

**CALENDAR ITEM
C14**

A 74
S 38

08/20/10
WP 8182.1
K. Foster

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

James Hoyt O'Neal and Nancy Dee Barden O'Neal, Trustees of the O'Neal Family Trust Under Trust Agreement Dated June 21, 2001

AREA, LAND TYPE, AND LOCATION:

0.01 acres, more or less, of sovereign land in the Pacific Ocean below 211 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:

\$2,894 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 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 intervening parcel between the bluff-top lot and the beach is owned by the City.

CALENDAR ITEM NO. **C14** (CONT'D)

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 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, PRC No. 8182.9 for a ten-year term to James H. and Nancy O'Neal for the construction and maintenance of a seacave/notch infill. The upland property was subsequently deeded to James Hoyt O'Neal and Nancy Dee Barden O'Neal, Trustees of the O'Neal Family Trust under Trust Agreement dated June 21, 2001. The Lease term expired on May 31, 2010. The Applicants have applied to the Commission for the retention of the existing seacave/notch fill, 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 extending from 211 Pacific Avenue to 231 Pacific Avenue, including the Applicants' property at 211 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.

CALENDAR ITEM NO. **C14** (CONT'D)

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

October 31, 2010

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:

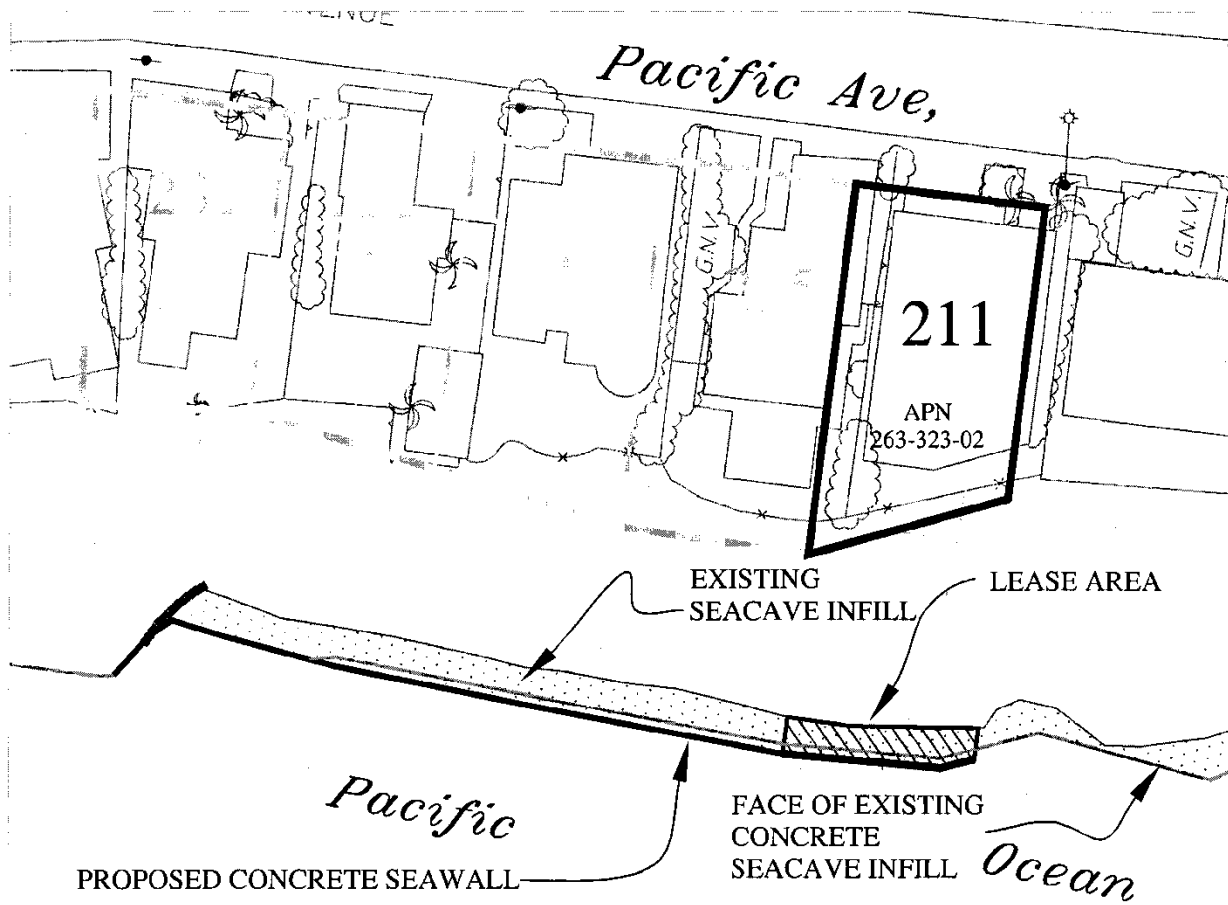
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use, to James Hoyt O’Neal And Nancy Dee Barden O’Neal, Trustees Of The O’Neal Family Trust Under Trust Agreement Dated June 21, 2001, beginning June 1, 2010, for a term of ten years, for the retention, use, and maintenance of an existing seacave/notch infill, 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 \$2,894, 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.

