

MINUTE ITEM

This Calendar Item No. C55 was approved as Minute Item No. 55 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM
C55

A 73
S 38

04/17/06
PRC 8523 WP 8523.9
S. Young

AMENDMENT OF LEASE

LESSEE:

City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged lands in the Pacific Ocean northwest of the San Clemente Municipal Pier, city of San Clemente, Orange County.

AUTHORIZED USE:

Construction and maintenance of public beach access facilities at the Linda Lane railroad undercrossing, at the El Portal railroad crossing and at the Mariposa Point railroad undercrossing, northwest of the San Clemente Municipal Pier.

LEASE TERM:

19 years, beginning February 2, 2004.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend the authorized use and improvements to include the construction and maintenance of a beach access stairway, riprap and concrete footings adjacent to the El Portal railroad crossing and a beach access stairway, riprap, precast box culvert and concrete retaining walls at the Mariposa Point railroad undercrossing, within the city of San Clemente; and

Amend the lease description to include portions of the El Portal and Mariposa Point facilities to be located on State sovereign land.

CALENDAR ITEM NO. C55 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Lessee has a license agreement with the Orange County Transportation Authority (OCTA), a public entity, for the use and operation of the property lying landward and adjacent to the Lease Premises.
2. On April 5, 2004, the Commission approved the issuance of a 19-year General Lease – Public Agency Use, PRC 8523.9, to the city of San Clemente (City) for the construction and maintenance of a public beach access facility at the Linda Lane railroad undercrossing adjacent to the beach near San Clemente Municipal Pier (Pier). The Linda Lane project site was a component of the City's 2.27-mile pedestrian beach trail adjacent to the existing OCTA corridor. The City has applied for an amendment to PRC 8523.9 for the additional beach access sites at the Mariposa Point and the El Portal Pedestrian Crossings northwest of the Pier. These two additional sites are part of phase two of the beach trail project. A portion of the El Portal crossing stairway, riprap placement, and concrete footings, as well as a portion of the stairs, riprap placement, precast box culvert, and concrete retaining walls at the Mariposa undercrossing are located on State sovereign land adjacent to San Clemente State Beach.
3. A Mitigated Negative Declaration (MND) was prepared and adopted for this project by the city of San Clemente. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of San Clemente.
4. 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 projects, as proposed, are consistent with its use classification.

EXHIBITS:

- A. Location and Site Map
- B. Land Description
- C. Summary of Mitigation Monitoring Measures/Program

CALENDAR ITEM NO. C55 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION (MND) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAN CLEMENTE AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN THE MND, AND IS ATTACHED HERETO AS EXHIBIT C.

SIGNIFICANT LANDS INVENTORY FINDING:

