

Staff Report 49

APPLICANT:

Seascape Shores Management Corporation

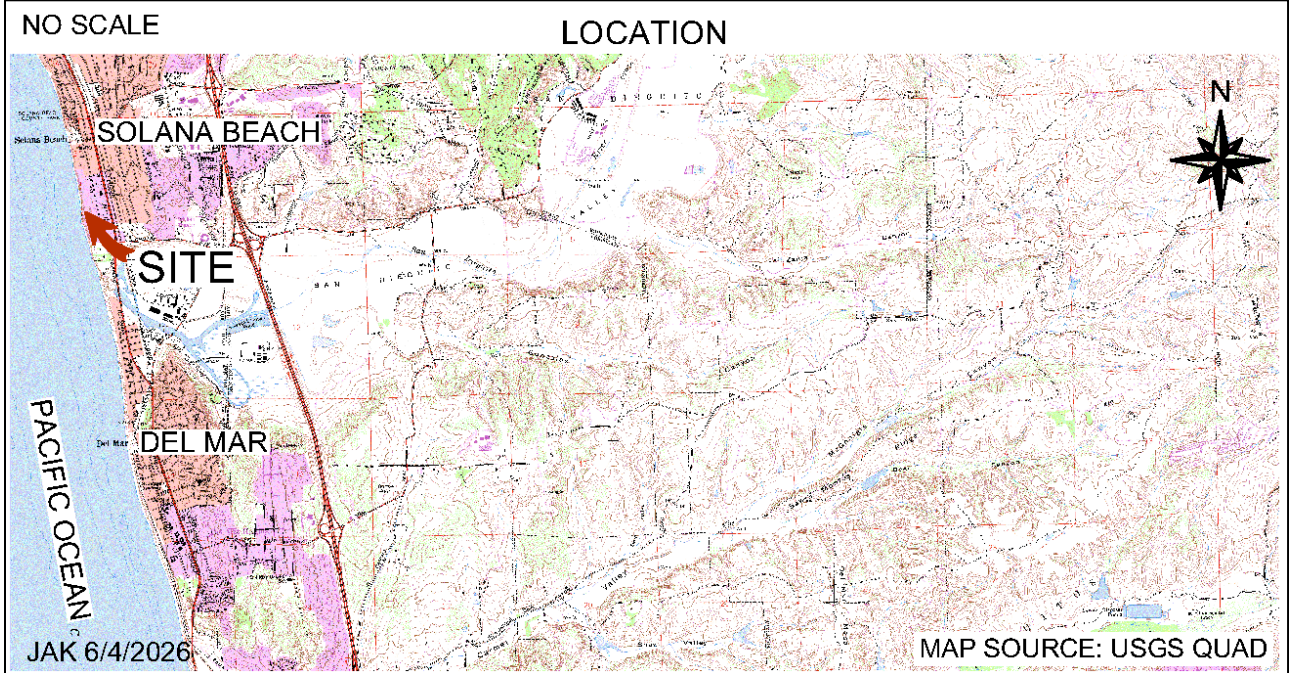
PROPOSED ACTION:

Issuance of a General Lease – Recreational and Protective Structure Use.

AREA, LAND TYPE, AND LOCATION:

0.03 acre, more or less, of sovereign land located in the Pacific Ocean, Solana Beach, San Diego County (as shown in Figure 1).

