

**CALENDAR ITEM
C19**

A 74
S 36

04/09/09
W 26039
K. Foster

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Chris Joseph Hamilton and Judith Wren Hamilton, Trustees of the Hamilton Trust
Dated December 5, 1995

AREA, LAND TYPE, AND LOCATION:

0.017 acre, more or less, of sovereign lands in the Pacific Ocean below 407
Pacific Avenue, city of Solana Beach, San Diego County.

AUTHORIZED USE:

The construction, use and maintenance of a 50-foot long by 37-foot high seawall
and a seacave/notch fill.

LEASE TERM:

Ten years, beginning April 9, 2009.

CONSIDERATION:

\$4,529 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:

Insurance:

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

Other:

Approval of the upland property owner, city of Solana Beach, must be
maintained at all times during the term of the lease.

OTHER PERTINENT INFORMATION:

1. Applicants have the right to use 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 City owns the bluff between the Applicant's bluff top lot and the beach.

CALENDAR ITEM NO. **C19** (CONT'D)

3. The character of the geology along this section of coastline causes the bluffs to be susceptible to periodic failures. Bluff failures are typically 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. The bluff face below the subject parcel has developed a seacave and has a notch undercutting the bluff along the remainder of the bluff face below the upland property. A prior attempt to fill the notch was unsuccessful and further erosion has occurred behind the fill. Due to the unstable nature of a clean sand layer above the lower bluff, the collapse of the seacave and notch undercut could trigger an upper bluff failure.
5. On July 9, 2008, the City approved Resolution No. 2008-133 authorizing emergency permit # 17-08-11 for the construction of a 50-foot long by 37-foot high seawall and a seacave/notch fill on City-owned property below the Applicants' bluff-top property at 407 Pacific Avenue.
6. On February 6, 2009, the California Coastal Commission (CCC) authorized coastal development permit # 6-08-68 for the construction of a 50-foot long by 37-foot high seawall and a seacave/notch fill below 407 Pacific Avenue.
7. The Applicants have applied to the Commission for the construction of a 50-foot long by 37-foot high seawall at the base of the bluff extending between the prolongations of both the upcoast and downcoast property lines at the base of the bluff below 407 Pacific Avenue.
8. As a condition of issuance for Coastal Development Permit # 6-08-68 , the California Coastal Commission (CCC) is requiring the Applicants to deposit a \$17,297.44 mitigation fee for sand loss and beach impacts resulting from the proposed construction activities.
9. On February 6, 2009, the California Coastal Commission (CCC) granted Permit # 6-08-68 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.

CALENDAR ITEM NO. **C19** (CONT'D)

10. 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:

California Coastal Commission, and the city of Solana Beach

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board

EXHIBITS:

- A. Site and Location Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

August 16, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 6-08-68, 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 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. **C19** (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE TO CHRIS JOSEPH HAMILTON AND JUDITH WREN HAMILTON, TRUSTEES OF THE HAMILTON TRUST DATED DECEMBER 5, 1995, BEGINNING APRIL 9, 2009, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A 50-FOOT LONG BY 37-FOOT HIGH SEAWALL AND A SEACAVE NOTCH/FILL 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 \$4,529, 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.