

MINUTE ITEM

This Calendar Item No. C75 was approved as
Minute Item No. 75 by the California State Lands
Commission by a vote of 3 to 0 at its
4-24-01 meeting.

**Minute Item
75**

04/24/01
W 25440

**J. HAROLD SCISM AND NINNI V. SCISM, HUBAND AND WIFE AS
CO-TRUSTEES UNDER TRUST AGREEMENT DATED AUGUST 1, 1998
(APPLICANTS)**

Regular Item 75: C75 was moved from Consent to Regular. Staff made presentation to Commissioners pertaining to the maintenance of an existing seawall; and the construction and maintenance of a notch fill/seawall. The item was approved as presented.

CALENDAR ITEM
C75

A 73
S 38

04/24/01
W 25440.19
J. Smith

**RESCIND PRIOR AUTHORIZATION FOR
GENERAL LEASE - PROTECTIVE STRUCTURE USE
AND CONSIDER ISSUANCE OF A NEW
GENERAL LEASE - PROTECTIVE STRUCTURE USE**

LESSEES:

J. Harold Scism and Ninni V. Scism, husband and wife
as Co-Trustees under Trust Agreement Dated August 1, 1968
18311 - 84th Avenue West
Edmonds, Washington 98026

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, city of Solana Beach, San Diego County.

AUTHORIZED USE:

Maintenance of an existing seawall on the southern half; and construction and maintenance of a notch fill and seawall on the northern half, at the base of the bluff adjacent to 311 Pacific Avenue, Solana Beach.

LEASE TERM:

Ten years, beginning June 1, 2000.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$1,000,000.

CALENDAR ITEM NO. C75 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns and/or has a right to use the uplands adjoining the lease premises.
2. On June 27, 2000, pursuant to Minute Item 63, the Commission authorized the issuance of a General Lease - Protective Structure Use to the Applicants, for construction and maintenance of a seawall on the southern half of the base of the bluff adjacent to the applicants property at 311 Pacific Avenue in Solana Beach.
3. On December 19, 2000, pursuant to Resolution No. 2000-98, the city of Solana Beach issued a Special Use Permit to the Applicants and their neighbor, Jonathan Corn, to construct an approximately 72-foot long, 15-foot high, 2 1/2-foot deep colorized, textured and erodible concrete fill and seawall to protect the northern half of the base of the bluff adjacent to 311 Pacific Avenue; and along the entire base of the bluff adjacent to 319 Pacific Avenue in Solana Beach. The city found that lower sand levels and wave action have resulted in the undercutting of the lower bluff causing a 15-foot high notch to form. The city found that the existing homes were in imminent danger of destruction because of the unstable condition of the bluff.

On January 17, 2001, the California Coastal Commission (CCC) issued Emergency Permit #6-01-001-G to the Applicants and Mr. Corn to construct the notch fill and install a row of 16 soil nails to contain the bluff fracture. The emergency permit required the applicants to submit an application for a regular coastal development permit to authorize the completed emergency work and allow construction of a seawall along the face of the bluff.

On March 13, 2001, the CCC approved the issuance of Coastal Development Permit #6-00-36 to the Applicants and Mr. Corn, subject to several conditions. The conditions include providing the CCC with periodic reports monitoring the condition and performance of the notch fill/seawall, and the payment of \$18,772 into a beach sand replenishment fund.

CALENDAR ITEM NO. C75 (CONT'D)

Staff is recommending that the Commission rescind its prior authorization and recommends the issuance of a new General Lease - Protective Structure Use to cover both the existing seawall and the new notch fill/seawall. Calendar Item 74 addresses Commission staff's recommendation concerning the portion of the project located at the base of the bluff adjacent to Mr. Corn's residence.

4. On March 13, 2001, the CCC granted Permit #6-00-36 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.
5. 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:

City of Solana Beach; California Coastal Commission.

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

September 9, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C75 (CONT'D)

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-00-36, 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:

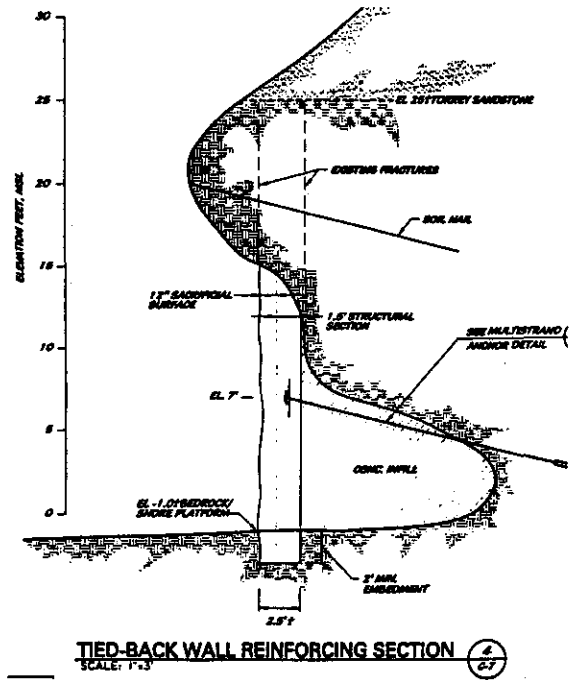
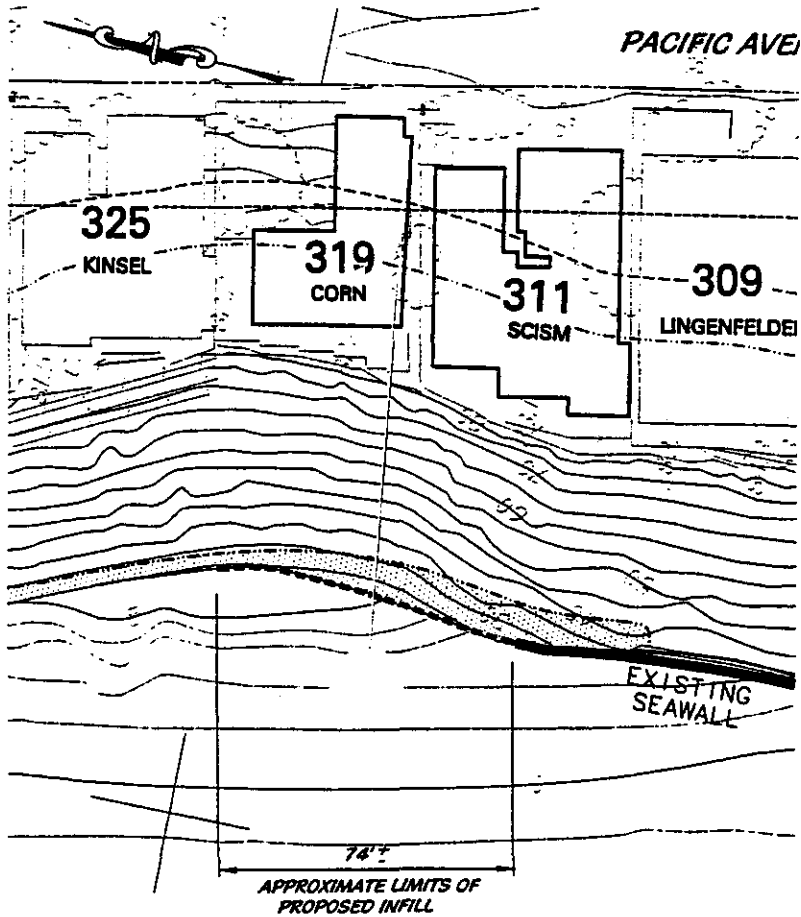
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

RESCIND ITS PRIOR AUTHORIZATION FROM THE COMMISSION MEETING OF JUNE 27, 2000, MINUTE ITEM 63; AUTHORIZE ISSUANCE TO J. HAROLD SCISM AND NINNI V. SCISM, HUSBAND AND WIFE AS CO-TRUSTEES UNDER TRUST AGREEMENT DATED AUGUST 1, 1968, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING JUNE 1, 2000, FOR A TERM OF TEN YEARS, FOR MAINTENANCE OF AN EXISTING SEAWALL; AND CONSTRUCTION AND MAINTENANCE OF A NOTCH FILL/SEAWALL ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

SITE MAP



311/319 PACIFIC AVE., SOLANA BEACH, CA

NO SCALE

LOCATION MAP

SITE

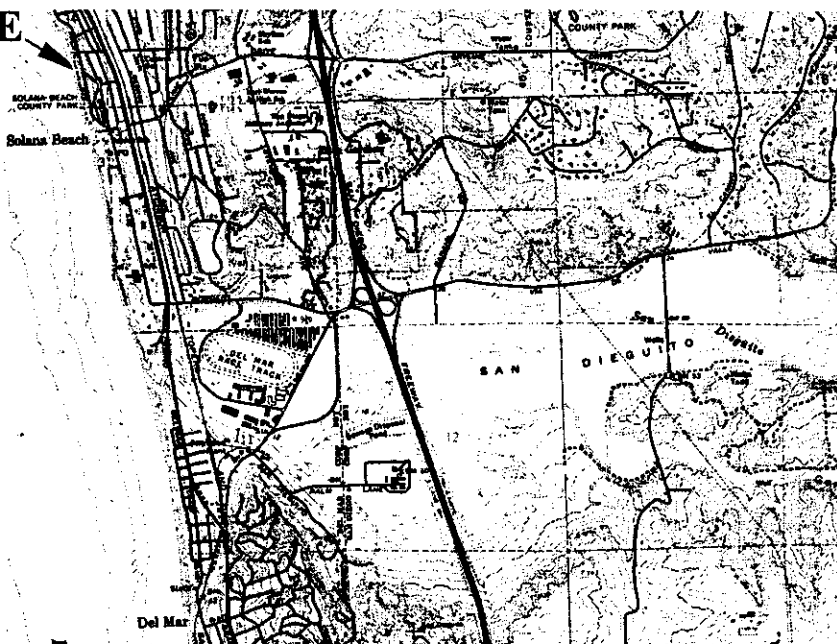
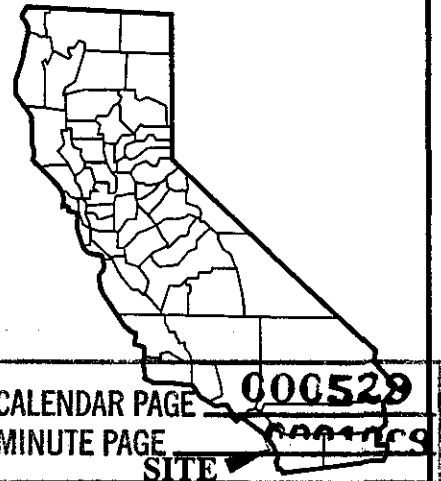


Exhibit A
 W 25440.19
 APN 263-312-02/03
 Solana Beach
 SAN DIEGO CO.



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.