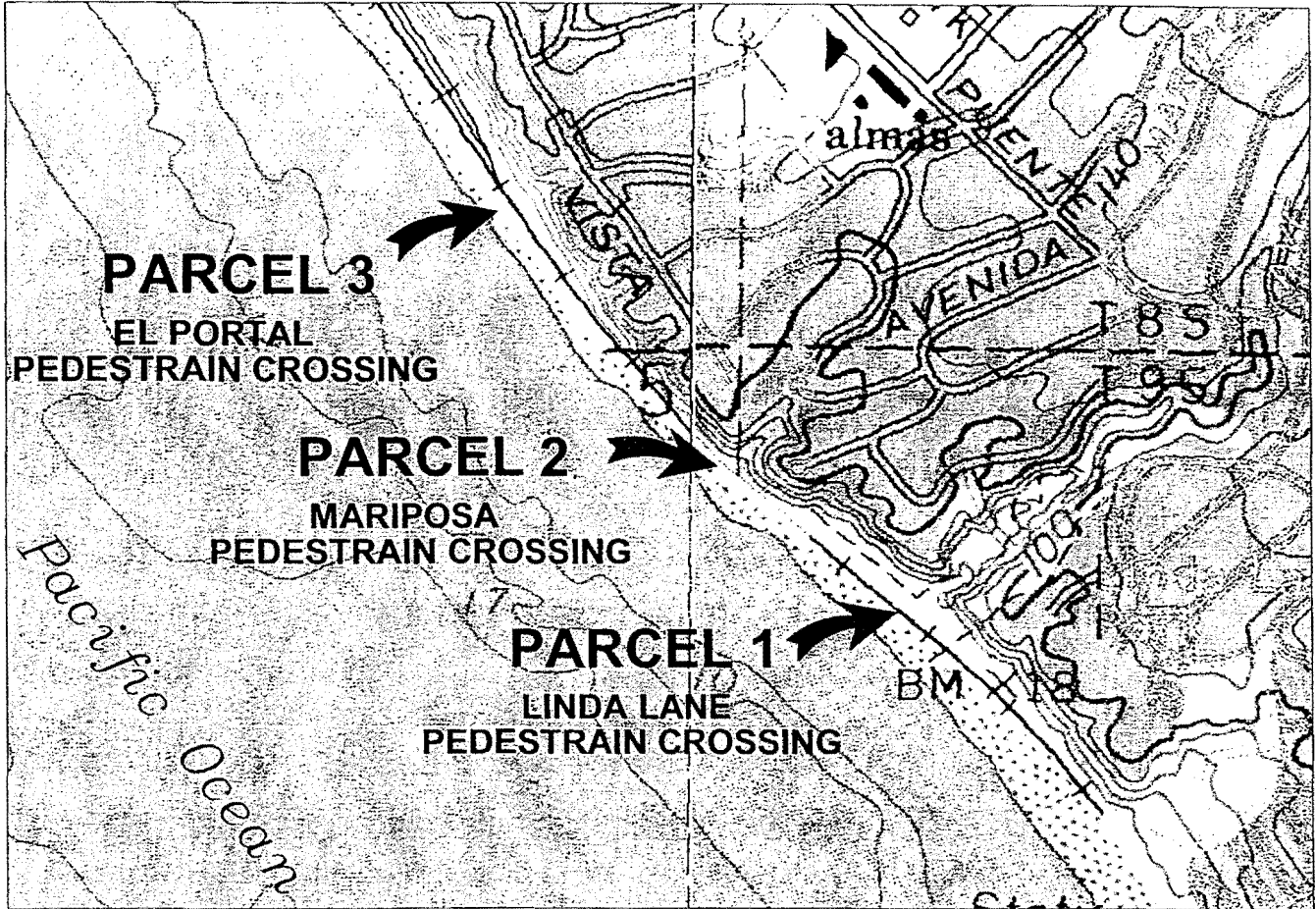
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8523.9, A GENERAL LEASE - PUBLIC AGENCY USE, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF ADDITIONAL PUBLIC BEACH ACCESS FACILITIES TO INCLUDE PLACEMENT OF A STAIRWAY, RIPRAP, AND CONCRETE FOOTINGS AT THE EL PORTAL RAILROAD CROSSING AND THE PLACEMENT OF A STAIRWAY, RIPRAP, AND A PRECAST BOX CULVERT AND CONCRETE RETAINING WALLS AT THE MARIPOSA POINT RAILROAD UNDERCROSSING; AND TO REVISE THE LEASE DESCRIPTION TO INCLUDE THE IMPROVEMENTS AT THE EL PORTAL RAILROAD CROSSING AND THE MARIPOSA POINT RAILROAD UNDERCROSSING ON LANDS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE APRIL 17, 2006, ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

