

MINUTE ITEM

This Calendar Item No. C16  
was approved as Minute Item  
No. 16 by the State Lands  
Commission by a vote of 2  
to 0 at its 11/14/85  
meeting.

CALENDAR ITEM

A 78  
S 38

C16

10/24/85  
W 23205 PRC 6907  
Martinez

DREDGING PERMIT

APPLICANT: City of San Diego  
Attention: Edward Firkins  
Parks and Recreation Department  
Balboa Park Club  
Balboa Park  
San Diego, California 92101

AREA, TYPE LAND AND LOCATION:  
Granted tide and submerged lands (minerals reserved) in Sail Bay, an area within Mission Bay, San Diego County.

PROPOSED LAND USE:  
Dredge a maximum 475,000 cubic yards of minerals other than oil, gas and geothermal from Sail Bay as part of the Sail Bay beach widening project.

Because it has been determined by the United States Army Corps of Engineers that the upper layer of Sail Bay bottom material above an elevation of (-12.5' MLLW) is unsuitable for beach fill, the applicant proposes to deposit 205,000 cubic yards of upper layer material onto Fiesta Island, a public recreation area owned and maintained by the City of San Diego.

The remaining 270,000 cubic yards of material would be dredged from between -12.5' and -16.5' MLLW and placed to create a public beach around the northern end of Sail Bay. The slopes of the new beach would be contoured at a more gradual and uniform slope of 15:1 (as compared to the existing 7.5:1 gradient) in order to reduce erosion potential.

CALENDAR ITEM NO. C 1 3 (CONT'D)

TERMS OF PROPOSED PERMIT:

Initial Period: One year commencing  
November 1, 1985.

No royalty shall be charged for spoils placed  
at the two approved publically owned disposal  
sites maintained for public use and benefit.

A new royalty of \$0.25 per cubic yard will be  
charged for spoils placed on private property  
or sold for commercial benefit.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

Cal. Adm. Code: Title 2, Div. 3; Title 14,  
Div. 6.

OTHER PERTINENT INFORMATION:

1. This activity involves land identified as  
possessing significant environmental values  
pursuant to P.R.C. 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.

2. The proposed dredging project includes an  
eel grass survey and proposed mitigation  
plan, which has been developed by the  
applicant in cooperation with several  
resource agencies to satisfy a special  
condition of the City's permit from the  
California Coastal Commission and in  
response to concerns raised by State  
resources agencies during review of the  
City's application for a permit from the  
United States Army Corps of Engineers.

An environmental analysis document has been  
prepared, circulated and adopted for this  
project by the California Coastal  
Commission as provided under P.R.C. 21080.5  
and 14 Cal. Adm. Code 15251(c).

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CALENDAR ITEM NO. C 1 6 (CONT'D)

The staff of the State Lands Commission has reviewed such environmental analysis document and believes that the conditions have been met for the Commission as a responsible agency to use the document provided under Cal. Adm. Code 15253.

APPROVALS OBTAINED:

California Coastal Commission, San Diego District, California Regional Water Quality Control Board waste discharge requirements have been met, United States Army Corps of Engineers.

