

**CALENDAR ITEM
C34**

A 73
S 38

06/28/10
WP 8567.9
K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

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

LAND TYPE AND LOCATION:

Tide and submerged lands in the Pacific Ocean adjacent to North Beach, Linda Lane Beach, T Street Beach North, and T Street Beach South, city of San Clemente, Orange County.

AUTHORIZED USE:

Deposition of a combined maximum of 300,000 cubic yards of sand annually at four receiver sites: a maximum of 125,000 cubic yards of sand annually at North Beach, a maximum of 75,000 cubic yards of sand annually at Linda Lane Beach, a maximum of 45,000 cubic yards annually at T Street Beach North, and a maximum of 55,000 cubic yards annually at T Street Beach South, under the city of San Clemente Opportunistic Beach Replenishment Program.

LEASE TERM:

Five years, beginning November 1, 2009.

CONSIDERATION:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On October 6, 2004, the Commission authorized Lease No. PRC 8567.9 to the city of San Clemente (City) for the placement of a combined maximum of 300,000 cubic yards of beach quality sand annually at the following receiver sites within the city: a maximum of 125,000 cubic yards

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of sand annually at North Beach, a maximum of 75,000 cubic yards of sand annually at Linda Lane Beach, a maximum of 45,000 cubic yards of sand annually at T Street Beach North, and a maximum of 55,000 cubic yards of sand annually at T Street Beach South. Applicant has submitted an application for a new General Lease – Public Agency Use for the continued implementation of the City of San Clemente Opportunistic Beach Replenishment Program (Program) under the same terms and conditions as the prior Lease.

3. The existing Program is intended to take advantage of opportunities to obtain suitable beach fill material generated from construction, development, or dredging projects occurring periodically within the City. Under the Program, the City identifies potential beach fill material, which is tested according to current regulatory requirements to confirm its suitability. A Project Notification Report detailing such findings is then submitted to the Commission and each agency with approval authority over the project a minimum of 30 days prior to any placement activity. No replenishment activity is to take place until staff of each agency, including the Commission, has provided written concurrence that the material meets the criteria for placement.
4. A Mitigated Negative Declaration (SCH#2002081044) was prepared by the City and adopted on October 7, 2003, for this project. Commission staff reviewed such document. A Mitigation Monitoring Program was adopted by the City.
5. 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:

City of San Clemente

FURTHER APPROVALS REQUIRED:

California Coastal Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

EXHIBITS:

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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration (SCH#2002081044) and a Mitigation Monitoring Program were prepared by the city of San Clemente and adopted on October 7, 2003, for this project, and that the Commission has reviewed and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained on file in the Sacramento office of the California State Lands Commission.

SIGNIFICANT LANDS INVENTORY FINDING:

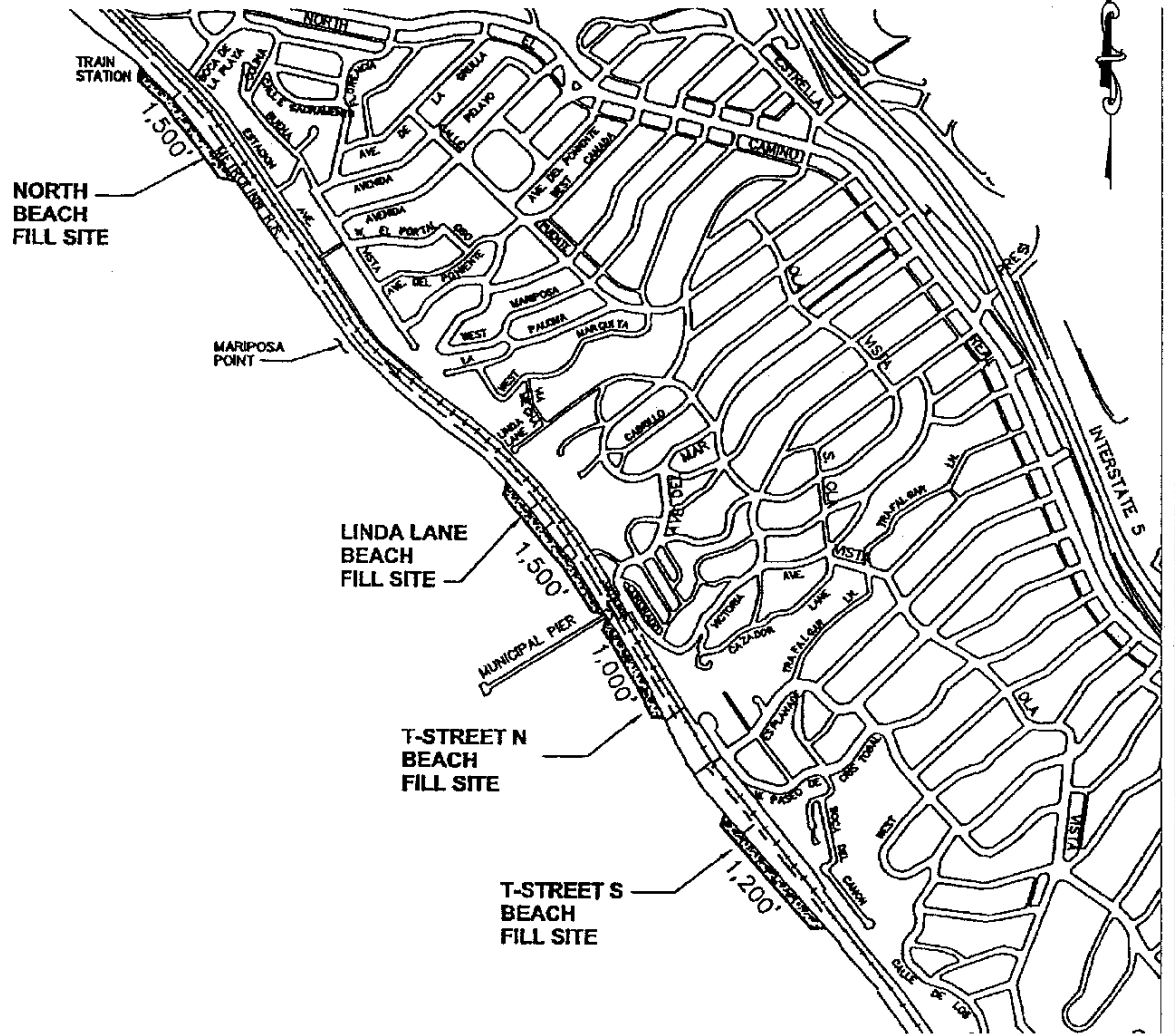
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to the city of San Clemente beginning November 1, 2009, for a term of five years, for the deposition of a combined maximum of 300,000 cubic yards of sand annually at four receiver sites: a maximum of 125,000 cubic yards of sand annually at North Beach, a maximum of 75,000 cubic yards of sand annually at Linda Lane Beach, a maximum of 45,000 cubic yards of sand annually at T Street Beach North, and a maximum of 55,000 cubic yards of sand annually at T Street Beach South under the city of San Clemente Opportunistic Beach Replenishment Program as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; Consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