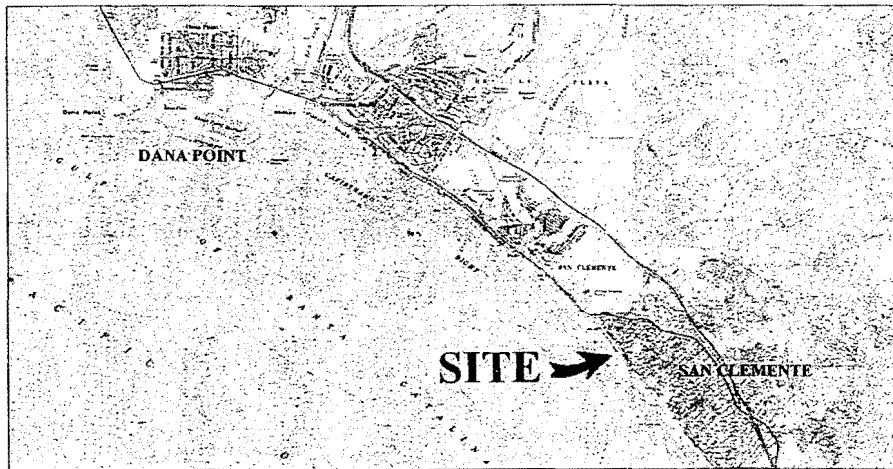
SITE



CITY OF SAN CLEMENTE PEDESTRIAN BEACH ACCESS
LINDA LANE, MARIPOSA AND EL PORTAL CROSSING

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8523.9
GENERAL LEASE
PUBLIC AGENCY USE
CITY OF SAN CLEMENTE
ORANGE CO



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

LAND DESCRIPTION

PRC 8523.9

THREE (3) PARCELS OF TIDE AND SUBMERGED LAND IN THE BED OF THE PACIFIC OCEAN SITUATED IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT ORANGE COUNTY SURVEYORS (OCS) GPS CONTROL STATION NO. 1220, AT THE WESTERLY END OF LINDA LANE CUL-DE-SAC, STATION IS 70 FEET +/- W'LY OF THE RADIUS POINT OF THE CUL-DE-SAC AND 20 FEET +/- S'LY OF THE A.C. DRIVEWAY TO THE RAILROAD CROSSING. SAID STATION BEING A 2" IRON PIPE WITH A PUNCHED SPIKE AND OCS WASHER STAMPED "MLLW-8 11-94"; THE CALIFORNIA STATE PLANE COORDINATES OF SAID STATION NO. 1220 AS PUBLISHED (IN U.S. SURVEY FEET) IN THE OCS CCS - 83, ZONE VI (EPOCH 1991.35) HORIZONTAL CONTROL SYSTEM ARE: NORTHING = 2,100,304.011 AND EASTING = 6,142,777.830;

THENCE SOUTH 85° 07' 43" WEST A DISTANCE OF 111.79 FEET TO A POINT IN THE CENTERLINE OF THE EXISTING TRACKS OF THE OCTA-METROLINK RAILROAD RIGHT-OF-WAY, SAID POINT BEING THE **TRUE POINT OF BEGINNING** OF THE "LINDA LANE UNDER CROSSING" SITE, BEING AN 8.00 FOOT WIDE STRIP OF LAND, 4.00 FEET ON EITHER SIDE OF THE TWO FOLLOWING DESCRIBED CENTER LINES.

FROM SAID **TRUE POINT OF BEGINNING** NORTH 39° 52' 37" EAST, 20.00 FEET.

AND FROM SAID **TRUE POINT OF BEGINNING**, SOUTH 39° 52' 37" WEST 20.00 FEET, TO A POINT HEREAFTER TO BE REFERRED TO AS POINT "A".

TOGETHER WITH A PORTION OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "A", BEING THE BEGINNING OF A 90.00 FOOT WIDE STRIP OF LAND, BEING 45.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTER LINE; SOUTH 39° 52' 37" WEST A DISTANCE OF 30.00 FEET.

EXCEPTING THEREFROM ALL OF THAT PORTION OF THE ABOVE DESCRIBED PARCEL SITUATED LANDWARD OF THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN.

