

**STAFF REPORT
C70**

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S 39

10/19/17
PRC 8247.1
R. Collins

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Ronald W. Lucker and Marie L. Lucker, Trustees of the Ronald and Marie Lucker Family Trust Dated July 19, 2000

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

14 square feet of sovereign land in the Pacific Ocean, adjacent to 517 Pacific Avenue, in the city of Solana Beach, San Diego County.

AUTHORIZED USE:

Construction, use and maintenance of a 32-foot-high, tied-back reinforced, textured shotcrete seawall with wave deflector and an architecturally treated finish.

LEASE TERM:

10 years, beginning October 19, 2017.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

The Applicant owns a single family residence located on a bluff-top lot located at 517 Pacific Avenue in the city of Solana Beach (City) adjacent to the Pacific Ocean. 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

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wind and rain which erodes looser, less cohesive layers of materials above the sandstone.

On November 27, 2000, the Commission authorized a General Lease – Protective Structure Use to Ronald W. Lucker and Marie L. Lucker, Trustees of the Ronald and Marie Lucker Family Trust Dated July 19, 2000 for the construction, use, and maintenance of two sea cave infills ([Item C35, November 27, 2000](#)) pursuant to California Coastal Commission (CCC) Coastal Development Permit (CDP) No. 6-97-165. In April 2002, staff conducted a mean high tide line (MHTL) survey at this location and determined that the sea cave fill was placed landward of the MHTL and the lease was allowed to expire on October 31, 2010.

On February 9, 2017, the CCC authorized CDP 6-16-0281 to construct an approximately 140-foot-long by 32-foot-high, 30-inch-thick, lower coastal bluff tied-back, reinforced, textured shotcrete seawall at the base of the bluff adjacent to 517 and 521 Pacific Avenue, with a condition requiring the natural bluff headland be retained adjacent to 521 Pacific Avenue and that the seaward portion of the headland be encased by the proposed seawall. The Applicant's agent provided documentation showing the most recent location of the MHTL is coincident with the toe of the bluff.

The Applicant is applying for a new General Lease – Protective Structure Use and proposes to construct a 140-foot-long, 32-foot-high, 30-inch-thick lower coastal bluff, tied-back shotcrete seawall on the beach and bluff adjacent to 517 Pacific Avenue (Applicant's property) and 521 Pacific Avenue (which is the subject of a similar application for a lease from the Commission (PRC 7789.1) in the City. Based on the information available to staff the proposed seawall on the bluff face adjacent to 517 Pacific Avenue would occupy 14 square feet of sovereign land.

The proposed lease is for a very small area, and the seawall is located at the base of the bluff to protect against bluff failure and protect the home on top of the bluff. Many seawalls and sea cave infills exist along the bluff in Solana Beach. These seawalls also provide for the health and safety of the public by protecting them from bluff failure while recreating on the beach.

Adverse effects related to protective structures in Solana Beach include increased beach erosion, interference with natural sand supply, loss of public beach, and potential impacts on flora and fauna as a result of encroachment by these protective structures into the beach environment. Tide Beach Park, one of the City's primary beach parks and access ways,

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is located immediately south of the subject site. Various beach nourishment programs have been conducted by city and regional governing bodies, and sand-loss mitigation fees have been implemented as a requirement for new CDPs to mitigate for these impacts, by helping to maintain a wide sandy beach for public access and recreation. Additionally, CDP 6-16-0281 requires a \$40,546 deposit into a sand loss mitigation account for this project in-lieu of providing the total amount of sand to replace the sand that would be lost due to the impacts of the seawall extension over 20 years.

The proposed lease is limited to a 10-year term and requires the Applicant to insure the lease premises and indemnify the State for any liability thereon. The lease also requires the payment of annual rent to compensate the people of the State for the use of public land and does not alienate the State's fee simple interest or permanently impair public rights.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located at Solana Beach, which is a tidally influenced site. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding through regular inundation and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure.

Improvements to the lease area include the construction of a 140-foot-long, 32-foot-high, 30-inch-thick seawall on the beach and bluff, encasing the seaward face of the natural bluff headland in concrete, including backfilling behind the wall, and installation of hydroseed and container plantings on the existing geogrid slope.

The seawall within the lease area will be vulnerable to the impacts from sea-level rise and more frequent and intense storms that are the result of climate change. The seawall is likely to degrade over the lease term due to increased time of exposure to wave action, storm surge, and higher total water levels. Bluff erosion as a result of precipitation, groundwater drainage, wind force, and slumping may also exert pressure on the

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seawall from the landward side. Therefore, it may require more frequent maintenance to ensure continued function during and after storm seasons and reduce the risk it poses to public safety in the event they become a source of marine debris or a coastal hazard as a result of dislodgement or structural failure.

