

**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.