PARCEL 2

COMMENCING AT ORANGE COUNTY SURVEYORS (OCS) GPS CONTROL STATION NO. 4439R1 AT THE CENTER LINE INTERSECTION OF CALLE PUENTE AND WEST CANADA, SAID STATION BEING A PK NAIL AND BRASS WASHER STAMPED "LS 5312"; THE CALIFORNIA STATE PLANE COORDINATES OF SAID STATION NO. 4439R1 AS PUBLISHED (IN U.S. SURVEY FEET) IN THE OCS CCS - 83, ZONE VI (EPOCH 1991.35) HORIZONTAL CONTROL SYSTEM ARE: NORTHING = 2,102,115.989 AND EASTING = 6,142,869.312;

THENCE SOUTH 29° 41' 14" WEST A DISTANCE OF 1,553.20 FEET TO A POINT IN THE CENTERLINE OF THE EXISTING TRACKS OF THE OCTA-METROLINK RAILROAD RIGHT-OF-WAY;

THENCE NORTH 39° 54' 23" EAST, 15.00 FEET TO THE **TRUE POINT OF BEGINNING** OF THE "MARIPOSA UNDER CROSSING" SITE.

000245

CALENDAR PAGE

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000801

MINUTE PAGE

THENCE THE FOLLOWING NINE COURSES:

- 1) NORTH 50° 05' 37" WEST, 7.50 FEET;
- 2) SOUTH 39° 54' 23" WEST, 20.00 FEET;
- 3) NORTH 50° 05' 37" WEST, 29.00 FEET;
- 4) SOUTH 39° 54' 23" WEST, 37.90 FEET;
- 5) SOUTH 50° 05' 37" EAST, 73.00 FEET;
- 6) NORTH 39° 54' 23" EAST, 37.90 FEET;
- 7) NORTH 50° 05' 37" WEST, 29.00 FEET;
- 8) NORTH 39° 54' 23" EAST, 20.00 FEET;
- 9) NORTH 50° 05' 37" WEST, 7.50 FEET TO THE **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM ALL OF THAT PORTION OF THE ABOVE DESCRIBED PARCEL SITUATED LANDWARD OF THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN.

PARCEL 3

COMMENCING AT ORANGE COUNTY SURVEYORS (OCS) GPS CONTROL STATION NO. 4439R1 AT THE CENTER LINE INTERSECTION OF CALLE PUENTE AND WEST CANADA, SAID STATION BEING A PK NAIL AND BRASS WASHER STAMPED "LS 5312"; THE CALIFORNIA STATE PLANE COORDINATES OF SAID STATION NO. 4439R1 AS PUBLISHED (IN U.S. SURVEY FEET IN THE OCS CCS - 83, ZONE VI (EPOCH 1991.35) HORIZONTAL CONTROL SYSTEM ARE: NORTHING = 2,102,115.989 AND EASTING = 6,142,869.312;

THENCE SOUTH 80° 01' 05" WEST A DISTANCE OF 1,726.05 FEET TO A POINT IN THE CENTERLINE OF THE EXISTING TRACKS OF THE OCTA-METROLINK RAILROAD RIGHT-OF-WAY, SAID POINT BEING THE **TRUE POINT OF BEGINNING** OF THE "EL PORTAL AT GRADE CROSSING" SITE, BEING A 24.50 FEET WIDE STRIP OF LAND LYING 13.00 FEET NORTHERLY AND 11.50 FEET SOUTHERLY, BOTH MEASURED AT RIGHT ANGLES TO THE FOLLOWING TWO DESCRIBED CENTER LINES.

FROM SAID **TRUE POINT OF BEGINNING** NORTH 56° 51' 39" EAST, 15.00 FEET TO THE EASTERLY TERMINUS OF SAID CENTER LINE,

AND FROM SAID **TRUE POINT OF BEGINNING**, SOUTH 56° 51' 39" WEST, 54.25 FEET TO THE WESTERLY TERMINUS OF SAID CENTER LINE.

EXCEPTING THEREFROM ALL OF THAT PORTION OF THE ABOVE DESCRIBED PARCEL SITUATED LANDWARD OF THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN.

END OF DESCRIPTION

PREPARED IN THE OFFICES OF KDM MERIDIAN, INC.


