

**CALENDAR ITEM
C78**

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S 38

12/02/13
PRC 7938.9
K. Foster

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

LAND TYPE AND LOCATION:

Sovereign land in the Pacific Ocean, in the city of Solana Beach, San Diego County.

AUTHORIZED USE:

Deposition of up to a maximum of 150,000 cubic yards of sand annually at Fletcher Cove under the City of Solana Beach Opportunistic Beach Fill Program.

LEASE TERM:

Five years, beginning October 16, 2013.

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 upland adjoining the lease premises.
2. On February 12, 1997, the Commission authorized the issuance of Lease No. PRC 7938.9, a General Lease – Public Agency Use to the city of Solana Beach (City) for the deposition of 44,000 cubic yards (cy) of sand at Fletcher Cove.
3. On June 27, 2000, the Commission authorized an amendment to the Lease to extend the lease term 10 years to allow for the deposition of an additional 11,000 cy of sand at Fletcher Cove, and for the repair of a

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beach access stairway, a pier support platform, and a seacave/notch fill at Tide Beach Park.

4. On October 16, 2008, the Commission authorized a second amendment to the Lease to extend the lease term an additional five years to allow for the deposition of up to a maximum of 150,000 cy of sand annually at Fletcher Cove with the implementation of the City's Opportunistic Beach Replenishment Program (Program). The term of the second amendment expired on October 16, 2013, and the Applicant is now applying for a new General Lease – Public Agency Use.
5. The Program is implemented according to the guidelines specified in the March 2006 Sand Compatibility and Opportunistic Use Program (SCOUP) plan adopted by the San Diego Association of Governments (SANDAG) and the Coastal Sediment Management Workgroup (CSMW). The SCOUP plan was prepared to assist in streamlining the permitting and regulatory approval process for beach replenishment projects using opportunistic materials in volumes of less than 150,000 cy. For volumes under 150,000 cy, otherwise suitable beach fill materials might be lost due to the timing and cost associated with obtaining separate permits for each project.

Under the Program, the City identifies potential beach fill material, typically generated from upland development projects, which is then tested according to current regulatory requirements to confirm its suitability. A Project Notification Report detailing such findings is submitted to each agency with approval authority over the project a minimum of 30 days prior to any placement activity. Written concurrence of suitability is required from each agency or the material is not allowed to be used for beach replenishment.

6. Based on a review of the best available evidence, Commission staff have determined that the previously authorized beach access stairway, pier support platform, and seacave/notch fill do not currently encroach onto state sovereign land at this specific location. However, because the boundary between the state's sovereign lands and the upland properties has not been fixed and continues to be ambulatory at this location, under this proposed lease, as well as the previous lease, the City is required to conduct and submit MHTL surveys prior to deposition of sand.

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7. A Mitigated Negative Declaration, State Clearinghouse No. 2008021047, was prepared by the City of Solana Beach and adopted on June 11, 2008, for this project. The California State Lands Commission staff has reviewed such document.
8. A Mitigation Monitoring Program was adopted by the City of Solana Beach. In addition, project design features to minimize environmental impacts were required as part of the project and require monitoring during project activities. Several of these design features include activities on sovereign land. A table of project design features is included in Exhibit C for informational purposes.
9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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 California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission

FURTHER APPROVALS REQUIRED:

San Diego Regional Water Quality Control Board
U.S. Army Corps of Engineers

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2008021047, and a Mitigation Monitoring Program were prepared by the City of Solana Beach and adopted on June 11, 2008, for this Project and that the Commission has reviewed and considered the information contained therein.

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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 section 6370 et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease - Public Agency Use to the city of Solana Beach beginning October 16, 2013, for a term of five years, for the deposition of up to a maximum of 150,000 cubic yards of sand annually at Fletcher Cove under the City of Solana Beach Opportunistic Beach Fill Program, as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibit B (for reference purposes only); consideration being 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.

EXHIBIT A

PRC 7938.9

LAND DESCRIPTION

A parcel of tide and submerged land in the Pacific Ocean, County of San Diego, State of California, described as follows:

BEGINNING at a point having CCS83, Zone 6 (2004.0) coordinates: Northing (y) = 1942186.00 feet and Easting (x) = 6246960.00 feet, which bears North 77°17'50" West 595.46 feet from a 2.5" Diameter Brass Disk marked "SCRIPPS INST. OF OCN. REF. DATE APRIL 1997 SURVEY MON. NO. SD 0600 LS 5717" as shown on San Diego County Corner Record #13295 filed July 23, 1997, and having CCS83, Zone 6(2004.0) coordinates: Northing (y) = 1942055.06 feet and Easting (x) = 6247540.89 feet; thence from said point of beginning the following four (4) courses:

- (1) North 80°17'50" East 535.00 feet,
- (2) South 09°42'20" East 2828.00 feet,
- (3) South 80°17'50" West 535.00 feet, and
- (4) North 09°42'20" West 2828.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark of said Ocean.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 6 (2004.0).

