

**CALENDAR ITEM
C18**

A 74
S 38

08/20/10
WP 8188.1
K. Foster

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Gary Garber and Diane Garber

AREA, LAND TYPE, AND LOCATION:

0.0006 acres, more or less, of sovereign lands in the Pacific Ocean below 231 Pacific Avenue, city of Solana Beach, San Diego County.

AUTHORIZED USE:

The retention, use, and maintenance of an existing seacave/notch infill, and the construction, use, and maintenance of a portion of a new 35-foot high by 256-foot long seawall at the base of the bluff below 211-231 Pacific Avenue.

LEASE TERM:

Ten years, beginning June 1, 2010.

CONSIDERATION:

\$169 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Combined single limit liability insurance coverage in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. Applicants own a single family residence located on a bluff-top lot overlooking the Pacific Ocean in the city of Solana Beach (City). The Applicants also own the intervening parcel between the bluff-top lot and the beach.
3. The character of the geology along this section of coastline causes the bluffs to be susceptible to periodic bluff failures. Bluff failures are typically

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caused by a combination of factors, including wave action eroding the sandstone formations at the base of the bluffs, and from wind and rain which erodes looser, less cohesive layers of materials above the sandstone.

4. On June 27, 2000, the Commission approved the issuance of General Lease - Protective Structure Use No. PRC 8188.9 for a ten-year term to the Applicants for the construction and maintenance of a seacave/notch infill, but the Lease was never executed by the lease. The Applicants have applied to the Commission for the retention of the existing seacave/notch infill, and for the construction of a new seawall.
5. On March 11, 2009, the City approved Resolution No. 2009-004 authorizing Conditional Use Permit #17-08-08 for the construction of a 35-foot high seawall at the base of the bluff below and extending from 211 Pacific Avenue to 231 Pacific Avenue, including the Applicants' property at 231 Pacific Avenue.
6. A Mitigated Negative Declaration SCH# 2008071124 was prepared for this project by the city of Solana Beach and adopted on July 26, 2008. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Solana Beach.
7. 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 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.

FURTHER APPROVALS REQUIRED:

California Coastal Commission, California Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

EXHIBITS:

- A. Site and Location Map
- B. Land Description
- C. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

October 31, 2010

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH# 2008071124 and a Mitigation Monitoring Program were prepared for this project by the city of Solana Beach and adopted on July 26, 2008, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

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 of a General Lease – Protective Structure Use, to Gary and Diane Garber, beginning June 1, 2010, for a term of ten years, for the retention, use, and maintenance of an existing seacave/notch fill, and for the construction, use, and maintenance of a portion of a new 35-foot high by 256-foot long seawall as shown on Exhibit A (for information purposes only) and as described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$169, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; combined single limit liability coverage in the amount of no less than \$1,000,000.