

Staff Report 41

LESSEE/ASSIGNOR:

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

APPLICANT/ASSIGNEE:

Linear Bannasch

PROPOSED ACTION:

Assignment of a General Lease – Protective Structure Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located adjacent to 523-525 Pacific Avenue, Solana Beach, San Diego County.

AUTHORIZED USE:

Use and maintenance of one seacave/notch fill at the base of the bluff below 523-525 Pacific Avenue.

TERM:

10 years, beginning October 14, 2014.

CONSIDERATION:

\$622 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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.1, 6501.1, 6503, 6503.5, and 6505.5; and California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 14, 2014, the Commission authorized a General Lease – Protective Structure Use to Michael S. Morris, Trustee of the William S. Bannasch Living Trust Dated August 30, 2002 ([Item 75, October 14, 2014](#)). That lease will expire on October 13, 2024.

On November 22, 2021, the ownership of the upland property was deeded to Linear Bannasch. In coordination with the Lessee, the Applicant is now applying for an assignment of the lease and agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease. Staff believes the Applicant is best qualified to be the lessee because they now own the adjacent upland and the improvements that are currently under lease.

The proposed assignment will not change the terms of the lease or special conditions required in Coastal Development Permit No. 6-13-0948, including requiring the Lessee to submit seacave/notch infill monitoring reports.

Staff recommends an assignment of the lease to reflect the change in ownership from Assignor to Assignee. The effective date of the assignment would be November 22, 2021, to coincide with the Assignee's purchase of the upland property. The proposed assignment of lease does not alienate the State's fee simple interest in the underlying land, nor will it permanently impair public rights.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, increased flooding, and erosion affect both open coastal areas and inland waterways in California. The seacave/notch fill is located at the base of a coastal bluff adjoining a tidally influenced beach along the Pacific Ocean, and is subject to wave run-up and impact during high tide periods.

In 2012, the San Diego Association of Governments (SANDAG) Regional Sand Project dredged and placed several hundred thousand cubic yards of beach quality sand along the Solana Beach shoreline and to the north. By 2014, approximately 4 feet of sand had been lost due to tidal action; however, by 2016, sand movement along the littoral cell that includes Solana Beach had returned this

section of coastline to 2013 levels, which have since remained consistent. The erosion rates for the lower coastal bluff are primarily affected by sand levels on the beach (high sand levels both cover the beach cobbles that are located on top of bedrock and reduce wave impact). The 2020 Monitoring Report indicated that the seacave/notch fill is structurally sound and performing well.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. Projected sea level rise scenarios for the lease area (La Jolla tide gauge) are listed in Table 1.

Table 1. Projected Sea Level Rise for La Jolla

Year	Projection (feet)
2030	0.9
2040	1.3
2050	2.0
2100	7.1

Source: Table 31, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

The combination of these projected conditions increases the likelihood of future damage to the seacave/notch fill that could jeopardize the residence atop the bluff. As discussed in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), armoring structures along the coast, while intended to safeguard upland properties, offer only temporary protection, eventually leaving homes and property at risk. The seacave/notch fill may become vulnerable to more frequent inundation during high tides, king tides, and storms, as well as from storm runoff. Bluff erosion as a result of precipitation, groundwater drainage, wind force, and slumping may also exert pressure on the seacave/notch fill from the landward side, and potentially destabilize the seacave/notch fill material.

The seacave/notch fill has the potential to exacerbate the impacts of sea level rise and increased storm and wave activity on State sovereign land. Without sand replenishment, the beach area seaward of the seacave/notch fill would be subject to width reduction and loss from erosion, scour, and coastal squeeze (i.e., the reduction of beach width due to the inability of the beach to naturally migrate landward as a result of hard armoring infrastructure).

The lease is a 10-year General Lease – Protective Structure Use that began on October 14, 2014, and may be subject to the climate change effects of the projected scenario of 0.9 foot of sea level rise (from year 2000 levels) by 2030 provided above. Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Further climate change impact analyses on the leased facilities will be assessed at the time the lease is up for renewal in 2024 and would be based on projected sea level rise scenarios at that time.

CONCLUSION:

Seacave/notch fills can have impacts on Public Trust needs and values in the Solana Beach area. However, as a structure legally permitted by the California Coastal Commission, and considering the measures already required, under the existing lease; the public safety benefits; and the limited term of the proposed lease, staff believes the lease assignment will not substantially interfere with the Public Trust needs and values for the foreseeable term of the proposed lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign and, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the Applicant also has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Assignment of a lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5)

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment of the lease will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease Number 7128, a General Lease – Protective Structure Use, of sovereign land, as described in Exhibit A, Land Description and as shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof; from Lessee to Applicant, effective November 22, 2021.

EXHIBIT A

PRC 7128

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:

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 November 22, 2021 in Document No. 2021-0803280 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 01/18/2022 by the California State Lands Commission Boundary Unit.