NO SCALE

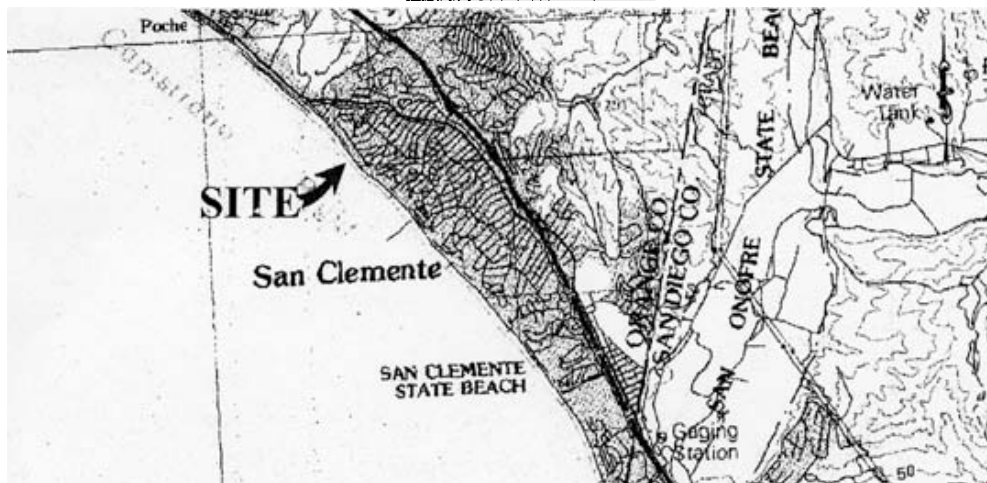
SITE



SAN CLEMENTE OPPORTUNISTIC BEACH REPLENISHMENT PROGRAM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8567
 CITY OF SAN CLEMENTE
 GENERAL LEASE - PUBLIC AGENCY
 SAN CLEMENTE BEACH
 ORANGE COUNTY



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.

MJJ 05/10

EXHIBIT B LAND DESCRIPTION

Four (4) parcels of land situated in the City of San Clemente, County of Orange, State of California described as follows:

Parcel 1 (North Beach Fill Site)

A 280 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 981 recorded in Book 31 of Miscellaneous Map Page 26 and Tract 793 recorded in Book 24 of Miscellaneous Map Page 1, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by the prolongation of the most southwesterly line of the northwesterly right of way line of Dije Court; bounded on the Southwest by a line lying 280 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by the prolongation of the northwesterly line of Lot 17 of said Tract 981.

Parcel 2 (Linda Lane Beach Fill Site)

A 240 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 779 recorded in Book 23 of Miscellaneous Map Page 19, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by a line 85 feet northwesterly of and parallel with the centerline of the City of San Clemente Public Pier; bounded on the Southwest by a line lying 240 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by a line lying more or less 1500 feet northwesterly of and parallel with above described Southeast line of the herein described parcel.

Parcel 3 (T Street North Beach Fill Site)

A 200 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 779 recorded in Book 23 of Miscellaneous Map Page 19, and Tract 822 recorded in Book 25 of Miscellaneous Map Page 21, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark OF SAID OCEAN; bounded on the Southeast by a line 1085 feet southeasterly of and parallel with the centerline of the City of San Clemente Public Pier; bounded on the Southwest by a line lying 200 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by a line lying 1000 feet more or less northwesterly of and parallel with above described Southeast line of the herein described parcel.

Parcel 4 (T Street South Beach Fill Site)

A 200 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 1511 recorded in Book 44 of Miscellaneous Map Page 44, and Tract 822 recorded in Book 25 of Miscellaneous Map Page 21, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by the southwesterly prolongation of the northwesterly line of Lot 40 of Tract 897 recorded in Book 27 of Miscellaneous Map Page 25, Orange County Recorders Office; bounded on the Southwest by a line lying 200 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by a line lying 1200 feet more or less northwesterly of and parallel with above described Southeast line of the herein described parcel.

END OF DESCRIPTION

