

**CALENDAR ITEM  
C56**

A 78  
S 39

08/19/15  
W 26873  
R. Collins

**GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Terry and Dale Lingenfelder Family Trust

**AREA, LAND TYPE, AND LOCATION:**

Sovereign tide and submerged land in the Pacific Ocean, adjacent to 309 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:**

\$340 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 owns the upland adjoining the lease premises.
2. On June 27, 2000, the Commission authorized issuance of a General Lease – Protective Structure Use to Dale F. Lingenfelder and Terry Lingenfelder, as Trustees of the Lingenfelder Trust UDT dated 6/29/79 (Lingenfelders), for a 10-year term ending May 31, 2010, for the construction and maintenance of a seacave fill and a seawall adjacent to 309 Pacific Avenue in Solana Beach. The lease was never executed.
3. In early 2000, the Lingenfelders 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 indicates there are 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 lease and for authorization to perform maintenance on that portion of the seawall protecting their upland lot (Assessor's Parcel Number 263-312-04).

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 the Terry and Dale Lingenfelder Family Trust 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 \$340, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**W 26873**

**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 Southeast corner of Lot 22, Block 23 as shown on said Map No. 1749, thence along the southerly line of said lot South 78° 40' 58" West 132.00 feet to the POINT OF BEGINNING; thence the following four courses:

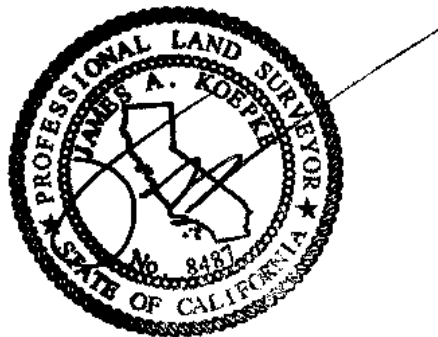
- (1) South 78° 40' 58" West, 6.70 feet;
- (2) North 0° 38' 47" East, 17.13 feet;
- (3) North 89° 38' 08" East, 6.58 feet;
- (4) South 0° 45' 00" East, 15.86 feet to the POINT OF BEGINNING.

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.

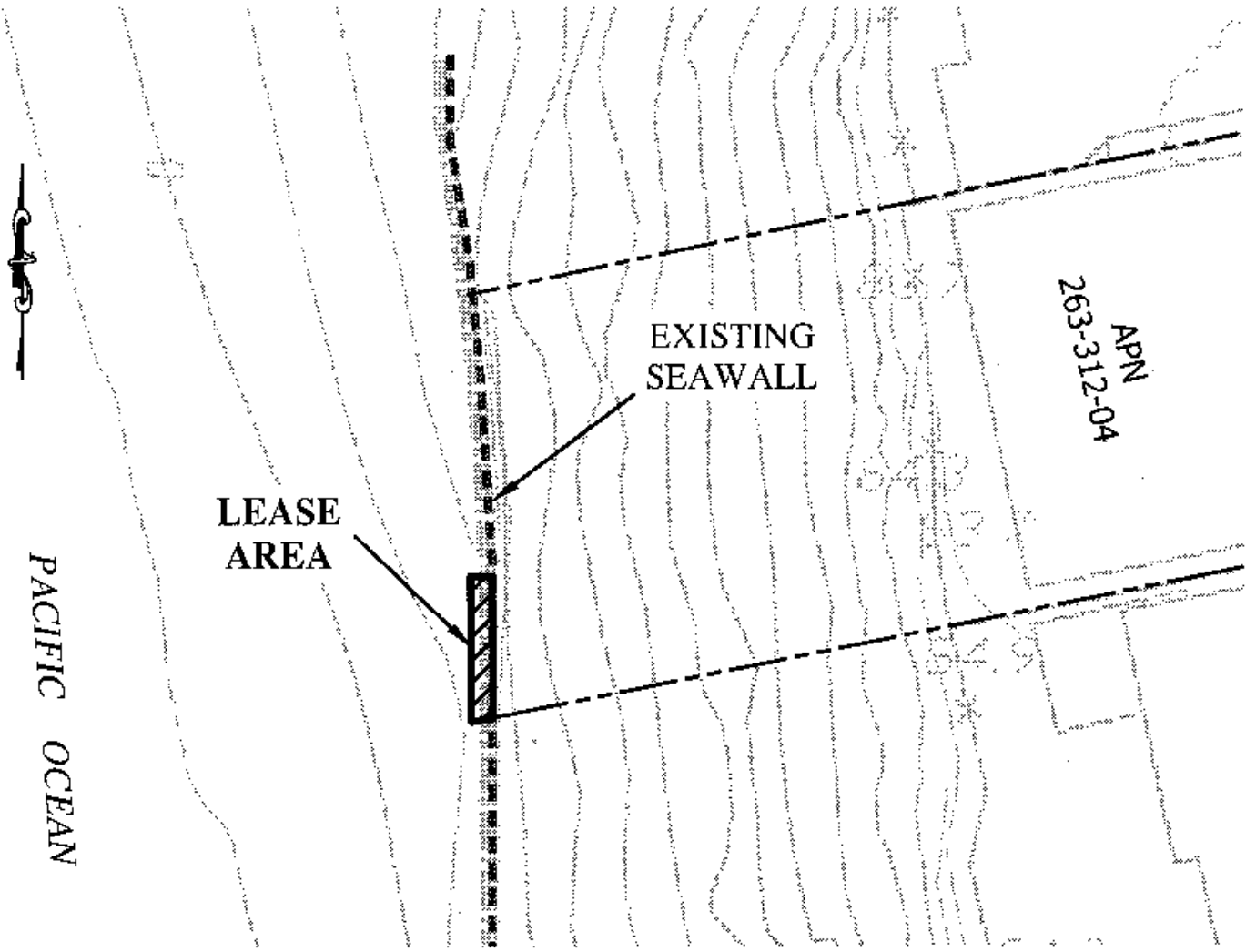
**END OF DESCRIPTION**

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



NO SCALE

### SITE



309 PACIFIC AVENUE, SOLANA BEACH

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

W 26873  
 LINGENFELDER, TRUSTEES  
 APN 263-312-04  
 GENERAL LEASE-  
 PROTECTIVE  
 STRUCTURE USE  
 SAN DIEGO COUNTY



TS 07/15/15

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.