

MINUTE ITEM

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 11-01-06 meeting.

**CALENDAR ITEM
C04**

A	74		11/01/06
S	38	PRC 8716	W 26116 J. Brown

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

Las Brisas Condominium Association, Inc.
135 South Sierra Avenue
Solana Beach, CA 92075

AREA, LAND TYPE, AND LOCATION:

0.004 acres, more or less, of sovereign lands in the Pacific Ocean, city of Solana Beach, San Diego County.

AUTHORIZED USE:

Construction and maintenance of a seawall and the filling of a sea cave area behind the seawall.

LEASE TERM:

Ten years, beginning October 12, 2006.

CONSIDERATION:

\$1,128 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 owns the uplands adjoining the lease premises.
2. The upland property is improved with a 36-unit condominium development known as Las Brisas Condominiums, which was built in the early 1970s.

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3. The condominium development is situated along an 80-foot high bluff. In early 2004, the lower bluff in front of the condominiums experienced a bluff failure.
4. To prevent future lower bluff failures, the Applicant is proposing the construction of a 120-foot long by 35-foot high seawall, of which only the northernmost segment encroaches on sovereign land.
5. On December 7, 2004, the city of Solana Beach approved a Conditional Use Permit for the construction of the seawall and granted an emergency CEQA exemption for the project.
6. On October 14, 2005, the California Coastal Commission (CCC) granted Permit #6-05-72 for this project under its certified regulatory program [Title 14, California Code of Regulations, section 15251 (c)].
7. 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 statutory emergency exemption in order to comply with the requirements of the CEQA.

APPROVALS OBTAINED:

City of Solana Beach and the California Coastal Commission

EXHIBITS:

- A. Location and Site Map
- B. Legal Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 6-05-72, 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

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INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

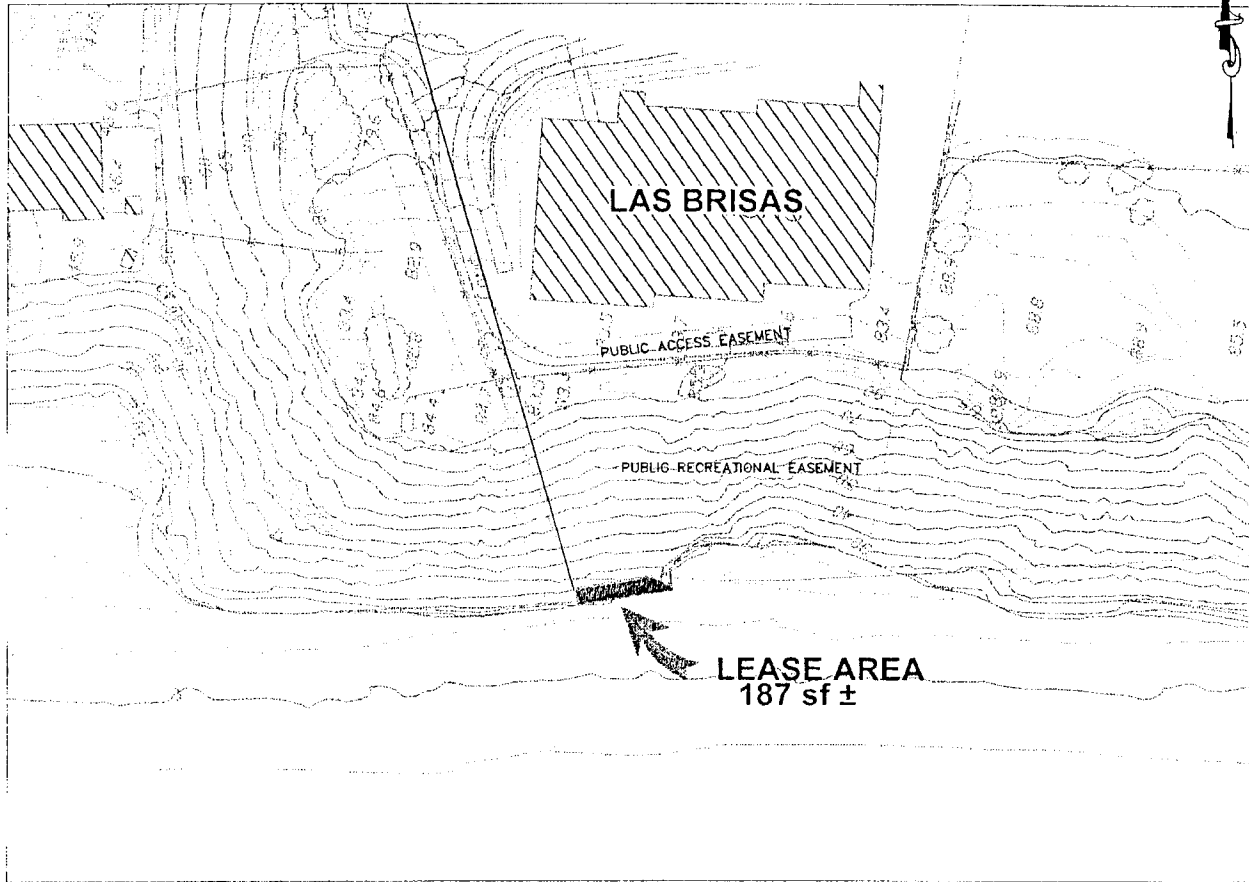
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO LAS BRISAS CONDOMINIUM ASSOCIATION, INC. OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 12, 2006, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION AND MAINTENANCE OF A SEAWALL AND THE FILLING OF A SEACAVE AREA BEHIND THE SEAWALL AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,128, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; PUBLIC LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