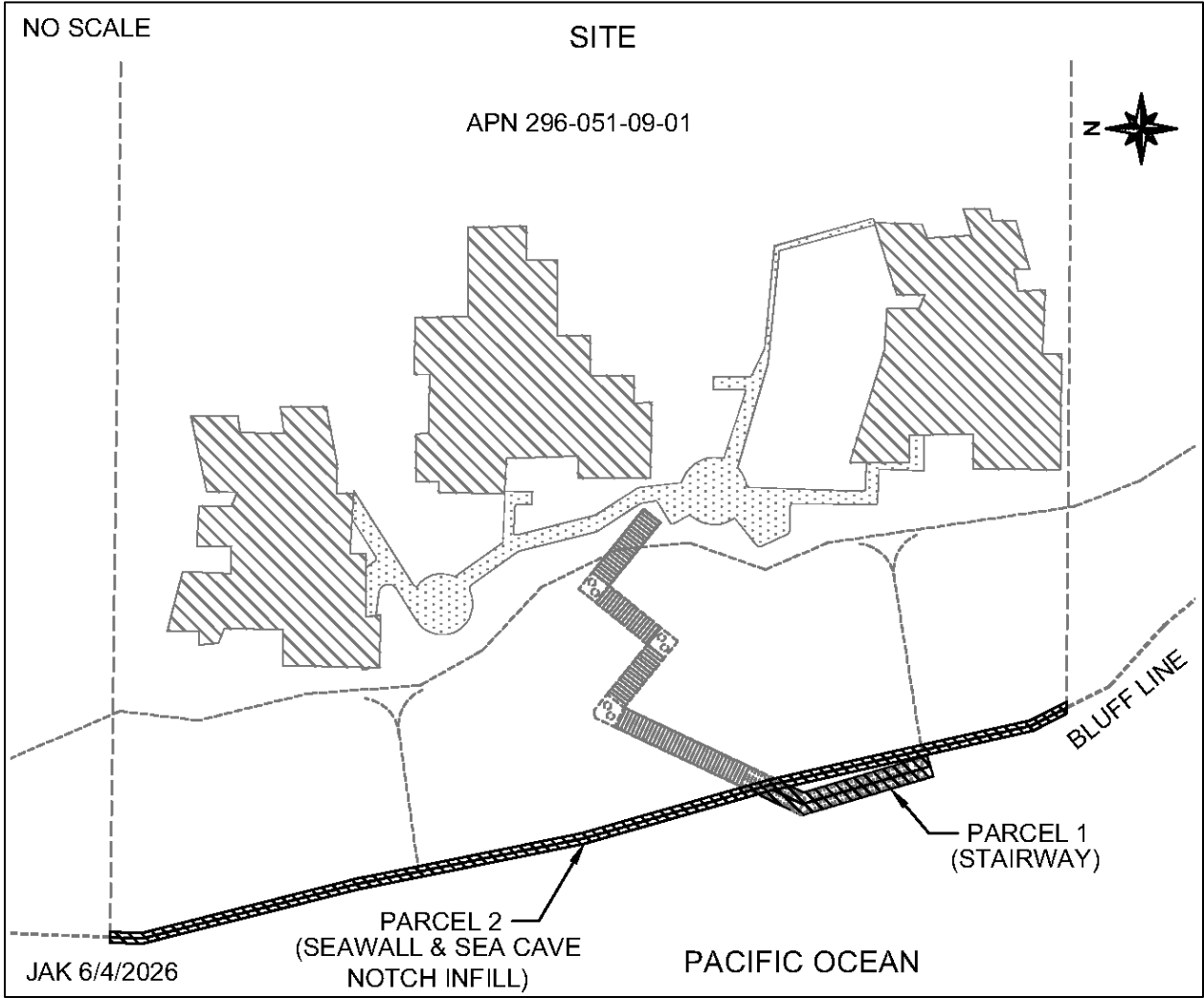
Figure 1. Location



AUTHORIZED USE:

Use of an existing seawall, sea cave notch infill, and access stairway (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

Ten years, beginning June 23, 2026.

CONSIDERATION:

\$19,125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Lessee must comply with all conditions of Coastal Development Permit (CDP) 6-04-092 and 6-20-0200.
- When requesting approval for any necessary major repairs or alterations of the authorized improvements, Lessee must assess the feasibility of implementing alternative adaptation strategies such as nature-based solutions or hybrid protective structure designs and provide written documentation of that analysis to Lessor's staff.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On February 9, 2006, the Commission authorized a General Lease – Recreational and Protective Structure Use to Seascape Shores Homeowners Association for the use and maintenance of an existing seawall, sea cave, and an existing access stairway occupying 0.03 acres, more or less, of sovereign lands in the Pacific Ocean, Solana Beach, San Diego County ([Item 20](#)). On June 23, 2011, the Commission authorized a revision of rent for the improvements ([Item 29](#)). This lease expired on February 29, 2016, and has been in holdover since that time, with the Applicant making holdover rental payments in accordance with the lease terms. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

The prior lease was issued to Seascape Shores Homeowners Association, however, upon further inspection of the documentation provided, the ownership of the improvements belongs to Seascape Shores Management Corporation, and they are now requesting the new lease to be issued under that entity.

Loss or degradation of the seawall and sea cave notch fill could result in failure of the bluffs, which could, in turn, lead to significant property damage and increased rockfall danger to beachgoers. Therefore, while the presence of the seawall and sea cave notch fill primarily protect the upland property, they also provide a benefit to the general public by helping prevent bluff failure.

In 1980, the County of San Diego issued Conditional Use Permit No. P79-066 for the construction of a seawall and notch infill to protect the existing condominium at the top of the bluff from erosion. The San Diego Coast Regional Commission then issued CDP No. F9143 for erosion control measures and to remove and rebuild the access stairway. Staff was unable to determine when the access stairway was initially constructed; however, subsequent CDPs issued for repairs and rebuilding appear to support a construction date preceding the Coastal Act 's effective date of January 1977, as it is unlikely any CDP would be issued to repair a known unpermitted structure.