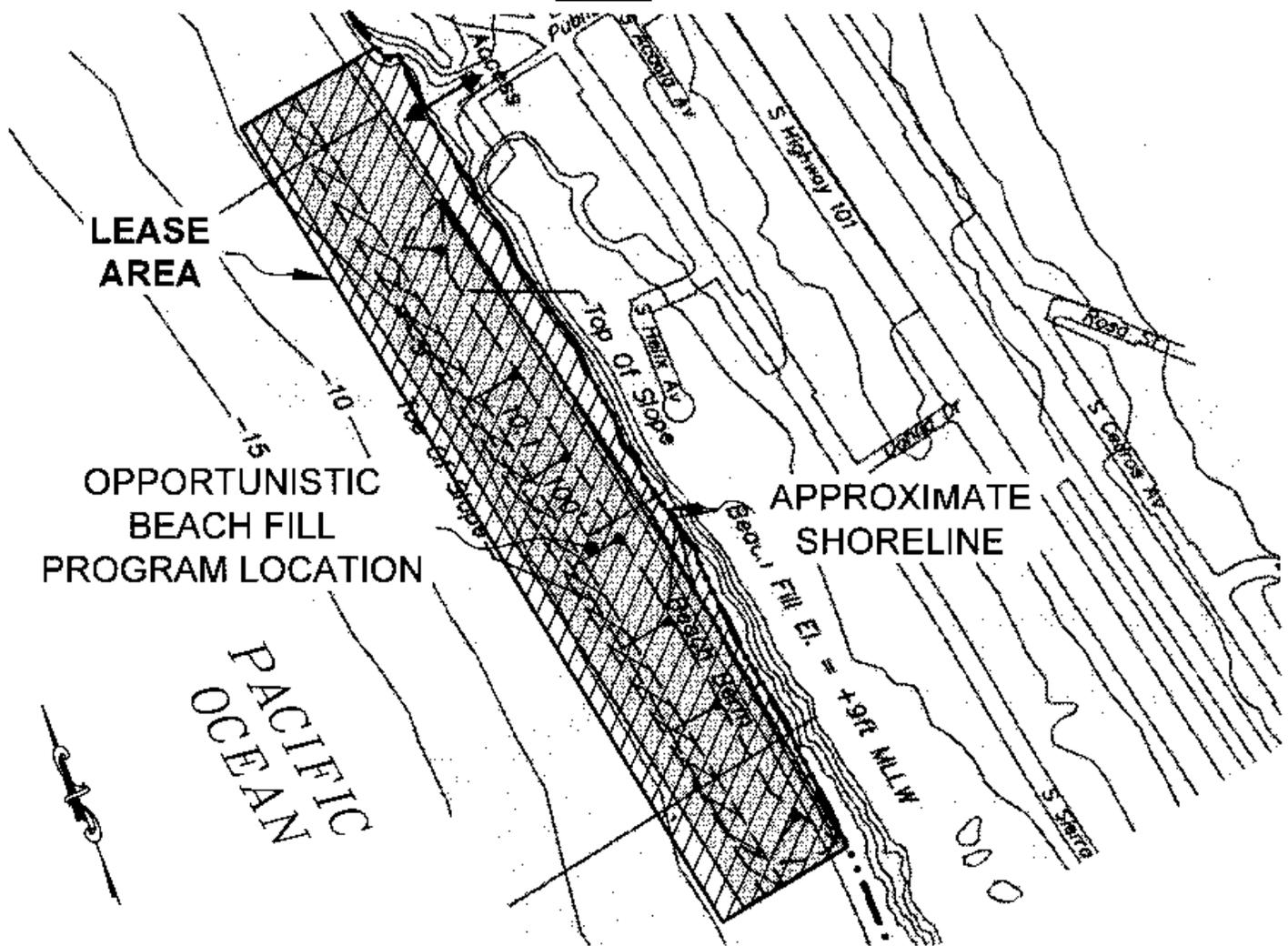
END OF DESCRIPTION

Prepared 9/18/2013 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



FLETCHER COVE, SOLANA BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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

