

**CALENDAR ITEM
C55**

A 78
S 39

08/19/15
PRC 8190.1
R. Collins

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Paul S. Aisen and Mindy L. Aisen

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged land in the Pacific Ocean, adjacent to 301 Pacific Avenue, city of Solana Beach, San Diego County.

AUTHORIZED USE:

Use and maintenance of a 35-foot high seawall at the base of the coastal bluff.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

\$614 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. On June 27, 2000, the Commission authorized issuance of a General Lease – Protective Structure Use to Donald R. Stroben and Martha L. Stroben, as Trustees of the Donald and Martha Stroben Community Property Trust Dated July 19, 1988 (Strobens), for the construction and maintenance of a seacave fill and a seawall adjacent to 301 Pacific Avenue in Solana Beach. The lease expired on May 31, 2010.
3. In early 2000, the Strobens were one of eight owners who completed construction of a 352-foot long, 35-foot high colored and textured erodible concrete seawall at the base of the coastal bluff. Cobble abrasion has resulted in wear of the architectural surface, and the shotcrete application to sculpt and texture the wall surface is separating and cracking along

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much of the wall length. The seawall was inspected by TerraCosta Consulting Group on October 24 and November 4, 2013. TerraCosta's report identifies no signs of structural distress in the seawall. The proposed project, which includes covering of exposed anchor heads with shotcrete and re-coloring large portions of the seawall, would restore the seawall to its original condition. The Applicant is now applying for a new lease and for authorization to perform maintenance on that portion of the seawall providing protection for their upland parcel (Assessor's Parcel Number 263-312-05).

4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. 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

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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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 Paul S. Aisen and Mindy L. Aisen beginning August 19, 2015, for a term of 10 years, for use and maintenance of a 35-foot high seawall at the base of the coastal bluff as described in Exhibit A and as shown on Exhibit B (for references purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$614, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8190.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Pacific Ocean lying adjacent to "Solana Beach" as shown on Map No. 1749, sheet 2, filed March 5, 1923 in Official Records of San Diego County, situated in the City of Solana Beach, San Diego County, State of California and more particularly described as follows:

COMMENCING at the Northeast corner of Lot 21, Block 23 as shown on said Map No. 1749, thence along the northerly line of said lot South $78^{\circ} 40' 58''$ West, 132.00 feet to the POINT OF BEGINNING; thence the following four courses:

- (1) South $78^{\circ} 40' 58''$ West, 6.70 feet;
- (2) South $0^{\circ} 38' 47''$ West, 28.70 feet;
- (3) South $89^{\circ} 13' 19''$ East, 6.50 feet;
- (4) North $0^{\circ} 45' 00''$ East, 30.10 feet to the POINT OF BEGINNING.

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

BASIS OF BEARINGS for this description is based on California Coordinate System 1983, Zone 6 (2004 epoch). All distances are grid distances.

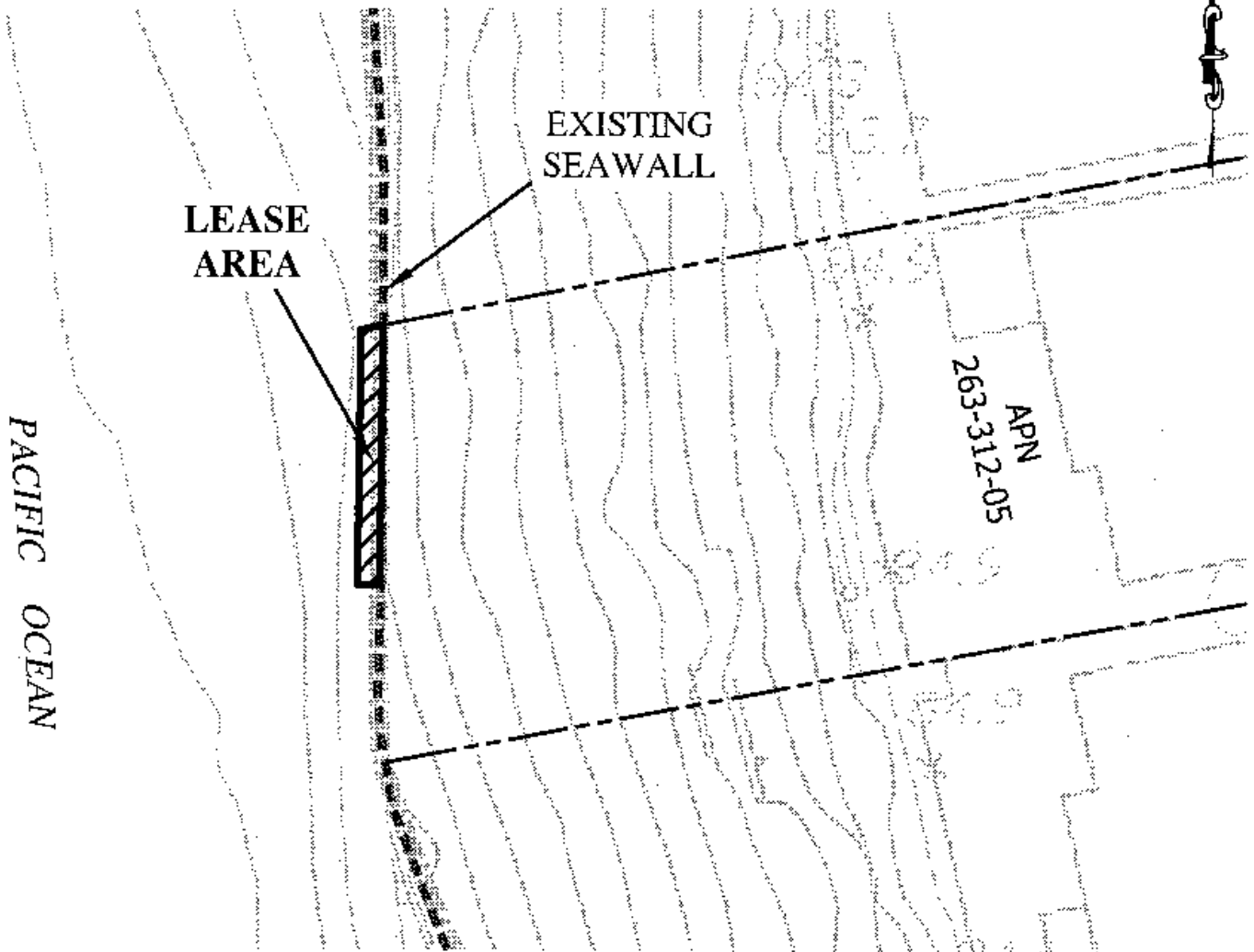
END OF DESCRIPTION

Prepared 07/15/15 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



301 PACIFIC AVENUE, SOLANA BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8190.1
 AISEN
 APN 263-312-05
 GENERAL LEASE-
 PROTECTIVE
 STRUCTURE USE
 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.