

MINUTE ITEM

This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 9/24/82
meeting.

CALENDAR ITEM

C 10

8/26/82
W 22968
Grimmett
Fossum
PRC 6199

GENERAL PERMIT - PROTECTIVE STRUCTURE USE

APPLICANT: Beach Colony No. Two, Ltd.
1660 N. Hotel Circle Drive,
Suite 200
San Diego, California 92108

AREA, TYPE LAND AND LOCATION:
A 0.75-acre parcel, more or less, of tide
and submerged land in San Dieguito Lagoon,
San Diego County.

LAND USE: Placement of rock riprap bank protection.

TERMS OF PROPOSED PERMIT:
Initial period: 30 years from September 1,
1982.

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.

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

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee has been received.

A 76

S 38

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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. In January 1982, staff of the Commission was contacted by representatives of Beach Colony No. Two, Ltd., concerning a land parcel it owned along the San Dieguito Lagoon in Del Mar. This parcel, which is proposed to be developed as a residential complex, suffered severe erosion from floods during the 1980 winter storm season. Since then the applicant has been attempting to obtain the necessary permits to permanently protect their parcel.

Upon staff investigation, it was determined that the bed of San Dieguito Lagoon, in the vicinity, is and has been historically a tidal waterway and that the proposed riprapping will be located approximately along the last natural ordinary high water mark. Staff therefore informed the applicant that a boundary line agreement would be appropriate. Staff has negotiated and reached agreement in principal on a proposed boundary line and a permit for a protective structure. As yet not all necessary permits have been issued to the applicants for their bank protection project.

Therefore, until the actual location of the riprap is fixed, staff believes a permanent fixing of the boundary by agreement is premature and staff has therefore temporarily suspended work on the boundary agreement. However, it is recommended by staff to proceed with the issuance of the States protective structure permit, subject to applicants

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obtaining all necessary public agency permits, to allow applicant to complete construction before this years winter rains.

2. The annual rental value of the site is estimated to be \$4,810.
3. A final EIR was prepared and certified by the city of Del Mar, pursuant to CEQA and the State EIR Guidelines. The City of Del Mar found that the project will not have a significant effect on the environment.
4. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

FURTHER APPROVALS REQUIRED:

All City, State and Federal agencies as required.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF DEL MAR.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
4. AUTHORIZE ISSUANCE TO BEACH COLONY NO. TWO, LTD. OF A 30-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE USE, FROM SEPTEMBER 1, 1982; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT

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AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION
FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST;
FOR THE PLACEMENT OF ROCK RIPRAP BANK PROTECTION ON
THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE
MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 22968

The State-owned lands lying within the following described lands:

A strip of land 40 feet wide situated in Lot 2 of Section 11, T14S, R4W, SBM, located in the City of Del Mar, San Diego County, California, said strip lying northeasterly of the following described line:

BEGINNING at the most northerly corner of Parcel 2 as shown on Parcel Map No. 1900, File No. 73-258158, filed Sept. 13, 1973, in San Diego County records; thence S 43° 54' 45" E 227.25 feet; thence S 53° 32' 30" E 40 feet more or less to the intersection of the top of 1:1-1/2 proposed riprap slope protection line as shown on the Nasland Engineering topography map, job No. 280-1012, dated December, 1980, a copy of said map being on file at the office of the California State Lands Commission, Sacramento, California, in file W 22968; thence southeasterly along said line to its intersection with the westerly right of way line of the AT&SF Railroad and the end of the herein described line.

TOGETHER WITH any lands southwesterly of the above described strip lying waterward of the present mean high tide line of the San Dieguito Lagoon.

END OF DESCRIPTION

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The following is a summary of a final EIR for Beach Colony II/ Playa Del Mar by the City of Del Mar; December, 1981 (SCH# 81081902).

1.0 EXECUTIVE SUMMARY

PROJECT DESCRIPTION AND SETTING

The site of the proposed Beach Colony II / Playa del Mar project is located on 2.6 acres east of Camino del Mar, in the City of Del Mar, adjacent to the San Dieguito Lagoon. The site is currently a vacant, level parcel which supports a small amount of disturbed natural vegetation as well as various non-native species. Erosion and storm damage during the winter of 1980 removed a portion of the site adjacent to the lagoon; rip rap was placed along the shoreline to reduce further erosion.