NO SCALE

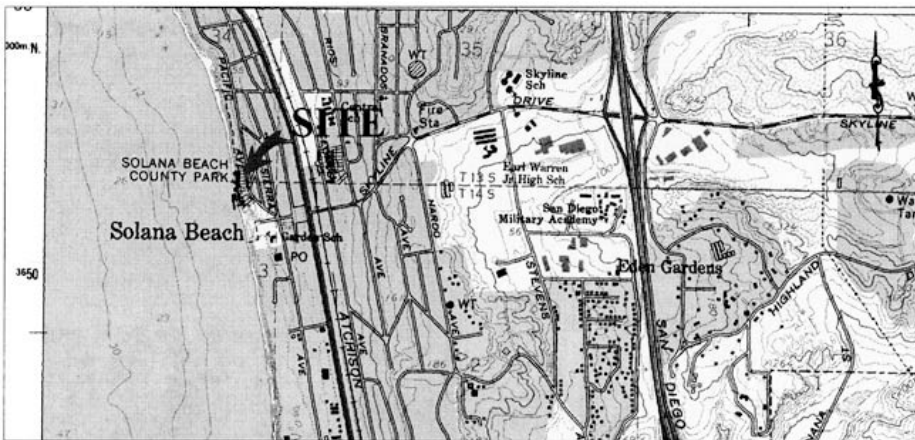
SITE



211 PACIFIC AVENUE, SOLANA BEACH
 PROPOSED SEAWALL AND EXISTING SEA CAVE INFILL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 8182.1
 O'NEAL
 APN 263-323-02
 PROTECTIVE STRUCTURE
 SAN DIEGO COUNTY



SCL 8/10

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

EXHIBIT B

PRC 8182.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in Solana Beach, San Diego County, State of California, more particularly described as follows:

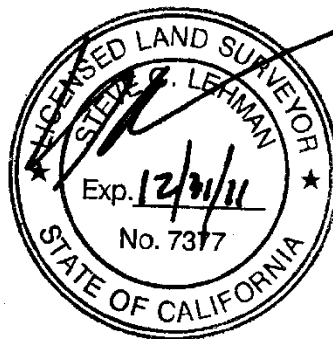
Beginning at a point on the intersection of a line lying 2.50 feet westerly of the face of a concrete seacave infill and the westerly prolongation of the north line of lot 8 Block 23 as shown on Map No. 1749 entitled "Solana Beach" filed March 5, 1923 at San Diego County Recorder's Office having California Coordinate System 83 (2004.0 epoch), Zone 6 coordinate of N = 1942628.58, E = 6247341.16 which bears South 35°28'44" East, 1197.72 feet to a 6"x6" concrete monument on the westerly right of way of Sierra Avenue as shown on Map No. 6941 entitled "Seascape Shores" filed May 26, 1971 at San Diego County Recorder's Office thence along said line South 04°44'45" East, 41.48 feet ; thence South 24°24'29" East, 9.19 feet ; leaving said line thence North 87°12'28" East, 8.32 feet ; thence North 09°02'34" West, 33.41 feet ; thence North 02°10'08" West, 16.79 feet ; thence South 87°12'28" West, 9.67 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 6 (2004.0). All distances are grid distances.

END OF DESCRIPTION

Prepared 08/02/10 by the California State Lands Commission Boundary Unit.



CITY OF SOLANA BEACH
MITIGATION MONITORING AND REPORTING PROGRAM
139-231 Pacific Avenue Coastal Bluff Stabilization Project
Initial Study and Mitigated Negative Declaration - July 2008

PROJECT NAME: 139-231 Pacific Avenue Coastal Bluff Stabilization Project

PROJECT LOCATION: The 139-231 Pacific Avenue Coastal Bluff Stabilization Project (Proposed Project) site is located at the base of and vertically along the coastal bluffs immediately below ten (10) existing residential homes addressed as 139-231 Pacific Avenue, in the City of Solana Beach. The Assessors Parcel Numbers (APNs) and corresponding addresses are: 263-323-06, 263-323-07, 263-323-08, 263-323-09, 263-323-10, 263-323-11, 263-323-12, 263-323-13, and 263-323-14.

PROJECT DESCRIPTION: The Proposed Project would maintain and stabilize two (2) existing shoreline projects, in addition to, extending the stabilization of the coastal bluff further south. The Proposed Project spans an approximate 660-foot-long reach of coastal bluff and is located north of and into Fletcher Cove. The Proposed Project is required by the terms of prior permits issued by the City and the California Coastal Commission (Coastal Commission or CCC). Specially, the Proposed Project would:

1. Infill a 400-foot notch at the base of the bluffs located between 201-231 Pacific Avenue,
2. Infill a 120-foot notch at the base of one of the City's largest sea caves and the continuation of the notch fill to the north terminate with the notch fill at 141-197 Pacific Avenue, and
3. Stabilize approximately 140-foot notch infill extending to the south of 141 Pacific Avenue down to, and wrapping around into, Fletcher Cove.

