

MINUTE ITEM
This Calendar Item No. C57 was approved as
Minute Item No. 57 by the California State Lands
Commission by a vote of 3 to 0 at its
6-27-00 meeting.

**CALENDAR ITEM
C57**

A 73

June 27, 2000

S 38

PRC 8189.9

W 25440.8

J. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

LESSEE:

Dale F. Lingenfelder and Terry Lingenfelder, as Trustees
of the Lingenfelder Trust UDT Dated 6/29/79
309 Pacific Avenue
Solana Beach, California 92075

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Construction and maintenance of a seacave fill and seawall 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 eight homeowners who propose to construct a 352-foot
long, 35-foot high seawall at the base of the coastal bluff to protect their
blufftop residences at 249, 255, 261, 265, 269, 301, 309, and 311 Pacific
Avenue in Solana Beach. The material will consist of a colored and

CALENDAR PAGE	0295
MINUTE PAGE	8668

CALENDAR ITEM NO. C57 (CONT'D)

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 6-99-100 to mitigate for impacts to sand supply, the homeowners are required to deposit a total of \$99,073 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. In addition to the proposed seawall, the Applicant is requesting that the Commission authorize a seacave that was filled pursuant to an emergency permit authorized by the California Coastal Commission (CCC) on December 24, 1997, (6-97-164-G). The seacave fill was necessitated by bluff failures that had the potential to jeopardize the blufftop residence. The CCC subsequently authorized the issuance of a regular coastal development permit for the seacave fill at its October 1998 meeting (CDP 6-97-164).
4. On October 15, 1998, the CCC granted Permit #6-97-164 for the seacave fill 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.

On August 12, 1999, the CCC granted Permit #6-99-100 for the seawall 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.

CALENDAR ITEM NO. C57 (CONT'D)

5. 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:

December 13, 2000

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-97-164, WAS ADOPTED FOR THE SEACAVE FILL PROJECT BY THE CCC UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251(c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-99-100, WAS ADOPTED FOR THE SEAWALL PROJECT BY THE CCC UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251(c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION 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

CALENDAR PAGE	0297
MINUTE PAGE	8670

CALENDAR ITEM NO. C57 (CONT'D)

LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO DALE F. LINGENFELDER AND TERRY LINGENFELDER, AS TRUSTEES OF THE LINGENFELDER TRUST UDT DATED 6/29/79, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING JUNE 1, 2000, FOR A TERM OF TEN YEARS, FOR CONSTRUCTION AND MAINTENANCE OF A SEACAVE FILL AND SEAWALL 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.

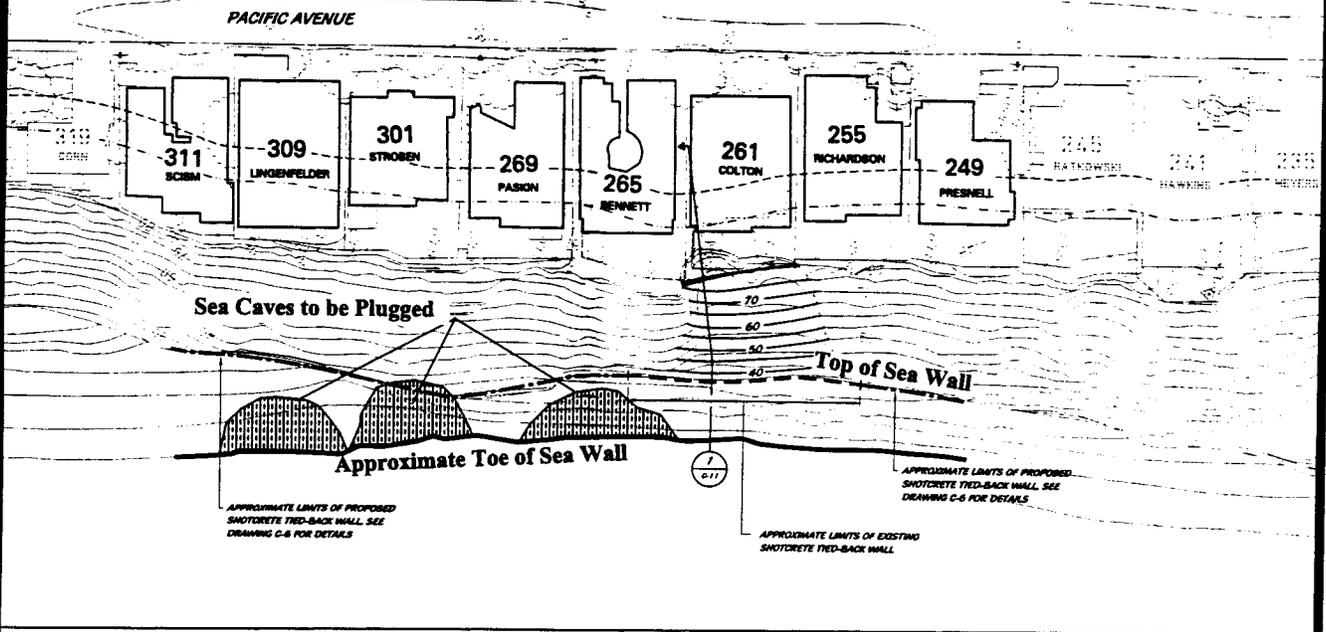
CALENDAR PAGE	0298
MINUTE PAGE	8671

NO SCALE

DATA TABLE

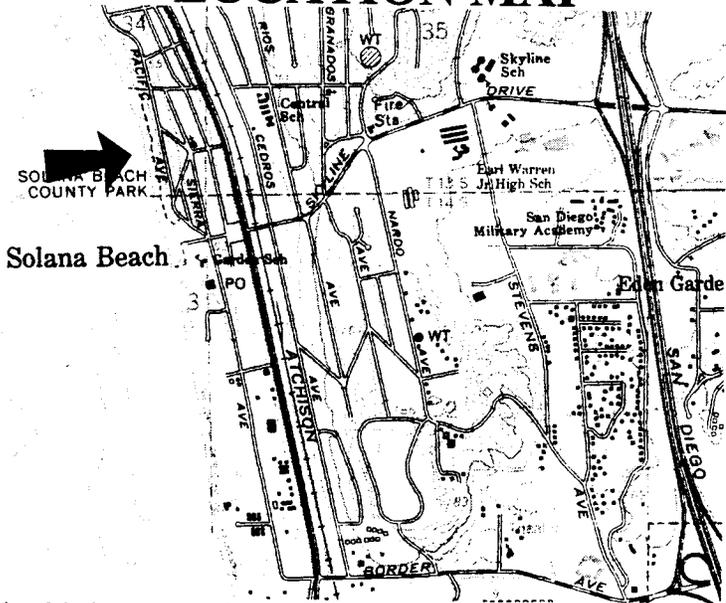
ADDRESS	NAME	PHONE NO.	APN NO.
249	PRESNELL	(619) 755-3662	263-312-10
255	RICHARDSON	(702) 697-2810	263-312-09
261	COLTON	(619) 481-3102	263-312-08
265	BENNETT	(619) 755-9525	263-312-28
269	PASKIN	(619) 259-6743	263-312-06
301	STROSEN	(619) 259-3752	263-312-15
309	LINGENFELDER	(619) 755-2193	263-312-04
311	SCISM	(619) 755-3356	263-312-03

**COASTAL BLUFF STABILIZATION
249 THROUGH 311 PACIFIC AVENUE**



NO SCALE

LOCATION MAP



**Exhibit A
W 25440.8-15
GL - Lease
Protective Structures
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: 0299
MINUTE PAGE: 8672