

MINUTE ITEM

1/26/66

3. APPLICATION FOR LEASE AND PERMIT ON TIDE AND SUBMERGED LANDS OCEANWARD OF SAN ELIJO STATE BEACH, SAN DIEGO COUNTY; CARDIFF MARINA COMMUNITY SERVICES DISTRICT - W.O. 5742, P.R.C. 3432.1, P.R.C. 3433.9.

Mr. John B. Gaskill, Vice President of the Ocean Fish Protective Association, Inc., appeared in connection with Calendar Item 22 attached. He indicated that his Association was concerned with possible harm to public beaches and surf fishing in the area that might result if the permit was issued. However, following assurance that a careful check had been made with the appropriate agencies, including the State Department of Fish and Game, Mr. Gaskill indicated that he was satisfied that the necessary steps to protect the public interest had been taken.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO THE CARDIFF MARINA COMMUNITY SERVICES DISTRICT:

1. A FIFTEEN-YEAR LEASE OF TIDE AND SUBMERGED LANDS FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A BREAKWATER SYSTEM, IDENTIFIED AS PARCEL SL-1, SAID LEASE TO FURTHER PROVIDE FOR AN EASEMENT OVER, IN, AND UPON PARCELS SL-2 AND SL-3 FOR THE OPERATION OF SAND-BYPASS EQUIPMENT WHEN NECESSARY, AT AN ANNUAL RENTAL OF \$4,667.10, WITH THE FIRST AND LAST YEARS' RENTALS PAYABLE IN ADVANCE, THE LEASE TO PROVIDE FOR THREE RENEWAL OPTIONS OF TEN YEARS EACH AND TO REQUIRE A \$200,000 SITE CLEARANCE BOND.

PARCEL SL-1 IS DESCRIBED AS FOLLOWS:

PARCEL SL-1

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT OF SAID LAND, FILED IN THE DISTRICT LAND OFFICE JULY 18, 1881, SAID CORNER BEING A 4" x 4" CONCRETE MONUMENT HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,686,676.05, Y = 307,462.96; THENCE NORTH 88° 51' 00" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 27 A DISTANCE OF 1,877.64 FEET; THENCE SOUTH 8° 41' 25" EAST A DISTANCE OF 44.13 FEET TO THE TRUE POINT OF BEGINNING, HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,684,805.45, Y = 307,457.01; THENCE SOUTH 46° 59' 36" WEST A DISTANCE OF 2124.39 FEET; THENCE NORTH 15° 00' 00" WEST A DISTANCE OF 2005.00 FEET; THENCE NORTH 79° 39' 42" EAST A DISTANCE OF 971.55 FEET; THENCE SOUTH 88° 51' 00" EAST A DISTANCE OF 1010.15 FEET+ TO A POINT ON THE MEAN HIGH TIDE LINE OF THE GULF OF SANTA CATALINA; THENCE SOUTHERLY ALONG SAID MEAN HIGH TIDE LINE TO A POINT ON A LINE WHICH BEARS NORTH 88° 51' 00" WEST AND WHICH PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE NORTH 88° 51' 00" WEST TO THE TRUE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 6.

Rescinded by Minute Item 22, Pg. 815 of 7/31/69.  
E. Denny

PARCEL SL-2 IS DESCRIBED AS FOLLOWS:

PARCEL SL-2

BEGINNING AT CONCRETE MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 101 AT ENGINEER STATION 290+45.96 E.C. ACCORDING TO RIGHT-OF-WAY MAP XI-SD-5, XI-SD-2A (LC9614), SAID MONUMENT HAVING CALIFORNIA ZONE 6 COORDINATES OF  $X = 1,684,868.40$ ,  $Y = 307,841.83$ , THENCE NORTH  $10^{\circ} 21' 17''$  WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 102.94 FEET; THENCE NORTH  $11^{\circ} 18' 01''$  WEST A DISTANCE OF 156.26 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH  $88^{\circ} 51' 00''$  WEST A DISTANCE OF 720.57 FEET TO THE TRUE POINT OF BEGINNING, HAVING CALIFORNIA COORDINATE SYSTEM ZONE 6 COORDINATES OF  $X = 1,684,098.85$ ,  $Y = 308,110.80$ ; THENCE NORTH  $12^{\circ} 51' 23''$  WEST A DISTANCE OF 763.34 FEET; THENCE NORTH  $22^{\circ} 26' 34''$  WEST A DISTANCE OF 995.39 FEET; THENCE SOUTH  $88^{\circ} 53' 16''$  EAST A DISTANCE OF 652.31 FEET; THENCE SOUTH  $89^{\circ} 24' 48''$  EAST A DISTANCE OF 47.84 FEET + TO A POINT ON THE MEAN HIGH TIDE LINE OF THE GULF OF SANTA CATALINA; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH TIDE LINE TO A POINT ON A LINE WHICH BEARS NORTH  $88^{\circ} 51' 00''$  WEST AND PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE NORTH  $88^{\circ} 51' 00''$  WEST A DISTANCE OF 600.00 FEET + TO THE TRUE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 6.

