

Staff Report 37

LESSEE/ASSIGNOR:

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

APPLICANT/ASSIGNEE:

Jeffry D. Watkins and Jeannine K. Watkins, Trustees of the Jeffry D. Watkins and Jeannine K. Watkins Family Trust dated March 26, 2001

PROPOSED ACTION:

Assignment of a General Lease – Protective Structure Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located adjacent to 211 Pacific Avenue, Solana Beach, San Diego County.

AUTHORIZED USE:

Use and maintenance of a portion of an existing seawall and associated seacave/notch fill at the base of the bluff below 211 Pacific Avenue.

TERM:

10 years, beginning June 1, 2020.

CONSIDERATION:

\$3,763 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

- Assignee must apply to the Commission for an amendment to the proposed lease or for a new lease when the Lessee submits its application for an amended Coastal Development Permit.
- Assignee must comply with Coastal Development Permit No. 6-09-033, including any future modifications.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 29, 2020, the Commission authorized 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 ([Item C51, April 29, 2020](#)). That lease will expire on May 31, 2030.

On January 8, 2021, the upland property was deeded to Jeffrey D. Watkins and Jeannine K. Watkins, Trustees of the Jeffrey D. Watkins and Jeannine K. Watkins Family Trust dated March 26, 2001. The Applicant is applying for an assignment of the lease for the use and maintenance of a portion of an existing seawall and associated seacave/notch fill. The effective date of the assignment will be January 8, 2021, to coincide with the Applicant’s purchase of the upland property.

Approval of this lease assignment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the remaining term of the lease. For these reasons, staff recommends finding that approval of this assignment is in the best interests of the State.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, more frequent and intense storm events, increased flooding, and erosion affect both open coastal areas and inland waterways in California. The existing structures subject to the lease assignment are located at the base of a bluff and are adjoining a tidally influenced beach along the Pacific Ocean. This area is subject to wave run-up and impact during high tide periods.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-

level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. Projected sea-level rise scenarios for the lease area (La Jolla tide gauge) are listed in Table 1.

Table 1. Projected Sea-Level Rise for La Jolla

Year	Projection (feet)
2030	0.9
2040	1.3
2050	2.0
2100	7.1

Source: Table 31, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a baseline of the year 2000.

The combination of these projected conditions increases the likelihood of future damage to the seawall that could jeopardize the residence atop the bluff. As discussed in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), armoring structures along the coast, while intended to safeguard upland properties, offers only temporary protection, eventually leaving homes and property at risk. The seawall may become vulnerable to more frequent inundation during high tides, king tides, and storms, as well as from storm runoff. Bluff erosion as a result of precipitation, groundwater drainage, wind force, and slumping may also exert pressure on the seawall from the landward side, and potentially destabilize the seawall material.

The seawall has the potential to exacerbate the impacts of sea-level rise and increased storm and wave activity on State sovereign land. Without sand replenishment, the beach area seaward of the seawall could be subject to width reduction and loss from erosion, scour, and coastal squeeze (i.e., the reduction of beach width due to the inability of the beach to naturally migrate landward as a result of hard armoring infrastructure).

The lease is a 10-year General Lease – Protective Structure Use that began on June 1, 2020, and may be subject to the climate change effects of the projected sea-level rise scenario provided above. Regular maintenance as required by the terms of the lease, will help reduce the likelihood of severe structural degradation and dislodgement. Further climate change impact analyses on the leased facilities will be assessed at the time the lease expires in 2030 if an application for a new lease is submitted and would be based on projected sea-level rise scenarios at that time.

OTHER PERTINENT INFORMATION:

1. The Applicant is qualified to hold the lease and staff has not discovered any information that would provide a basis for withholding the assignment. Upon expiration or prior termination of the lease, neither the assignor nor the assignee has any right to a new lease or to renewal of any previous lease. If no new lease is granted the assignee may be required to remove the seawall and seacave/notch fill and restore the premises to their original condition.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Assignment of the lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

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

AUTHORIZATION:

Authorize the assignment of Lease No. 8182, a General Lease – Protective Structure Use of sovereign land, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof, from James Hoyt O'Neal and Nancy Dee Barden O'Neal, Trustees of The O'Neal Family Trust Under Trust Agreement Dated June 21, 2001, to Jeffry D. Watkins and Jeannine K. Watkins, Trustees of the Jeffry D. Watkins

and Jeannine K. Watkins Family Trust dated March 26, 2001, effective January 8, 2021.

EXHIBIT A

LEASE 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.