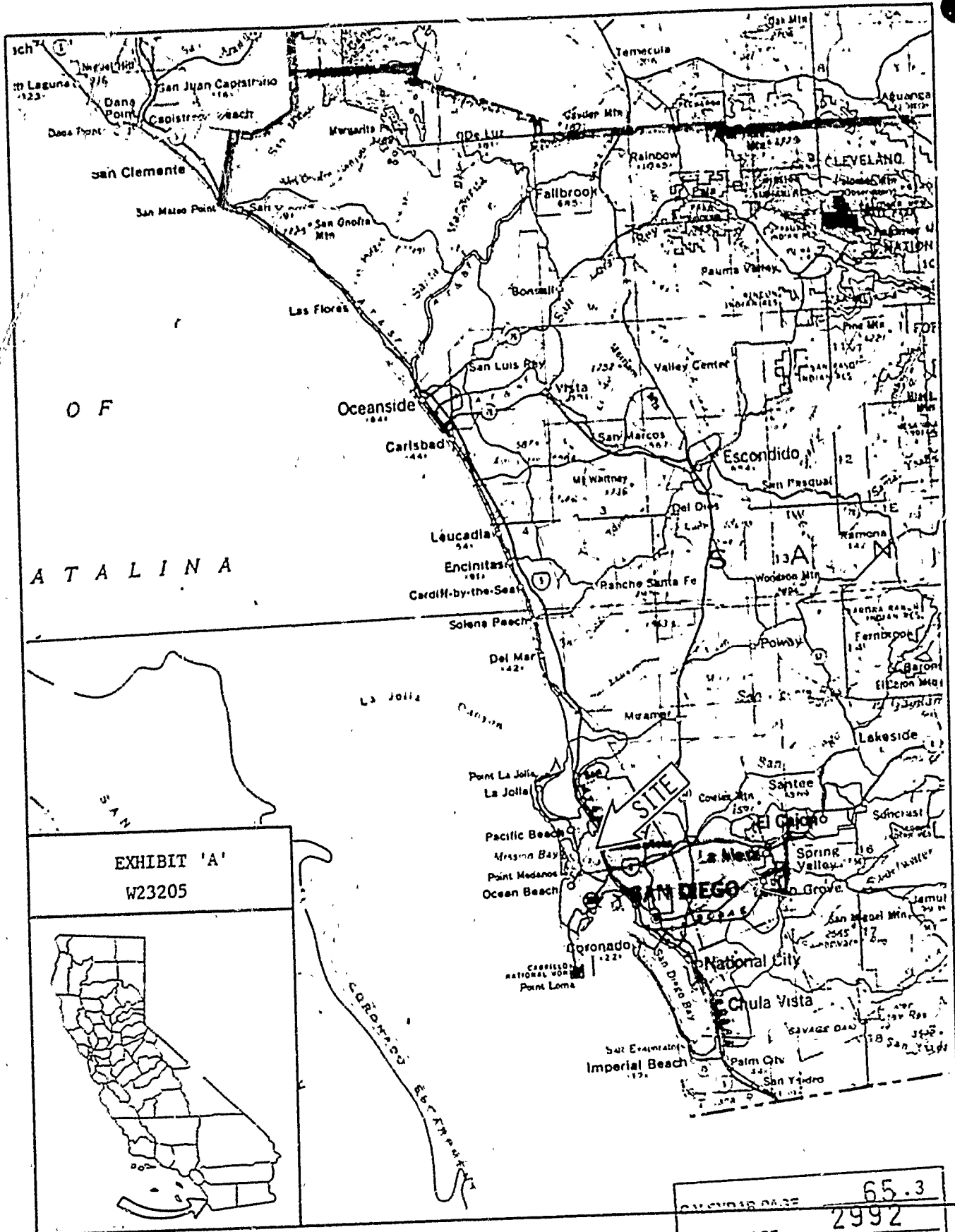
AB 884: 02/21/86.

EXHIBITS: A. Vicinity Map.  
B. Site Map  
C. Coastal Commission Approval.  
D. Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT WAS PREPARED, CIRCULATED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED STATE REGULATORY PROGRAM (14 CAL. ADM. CODE 15251(c)). AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. ADM. CODE 15253(b) HAVE BEEN MET FOR THE COMMISSION AS A RESPONSIBLE AGENCY TO USE SUCH ENVIRONMENTAL ANALYSIS DOCUMENT.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370 ET SEQ.
4. AUTHORIZE STAFF TO ISSUE TO THE CITY OF SAN DIEGO, DEPARTMENT OF PARKS AND RECREATION THE DREDGING PERMIT ON FILE IN THE OFFICE OF THE COMMISSION. SAID DREDGING PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 475,000 CUBIC YARDS OF MATERIAL AND DISPOSAL OF 205,000 CUBIC YARDS ONTO FIESTA ISLAND AND 270,000 CUBIC YARDS AROUND THE NORTHERN END OF SAIL BAY, AN AREA WITHIN MISSION BAY, TO CREATE A PUBLIC BEACH. NO ROYALTY SHALL BE CHARGED FOR SPOILS PLACED AT THE TWO APPROVED PUBLICALLY OWNED DISPOSAL SITES MAINTAINED FOR PUBLIC USE AND BENEFIT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

