

MINUTE ITEM

This Calendar Item No. 48
was approved as Minute Item
by the State Lands
Commission by a vote of 3
to 0 at its 12/16/82
meeting.

CALENDAR ITEM

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12/16/82
W 23101
Louie

GENERAL PERMIT - PUBLIC AGENCY USE

PRC 6363

APPLICANT: City of Carlsbad
1200 Elm Avenue
Carlsbad, California 92008
Attention: Mr. Robert J. Wojcik

AREA, TYPE LAND AND LOCATION:
A 3.053-acre parcel of tideland and submerged
land, located on the Pacific Ocean at City
of Carlsbad, San Diego County.

LAND USE: Maintenance of protective Longard Tube
revetment.

TERMS OF PROPOSED PERMIT:
Initial period: 49 years from December 1,
1982.

CONSIDERATION: The public 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.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permitted of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The City of Carlsbad has made application to install a Longard Tube revetment on beach frontage located between Carlsbad State Beach and the north city limit. The tube is made of woven polyethylene and will be filled with sand. The City anticipates that installation of the tube will prevent major storm damage (an emergency situation), and will result in a larger sandy beach area, thereby enhancing recreational use by the public.
2. The proposed tube runs along oceanward of a parcel in which the Commission is presently litigating public trust and implied dedication claims.
3. This project is exempt from CEQA because it constitutes an emergency action pursuant to 14 Cal. Adm. Code 15071(c).
4. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.
5. The California Coastal Commission has approved a permit for the project subject to, but not limited to the following special conditions:
 - (a) The City of Carlsbad shall submit to the Coastal Commission a yearly report which includes regular surveys of the location of the Longard Tube and beach profiles.

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(b) The Coastal Commission approval is for temporary installation of the Longard Tube for a period of two years. Continued use of the tube after the two-year period will require application to the Coastal Commission for an extension of time. If an extension is not approved, the City agrees to remove improvements and restore the beach to its original condition.

6. The proposed State lease provides that should the City's Coastal Commission permit terminate and not be extended, then the State lease terminates also.

APPROVALS OBTAINED:

California Coastal Commission (with conditions).

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF 14 CAL. ADM. CODE 15071.
2. FIND THAT THIS ACTIVITY IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS ACTIVITY IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
3. AUTHORIZE ISSUANCE TO CITY OF CARLSBAD OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, FROM DECEMBER 1, 1982, ON FILE IN THE PRINCIPAL OFFICE OF THE STATE LANDS COMMISSION; IN CONSIDERATION OF 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; FOR INSTALLATION AND MAINTENANCE OF A LONGARD TUBE REVETMENT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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A strip of tide and submerged land in the City of Carlsbad, County of San Diego, State of California beneath the proposed Longard Tubular Revetment and backfill as shown on the City of Carlsbad Engineering Department Drawing No. 222-2, Project No. CC-1126.

END OF DESCRIPTION

PREPARED SEPTEMBER 22, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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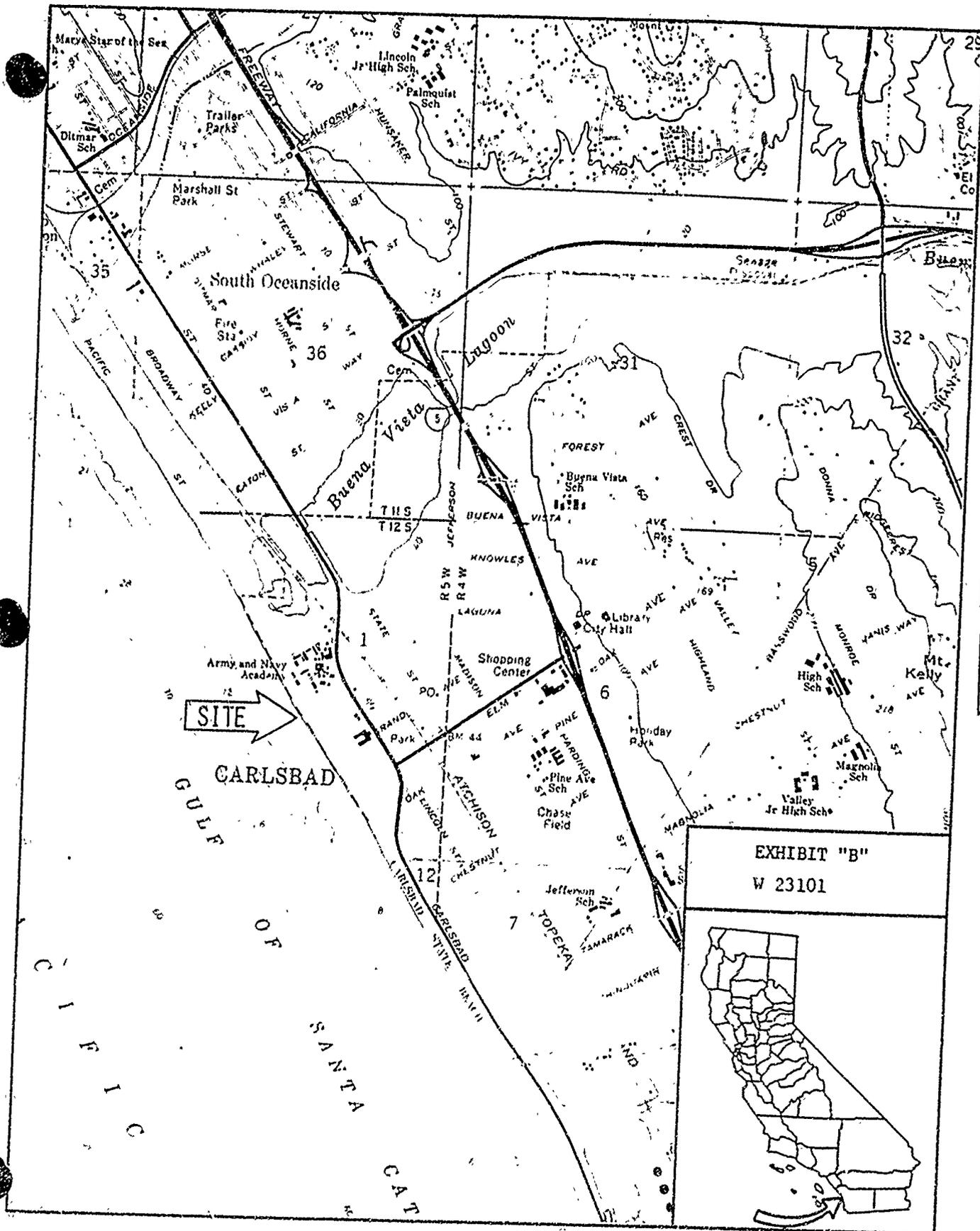


EXHIBIT "B"
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