MINUTE ITEM
This Calendar Item No. C50 was approved as Minute Item No. 50 by the California State Lands Commission by a vote of 3 to Ø at its 6-27-00 meeting.

CALENDAR ITEM
C50

A 73

S 38

June 27, 2000
PRC 8182.9 W 25440.1
J. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

LESSEE:

James H. O'Neal and Nancy O'Neal
4325 Livingston Avenue
Dallas, TX 75205

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, Solana Beach, San Diego County.

AUTHORIZED USE:

Construction and maintenance of seacave/notch infill adjacent to 211 Pacific Avenue at the base of the coastal bluff.

LEASE TERM:

Ten years, beginning June 1, 2000.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. Applicant is one of seven homeowners who propose to fill a 400-foot stretch at the base of the coastal bluff with a continuous series of seacaves/notch infills to protect their blufftop residences at 201, 205, 211, 215, 219, 225, 231 Pacific Avenue in Solana Beach. The fill would be approximately 11 feet high and as deep as 17 feet. The fill will consist of a

colored and textured erodible concrete mixture designed to match the natural appearance of the surrounding bluffs and to erode at the same rate as the bluffs. As a condition of Coastal Development Permit 6-99-103 to mitigate for impacts to sand supply, the seven homeowners are required to deposit a total of $91,806 into the San Diego Association of Government's (SANDAG) Sand Mitigation Fee Program. The monies shall be used to establish a beach sand replenishment fund to aid in the restoration of the beaches within San Diego County.

3. On October 14, 1999, the California Coastal Commission (CCC) granted Permit #6-99-103 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251(c)).

   Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253(b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

October 30, 2000

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-99-103, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251(c)), AND THAT THE CALIFORNIA STATE LANDS COMMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

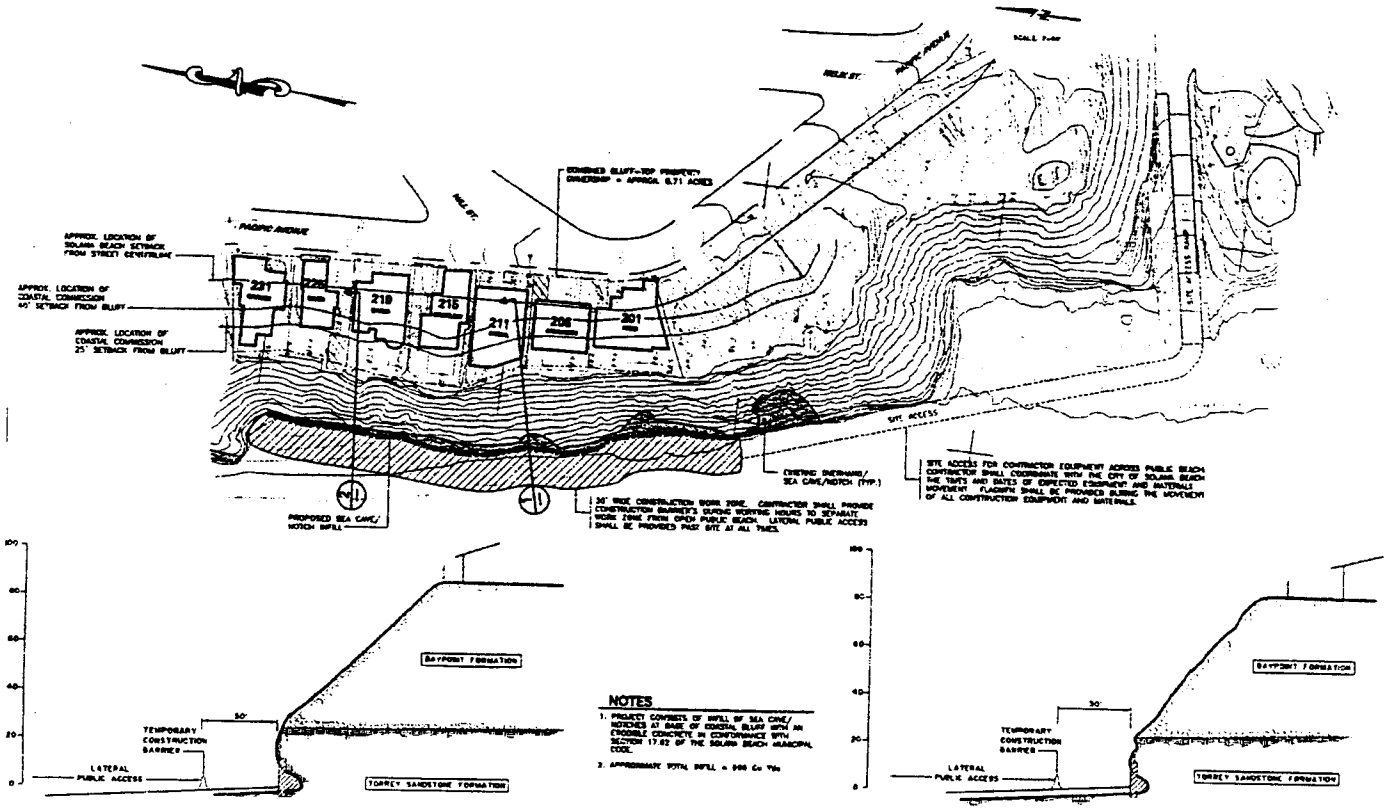
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JAMES H. O'NEAL AND NANCY O'NEAL, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING JUNE 1, 2000, FOR A TERM OF TEN YEARS, FOR CONSTRUCTION AND MAINTENANCE OF A SEACAVE/NOTCH INFILL ADJACENT TO 211 PACIFIC AVENUE ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000.

