

**CALENDAR ITEM
C71**

A 78
S 38, 39

02/20/15
PRC 8834.1
K. Foster

REVISION OF RENT

LESSEE:

Surfsong Owners Association

AREA, LAND TYPE, AND LOCATION:

0.07 acre, more or less, of sovereign land in the Pacific Ocean adjacent to 205-239 South Helix Avenue, in the city of Solana Beach, San Diego County.

AUTHORIZED USE:

The retention, use, and maintenance of a 120-foot long by 35-foot high seawall and associated seacave/notch fills, and a 130-foot long section of notch fill; and the construction, use and maintenance of a 55-foot long by 37-foot high seawall and associated seacave/notch fills.

LEASE TERM:

10 years, beginning August 11, 2009.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease and recommends that rent be revised from \$18,385 per year to \$25,280 per year, effective August 11, 2014.

OTHER PERTINENT INFORMATION:

1. On August 11, 2009, the Commission authorized the issuance of Lease No. PRC 8834.1, a General Lease – Protective Structure Use to the Surfsong Owners Association for a 10-year term beginning on August 11, 2009. The Lease will expire on August 10, 2019.

2. The Lessee was notified of the proposed rent increase in advance of the anniversary date per the terms of its Lease. The proposed revision of rent was then scheduled for the August 15, 2014, Commission meeting, and subsequently for the December 17, 2014, Commission meeting, but was removed from both agendas at the Lessee's request to get more

CALENDAR ITEM NO. **C71** (CONT'D)

information on the proposed increase in rent. Staff has corresponded and met with the Lessee and is now recommending the proposed revision of rent.

3. The 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:

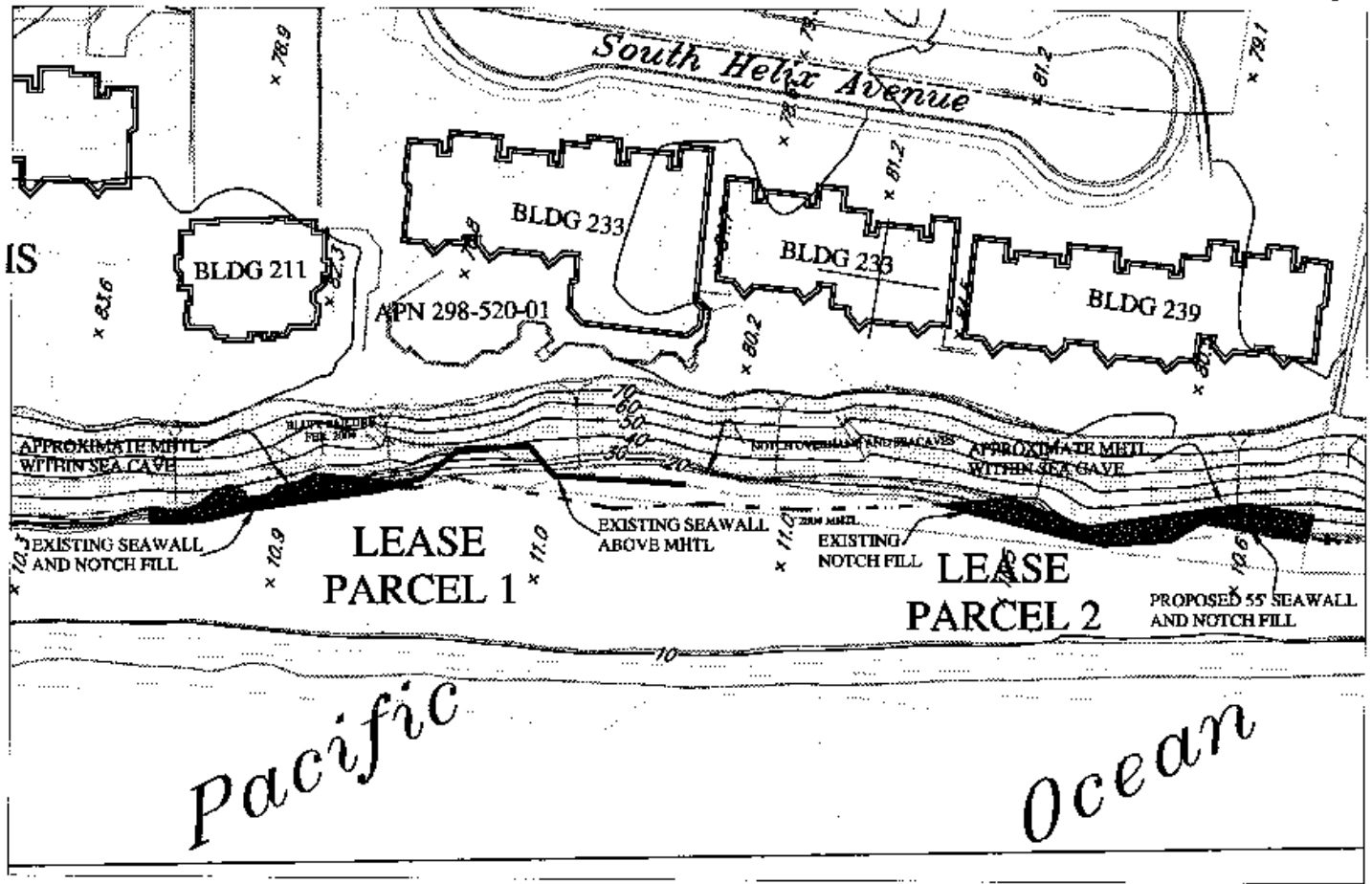
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations,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

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8834.1 from \$18,385 per year to \$25,280 per year, effective August 11, 2014.

NO SCALE

SITE



SURFSONG OWNERS ASSOCIATION
 205-239 SOUTH HELIX AVENUE, SOLANA BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A
 PRC 8834.1
 SURFSONG OA
 APN 298-520-01
 GENERAL LEASE-
 PROTECTIVE STRUCTURE
 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.