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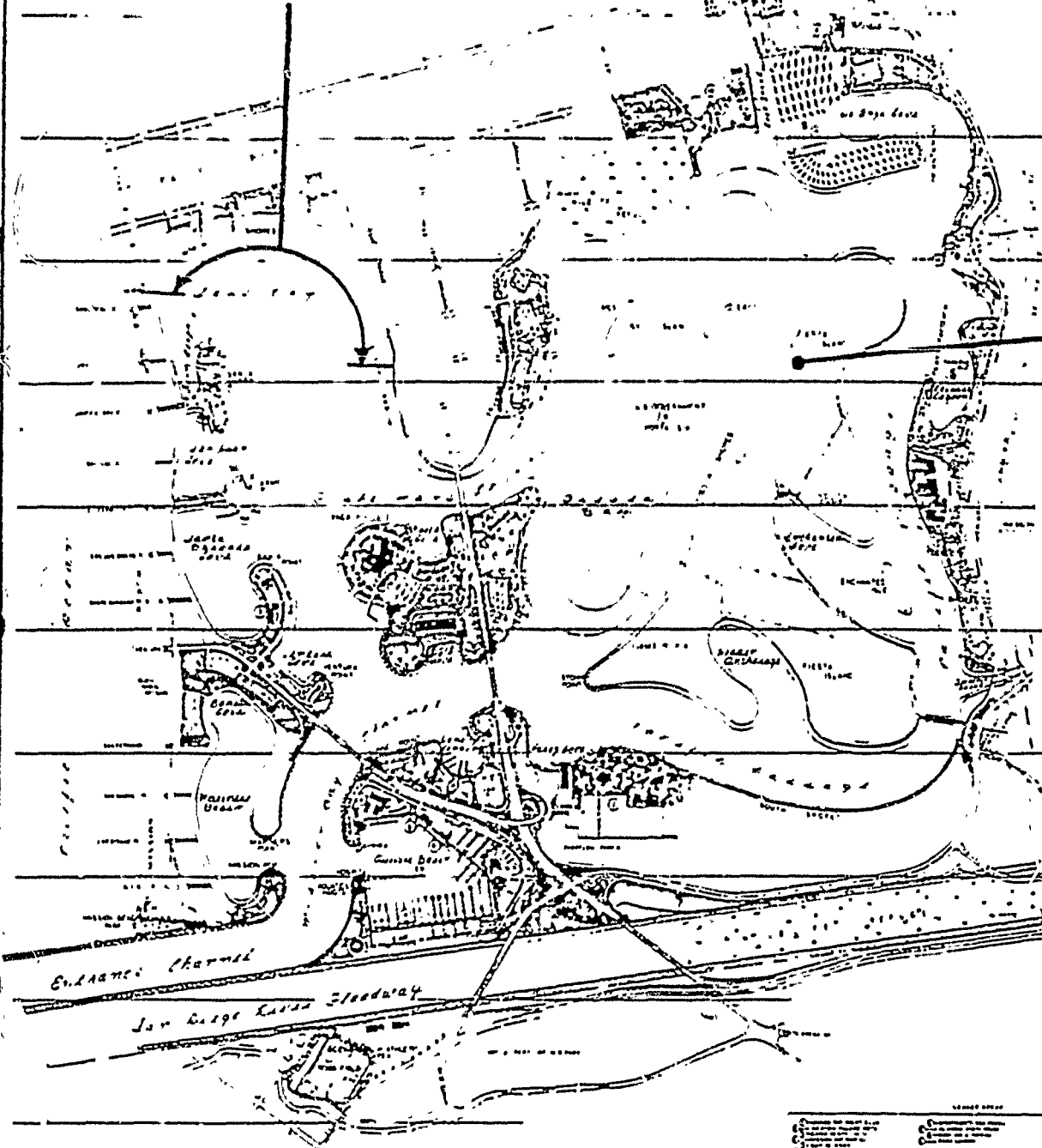
A T A L I N A

EXHIBIT 'A'  
W23205



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2992

DREDGE SITE AND BEACH DISPOSAL SITE



DISPOSAL  
SITE  
(FIESTA  
ISLAND)

1984

MISSION BAY PARK



Scale bar: 0 50 100

- Legend for symbols and lines used in the map, including various line styles and symbols for different types of boundaries or features.