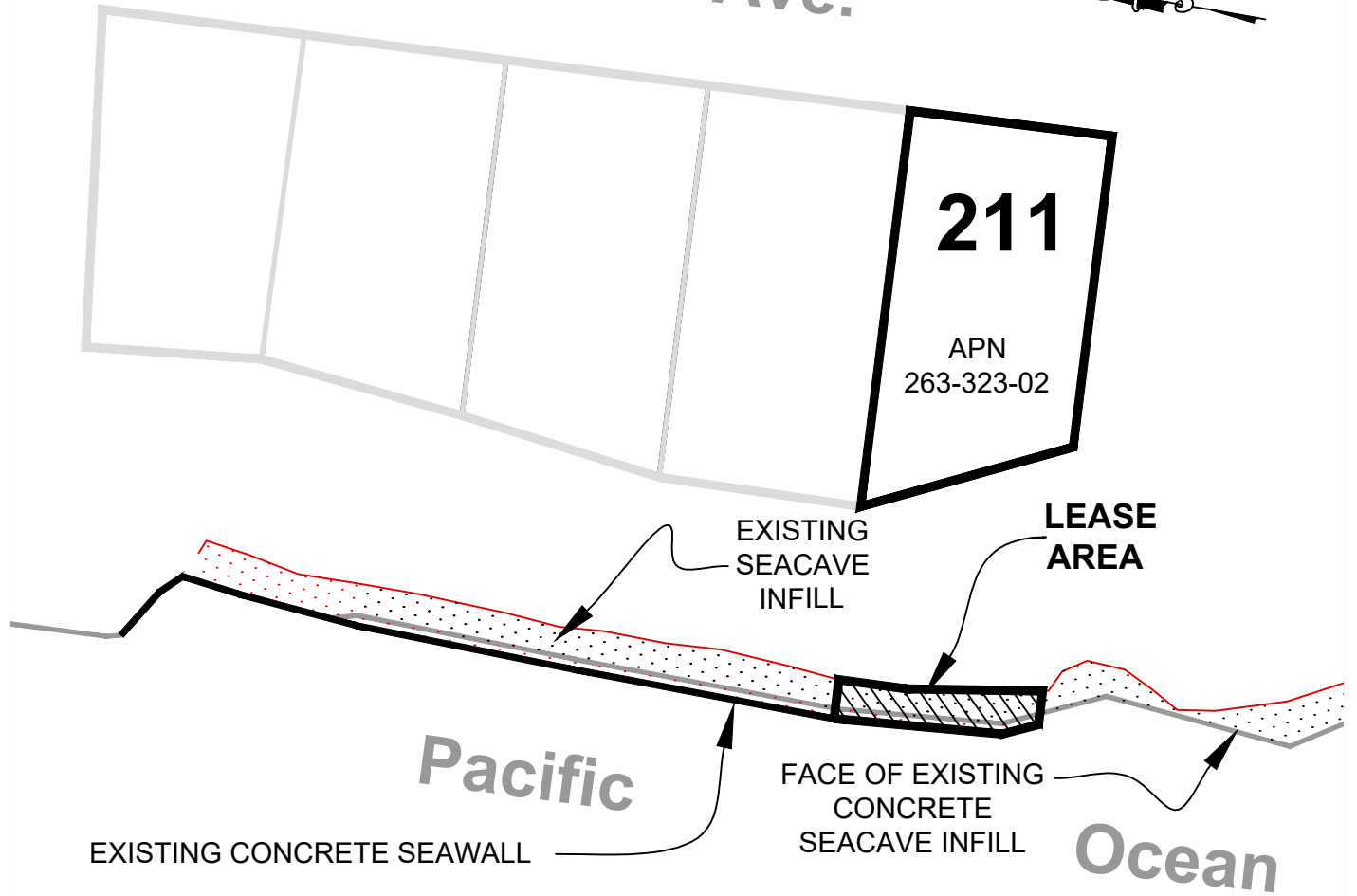
NO SCALE

SITE

Pacific Ave.

211

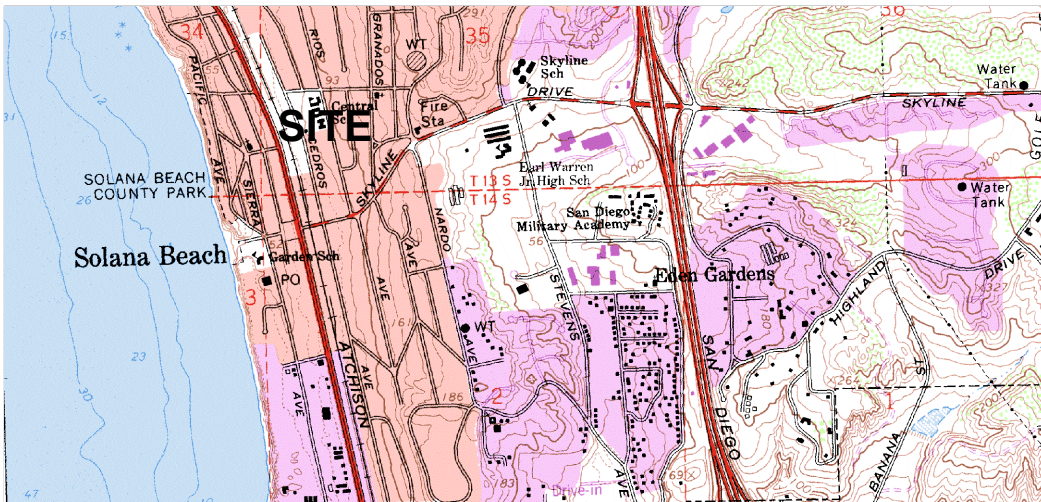
APN
263-323-02



211 PACIFIC AVENUE, SOLANA BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

LEASE 8182
 WATKINS TRUST
 APN 263-323-02
 GENERAL LEASE-
 PROTECTIVE STRUCTURE USE
 SAN DIEGO COUNTY



TS 03/09/2021

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.