PARCEL SL-3 IS DESCRIBED AS FOLLOWS:

PARCEL SL-3

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE JULY 18, 1881, SAID CORNER BEING A 4" x 4" CONCRETE MONUMENT HAVING CALIFORNIA ZONE 6 COORDINATES OF  $X = 1,686,676.05$ ,  $Y = 307,462.96$ ; THENCE NORTH  $88^{\circ} 51' 00''$  WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 27 A DISTANCE OF 1877.64 FEET; THENCE SOUTH  $8^{\circ} 41' 25''$  EAST A DISTANCE OF 44.13 FEET TO THE TRUE POINT OF BEGINNING, HAVING CALIFORNIA ZONE 6 COORDINATES OF  $X = 1,684,805.45$ ,  $Y = 307,457.01$ ; THENCE SOUTH  $46^{\circ} 59' 36''$  WEST A DISTANCE OF 700.00 FEET; THENCE SOUTH A DISTANCE OF 1400.00 FEET; THENCE EAST TO A POINT ON THE MEAN HIGH TIDE LINE OF THE GULF OF SANTA CATALINA; THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO A POINT ON A LINE WHICH BEARS NORTH  $88^{\circ} 51' 00''$  WEST AND PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE NORTH  $88^{\circ} 51' 00''$  WEST TO THE TRUE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 6.

2. A PERMIT TO PLACE APPROXIMATELY 500,000 CUBIC YARDS OF SANDY MATERIAL ON STATE TIDE AND SUBMERGED LANDS IDENTIFIED AS PARCEL SL-4 AND PARCEL SL-5, SUBJECT TO THE FOLLOWING CONDITIONS:

- A. THE PERMIT SHALL EXPIRE FIVE (5) YEARS FROM THE DATE OF ISSUANCE.
- B. THE PERMITTEE SHALL INDEMNIFY THE STATE AGAINST ANY AND ALL LOSSES, DAMAGES, CLAIMS, DEMANDS, OR ACTION CAUSED BY OR ARISING OUT OF THE OPERATIONS OF THE PERMITTEE THEREUNDER.
- C. THE PERMITTEE SHALL FILE WITH THE STATE AND MAINTAIN IN FULL FORCE AND EFFECT AT ALL TIMES DURING THE TERM OF THIS PERMIT OR ANY EXTENSION THEREOF A SURETY BOND DRAWN IN FAVOR OF THE STATE OF CALIFORNIA IN THE PENAL SUM OF \$15,000 TO GUARANTEE TO THE STATE THE FAITHFUL PERFORMANCE AND OBSERVANCE BY THE PERMITTEE OF ALL COVENANTS AND CONDITIONS IMPLIED OR SPECIFIED IN THIS PERMIT. FURTHER, THE PERMITTEE SHALL AT ALL TIMES CARRY AND KEEP IN FULL FORCE AND EFFECT PUBLIC LIABILITY INSURANCE TO PROTECT THE PERMITTEE AND THE STATE, AS AN ADDITIONAL INSURED, IN AN AMOUNT OF AT LEAST \$100,000 FOR EACH ACCIDENT AND \$50,000 FOR EACH PERSON; THE PERMITTEE SHALL FILE THE POLICY FOR SUCH INSURANCE WITH THE STATE LANDS COMMISSION.

THE CONSIDERATION FOR THE PERMIT IS TO BE THE ENRICHMENT OF THE STATE PUBLIC BEACH AND THE PUBLIC INTEREST.

PARCEL SL-4 IS DESCRIBED AS FOLLOWS:

PARCEL SL-4

BEGINNING AT CONCRETE MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 101 AT ENGINEER STATION 290 + 45.96 E.C. ACCORDING TO RIGHT-OF-WAY MAP XI-SD-5, XI-ED-2A (109614), SAID MONUMENT HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,684,868.40, Y = 307,841.83; THENCE NORTH 10° 21' 17" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 102.94 FEET; THENCE NORTH 11° 18' 01" WEST A DISTANCE OF 99.89 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 88° 51' 00" WEST A DISTANCE OF 100.62 FEET; THENCE SOUTH 76° 54' 30" WEST A DISTANCE OF 320.24 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,684,417.89, Y = 307,970.58; THENCE NORTH 8° 24' 49" WEST A DISTANCE OF 1296.11 FEET; THENCE NORTH 8° 58' 08" WEST A DISTANCE OF 516.97 FEET; THENCE SOUTH 88° 53' 16" EAST A DISTANCE OF 53.64 FEET; THENCE SOUTH 89° 24' 48" EAST A DISTANCE OF 47.84 FEET TO A POINT ON THE MEAN HIGH TIDE LINE OF THE GULF OF SANTA CATALINA; THENCE SOUTHERLY ALONG SAID MEAN HIGH TIDE LINE TO AN INTERSECTION WITH A LINE WITH A BEARING OF SOUTH 76° 54' 30" WEST AND THAT PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE SOUTH 76° 54' 30" WEST 300.00 + TO THE TRUE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 6.

