

MINUTE ITEM

This Calendar Item No. C60 was approved as
Minute Item No. 60 by the California State Lands
Commission by a vote of 3 to 0 at its
6-27-00 meeting.

**CALENDAR ITEM
C60**

A 73

June 27, 2000

S 38

PRC 8192.9

W 25440.11

J. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

LESSEE:

William R. Bennett and Layna A. Bennett
265 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 a 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 textured erodible concrete mixture designed to match the natural

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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 March 13, 1998, (6-98-29-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 6-98-29).
4. On October 15, 1998, the CCC granted Permit #6-98-29 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 California Coastal Commission (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.

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

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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 #6-98-29, 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 LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. C60 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WILLIAM R. BENNETT AND LAYNA A. BENNETT, 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 A 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.