In 2005, Coastal Development Permit 6-04-92 was issued to repair the seawall and sea cave notch infill. Per the CDP, if the Applicant proposes additional stabilization efforts, they are required to assess the feasibility of alternative protection methods for the seawall and sea cave notch infill. In 2020, CDP 6-20-0200 was issued for the repair and partial reconstruction of the access stairway.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts

may affect the existing seawall, sea cave infill, and access stairway subject to the proposed lease, located along the Pacific Ocean, near Solana Beach, San Diego County.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The La Jolla tide gauge was used for the projected sea level rise scenario for the lease area, as listed in Table 1.

Table 1. Projected Sea Level Rise for La Jolla

Year	Intermediate-High (feet)	High (feet)
2040	0.7	0.8
2060	1.6	2.0
2080	3.1	4.1
2100	4.8	6.6

Source: Table 13, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and structures from sea level rise. At present sea levels, the lease premises are already regularly flooded and subjected to wave impacts and erosion, which could potentially damage any structures or improvements on the lease premises. Episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, will increase the vulnerability of the lease premises and expose it to higher water levels and stronger wave runup, overtopping, and erosion.

As a result, the structures may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain their function. Wave action consistently reaches the lower bluff (seawall) and will continue to erode the sediment below and surrounding the revetment, potentially leading to structural instabilities and beach loss. Bluff retreat was monitored at the lease premises over the last twenty years, per the conditions of the 2005 CDP issued to the lessee from the California Coastal Commission ([CDP 6-04-92](#)). The most recent monitoring report (2023) indicated no significant erosion had occurred beyond normal bluff weathering since the monitoring program began in 2014. In recent decades, the beach in front of the seawall has been nourished with replacement sand. The Applicant previously committed to contributing funds for beach nourishment to mitigate for the seawall's impacts on shoreline sand supply, per the California Coastal Commission. Beach nourishment projects can temporarily protect beachfront development from coastal hazards by widening beaches and providing a larger buffer between the upland development and the effects of erosion and storm damage. By making beaches wider and gradually sloped, beach nourishment reduces wave run-up and potential flooding and erosion of upland areas. Beach nourishment addresses sediment deficits, which can be an underlying cause of erosion, by increasing the quantity of beach sediment in the coastal region.

While the seawall and sea cave notch infill may protect the upland property, that protection comes at the expense of the beach in front of the seawall and sea cave notch by covering and eliminating the intertidal area where it is placed and altering the natural coastal processes. As sea levels rise, the seawall and sea cave notch will further accelerate the erosion and narrowing of the beach by preventing it from migrating inland. The loss of intertidal areas harms critical habitats and ecosystem services, degrades the scenic quality of California's iconic coast, and impairs public coastal access and recreational uses. The seawall can block public access to the shoreline in front of and adjacent to the seawall exacerbating the existing inequities in coastal access that affect many disadvantaged and tribal communities ([Reineman et al., 2017](#)).

In addition, the access stairway may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain its function. Stronger coastal erosion can wash away the soil and sediment supporting the stairway, causing structural instabilities. The increased saltwater exposure from higher sea levels and rising groundwater can accelerate the corrosion of metal components, and the deterioration of the stairway's wooden structure and

concrete foundations. Additionally, the stairway may experience increased damage from waves breaking closer and stronger to shore.

RECOMMENDATIONS:

Alternative strategies should be explored to protect the upland property and preserve the beach, including nature-based strategies (also referred to as 'natural shoreline infrastructure'), accommodation strategies, and relocating vulnerable structures further inland. These approaches can be more effective long-term because they interfere less with dynamic coastal processes, which will help to maintain the width of the beach, preserve public access and natural resources, and protect the upland property by buffering coastal hazards. Coordinating with adjacent properties and local governments to develop a regional approach could further enhance the effectiveness of these strategies.

Section Four of the Commission's [2023 Shoreline Adaptation and the Public Trust](#) report contains more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as referenced in the terms of the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Lessee acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to the effects of climate change, including sea level rise and rising groundwater levels.

CONCLUSION:

For all the reasons above, staff believes approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, nor for the term of the 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 land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the

application, the current lessee or Applicant may be required to remove the improvements and restore the lease premises to their original condition. The lessee has no right to a new lease or to 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. 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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

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 14, section 15301.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

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

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to the Applicant beginning June 23, 2026, for a term of 10 years, for the use of an existing seawall, sea cave notch infill, and access stairway; annual rent in the amount of \$19,125, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.