PARCEL SL-5 IS DESCRIBED AS FOLLOWS:

PARCEL SL-5

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE JULY 18, 1881, SAID CORNER BEING A 4" x 4" CONCRETE MONUMENT HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,686,676.05, AND Y = 307,462.96; THENCE NORTH 88° 51' 00" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 27 A DISTANCE OF 1877.64 FEET; THENCE NORTH 8° 41' 25" WEST A DISTANCE OF 11.17 FEET; THENCE NORTH 88° 51' 00" WEST A DISTANCE OF 2.85 FEET TO THE TRUE POINT OF BEGINNING, HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,685,794.25, AND Y = 307,511.72; THENCE SOUTH 74° 05' 30" WEST A DISTANCE OF 300.00 FEET; THENCE SOUTH 9° 00' 00" EAST A DISTANCE OF 1120.00 FEET; THENCE SOUTH 12° 00' 00" EAST A DISTANCE OF 510.00 FEET; THENCE EAST TO A POINT ON THE MEAN HIGH TIDE LINE OF THE GULF OF SANTA CATALINA; THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO AN INTERSECTION WITH A LINE WHICH BEARS NORTH 88° 51' 00" WEST AND WHICH PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE NORTH 88° 51' 00" WEST TO THE TRUE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 6.

Attachment

Calendar Item 22 (5 pages)

APPLICATION FOR LEASE AND PERMIT ON TIDE AND SUBMERGED LANDS OCEANWARD OF  
SAN ELIJO STATE BEACH, SAN DIEGO COUNTY; CARDIFF MARINA COMMUNITY SERVICES  
DISTRICT - W.O. 5742.

The Board of Supervisors of the County of San Diego and the Cardiff Development Company have jointly filed an application on behalf of the Cardiff Marina Community Services District for a lease and permit. The "District" came into legal existence on November 9, 1965.

1. It is proposed to lease tide and submerged lands identified as Parcels SL-1, SL-2, and SL-3, located seaward of the mean high tide line of the San Elijo State Beach, San Diego County (see Exhibit "A"). The lease of Parcel SL-1 is essential for the creation of a breakwater system to provide ocean access for a proposed residential-marina development within the San Elijo Lagoon area, midway between Cardiff-by-the-Sea and Solano Beach, San Diego County. The "system" is to be comprised of a breakwater 1,150 feet long, located approximately 1700 feet from the present shoreline, and of parallel stone jetties, which will provide and protect a 400-foot-wide entrance channel leading to the "marina development" project. The north jetty will be about 1080 feet long, and will terminate in a water depth of about 18 feet below mean lower low water. The south jetty will approximate a length of 1050 feet, and will also terminate in a water depth of about 18 feet below M.L.L.W. (see Exhibit "B"). The lease will provide for an easement over, in and upon Parcels SL-2 and SL-3, to be used only for the operation of sand-bypass equipment and for sand-bypass operations but only when necessary as determined by the Division of Beaches and Parks in accordance with the terms and conditions of a permit issued by the State Park Commission to the District; the lease from the State Lands Commission is to be contingent upon the District's receiving such permit or permits as the State Park Commission may deem essential. The Corps of Engineers permit has been received.

Based upon a staff appraisal, the annual rental for a 15-year lease has been established at \$4,667.10, with the first and last years' rentals payable in advance. The lease is to provide for three renewal options of 10 years each upon such reasonable terms and conditions as the State may then impose. A \$200,000 site-clearance bond will also be required.

2. In addition, permission has been requested for the Cardiff Marina Community Services District to deposit approximately 500,000 cubic yards of dredge material from the entrance channelway on State-owned tide and submerged lands identified as Parcels SL-4 and SL-5 (see Exhibit "B") subject to the following conditions:
  - a. The permit shall expire five (5) years from the date of issuance.