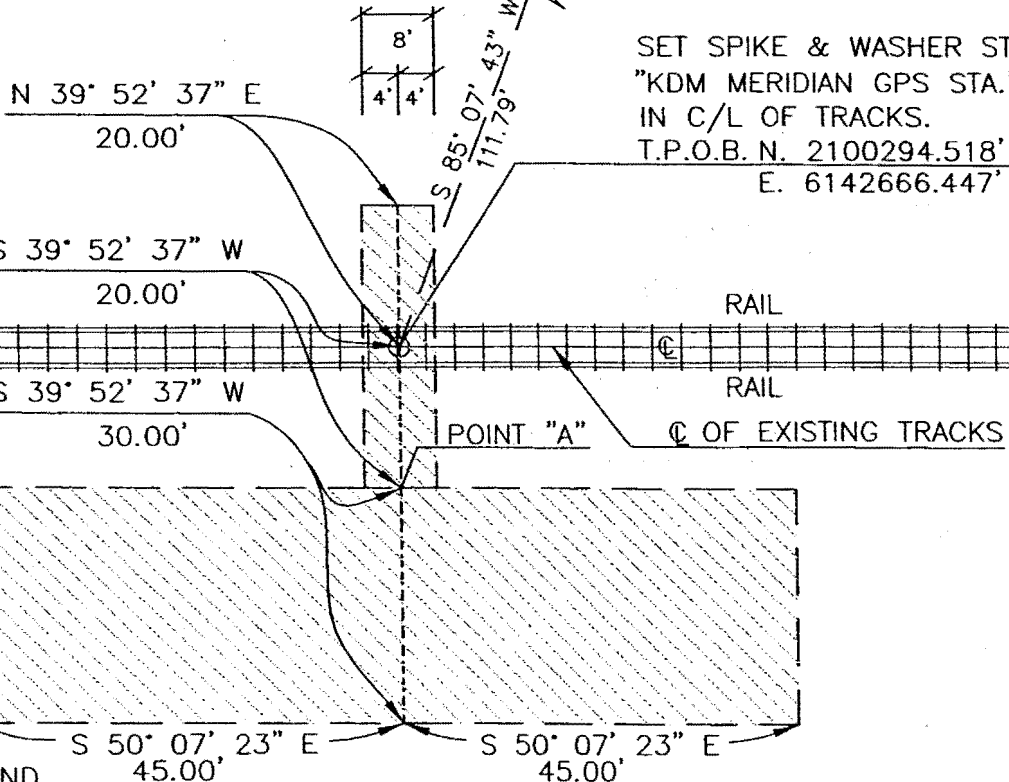
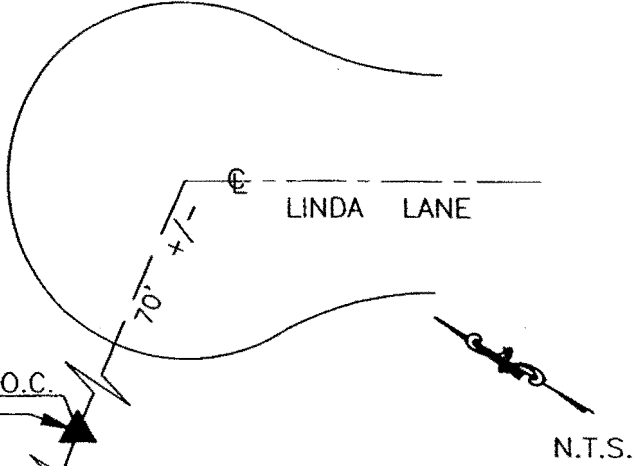

RICHARD C. MAHER, P.L.S. 7564 (CA) DATE 3/27/06
LICENSE EXPIRES 12-31-07

EXHIBIT "B" - PLAT TO ACCOMPANY LEGAL DESCRIPTION
 FOR INFORMATIONAL PURPOSES ONLY
 PARCEL 1 - "LINDA LANE UNDER CROSSING"

OCS GPS # 1220 - FD. 2"
 I.P. W/PUNCHED SPIKE &
 OCS WASHER STAMPED
 "MLLW-8 11-94", LOCATED
 70' +/- W'LY OF THE
 RADIUS POINT OF THE
 CUL-DE-SAC OF LINDA LANE.
 N. 2100304.011'
 E. 6142777.830'



SET SPIKE & WASHER STAMPED
 "KDM MERIDIAN GPS STA.",
 IN C/L OF TRACKS.
 T.P.O.B. N. 2100294.518'
 E. 6142666.447'

LEGEND

DESCRIPTION AREA.

