MINUTE ITEM

This Calendar Item No. C35 was approved as Minute Item No. 35 by the California State Lands Commission by a vote of 3 to Ø at its 11/27/00 meeting.

Minute Item
C35

11/27/00
W 25440
J. SMITH

RONALD W. LUCKER AND MARIE L. LUCKER, TRUSTEES OF THE RONALD AND MARIE LUCKER FAMILY TURST DATED JULY 19, 2000 (APPLICANTS)

Calendar Item C35: Commissioners listened to status report by staff on the consideration of a new lease for the construction and maintenance of two seacave fills. The item was approved as presented.

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MINUTE PAGE

CALENDAR ITEM
C35

A 73

S 38

PRC 8247

11/27/00
W 25440.17
J. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

LESSEE:

Ronald W. Lucker and Marie L. Lucker, Trustees of the
Ronald and Marie Lucker Family Trust Dated July 19, 2000
517 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 two seacave fills at the base of the coastal bluff.

LEASE TERM:

Ten years, beginning November 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 requesting that the Commission authorize the filling of two seacaves that were filled pursuant to an emergency permit authorized by the California Coastal Commission (CCC) on January 12, 1998 (6-97-

165G). The seacave fills were necessary to protect the upland residence. The seacave fills 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. The CCC subsequently authorized the issuance of a regular coastal development permit for the seacave fills at its June 10, 1999 meeting (CDP 6-97-165). As a condition of CDP
6-97-195, the applicant is required to provide annual reports for the first three years, and then at three-year intervals thereafter following construction, documenting any differential retreat of the natural bluff face and the seacaves, the stability of the overall bluff face, and the impact of the seacave fills on the bluffs on either side. If the seacave fills are found to extend seaward of the natural bluff face by more than six inches in any location, the report shall include alternatives and recommendations to remove or otherwise correct this condition so that no seaward extension of the fills will remain.

3. On June 10, 1999, the CCC granted permit #6-97-195 for the 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(c), 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:
April 3, 2001

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

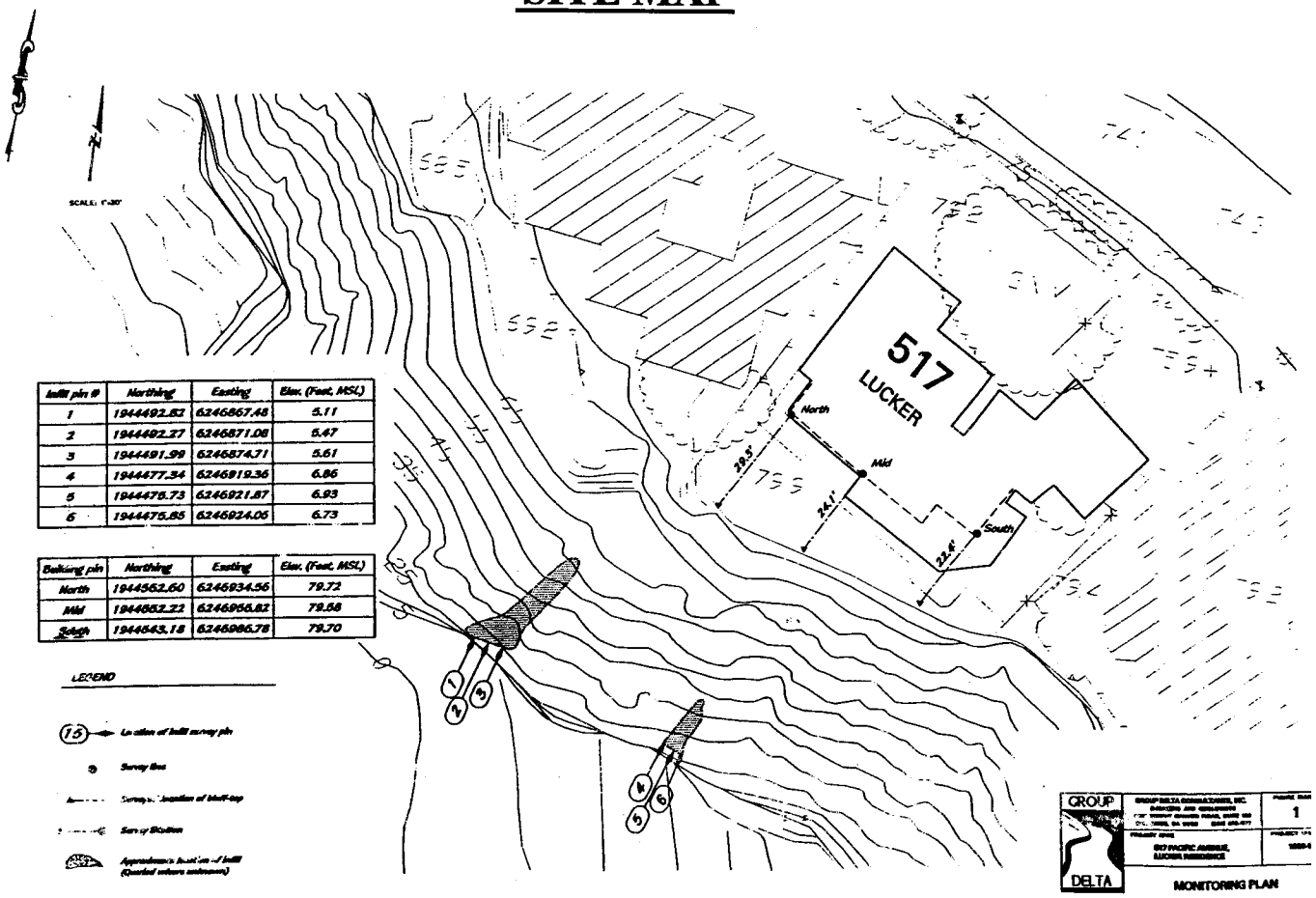
CEQA FINDING:
FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #6-97-195, WAS ADOPTED FOR THE PROJECT BY THE CCC UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251(c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION 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 LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
AUTHORIZE ISSUANCE TO RONALD W. LUCKER AND MARIE L. LUCKER, TRUSTEES OF THE RONALD AND MARIE LUCKER FAMILY TRUST DATED JULY 19, 2000, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING NOVEMBER 1, 2000, FOR A TERM OF TEN YEARS, FOR CONSTRUCTION AND MAINTENANCE OF TWO SEACAVE FILLS 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