NO SCALE

SITE MAP



201-231 PACIFIC AVENUE

LOCATION MAP

NO SCALE

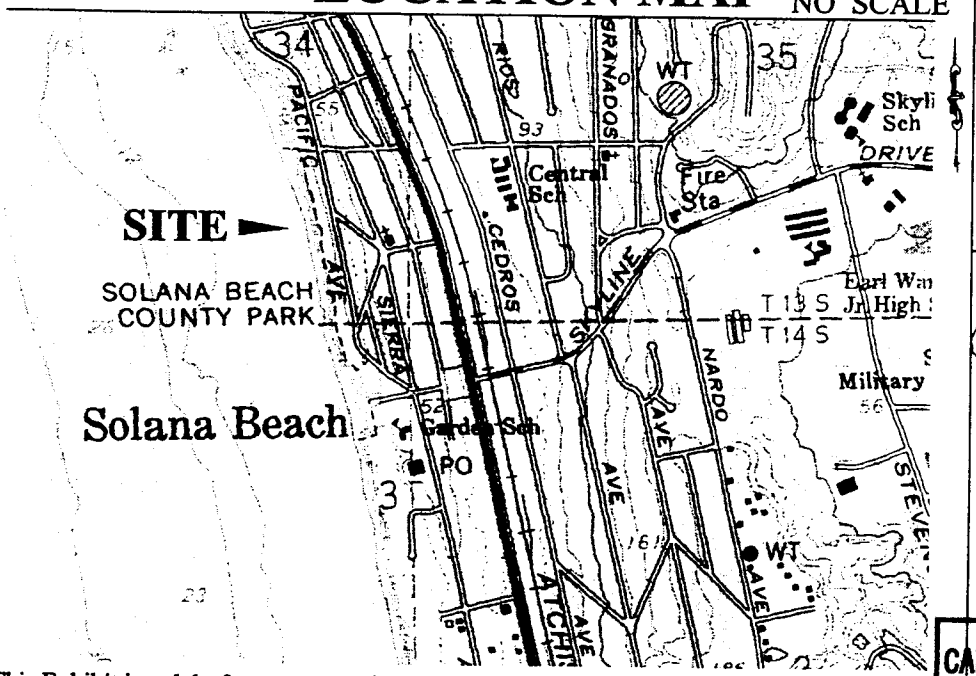
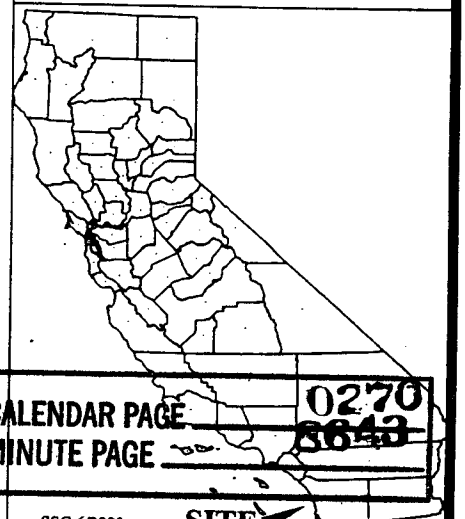


Exhibit A
W25440.1-7
APN 263-323-01,-02,
-03,-04,-15,-16 & -25
Solana Beach
SAN DIEGO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

CALENDAR PAGE 0270
MINUTE PAGE 8643

SSG 6/2000