The proposed project would involve construction methods for the preparation of the existing shoreline projects and proposed notch infill to include splicing of reinforced steel, air-placed concrete (shotcrete), soil anchor installation, Best Management Practices (BMPs), and geogrid-reinforced earth slope. The proposed construction materials may include air-placed concrete (shotcrete), epoxy-coated reinforcement, permanent multi-strand soil anchors, and reinforced fill materials.

The following Mitigation Measures are required to be implemented in accordance with conditions of approval for on site improvements associated with the Proposed Project.

Issue Area	MITIGATION MEASURE	Timeframe of Mitigation	Responsible for Mitigation	Responsible for Verification	Timeframe for Verification	Date of Completion	Date of Verification
Aesthetics	<p>1. The Proposed Project shall be designed to conform to all of the requirements of the City's Shoreline and Coastal Management Strategies MEIR for Aesthetics mitigation. Adherence to these Mitigation Measures would be consistent with the City's draft LCP and General Plan, Open Space and Conservation Element goals, objectives, and policies to protect and enhance open spaces and viewsheds (MEIR, 2003).</p> <p>2. The Applicant shall obtain required permits from the California Coastal</p>	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application.		
		Prior to the issuance of building permits.	Applicant	City of Solana Beach	Upon submit the building permit application.		

City of Solana Beach -- Mitigation Monitoring and Reporting Program
 Bloom Seawall - 139-231 Pacific Avenue
 July 2008
 Page 2 of 6

	Commission prior to beginning any construction activities.	to	Applicant and Grading Contractor	City of Solana Beach	During grading on bi-monthly basis		
Air Quality	3. The Applicant shall apply for appropriate City Grading Permits per SBMC 15.40.090.	Prior to grading.	Applicant	City of Solana Beach	Upon submit the building permit application		
Geology and Soils	4. The Applicant shall pay appropriate City and California Coastal Commission fees.	Prior to the issuance of building permits.	Applicant	City of Solana Beach	Upon submit the building permit application		
	5. The Applicant would be required to adhere to the Geology and Soils mitigation as outlined in the MEIR, Draft LCP, and City ordinances and regulations pertaining to seawalls.	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application		
	6. The Applicant would be required to adhere to all recommendations in the Geotechnical Basis of Design report prepared by TerraCosta Consulting Group.	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application		
	7. A qualified, licensed, and insured	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building		

<p>contractor shall perform all required work as outlined by certified and registered engineering geologists on the construction plans, to the satisfaction of the City Engineer or their designee.</p>	<p>Duration of Project.</p>	<p>Applicant</p>	<p>City of Solana Beach</p>	<p>Upon submit the building permit application.</p>	
<p>8. The Applicant shall be required to follow the bluff top erosion management measures such as irrigation controls, restrictions on grading on bluff tops and seacliff faces, and restrictions on drainage over bluff tops and seacliff faces as outlined in the MEIR.</p>	<p>Duration of Project.</p>	<p>Applicant</p>	<p>City of Solana Beach</p>	<p>Upon submit the building permit application.</p>	
<p>9. The Owner/Applicant shall install limited slope planting with a native seed mix in compliance with the City's Coastal Bluff Vicinity Landscape Guidelines.</p>	<p>Duration of Project.</p>	<p>Applicant</p>	<p>City of Solana Beach</p>	<p>Upon submit the building permit application.</p>	
<p>10. The Owner/Applicant</p>	<p>Duration of Project.</p>	<p>Applicant</p>	<p>City of Solana Beach</p>	<p>Upon submit the building permit application.</p>	

	shall implement a bonded fiber matrix to help stabilize the soil surface and help promote seed germination.	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application.	
Noise	11. The Applicant shall comply with the City's Noise Ordinance requirements during construction activities (SBMC 7.34.100).	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application.	
Recreation	12. The Proposed Project design shall adhere to the Recreation mitigation measures listed in the MEIR.	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application.	
	13. No Project-related construction activities may occur during the busier recreational season, which is defined as the period between Memorial Day and Labor Day, unless specifically authorized by the City Manager for good cause.	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application.	
	14. The contractor shall obtain approval from the City of Solana Beach Engineering	Duration of Project.	Applicant	City of Solana Beach	Upon submit the building permit application.	

<p>Traffic</p> <p>and Marine Safety Departments regarding the use and timing of the Fletcher Cove parking lot and beach access ramp for all construction-related access, staging, and parking if such use becomes required.</p>	<p>15. A 30-foot wide safety/construction work zone shall be provided during work hours to separate the work zone from the open public beach.</p>	<p>Duration of Project.</p>	<p>Applicant</p>	<p>City of Solana Beach</p>	<p>Upon submit the building permit application.</p>		
	<p>16. Lateral pedestrian and Marine Safety vehicular access shall be provided past the site at all times, subject to high tides and safety considerations.</p>	<p>Duration of Project.</p>	<p>Applicant</p>	<p>City of Solana Beach</p>	<p>Upon submit the building permit application.</p>		