

This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

**CALENDAR ITEM  
C39**

A	73		04/05/04
S	35,38	PRC 8523.9	W 25494 S.Young

**GENERAL LEASE - PUBLIC AGENCY USE**

**LESSEE:**

City of San Clemente  
Community Development  
910 Calle Negocia, Suite 100  
San Clemente, CA 92673

**AREA, LAND TYPE, AND LOCATION:**

0.04 acres, more or less, of tide and submerged lands in the Pacific Ocean near the San Clemente Pier, San Clemente, Orange County.

**AUTHORIZED USE:**

Construction and maintenance of a public beach access facility at the North Linda Lane railroad under crossing adjacent to the beach, northwest of the San Clemente Pier; use of a temporary beach front construction area and the repositioning of existing rip rap to protect the proposed public access facility.

**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.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Combined single limit coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant 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.

CALENDAR ITEM NO. C39 (CONT'D)

2. The Applicant proposes to construct a public beach access ramp in an area adjacent to the OCTA operated railroad corridor, which runs parallel to the beach within the city of San Clemente. Perpendicular to the corridor at the North Linda Lane beach site is an existing storm drain box culvert that terminates at the seaward side of the tracks. The proposed project will utilize this existing culvert as a railroad under-crossing with a proposed pedestrian ramp structure tying into the outflow point and ramping to the beach. This facility will provide a handicap accessible route to the beach. Currently, pedestrian traffic regularly trespasses over the railroad tracks to gain access to the stretch of beach at Linda Lane. This ramp will provide only periodic handicap access, as storm runoff and high tides will affect the public's accessibility to the beach. The City proposes to include signs at this location to warn the public that this access facility may not be accessible during high tides, large surf or storms. Signs will direct the public to other access points in the vicinity.
3. This project is a component of the city of San Clemente's 2.27-mile pedestrian beach trail adjacent to the existing OCTA railroad corridor.
4. A Mitigated Negative Declaration 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.
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.

**EXHIBIT:**

- A. Location and Site Map

**PERMIT STREAMLINING ACT DEADLINE:**

June 7, 2004

CALENDAR ITEM NO. C39 (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 ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

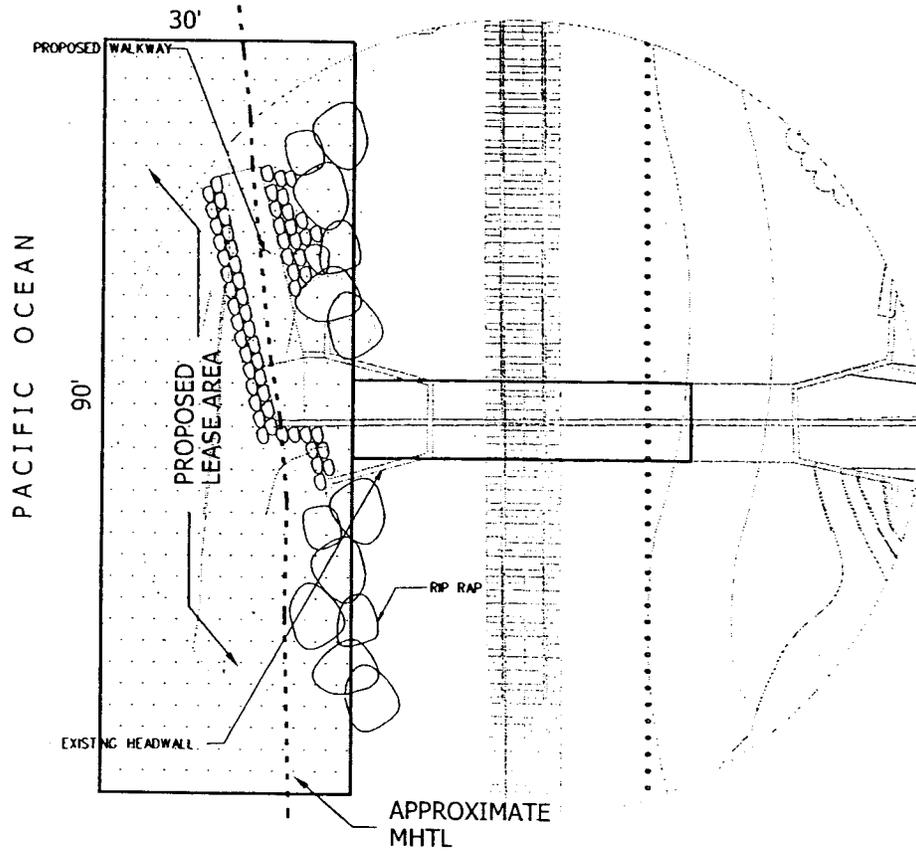
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO THE CITY OF SAN CLEMENTE OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING FEBRUARY 2, 2004, FOR A TERM OF 19 YEARS, FOR THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC ACCESS FACILITY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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, AND WITH THE PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000 COMBINED SINGLE LIMIT.

NO SCALE

# SITE MAP



Beach Access, North Linda Lane  
City of San Clemente, Orange County

# LOCATION MAP

NO SCALE

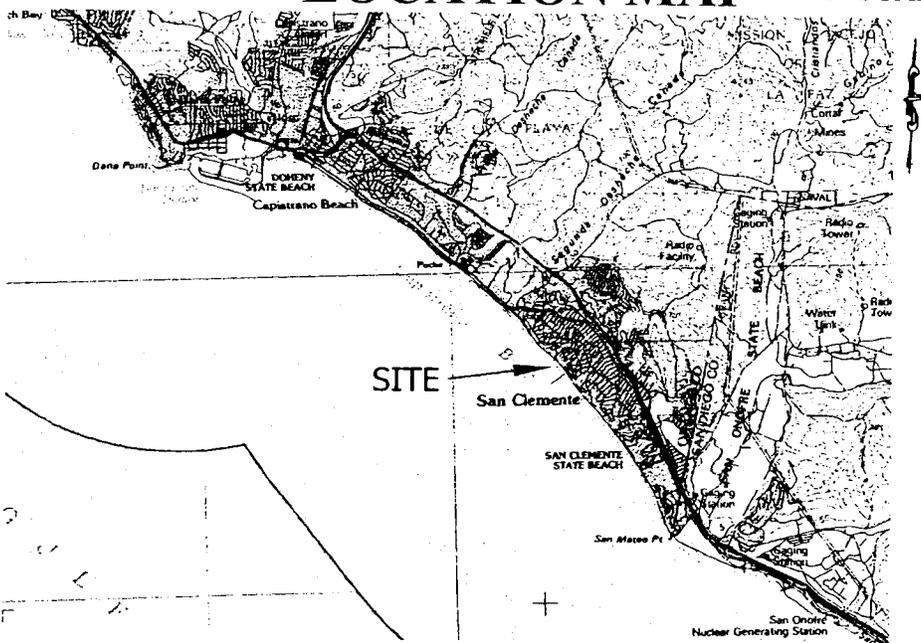


Exhibit A  
W25494  
City of San Clemente  
Orange County



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. CALENDAR PAGE MAP SOURCE: USGS QUAD