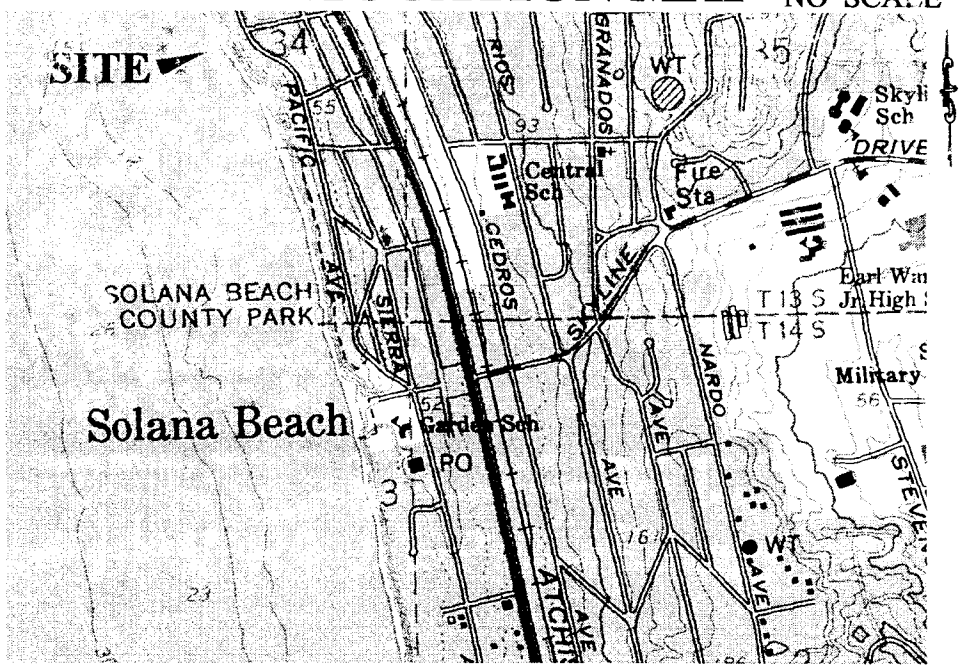
Infill pin #	Northing	Easting	Elev. (Feet, MSL)
1	1944492.82	6246867.48	5.11
2	1944492.27	6246871.08	5.47
3	1944491.99	6246874.71	5.61
4	1944477.34	6246919.36	6.86
5	1944475.73	6246921.87	6.93
6	1944475.85	6246924.05	6.73

Building pin	Northing	Easting	Elev. (Feet, MSL)
North	1944562.60	6246934.56	79.72
Mid	1944552.22	6246956.82	79.58
South	1944543.18	6246986.78	79.70

517 PACIFIC AVENUE

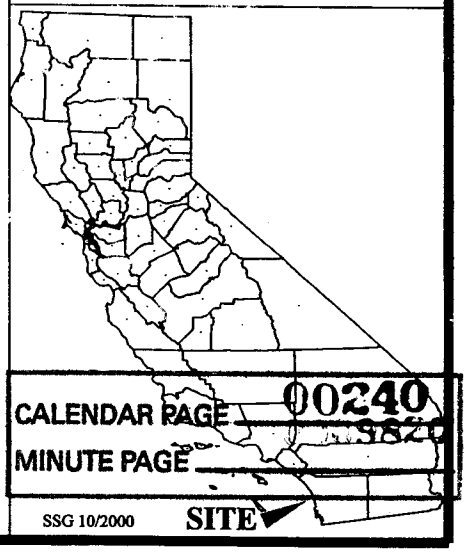
LOCATION MAP

NO SCALE



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 or limitation of any state interest in the subject or any other property.

Section 3
W25440.17
APN 263-041-14
General Lease
Protective Structure
Solana Beach
SAN DIEGO COUNTY



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SSG 10/2000