

**CALENDAR ITEM
C75**

A 78
S 39

10/14/14
PRC 7128.1
K. Foster

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

Michael S. Morris,
Trustee of the Willam S. Bannasch Living Trust Dated August 30, 2002

AREA, LAND TYPE, AND LOCATION:

0.002 acre, more or less, of sovereign land in the Pacific Ocean adjacent to 523-525 Pacific Avenue, in the city of Solana Beach, San Diego County.

AUTHORIZED USE:

Removal of one seacave/notch fill, and the expansion, use and maintenance of an existing seacave/notch fill.

LEASE TERM:

10 years, beginning October 14, 2014.

CONSIDERATION:

\$622 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: In an amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On October 21, 1987, the Commission authorized the issuance of Lease No. PRC 7128.9, a General Permit – Protective Structure Use to Steven A. Childs et ux. for a 10-year term ending on October 20, 1997, to construct seacave plug/notch fills.
3. On March 8, 1994, the Commission authorized the assignment of the Lease to William S. and Renee S. Bannasch effective January 21, 1991. The lease expired on October 20, 1997. The Applicant is applying for a

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General Lease – Protective Structure Use for authorization for existing seacave/notch fills.

4. Coastal bluffs within the city of Solana Beach are highly susceptible to wave erosion, and caves and notches frequently develop in the bluff face. These caves and notches can undermine and collapse the lower bluff, which often results in upper bluff failures and loss of upland property. The terms of Lease No. PRC 7128.9 authorized the filling of several seacaves that developed in the face of the bluff situated below the upland residential property. Currently, one of these seacave/notch fills requires removal as the bluff has eroded and exposed the fill; and another seacave/notch fill requires expansion due to erosion around its perimeter.
5. CSLC staff consulted with the California Coastal Commission (CCC) in February 2014. On June 14, 2014, the CCC granted Permit #6-13-0948 for this project under its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)).

Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the Commission to use the environmental analysis document certified by CCC as a Negative Declaration equivalent in order to comply with the requirements of the California Environmental Quality Act (CEQA).

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board
U.S. Army Corps of Engineers

EXHIBITS:

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

CALENDAR ITEM NO. **C75** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an environmental analysis document, California Coastal Commission (CCC) Permit #6-13-0948, was adopted for this Project by the CCC under its certified program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in 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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Protective Structure Use to Michael S. Morris, Trustee of the William S. Bannasch Living Trust Dated August 30, 2002, beginning October 14, 2014, for a term of 10 years, for removal of one seacave/notch fill, and the expansion, use and maintenance of an existing seacave/notch fill as described in Exhibit A and as shown on Exhibit B (for reference purpose only) attached and by this reference made a part hereof; consideration in the amount of \$622 per year, with an annual Consumer Price Index adjustment; insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7128.1

LAND DESCRIPTION

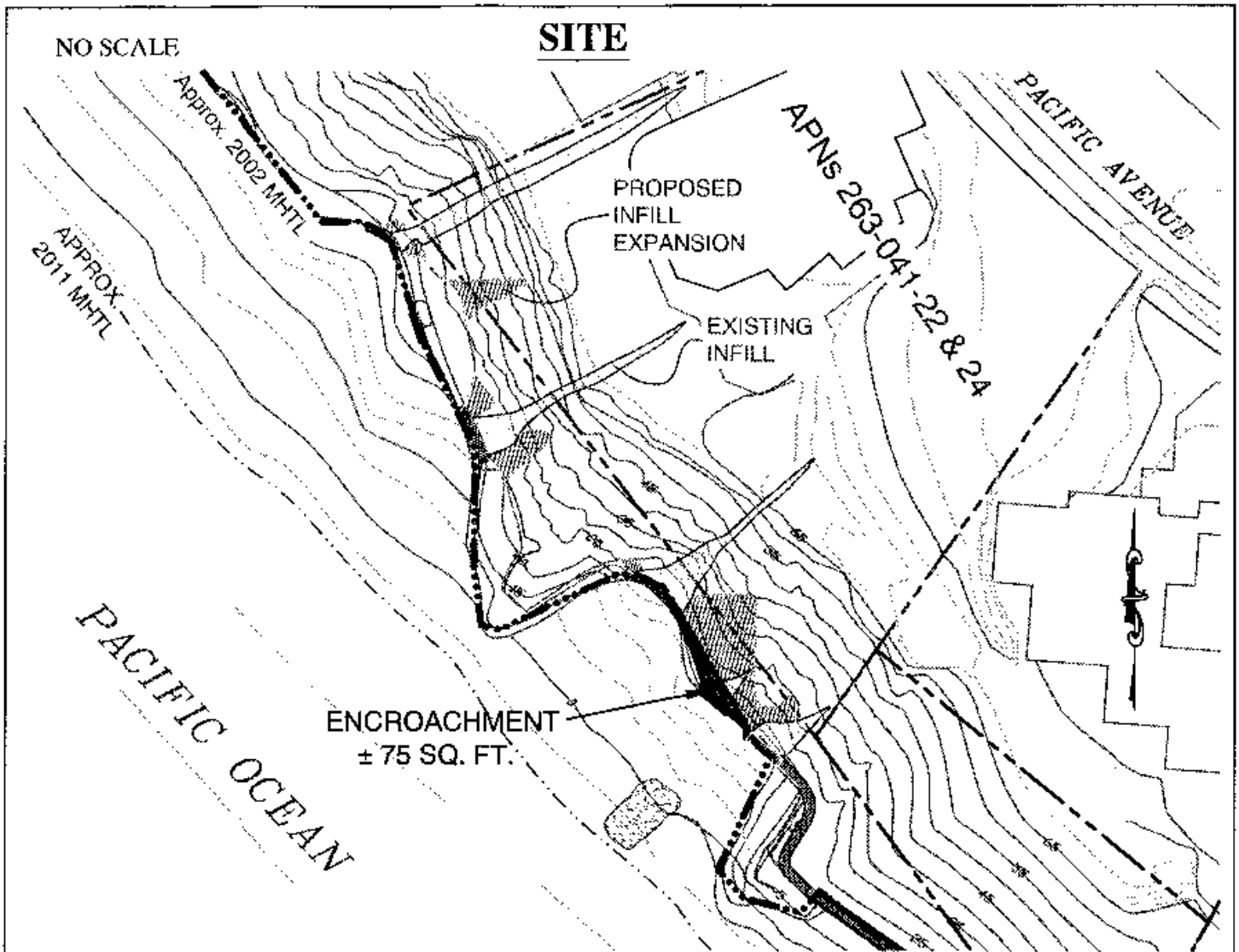
A parcel of tide and submerged land situate in the Pacific Ocean in the City of Solana Beach, County of San Diego, State of California, more particularly described as follows:

Said parcel being bounded on the southeast by a line parallel with and 6 feet perpendicular to and northwesterly of the southwesterly prolongation of the southeasterly line of that parcel described in that Grant Deed, recorded on July 26, 2011 in Document No. 2011-0378057 in Official Records of said County; Bounded on the northwest by a line parallel with and 50 feet perpendicular to the southwesterly prolongation of the southeasterly line of said parcel; Bounded on the northeast by the ordinary high water mark of the Pacific Ocean; Bounded on the southwest by a line parallel with and 10 feet perpendicular to said ordinary high water mark.

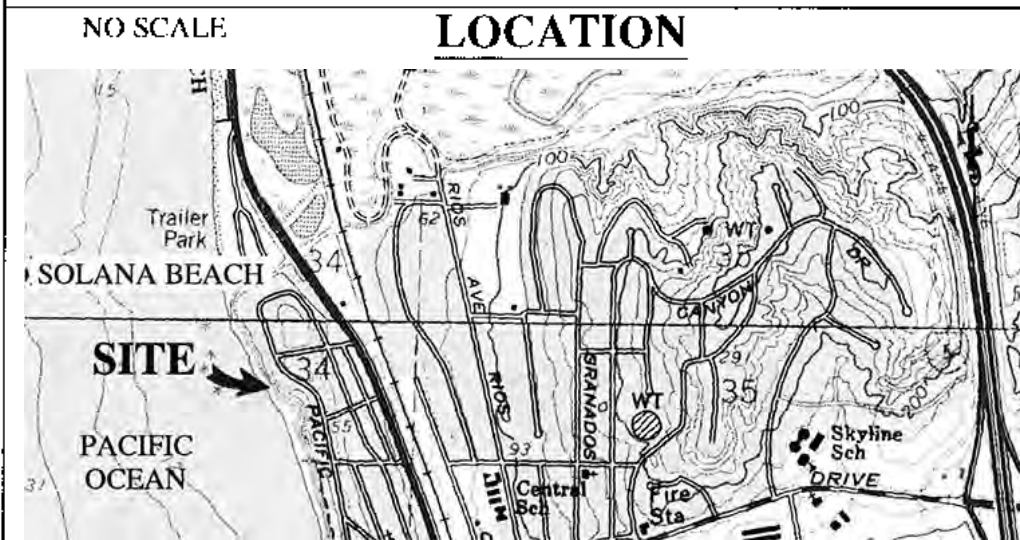
END OF DESCRIPTION

Prepared 08/20/14 by the California State Lands Commission Boundary Unit.





523 & 525 PACIFIC AVENUE, SOLANA BEACH



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7128.1
 MORRIS
 APNs 263-041-22 & 24
 GENERAL LEASE -
 PROTECTIVE STRUCTURE USE
 SAN DIEGO COUNTY



TS 10/13/14

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.