

**CALENDAR ITEM
C105**

A 70,73

06/23/11

S 35,38

W 25639

J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Dana Point
33282 Golden Lantern
Dana Point, California 92629`

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean at Capistrano Beach, city of Dana Point, Orange County.

AUTHORIZED USE:

Continued use and maintenance of three existing 30-inch diameter high density polyethylene (HDPE) storm drain outfall pipelines.

LEASE TERM:

25 years, beginning June 23, 2011.

CONSIDERATION:

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 has a right to use the upland adjoining the lease premises.
2. In November 2006, the city of Dana Point (City) completed construction of the Storm Drain Master Plan Improvements Phase II Project (Project). The Project involved the construction of a new storm drain facility to collect drainage from the bluff top and carry it to a new ocean outfall system located at Capistrano Beach. The outfall system consists of three 30-inch diameter HDPE pipelines that were constructed approximately 8 to 12 feet under the beach surface. Water flows out of the pipes only during storm events. The rest of the time, the water is either diverted or is minor and percolates into the sand underground.

CALENDAR ITEM NO. C105 (CONT'D)

3. Commission staff continued to advise the City over the past few years that the project required Commission authorization. An application was finally submitted on October 14, 2010.
4. The City performs annual routine maintenance as needed pursuant to its Operation and Maintenance Plan and pursuant to regulatory permit requirements. The lease area also includes a travel path for maintenance equipment.
5. Staff recommends that the Commission authorize the issuance of a General Lease – Public Agency Use to the City for the continued use and maintenance of these outfall pipelines.
6. A Mitigated Negative Declaration SCH #2002101066 was prepared by the city of Dana Point and adopted on November 20, 2002, for this project. California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Dana Point.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. 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:

U.S. Army Corps of Engineers
California Department of Fish and Game
California Regional Water Quality Control Board
California Coastal Commission
Orange County

EXHIBITS:

- A. Location and Site Map
- B. Land Description
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH #2002101066 and a Mitigation Monitoring Program were prepared by the city of Dana Point

CALENDAR ITEM NO. **C105** (CONT'D)

and adopted on November 20, 2002 for this project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

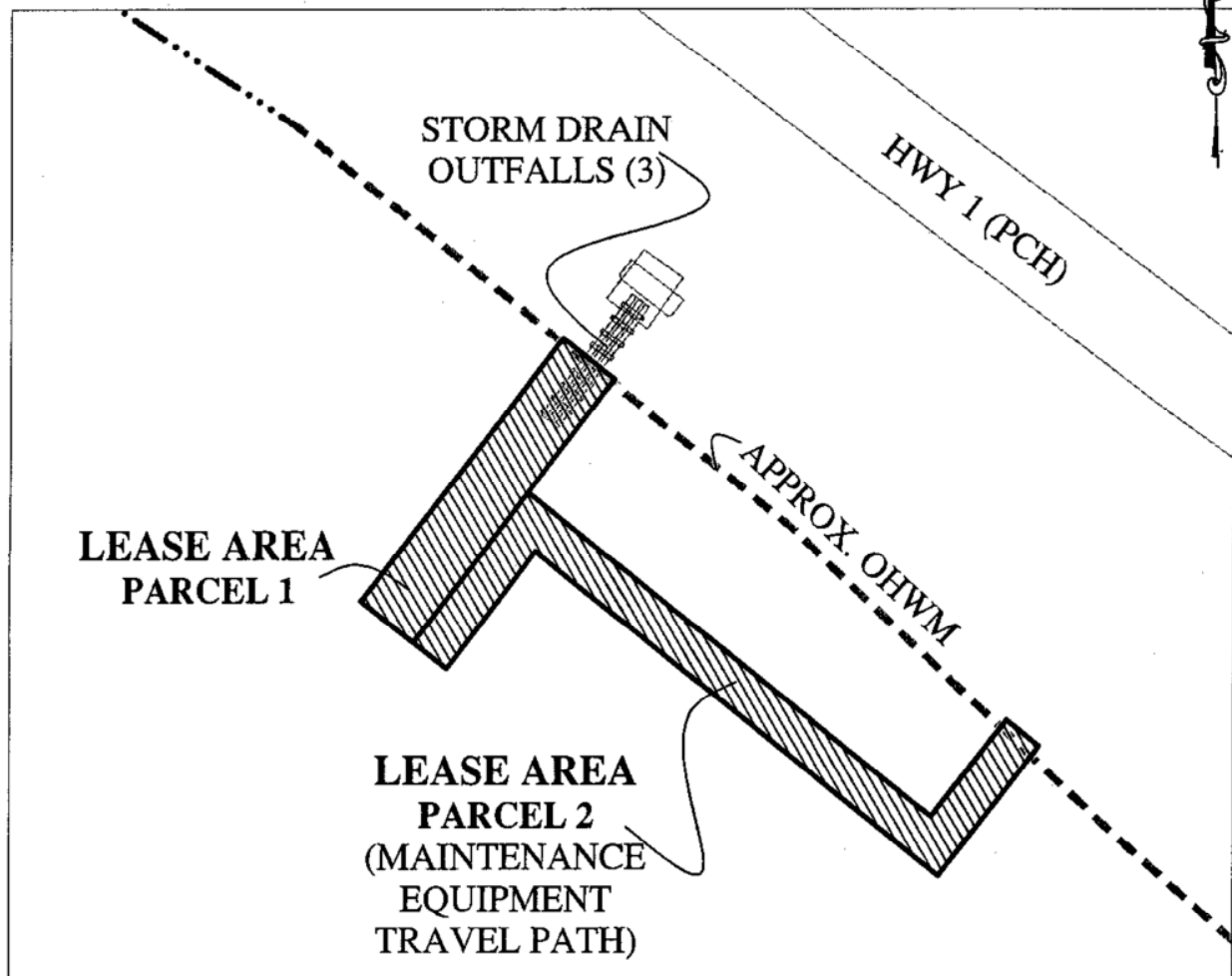
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to the city of Dana Point beginning June 23, 2011, for a term of 25 years, for the continued use and maintenance of three existing 30-inch HDPE storm drain outfall pipelines as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration to be 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



CAPISTRANO BEACH, PACIFIC OCEAN

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 25639
CITY OF DANA POINT
GENERAL LEASE -
PUBLIC AGENCY USE
ORANGE COUNTY



MJF 5/4/11

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.