The seawall also has the potential to exacerbate the impacts of sea-level rise and increased storm and wave activity on sovereign land adjacent to the lease area. The beach area seaward of the seawall is subject to width reduction and loss from erosion, scour, and coastal squeeze (the reduction of beach width due to the inability of the beach to naturally migrate landward as a result of hard armoring infrastructure). In addition, the seawall may prevent or inhibit the landward migration of the beach as a barrier between the naturally eroding bluff and the beach, effectively preventing beach replenishment via natural passive erosion. Due to their placement and composition, seawalls increase beach scour at the toes and sides of the walls by reflecting and refracting wave energy back on to the beach with higher force. Unless beach replenishment projects are implemented beach loss is anticipated to increase over the term of the lease because of the combined factors of climate change impacts, natural dynamic coastal processes, and the presence of this seawall.

The 10-year lease term provides both the Commission and the lessee an opportunity to review on a more frequent interval the effects of sea-level rise and evaluate the design and functionality of the existing protective structure in order to make incremental adaptation steps as necessary and appropriate.

Conclusion:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, or for the foreseeable term of the proposed lease, and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. The CCC prepared an environmental document pursuant to its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and granted CDP No. 6-16-0281 for this Project on February 9, 2017.

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Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, title 14, section 15253, subdivision (b), have been met for the Commission to use this document for its compliance with the California Environmental Quality Act (CEQA).

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Solana Beach
California Coastal Commission

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Regional Water Quality Control Board.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the CCC CDP No. 6-16-0281 (the environmental document), prepared for this Project and adopted on February 9, 2017, by the CCC pursuant to its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), is a substitute document as provided by the California Code of Regulations, title 14, section 15252, subdivision (a), and that the Commission has reviewed and considered the information therein.

Find that the conditions described in the California Code of Regulations, title 14, section 15253, subdivision (b), have been met for the Commission, acting as a responsible agency, to use the environmental document to comply with the requirements of CEQA. (Cal. Code Regs., tit. 14, §15096.)

Determine that the Project, as approved, will not have a significant effect on the environment.

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PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the lease, and is in the State's best interests.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to the Applicant beginning October 19, 2017, for a term of 10 years, for construction, use, and maintenance of a 32-foot-high, tied-back, reinforced, textured shotcrete seawall with wave deflector and an architecturally treated finish as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference, made a part hereof; annual rent in the amount of \$125, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A
LAND DESCRIPTION

PRC 8247.1

A parcel of tide and submerged land in the bed of the Pacific Ocean lying adjacent to "Solana Beach Vista" as shown on Map No. 2143, sheet 2, filed December 17th 1928 in Official Records of San Diego County, situated in the City of Solana Beach, San Diego County, California and more particularly described as follows:

COMMENCING at MHTL Sta. 19 having CCS 83, Zone 6 coordinates N(y) = 1944474 feet, E(x)= 6246897 feet, said station shown on that "Survey of the Mean High Tide Line April 2002 Cardiff State Beach to Fletcher Cove Solana Beach San Diego Co." (CSLC survey map CB 1873), dated July 27, 2005 and on the file at the California State Lands Commission Sacramento Office, from which a lead and disc stamped "RCE 7808" as shown on Record of Survey Map No. 8667, San Diego County Records, bears South 27° 01' 01" East 957.31 feet; thence along the mean high tide line North 58° 46' 41" West 6.33 feet to the POINT OF BEGINNING; thence North 58° 46' 41" West 10.96 feet to the northwesterly line of Lot 6 shown on said Map No. 2143; thence leaving said mean high tide line southwesterly along southwesterly prolongation of said northwesterly line 2.02 feet; thence leaving said line South 65° 15' 23" East 7.08 feet; thence South 76° 38' 15" East 3.94 feet to the POINT OF BEGINNING.

BASIS OF BEARINGS for this description is based on California Coordinate System 1983, Zone 6 (2004 epoch) as surveyed April 2004 by and on file with the California State Lands Commission under WO 25440.

All distances are grid distances.