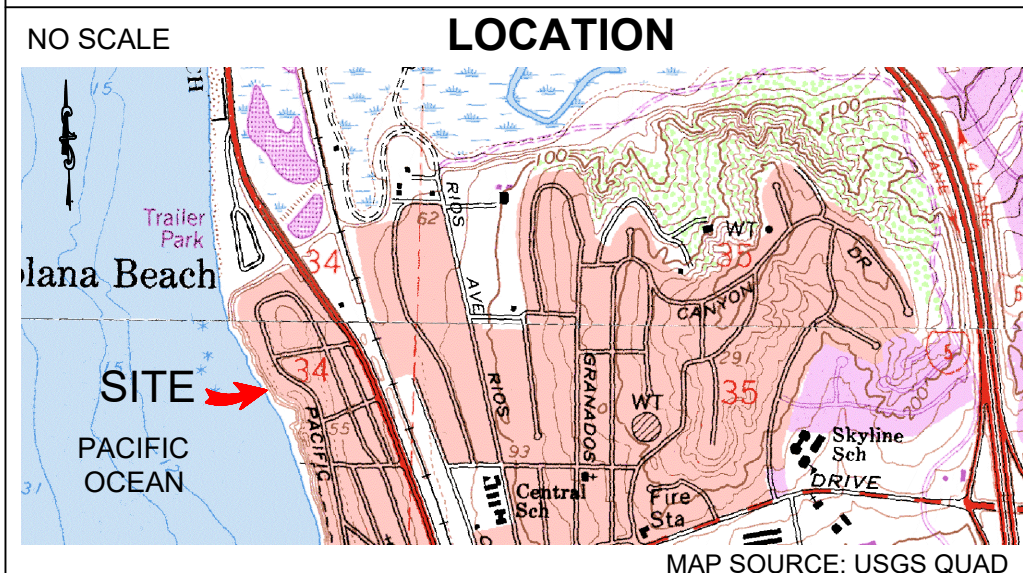
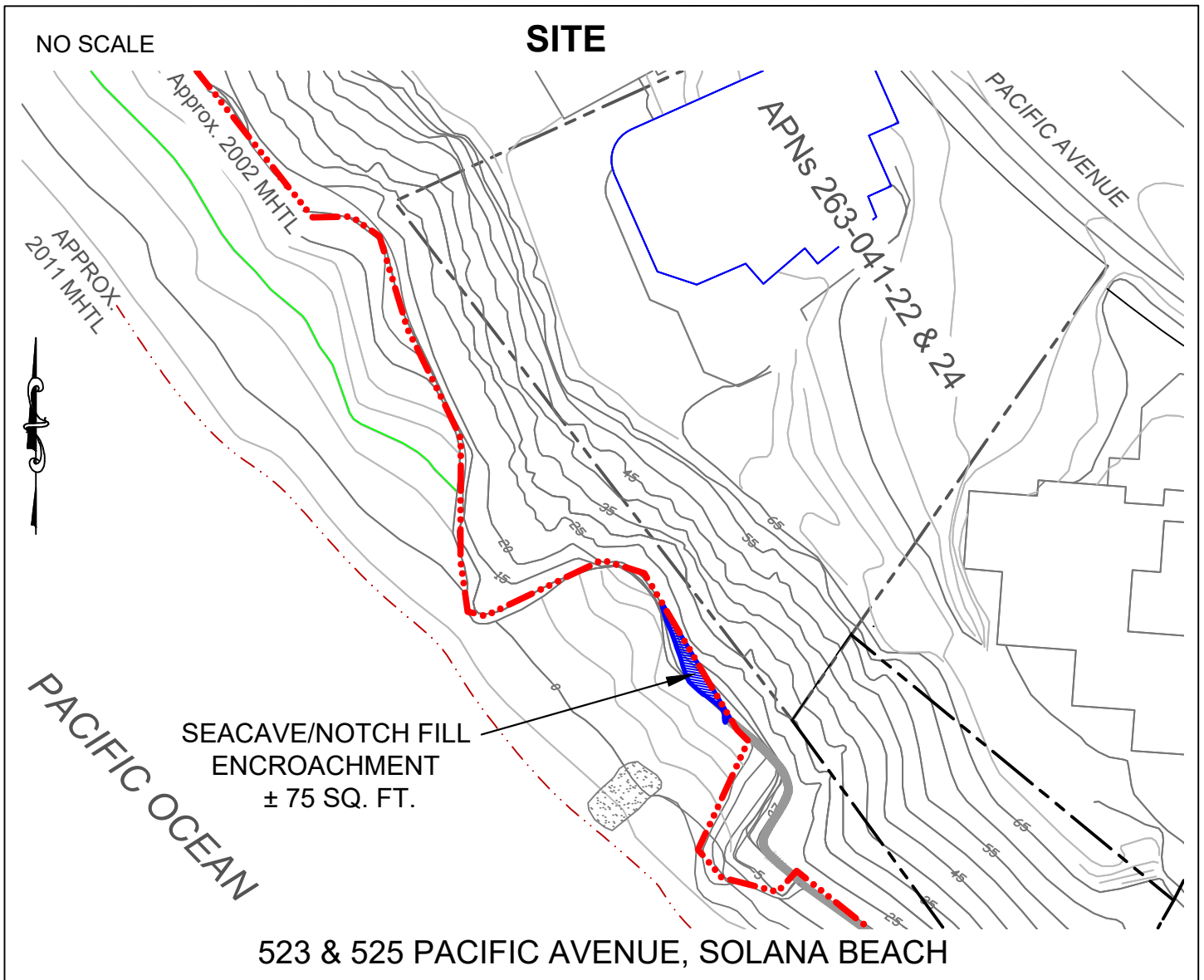
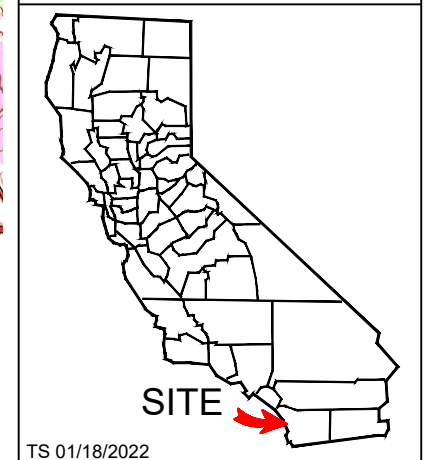


Exhibit B

PRC 7128
BANNASCH
APNs 263-041-22 & 24
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.