EXHIBIT B

W 25639

LAND DESCRIPTION

Two parcels of tide and submerged lands in the Pacific Ocean, Capistrano Bight, adjacent to Capistrano Beach, situate in Orange County, State of California, being more particularly described as follows:

PARCEL 1

A 40 foot strip of land lying 20 feet on each side of the following described centerline:

BEGINNING at point which bears N 72°54'56" W 2834.62 feet from NGS monument "VERANO", PID:DX4171 having CCS83, Zone 6, Epoch 1991.35 coordinates N(y)=2111388.14 feet, E(x)=6131405.70 feet, thence N 37°24'52" E 200.00 feet to the terminus of said strip.

Sidelines of said strip to terminate on the northeasterly end at the ordinary high water mark of said ocean and on the southwesterly end by a line parallel to the ordinary high water mark.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark of said ocean.

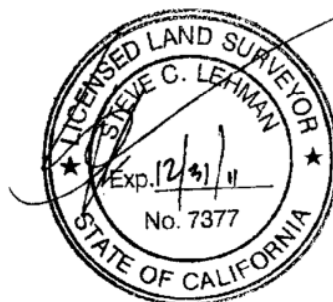
PARCEL 2

COMMENCING at a point which bears N 72°54'56" W 2834.62 feet from NGS monument "VERANO", PID:DX4171 having CCS83, Zone 6, Epoch 1991.35 coordinates N(y)=2111388.14 feet, E(x)=6131405.70 feet, thence S 51°27'00" E 20.00 feet to the POINT OF BEGINNING; thence N 37°24'52" E 113.93 feet; thence S 51°19'14" E 313.44 feet; thence N 37°24'52" E 73.44 feet; thence S 51°19'17" E 25.01 feet; thence S 37°24'52" W 98.44 feet; thence N 51°19'17" W 313.30 feet; thence S 37°05'43" W 88.88 feet; thence N 51°27'00" W 25.64 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark of said ocean.

END OF DESCRIPTION

PREPARED 5/04/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



**STORM DRAIN OUTLET PROJECT ALTERNATIVES
MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT C

W 25639

Mitigation Measures		Implementation Action	Method of Verification	Timing of Verification	Responsible Person	Verification Date
AESTHETICS						
MM-1	For Alternative 1 the headwall would be finished with a textured color coating to achieve a natural looking façade.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
AIR QUALITY						
MM-2	The proposed project would conform with the City of Dana Point Grading Ordinance.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-3	Construction equipment emission levels would conform with current California Air Resource Board emissions requirements for construction equipment.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-4	Contractors shall water actively graded areas to reduce fugitive dust emissions. Onsite stockpiles of dirt or debris shall be covered or watered to eliminate visible dust plumes. Site access points shall be swept or washed within 30 minutes of visible dirt deposit on any public road.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-5	Haul trucks shall be covered and two feet of freeboard shall be left between the top of the load and the top of the truck bed.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-6	Construction operation on any unpaved surfaces shall be suspended when winds exceed 25 miles per hour.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	

Mitigation Measures		Implementation Action	Method of Verification	Timing of Verification	Responsible Person	Verification Date
AIR QUALITY (continued)						
MM-7	Non-potable water shall be used for construction activities when feasible.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-8	Compliance with Rule 403, which requires that "every reasonable precaution (is taken) to minimize fugitive dust emissions . . ." from grading operations to control particulate emissions.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-9	Adherence to SCAQMD Rules 431.1 and 431.2, which requires the use of low sulfur fuel for stationary construction equipment.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
BIOLOGY						
MM-10	If beach sands are unable to re-establish naturally after large storm events, upon concurrence between the City and the County, nearby beach sands shall be moved into the eroded areas to restore the beach sand.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-11	Following the completion of construction operations, and upon concurrence between the City and the County, the condition of the sandy intertidal habitat shall be restored, to the greatest extent possible, to conditions existing prior to construction activities.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	
MM-12	Construction operations on the beach shall be limited to the periods between August 31 st and June 1 st to limit potential impacts summer spawning behavior of the California Grunion.	Condition of approval	Plan Check	Prior to the issuance of any building permit	Public Works Department	

Mitigation Measures		Implementation Action	Method of Verification	Timing of Verification	Responsible Person	Verification Date
HYDROLOGY AND WATER QUALITY						
MM-13	Prior to the construction of the storm drain outlet the City shall develop and the County of Orange shall implement a maintenance plan that includes grooming the beach surface to reduce erosion impacts due to the winter storm water events at the storm drain outlet.	Condition of approval	Plan Check	Prior to the issuance of Grading Permits	Public Works Dept.	
RECREATION						
MM-14	Beach construction activity shall not occur during periods of high peak (June 1 through August 31) use by the public.	Condition of approval	Plan Check	Prior to the issuance of Grading Permits	Public Works Dept.	