

MINUTE ITEM
This Calendar Item No. C53
was approved as Minute Item
No. 53 by the State Lands
Commission by a vote of 3
to 0 at its 11-24-01
meeting.

CALENDAR ITEM
C53

A 73

S 38

11/26/01
PRC 8193 W 25440.12
J. Smith

**RESCIND PRIOR AUTHORIZATION FOR GENERAL LEASE - PROTECTIVE
STRUCTURE USE AND AUTHORIZE A NEW GENERAL LEASE - PROTECTIVE
STRUCTURE USE**

APPLICANTS:

Antonio C. Alamo and Maria E. Alamo
85 Ventana Canyon Drive
Las Vegas, Nevada 89113

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Maintenance of an existing seawall at the base of the coastal bluff adjacent to
255 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:

General liability insurance of no less than \$1,000,000 .

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

CALENDAR ITEM NO. C53 (CONT'D)

2. At its meeting on June 27, 2000, pursuant to Minute Item 61, the Commission authorized a General Lease - Protective Structure Use to William A. Richardson and Linda D. Richardson, Trustees of the W.A. Richardson Family Trust, Dated July 6, 1989, for construction and maintenance of a seawall at the base of the coastal bluff adjacent to 255 Pacific Avenue in Solana Beach. The seawall extends across the base of the bluff providing protection to eight blufftop residences (249, 255, 265, 269, 301, 309 and 311 Pacific Avenue). The consideration for the lease was the public health and safety. The lease document was never executed by the Richardsons.

Staff was subsequently advised that the upland residence was sold to the Applicants, Antonio C. Alamo and Maria E. Alamo. The Applicants are now applying for a new General Lease - Protective Structure Use for that portion of the already constructed seawall that is adjacent to their blufftop property. The Applicants were sent and have executed a lease document that was prepared pursuant to the same terms and conditions as those previously authorized by the Commission on June 27, 2000, Minute Item 61, including the previous Commission policy of Public Benefit Consideration for these types of leases. Staff believes that based on the above, all eight leases that were issued for this seawall project, including this transaction, will be analyzed as part of the Commission's practice of five-year rent reviews pursuant to the standard provisions contained in the Commission's lease for shoreline protective structures. Therefore, staff is recommending that the Commission authorize a lease to the Applicants based on its previous authorization.

3. On August 12, 1999, the California Coastal Commission (CCC) granted Permit #6-99-100 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 165253(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.

4. 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

CALENDAR ITEM NO. **C53** (CONT'D)

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:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-99-100, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED REGULATORY 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 OF JUNE 27, 2000, PURSUANT TO MINUTE ITEM 61, OF A LEASE TO WILLIAM A. RICHARDSON AND LINDA D. RICHARDSON, TRUSTEES OF THE W. A. RICHARDSON FAMILY TRUST, DATED JULY 6, 1989 AND AUTHORIZE ISSUANCE TO ANTONIO C. ALAMO AND MARIA E. ALAMO OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING JUNE 1, 2000, FOR A TERM OF TEN YEARS, FOR

CALENDAR ITEM NO. C53 (CONT'D)