NOTE: HORIZONTAL COORDINATES ARE OCS EPOCH 1991.35
 P.O.C. POINT OF COMMENCEMENT
 T.P.O.B. TRUE POINT OF BEGINNING



KDM MERIDIAN
 22722 Lambert St., Ste 1710
 Lake Forest, CA 92630
 Phone: 949-768-0731
 Fax: 949-768-3731

Richard C. Maher 3/27/06
 RICHARD C. MAHER, PLS 7564 (CA) DATE
 LICENSE EXPIRES 12/31/07

EXHIBIT "B" - PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR INFORMATIONAL PURPOSES ONLY PARCEL 2 - "MARIPOSA UNDER CROSSING"

OCS GPS # 4439R1 - FD. PK
NAIL & BRASS WASHER STAMPED
"LS 5312" AT C/L INT. CALLE
PUENTE & WEST CANADA.

N. 2102115.989
E. 6142869.312

SET SPIKE & WASHER STAMPED
"KDM MERIDIAN GPS STA.",
IN C/L OF TRACKS.

N. 2100766.656
E. 6142100.067

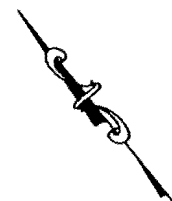
CANADA

P.O.C.

CALLE

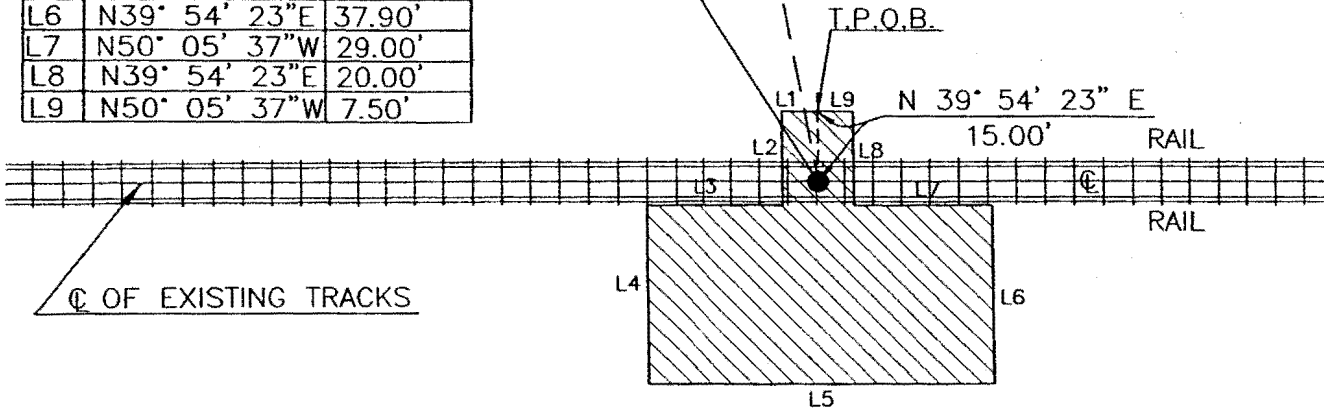
PUENTE

WEST



N.T.S.