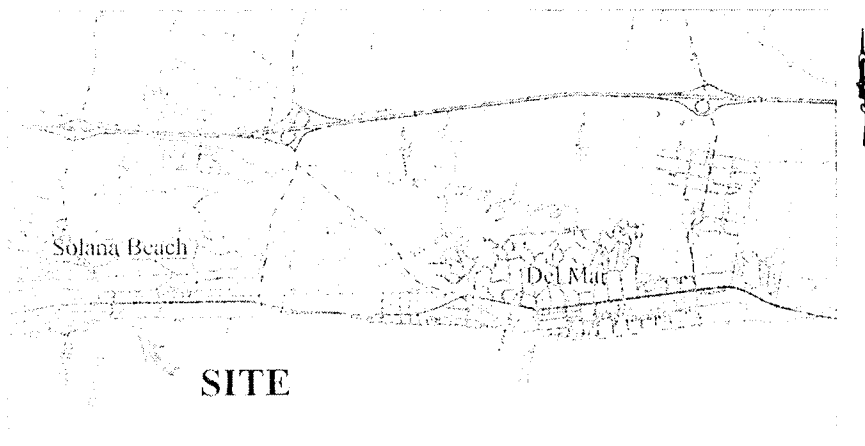
SITE



135 SOUTH SIERRA AVENUE, SOLANA BEACH

NO SCALE

LOCATION



SITE

MAP SOURCE: USGS QUAD

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.

Exhibit A

W 26116
LAS BRISAS HOA
GENERAL LEASE
PROTECTIVE STRUCTURE
SOLANA BEACH
SAN DIEGO COUNTY



SITE

SCL 8-31-06

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SECTION 3

LAND DESCRIPTION

A parcel of tide and submerged land situated in Solana Beach, San Diego County, State of California, being more particularly described as follows:

BEGINNING at a point having a CCS 83 coordinate of North = 1941711.84 and East = 6247557.86, which bears North 64°07'02" East, 463.94 feet to a lead and tack with disc marked R.C.E 9490 as shown on that certain map entitled "Las Brisas" filed as Map No. 7999 San Diego County Records, thence South 60°24'13" West, 6.10 feet; thence South 18°58'58" East, 32.71 feet; thence North 71°01'02" East, 2.00 feet; thence North 13°26'23" East, 7.46 feet; thence N 18°58'58" W, 27.53 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