EXHIBIT "B"

W 23205

DREDGING PERMIT

CALENDAR PAGE	65.4
MINUTE PAGE	2393

DATE OF PERMIT: 1984

State of California, George Deukmejian, Governor

FILE COPY

California Coastal Commission  
San Diego District  
6154 Mission Gorge Road, Suite 220  
San Diego, California 92120  
(714) 280-6992  
ATSS 636-5868

EXHIBIT 'C'

COASTAL PERMIT EXTENSION

City of San Diego

Re: Extension Request for Permit No. 6-83-27-E

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants a one year extension of the subject permit, subject to the same conditions approved by the Commission, to expire on

March 23, 1986

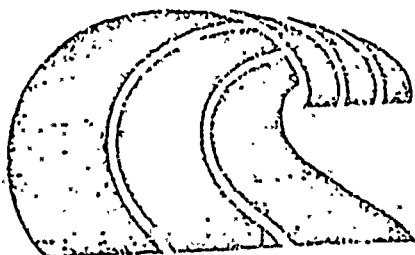
Michael L. Fischer  
Executive Director

By:

*Ellen L. Lyle*

cc: File

Date July 10, 1985



Coast 31: 7/81

CALENDAR PAGE	<u>65.5</u>
MINUTE PAGE	<u>2994</u>

State of California, George Deukmejian, Governor

Date July 10, 1985

California Coastal Commission  
SAN DIEGO COAST DISTRICT  
6154 Mission Gorge Road, Suite 220  
San Diego, CA 92120  
(619) 280-6992

Application No. 6-83-27-A

Page 1 of 2

**FILE COPY**

NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT

On May 21, 1985, the California Coastal Commission approved the application of City of San Diego, subject to the attached standard and special conditions, for the development described below:

**Original Project**

**Description:** Public improvements to implement the Sail Bay Master Plan including dredging to widen beach areas, extension of storm drain outlets, creation of bayside walkways, installation of landscaping and irrigation systems, construction of a pedestrian bridge and public restroom and removal of existing encroachments. The project will also include demolition of an existing City owned and leased single-family residence to accommodate development of the 1 1/2 acre neighborhood park at the Fanuel streetend

Zoning Unzoned  
Plan Designation Resource-based Park

**Proposed Amendment:**

Changes in project timing to allow for phased eel-grass bed disturbance and replanting and change to allow storage of dredged materials unsuitable for use as beach sand on Fiesta Island.

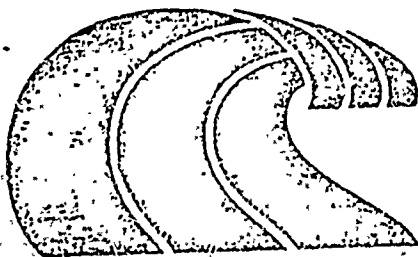
**Site:**

The perimeter of Mission Bay north of Verona Court on the west and extending to Moorland Drive on the east, Sail Bay, Mission Bay Park, San Diego, San Diego County.

The permit will be held in the San Diego District Office of the Commission, pending fulfillment of Special Conditions 1. When these conditions have been satisfied, the permit will be issued.

THOMAS A. CRANDALL  
DISTRICT DIRECTOR  
BY

*Ellen Liley*



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MINUTE PAGE 2995

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Deposition Site. Prior to transmittal of the subject amendment, the applicant shall submit a site plan for the deposition site to the Executive Director for his review and written acceptance. The site plan shall include any necessary erosion controls and shall be reviewed in consultation with the State Department of Fish and Game. The deposition site shall be located outside of the existing Least Tern Reserve and it shall not encroach onto any environmentally sensitive habitat.

(0734A)

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MINUTE PAGE	<u>2996</u>



State of California, George Deukmejian, Governor

California Coastal Commission  
SAN DIEGO COAST DISTRICT  
6154 Mission Gorge Road, Suite 220  
San Diego, CA 92120  
(619) 280-6992

Filed: April 22, 1985  
49th Day: June 10, 1985  
180th Day: October 20, 1985  
Staff: EL  
Staff Report: May 7, 1985  
Hearing Date: May 21-24, 1985

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-83-27-A

Applicant: City of San Diego

Agent: Edward Firkins

Original Project

Description: Public improvements to implement the Sail Bay Master Plan including dredging to widen beach areas, extension of storm drain outlets, creation of bayside walkways, installation of landscaping and irrigation systems, construction of a pedestrian bridge and public restroom and removal of existing encroachments. The project will also include demolition of an existing City owned and leased single-family residence to accommodate development of the 1 1/2 acre neighborhood park at the Fanuel streetend.

Zoning Unzoned  
Plan Designation Resource-based Park

Proposed Amendment:

Changes in project timing to allow for phased eel-grass bed disturbance and replanting and change to allow storage of dredged materials unsuitable for use as beach sand on Fiesta Island.

