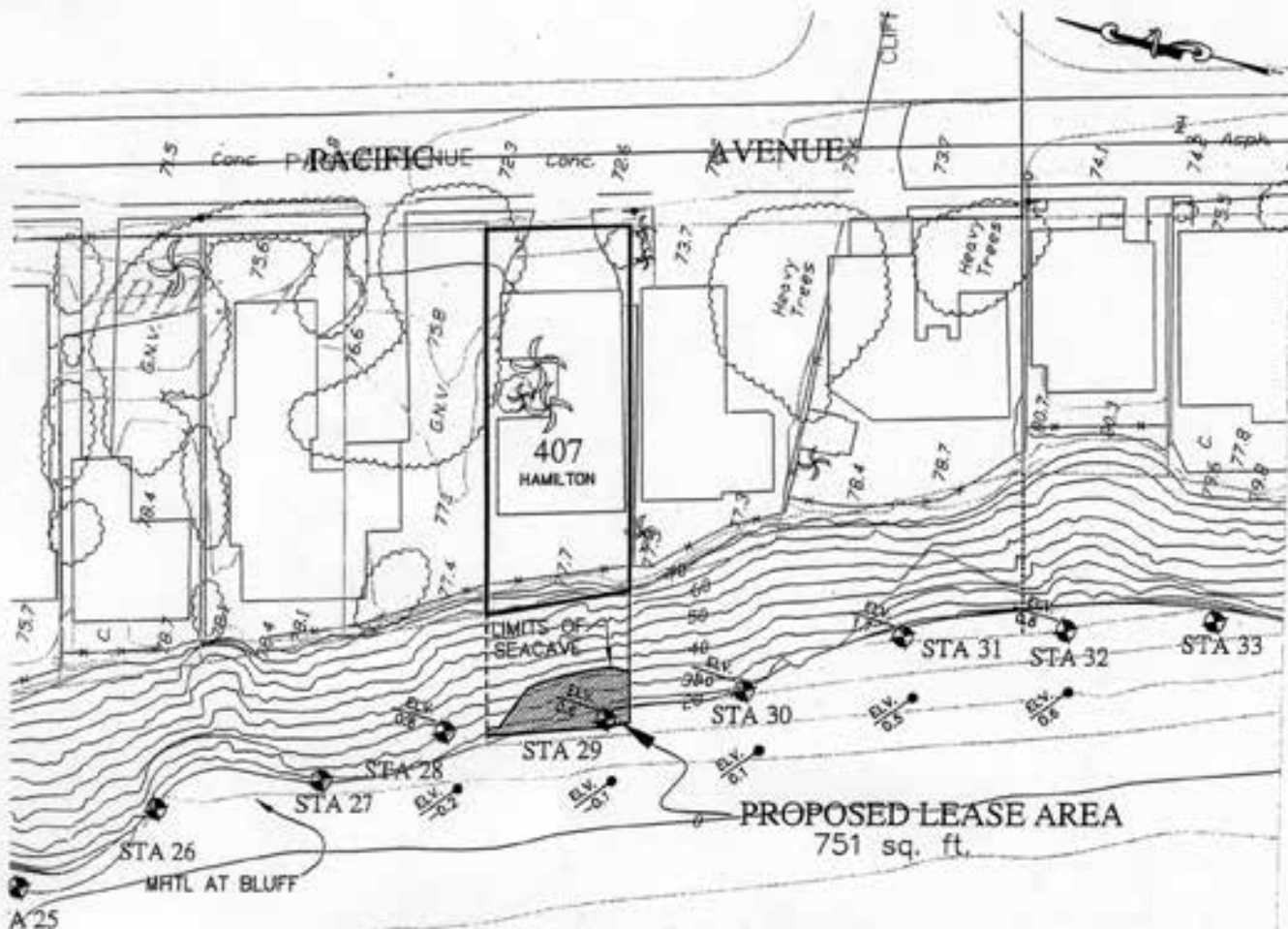
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations,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

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8821.1 from \$4,529 per year to \$6,227 per year, effective April 9, 2015.

NO SCALE

SITE



**407 PACIFIC AVENUE, SOLANA BEACH
PROPOSED SEAWALL AND EXISTING SEA CAVE INFILL**

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8821.1
HAMILTON
APN 263-051-04
GENERAL LEASE-
PROTECTIVE STRUCTURE USE
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.