The proposed project would involve construction of 20 residential units. The units would be built as ten condominiums (or main units) in five attached building clusters; each main unit would have an attached "mother-in-law" unit. (The "mother-in-law" unit would be a one-bedroom, self-contained unit with private entrance, as well as direct access to the main unit. At the buyer's option, the "mother-in-law" unit could be rented independent of the main unit or could be used as additional living space for the main unit.) A recreational area, including swimming pool, spa, and cabana, would also be constructed for residents' use.

The site plan proposes development of 48 parking spaces for residents and guests. Paved walkways and benches along the San Dieguito Lagoon would be provided to allow public access. The proposed project also involves construction of a rip rap revetment along the San Dieguito Lagoon to protect against the 100-year flood.

As a result of the 1980 storm damage and erosion, the southern portion of the east property line extends approximately 30 feet into the existing lagoon basin while the northern portion of the east property line is located within the boundaries of the existing rip rap. Thus, the revetment proposed as part of the project would extend approximately 30 feet beyond the existing property line in the northeast but would be within the property boundary in the southern portion.

ENVIRONMENTAL ANALYSIS

Land uses in the vicinity of the project site consist primarily of residential and condominium developments. The Beach Colony I apartment complex is located immediately south of the site; the Del Mar racetrack and fairgrounds are located to the east. The degree of urbanization proposed by this project is similar to that of the surrounding developments. The proposed residential density would be consistent with the Del Mar Community Plan and with the city zoning ordinance.

The project proposes the construction of a rip rap revetment which would extend approximately 30 feet into the lagoon. The area between the proposed rip rap and the existing edge of the site would be filled. Construction of the revetment as proposed would encroach upon the San Dieguito Lagoon, an identified sensitive coastal resource. The goals of the City of Del Mar, as expressed in the San Dieguito Lagoon Resource Enhancement Program, are to enlarge the lagoon and enhance its wildlife quality. Encroachment is, therefore, considered to be a significant adverse impact of the project as it is presently proposed.

A geologic analysis conducted by Woodward-Clyde Consultants indicated that the project site would be susceptible to liquefaction under moderate to strong ground shaking conditions. Although such earthquake ground shaking characteristics are possible at the site, their likelihood during the life of the development is considered to be low; the potential for liquefaction is therefore considered to be low. The liquefaction potential for the Beach Colony II / Playa del Mar site is typical of many of the coastal lagoon areas of southern California. Similar conditions in the San Diego area are present in the Mission Valley, Mission Bay, and San Diego Bay areas. No mitigation is recommended to reduce the liquefaction potential due to the low probability of such a severe ground shaking event. In addition, the proposed use and density are such that mitigation is not warranted or feasible. Foundations will, however, have to be designed to avoid an existing high groundwater table.

A portion of the project site could be inundated by waters of a 100-year flood if adequate protection is not provided. To mitigate this problem, the project proposes the construction of a rip rap revetment to protect the site from 100-year flood waters. The configuration of the proposed revetment is described above. The proposed revetment would adequately protect the site against erosion and against inundation by the 100-year flood, based on estimated flow rates of 46,000 cfs and the County of San Diego's flood mapping.

Several alternatives to the proposed project are described in this document. They include the "no project" alternative and two alternative designs for the proposed rip rap revetment. The "no project" alternative would preclude development of the site and construction of the rip rap revetment as proposed. The project site would remain vacant, and no housing units or flood control measures would be constructed. This alternative would eliminate encroachment into the San Dieguito Lagoon by the revetment and would be in conformance with the City of Del Mar's planning goals regarding the lagoon. However, without construction of a revetment, the project site and adjacent Beach Colony I apartment complex would be subject to inundation and erosion during extreme storms.

A second alternative would involve realignment of the proposed rip rap revetment along the existing property line for the proposed project. Under this alternative, encroachment into the San Dieguito Lagoon would still occur in the southeastern portion of the project site but would be eliminated in the northeastern portion of the property. This alternative would provide protection against the 100-year flood but would require modification of the site plan in order to satisfy the City of Del Mar's requirement for a 50-foot setback from the shoreline.

A third alternative would involve realignment of the revetment along the County of San Diego's floodway boundary for the San Dieguito River. Such an alignment would conform closely with the existing shoreline and would completely eliminate potential encroachment into the San Dieguito Lagoon. Under this alternative, the applicant would not be permitted to reclaim property lost during the 1930 floods. This alternative would provide adequate protection against the 100-year flood. Substantial redesign of the proposed project would, however, be necessary in order to satisfy the City's 50-foot setback requirements.