| LINE TABLE | | |
|------------|---------------|----------|
| NO. | BEARING | DISTANCE |
| L1 | N50° 05' 37"W | 7.50' |
| L2 | S39° 54' 23"W | 20.00' |
| L3 | N50° 05' 37"W | 29.00' |
| L4 | S39° 54' 23"W | 37.90' |
| L5 | S50° 05' 37"E | 73.00' |
| L6 | N39° 54' 23"E | 37.90' |
| L7 | N50° 05' 37"W | 29.00' |
| L8 | N39° 54' 23"E | 20.00' |
| L9 | N50° 05' 37"W | 7.50' |



LEGEND

DESCRIPTION AREA = 3,067 +/- Sq. Ft. (0.07 Acres)

NOTE: HORIZONTAL COORDINATES IN THE OCS CCS - 83,
ZONE VI, (EPOCH 1991.35)

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING



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Richard C. Maher 3/27/06
RICHARD C. MAHER, PLS 7564 (CA) DATE
LICENSE EXPIRES 12/31/07

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**EXHIBIT "B" - PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR INFORMATIONAL PURPOSES ONLY
PARCEL 3 - "EL PORTAL AT GRADE CROSSING"**

OCS GPS # 4439R1 - FD. PK
NAIL & BRASS WASHER STAMPED
"LS 5312" AT C/L INT. CALLE
PUENTE & WEST CANADA.

N. 2102115.989'
E. 6142869.312'

P.O.C.

CANADA

CALLE

PUENTE

WEST

N.T.S.

N 56° 51' 39" E
15.00'

S 80° 01' 05" W
1,726.05'

SET SPIKE & WASHER STAMPED
"KDM MERIDIAN GPS STA.",
IN C/L OF TRACKS.
T.P.O.B. N. 2101816.799'
E. 6141169.386'

S 56° 51' 39" W
54.25'


RAIL

RAIL

☉ OF EXISTING TRACKS

13.0' 11.5'
24.50'

LEGEND

 DESCRIPTION AREA = 1,697 +/- Sq. Ft. (0.04 Acres)

NOTE: HORIZONTAL COORDINATES ARE OCS EPOCH 1991.35

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING



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Richard C. Maher 3/27/06
RICHARD C. MAHER, PLS 7564 (CA) DATE
LICENSE EXPIRES 12/31/07

Sheet 3 of 3

EXHIBIT C

7.0 SUMMARY OF MITIGATION MEASURES/MONITORING PROGRAM

| Mitigation Measure | Responsible Party | Timing |
|--|-----------------------------|----------------------------|
| <p>Biological Resource</p> <p>BR1. The trail has been designed to avoid impacting the vernal pools. In order to ensure that all potential and known vernal pools have been avoided during final design and construction, a certified biologist will review the final design plans and identify areas which may need to be temporarily fenced off during construction. This measure shall be complied with to the satisfaction of the City of San Clemente Planning Department.</p> <p>BR2. Southern Coastal Bluff Scrub shall be replanted on-site at a ratio of 2:1 (i.e., 0.22 acre of habitat creation). Figure 2 in the <i>Biological Constraints Analysis</i> identifies locations for possible sage scrub creation and enhancement. The recommendations contained in the <i>Biological Constraints Analysis</i> for replanting bluff scrub shall be followed to the satisfaction of the City of San Clemente.</p> | <p>City of San Clemente</p> | <p>Prior to grading</p> |
| <p>Hazardous Waste/</p> <p>HW1. The majority of the trail alignment will be off-set, varying between 10 to 18 feet from the rail line, except at locations where at-grade trail crossings are proposed. Due to the known past practices of railroad companies to use diesel fuel as a method to control weeds, pre-construction soil sampling should occur at all proposed rail at-grade crossing locations specified on the project design plans.</p> <p>If unknown wastes or suspect materials are discovered during construction by the contractor which he/she believes may involve hazardous wastes/materials, the contractor shall:</p> <ul style="list-style-type: none"> - Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; - Notify the Project Engineer of the implementing Agency; - Secure the area as directed by the Project Engineer; and, - Notify the implementing agency's Hazardous Waste/Materials Coordinator. | <p>City of San Clemente</p> | <p>During construction</p> |

000250

000606