Site:

The perimeter of Mission Bay north of Verona Court on the west and extending to Moorland Drive on the east, Sail Bay, Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: Mission Bay Park Master Plan (LUP); Sail Bay Master Plan; Statewide Guidelines; SDCRC #F9276, F3942, F3696; CCC #A-218-76

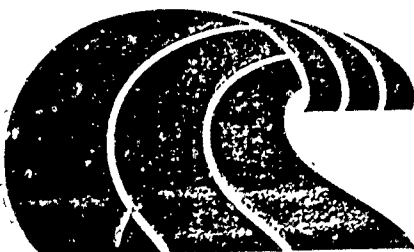
STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval, with a condition regarding possible impacts to the deposition site, of the amendment requests, as the phased development will offer better protection to the eelgrass beds and the

COMMISSION ACTION ON MAY 21 1985

- Approved as Recommended
- Denied as Recommended
- Approved with Changes
- Denied
- Other



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placement on Fiesta Island of those dredged materials not suitable for beach use will have no adverse effects on resource values, when the terms of the condition are met.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants an amendment for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions

The permit is subject to the following condition:

1. Deposition Site. Prior to transmittal of the subject amendment, the applicant shall submit a site plan for the deposition site to the Executive Director for his review and written acceptance. The site plan shall include any necessary erosion controls and shall be reviewed in consultation with the State Department of Fish and Game. The deposition site shall be located outside of the existing Least Tern Reserve and it shall not encroach onto any environmentally sensitive habitat.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Proposed Amendment. The applicant is proposing to amend the special conditions of approval for permit #6-83-27 which pertain to project timing and disposal of dredged materials. The original project description remains unchanged and all other conditions remain in force. These changes are minor and intended to address environmental issues. Specifically, the applicant proposes to phase the widening of the beach over the entire year, so that only one-third of the eel-grass beds are being disturbed at any one time. Also, the top three feet of the dredged materials may not be suitable for beach use and the applicant requests permission to store these dredged materials on Fiesta Island, as necessary.

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2. Environmental Concerns vs. Public Access. Section 30240 of the Coastal Act of 1976 advocates the maintenance of the biological productivity, species diversity and quality of coastal wetlands or environmentally sensitive habitats. Coastal policies further establish the Commission's mandate to protect such areas from significant disruptions of habitat values and to restrict these areas for limited modification. Section 30240(b) further requires the design and siting of development adjacent to sensitive habitats or park areas be compatible with their continuance and resource integrity. The LCP manual defines "environmentally sensitive areas" as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In addition to these environmental policies, Section 30210 of the Coastal Act states "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

When these policies come into conflict, which is somewhat the case in this amendment request, the Commission must determine which policies take precedence. The original permit carried a prohibition against any development taking place between May 1st and September 1st of any year. This was intended to maximize public access to the Bay during the summer months. However, this development period restriction would necessitate that all the eelgrass beds in the Bay be disturbed, transplanted and re-established at once; a more environmentally sound method would be to phase the dredging activity over the entire year, with only about one-third of the eelgrass beds undergoing disturbance at any one time. This is what the City is proposing in this amendment request. Based on consultation with the State Department of Fish and Game and the U. S. Fish and Wildlife Service, the Commission finds that the temporary summertime disruption of some public access, while regrettable, is a better alternative than the limited work season allowed in the approved permit. Since Section 30210 provides for access consistent with protection of natural resources, approval of the amended development phasing will be consistent with this section of the Act as well as with those sections addressing environmentally sensitive resources.

3. Beach Replenishment. The original permit for this development stated that all dredged materials would be used in the beach widening and replenishment portions of the overall project. Further study has indicated that the top three feet of the dredged material is primarily silt and clay and is likely not suitable for beach use. This top layer will be placed on Fiesta Island and the remainder of the dredgings used for the beach replenishment. The dredged materials would be placed on the north end of Fiesta Island, outside of the existing Least Tern Reserve, and within a non-sensitive area. An informal consultation and site approval has already been received from State Department of Fish and Game. Drainage from the deposition site will be channeled to the west, away from the East Shores area where poor tidal circulation has created some degraded water values.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. The already-approved project is intended to implement the Sail Bay Master Plan, one component of the Mission Bay Land Use Plan. The project was found consistent with all planning and zoning proposals for this area, and the proposed amendments will not adversely effect those findings. Therefore, the Commission finds that approval of the requested amendments will not prejudice the ability of the City of San Diego to prepare a certifiable LCP for Mission Bay.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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MINUTE PAGE	3000

