

**CALENDAR ITEM
C18**

A 74
S 36

12/03/08
W 26313
K. Foster

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Megan Matchinske and David W. Brehmer

AREA, LAND TYPE, AND LOCATION:

0.01 acres, more or less, of sovereign lands in the Pacific Ocean below 423 Pacific Avenue, city of Solana Beach, San Diego County.

AUTHORIZED USE:

The retention, use and maintenance of a 32-foot long by 35-foot high seawall and a portion of a seacave/notch fill, and the construction, use and maintenance of a 30-foot long by 35-foot high seawall.

LEASE TERM:

Ten years, beginning December 3, 2008.

CONSIDERATION:

\$2,219 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.

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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.
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. The bluff face below the subject parcel has developed a seacave which is approximately 60 feet wide, 15 feet deep, and 20 feet high. The seacave is oriented along the property line dividing 417 and 423 Pacific Avenue. A prior attempt to fill the seacave during the 1997-98 storm season was unsuccessful and further erosion has occurred. Due to the size and scope of the seacave, and the unstable nature of a clean sand layer above the seacave, the collapse of the seacave could have triggered an upper bluff failure.
5. On August 22, 2007, the City approved Resolution No. 2007-084 authorizing emergency permit # 17-06-18 for the construction of a 170-foot long by 35-foot high seawall and a seacave/notch fill on City-owned property below the Applicants' bluff-top property at 423 Pacific Avenue and the neighboring property located at 417 Pacific Avenue.
6. On May 23, 2008, the California Coastal Commission (CCC) authorized emergency coastal development permit # 6-08-55-G for the construction of a portion of a 100-foot long by 35-foot high seawall and a seacave/notch fill below 423 Pacific Avenue and the neighboring property located at 417 Pacific Avenue.
7. The Applicants have applied to the Commission for authorization for approximately 32 feet of the existing 100-foot long by 35-foot high seawall and their portion of the seacave/notch fill, and for the construction of an additional 30-foot long by 35-foot high seawall extending from the northern end of the existing seawall to a point corresponding to the prolongation of the property line between 423 Pacific Avenue and the neighboring upcoast property at 475 Pacific Avenue. The midbluff area above the seawall would also be reconstructed with a geogrid soil reinforced structure. The owners of the adjoining bluff-top parcel, located at 417 Pacific Avenue, have concurrently applied to construct the same improvements at the bluff below their parcel.

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8. As a condition of issuance for Coastal Development Permit # 6-07-134, the California Coastal Commission (CCC) is requiring the Applicants to deposit a portion of a \$61,164.64 mitigation fee for sand loss and beach impacts resulting from the proposed construction activities.
9. On August 18, 2008, the CCC granted Permit # 6-07-134 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.
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:

May 13, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 6-07-134, WAS ADOPTED FOR THIS PROJECT BY THE CCC ON 08-18-08 UNDER ITS CERTIFIED PROGRAM [TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)], AND THAT THE CALIFORNIA

CALENDAR ITEM NO. **C18** (CONT'D)

STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

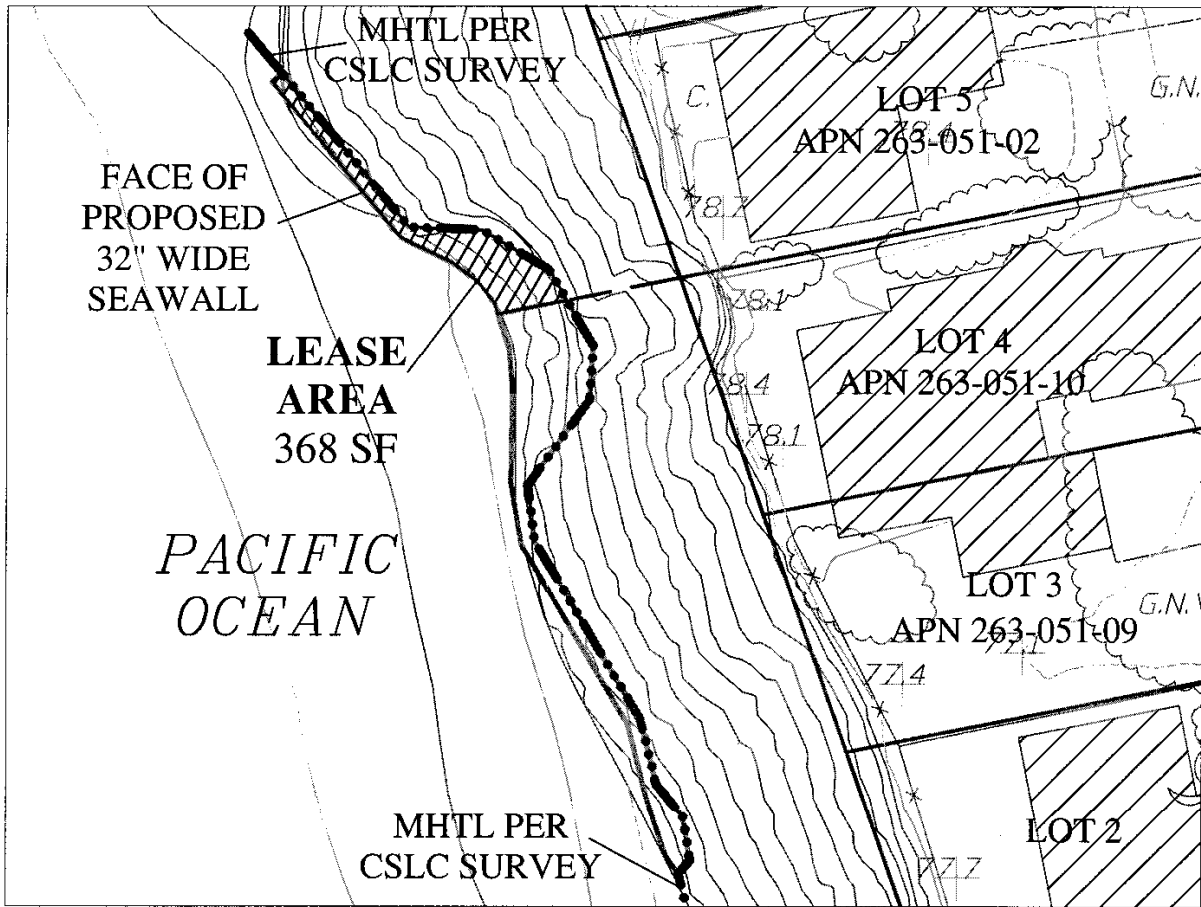
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE TO MEGAN MATCHINSKE AND DAVID W. BREHMER BEGINNING DECEMBER 3, 2008, FOR A TERM OF TEN YEARS, FOR THE RETENTION, USE AND MAINTENANCE OF A 32-FOOT LONG BY 35-FOOT HIGH SEAWALL AND A PORTION OF A SEACAVE/NOTCH FILL, AND FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A 30-FOOT LONG BY 35-FOOT HIGH SEAWALL AS SHOWN ON EXHIBIT A (FOR INFORMATIONAL PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$2,219, 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

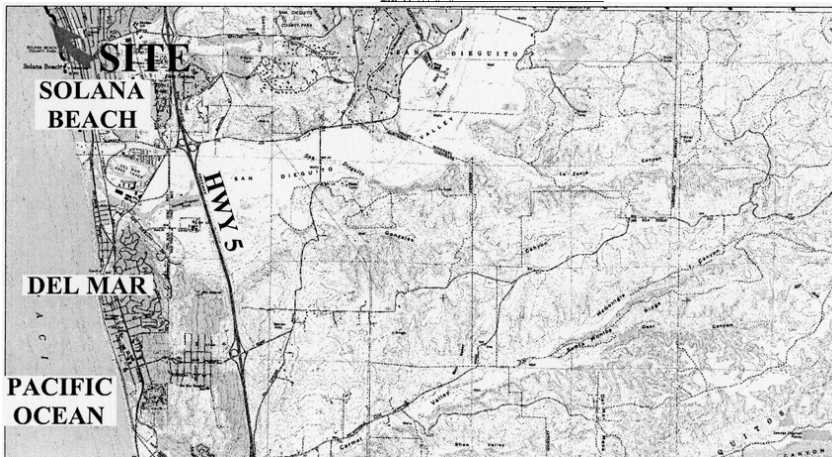
SITE



423 Pacific Avenue, Solana Beach

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26313
 APN 263-051-02
 BREHMER & MATCHINSKE
 GENERAL LEASE
 PROTECTIVE STRUCTURE USE
 SAN DIEGO COUNTY



SITE

MJF 11/3/08

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.