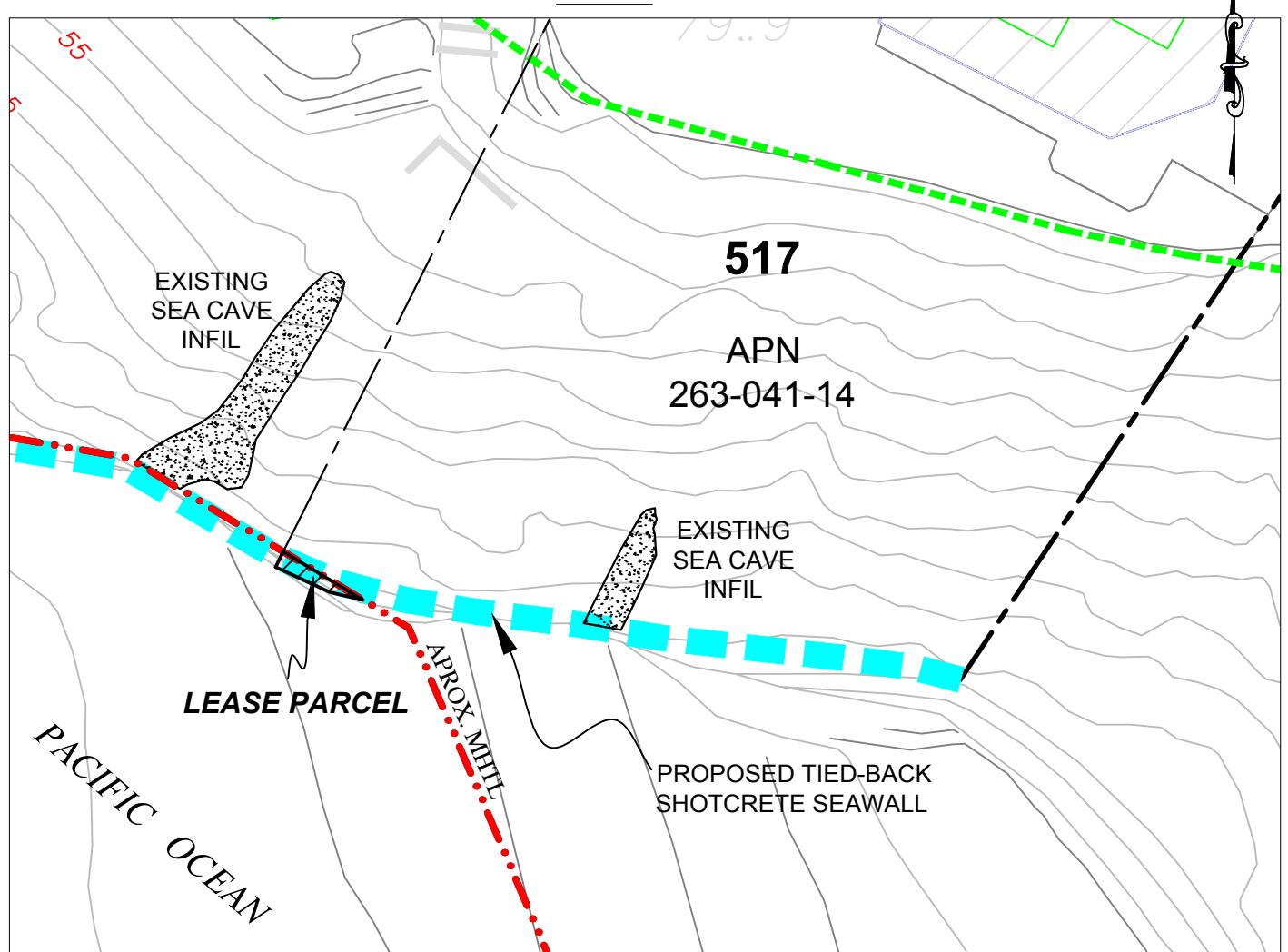
END OF DESCRIPTION

Prepared 03/23/17 by the California State Lands Commission Boundary Unit.



NO SCALE

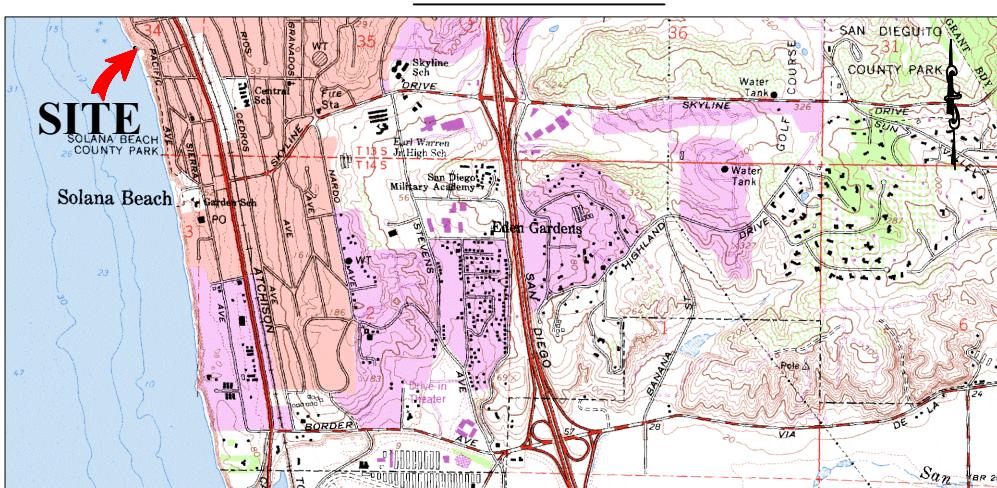
SITE



517 PACIFIC AVENUE, SOLANA BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 8247.1

LUCKER FAMILY TRUST
APN 263-041-14
GENERAL LEASE -
PROTECTIVE STRUCTURE
USE
SAN DIEGO COUNTY



TS 03/23/17