California Coastal Commission  
SAN DIEGO COAST DISTRICT  
6154 Mission Gorge Road, Suite 220  
San Diego, CA 92120  
(619) 280-6992

Filed: April 22, 1985  
49th Day: June 20, 1985  
100th Day: October 20, 1985  
Staff: EL  
Staff Report: May 7, 1985  
Hearing Date: May 21-24, 1985

EXTENSION REQUEST

Application No.: 6-83-27-E

Applicant: City of San Diego

Agent: Edward Firkins

Description: Public improvements to implement the Sail Bay Master Plan including dredging to widen beach areas, extension of storm drain outlets, creation of bayside walkways, installation of landscaping and irrigation systems, construction of a pedestrian bridge and public restroom and removal of existing encroachments. The project will also include demolition of an existing City owned and leased single-family residence to accommodate development of the 1 1/2 acre neighborhood park at the Faruel streetend.

Zoning  
Plan Designation

Unzoned  
Resource-based Park

Site: The perimeter of Mission Bay north of Verona Court on the west and extending to Moorland Drive on the east, Sail Bay, Mission Bay Park, San Diego, San Diego County..

STAFF NOTES:

The applicant is requesting an extension on permit 6-83-27 to make major public improvements along Sail Bay in Mission Bay Park. The extension request was received and notice circulated to adjacent property owners and residents. Several written objections were sent to the Commission office, so the matter has been scheduled for public hearing.

The major objections to the extension were the same as previous objections to the project itself. These objections were primarily from residents of the Briarfield Crescent and adjacent streets, and dealt with the loss of direct access to the Bay for private vessels after completion of the elevated walkway. At the time of that hearing and original approval, the Commission found that the increased public access overall would take precedence. Also, the concern that increased public usage of the beaches would cause insurmountable traffic and parking problems was addressed in the fact that

COMMISSION ACTION ON MAY 21 1985

- Approved as Recommended
- Denied or Recommended
- Approved with Changes
- Denied
- Other

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this walkway will provide a link between the overcrowded parking areas and streets of the Mission Beach district with the under-utilized parking around Sail Bay in the Crown Point area.

Additionally, one objection - repeated in several letters - was the loss of water area through expansion of the beach. In its previous permit approval, the Commission found that the loss was negligible, given that removal of private encroachments had more than made up for this loss in newly available water area, and given that the loss amounted to only 6 acres out of 600 acres in Sail Bay alone and over 2200 acres in Mission Bay overall. However, a recent communication from the City of San Diego indicates that this loss will be further compensated by the creation of a new bay in the South Shores area; an application for this development is expected in the future. No new issues or changed circumstances were related to the Commission office, nor is the Commission itself aware of any such changes or issues. The Sail Bay Master Plan was recommended for approval as one component of the Mission Bay Land Use Plan. Since the project, as previously approved with conditions still serves to adequately implement that Master Plan, staff recommends that the extension request be granted.

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State of California, George Deukmejian, Governor

California Coastal Commission  
SAN DIEGO COAST DISTRICT  
6154 Mission Gorge Road, Suite 220  
San Diego, CA 92120  
(714) 280-6992

FILING DATE: January 24, 1983  
49th DAY: Waived  
180th DAY: July 23, 1983  
ANALYST: DNL:lm,lo,am,el,d1  
DATE: March 11, 1983  
MEETING OF: March 22-25, 1983

REGULAR CALENDAR

STAFF REPORT AND PRELIMINARY RECOMMENDATION

SEE SUBSEQUENT PAGE  
FOR COMMISSION ACTION

Application No.: 6-83-27

Applicant: City of San Diego/  
Parks & Recreation Dept.

Agent: Wilbur Smith,  
Deputy Director

Description: Public improvements to implement the Sail Bay Master Plan including dredging to widen beach areas, extension of storm drain outlets, creation of bayside walkways, installation of landscaping and irrigation systems, construction of a pedestrian bridge and public restroom and removal of existing encroachments. The project will also include demolition of an existing City owned and leased, single-family residence to accommodate development of the 1 1/2 acre neighborhood park at the Faunal streetend.