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- b. The permittee shall indemnify the State against any and all losses, damages, claims, demands or action caused by or arising out of the operations of the permittee thereunder.
- c. The permittee shall file with the State and maintain in full force and effect at all times during the term of this permit or any extension thereof a good and sufficient surety bond drawn in favor of the State of California in the penal sum of \$15,000 to guarantee to the State the faithful performance and observance by the permittee of all the covenants and conditions implied or specified in this permit. Further, the permittee shall at all times carry and keep in full force and effect public liability insurance to protect the permittee and the State, as an additional insured, in an amount of at least \$100,000 for each accident and \$50,000 for each person; the permittee shall file the policy for such insurance with the State Lands Commission.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO THE CARLIFT MARINA COMMUNITY SERVICES DISTRICT:

- 1. A FIFTEEN-YEAR LEASE OF TIDE AND SUBMERGED LANDS FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A BREAKWATER SYSTEM, IDENTIFIED AS PARCEL SL-1, SAID LEASE TO FURTHER PROVIDE FOR AN EASEMENT OVER, IN, AND UPON PARCELS SL-2 AND SL-3 FOR THE OPERATION OF SAND-BYPASS EQUIPMENT WHEN NECESSARY, AT AN ANNUAL RENTAL OF \$4,667.10, WITH THE FIRST AND LAST YEARS' RENTALS PAYABLE IN ADVANCE, THE LEASE TO PROVIDE FOR THREE RENEWAL OPTIONS OF TEN YEARS EACH AND TO REQUIRE A \$200,000 SITE CLEARANCE BOND.

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CALENDAR ITEM 22. (CONTD.)

PARCEL SL-2 IS DESCRIBED AS FOLLOWS:

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CALENDAR ITEM 22. (CONTD.)

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- A. THE PERMIT SHALL EXPIRE FIVE (5) YEARS FROM THE DATE OF ISSUANCE.
  - B. THE PERMITTEE SHALL INDEMNIFY THE STATE AGAINST ANY AND ALL LOSSES, DAMAGES, CLAIMS, DEMANDS, OR ACTION CAUSED BY OR ARISING OUT OF THE OPERATIONS OF THE PERMITTEE THEREUNDER.
  - C. THE PERMITTEE SHALL FILE WITH THE STATE AND MAINTAIN IN FULL FORCE AND EFFECT AT ALL TIMES DURING THE TERM OF THIS PERMIT OR ANY EXTENSION THEREOF A SURETY BOND DRAWN IN FAVOR OF THE STATE OF CALIFORNIA IN THE PENAL SUM OF \$15,000 TO GUARANTEE TO THE STATE THE FAITHFUL PERFORMANCE AND OBSERVANCE BY THE PERMITTEE OF ALL COVENANTS AND CONDITIONS IMPLIED OR SPECIFIED IN THIS PERMIT. FURTHER THE PERMITTEE SHALL AT ALL TIMES CARRY AND KEEP IN FULL FORCE AND EFFECT PUBLIC LIABILITY INSURANCE TO PROTECT THE PERMITTEE AND THE STATE, AS AN ADDITIONAL INSURED, IN AN AMOUNT OF AT LEAST \$100,000 FOR EACH ACCIDENT AND \$50,000 FOR EACH PERSON; THE PERMITTEE SHALL FILE THE POLICY FOR SUCH INSURANCE WITH THE STATE LANDS COMMISSION.

THE CONSIDERATION FOR THE PERMIT IS TO BE THE ENRICHMENT OF THE STATE PUBLIC BEACH AND THE PUBLIC INTEREST.

PARCEL SL-4 IS DESCRIBED AS FOLLOWS:

PARCEL SL-4

BEGINNING AT CONCRETE MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 101 AT ENGINEER STATION 290 + 45.96 E.C. ACCORDING TO RIGHT-OF-WAY MAP XI-SD-5, XI-SD-2A, (L09614) SAID MONUMENT HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,684,868.40, Y = 307,841.83; THENCE NORTH 10° 21' 17" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 102.94 FEET; THENCE NORTH 11° 18' 01" WEST A DISTANCE OF 99.89 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 88° 51' 00" WEST A DISTANCE OF 100.62 FEET; THENCE SOUTH 76° 54' 30" WEST A DISTANCE OF 320.24 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT HAVING CALIFORNIA ZONE 6 COORDINATES OF X = 1,684,417.80, Y = 307,970.58; THENCE NORTH 8° 24' 49" WEST A DISTANCE OF 1296.11 FEET; THENCE NORTH 8° 58' 08" WEST A DISTANCE OF 516.97 FEET; THENCE SOUTH 88° 53' 16" WEST A DISTANCE OF 53.64 FEET; THENCE SOUTH 89° 24' 48" EAST A DISTANCE OF 47.84 FEET TO A POINT ON THE MEAN HIGH TIDE LINE OF THE GULF OF SANTA CATALINA; THENCE SOUTHERLY ALONG SAID MEAN HIGH TIDE LINE TO AN INTERSECTION WITH A LINE WITH A BEARING OF SOUTH 76° 54' 30" WEST AND THAT PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE SOUTH 76° 54' 30" WEST 300.00 ± TO THE TRUE POINT OF BEGINNING.

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CALENDAR ITEM 22. (CONT'D.)

PARCEL SL-5 IS DESCRIBED AS FOLLOWS:

PARCEL SL-5

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