PRC 7938.9
CITY OF SOLANA BEACH
GENERAL LEASE -
PUBLIC AGENCY USE
SAN DIEGO COUNTY



JWP 09/18/13

Exhibit C: Mitigation Monitoring Program & Project Design Features

Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
BIO-d: Impacts to grunion	<p>MM BIO-d. If grunion are found to occur within the project area, then:</p> <ul style="list-style-type: none"> The location of the grunion would be mapped and number present would be estimated (e.g., by Walker Scale); The monitor would communicate monitoring results to the resource agencies the day following the survey and agree upon action; If the number is substantial, then placement would be modified to either adjust the footprint upshore or downshore, or redirect all sand placement above the spring high tide line; If the number is not substantial, then the activity may proceed 	Sand placement area	City to provide monitoring results and action agreed upon in concert with the resource agencies in a report at the conclusion of sand placement for each breeding season	City of Solana Beach	During Construction (only during breeding season of March 1 to September 15)

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Project Design Features

Activity	Timing	Responsible/ Implementing Party	Reporting
Beach Profiles	<ul style="list-style-type: none"> <u>Pre-construction Baseline Monitoring</u>: Between 1 year and 30 days prior to project. <u>Post-construction Monitoring</u>: Immediately after completion. <u>Post-project Monitoring</u>: Over 1 year following construction with surveys at 6 months and after 1 year after construction. 	City of Solana Beach via Consultant	Data collection only for tracking purposes

Exhibit C: Mitigation Monitoring Program & Project Design Features

Activity	Timing	Responsible/ Implementing Party	Reporting
Surfing Conditions	<ul style="list-style-type: none"> • <u>Pre-construction Baseline Monitoring</u>: ½ month prior, 3 times per week over 14 days. • <u>Post-construction Monitoring</u>: 1 month after, 3 times per week over 14 days. 	City of Solana Beach	Data collection only for tracking purposes
Turbidity	<ul style="list-style-type: none"> • <u>Construction Monitoring</u>: Daily during construction from a high vantage point on land. 	City of Solana Beach	As outlined in the Sand Compatibility and Opportunistic Use Program (SCOUP) Plan, if monitoring indicates excessive turbidity (greater than ambient beyond one-half mile offshore at or downcoast of the placement site) for a prolonged period, assumed to be five days, then placement should be halted or modified to reduce turbidity as determined by the project engineer, regulatory staff, and city.
Sediment Gradation	<ul style="list-style-type: none"> • <u>Pre-construction Baseline Monitoring</u>: Establish baseline. • <u>Post-project Monitoring</u>: 2 transects in wave wash zone during low tide approximately 0.5 mile apart between mean low and high tide during Year 3 with pre-construction baseline established for all sites. 	City of Solana Beach	City to confirm implementation by contractor.
Grunion Presence/Absence Surveys	<ul style="list-style-type: none"> • <u>Pre-construction Baseline Monitoring</u>: If habitat is suitable and a project is scheduled between March 1 and September 15, then 2 to 3 weeks prior to construction before and/or during 	City of Solana Beach	If monitoring results are positive, then potential impacts require mitigation.

Exhibit C: Mitigation Monitoring Program & Project Design Features

Activity	Timing	Responsible/ Implementing Party	Reporting
	<p>predicted grunion run closest to project initiation.</p> <ul style="list-style-type: none"> • <u>Construction Monitoring</u>: If construction is scheduled between March 1 and September 15, then every 2 weeks during spawning season. Monitoring is dictated by tides and lunar cycles. 		
Threatened and Endangered Species	<ul style="list-style-type: none"> • <u>California Least Tern Construction Monitoring</u>: If sand placement to occur during California least tern breeding season from April 1 to September 15, then coordinate with USFWS and monitor during construction. 	City of Solana Beach	City—Monitoring may include observations of timing of nesting activity and the extent of turbidity plumes outside the surf zone where water transparency is reduced to less than 3 feet.
Hazards and Hazardous Materials	<ul style="list-style-type: none"> • <u>Pre-construction</u>: Applicable Stormwater Management Plan (SWMP) or Stormwater Pollution and Prevention Plan (SWPPP) or Spill, Prevention, Containment, and Countermeasures Plan (SPCCP) shall be prepared for construction job that is source of the fill material. 	Contractor	Contractor