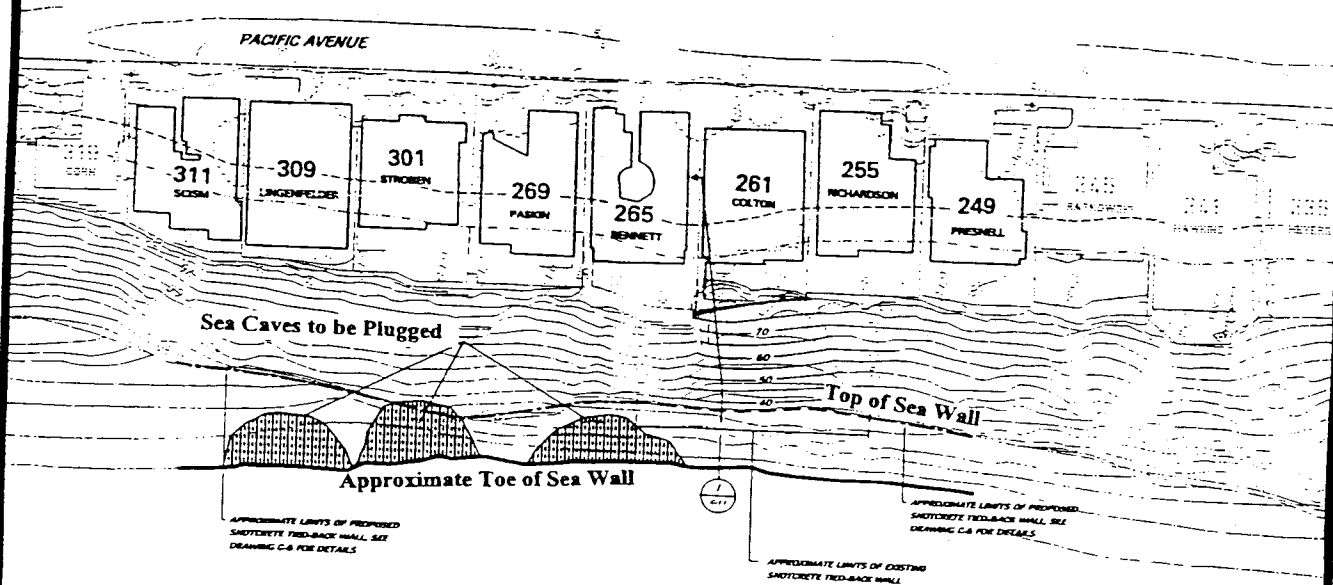
MAINTENANCE OF AN EXISTING SEAWALL ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; GENERAL LIABILITY INSURANCE OF NO LESS THAN \$1,000,000.

NO SCALE

DATA TABLE

ADDRESS	NAME	PHONE NO.	APN NO.
249	PRESNELL	(619) 755-3552	263-312-10
255	RICHARDSON	(702) 697-2810	263-312-08
261	COLTON	(619) 481-3102	263-312-06
265	BENNETT	(619) 755-8525	263-312-28
269	PASKIN	(619) 259-6743	263-312-06
301	STROBEN	(619) 259-3752	263-312-15
309	LINGENFELDER	(619) 755-2193	263-312-04
311	SCISM	(619) 755-3355	263-312-03

COASTAL BLUFF STABILIZATION 249 THROUGH 311 PACIFIC AVENUE



NO SCALE

LOCATION MAP

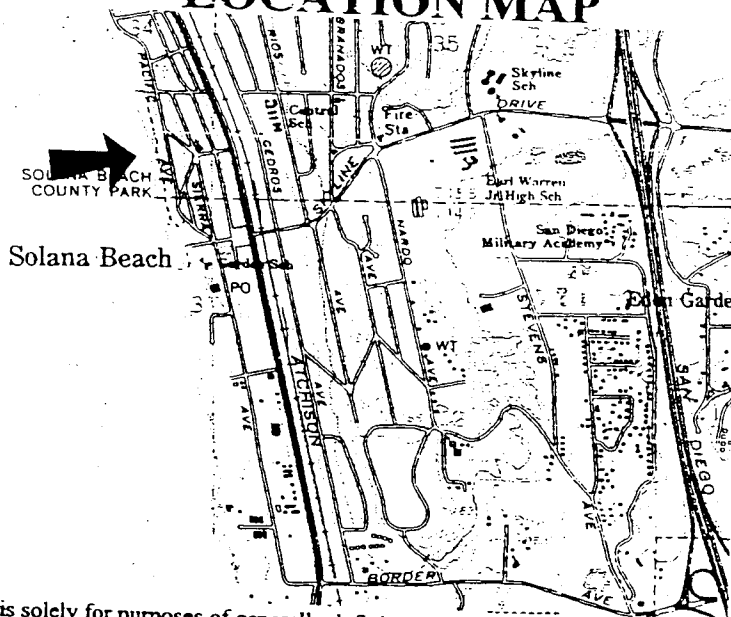


Exhibit A
W 25440.8-15
GL - Lease
Protective Structures
Solana Beach
San Diego County



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.