Zoning Unzoned  
Plan designation Resource - based Park

Site: The perimeter of Mission Bay north of Verona Court on the west and extending to Moorland Drive on the east.

Substantive File Documents: Mission Bay Park Master Plan (LUP); Sail Bay Master Plan; Statewide Guidelines; SDCRC/F9276  
CCC/A-218-76; SDCRC/F3942, SDCRC F3696

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval with conditions addressing the timing of development to reduce peak summer attendance conflicts, the protection of environmentally sensitive habitats and State Lands Commission review. Major issues to resolve also include a balancing of passive recreational uses/improvements with recreational boating activities, the distribution of public access improvements and the need for limited shoreline protective works.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution.



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7. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Development Period. All dredging, grading and construction activities for the permitted improvements shall be prohibited between May 1st and September 1st of any year to reduce peak summer and public access conflicts.

2. State Lands Commission Review. Prior to transmittal of the coastal development permit, permittee shall obtain a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or
- b. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- c. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

3. Dredging Activity/Beach Replenishment and Expansion. The permitted dredging activities and beach deposition shall be planned, scheduled and carried out to avoid undue disruption to fish and wildlife food sources, breeding, sites and migrations, marine habitats, water circulation, recreational boating and peak summer recreational use. Since eel grass is recognized as a valuable marine resource and key food source for certain shorebirds, the City of San Diego shall, prior to transmittal of the subject permit, inventory and map existing eel grass beds within the Sail Bay project limits. The City shall then prepare a dredging plan and eel grass re-establishment and/or transplanting program to maintain these resources. The submitted documents shall present supporting rationale and evidence for the proposed level of mitigation. Said documents shall be submitted to, reviewed and approved by the Executive Director, in consultation with the State Department of Fish & Game, prior to transmittal of the permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

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1. Project History. The project boundary consists of approximately 25 acres of public tidelands that were granted to private parties, for nominal rents, for 50 year lease terms in 1926. The State then granted the tidelands, subject to the existing private leases, to the City of San Diego around 1957. In the intervening years, upland property owners built docks, fences, patios, swimming pools and other private recreational uses on the tideland leaseholds. In 1960, in conjunction with a bay dredging project, the leases were amended to provide that the private owners would remove all the private encroachments upon expiration of the leases in June 1976. Within two years of the lease amendments, the City further dedicated most of Sail Bay, including Sail Bay, as public parklands. At the time the leases expired, the private property owners refused to remove the various encroachments. The City then applied for a blanket permit (F3696) to allow removal of the physical obstructions, seek damages and reimbursement from the private owners and then develop the beach for public use. The Regional Commission denied this application objecting to the lack of definition and specificity in the requested development and the absence of a detailed land use plan for the area. The City did not appeal this decision, but reapplied with a modified application (A-218-76; F3942) specifying the removal of identified encroachments and piers, as well as a detailed development plan. This permit was approved, on appeal, by the State Commission in 1976 with conditions allowing the retention of the private docks until June 1978 and permitting the renovation/retention of the Catamaran Hotel and ZIAC Rowing Club piers as public facilities subject to on-going City review. As of this date, all of the private docks have been removed with the exception of the Catamaran and ZIAC piers, a private dock on private property in the Briarfield Crescent and a remnant dock frame. There are, however, still several significant private encroachments present including decks, fences, pools, etc. which directly or indirectly impede public access. This application seeks to address their removal and promote opportunities for public access and recreational enjoyment.

2. Detailed Project Description. The major development elements include the construction of a 10 ft. wide concrete walkway around the bay's perimeter, with an elevated boardwalk across the Briarfield Crescent, the removal or substantial modification of all remaining private encroachments, the creation of improved recreational facilities, the development of a 1 1/2 acre neighborhood park with associated parking lot, the undergrounding and extension of existing storm drain outfalls, selective beach elevation and widening from dredging activities and the establishment of a landscaped buffer zone. The City of San Diego has identified Capital Improvement monies to complete the proposed public improvements in two fiscal years. As planned, the dredging, beach construction and drainage improvements would be funded in FY 1985 with an anticipated construction start in late September 1984. The first phase should involve 6-9 months. The second phase, consisting of all the surface improvements, would then begin in the following fiscal year around late September 1985.

The initial part of the project will be a dredging program with selective beach widening and elevation. The dredging activity will involve a deepening project at the center of Sail Bay, outside of the shoals and eel grass beds, separation of any silty clays and then deposition of the refined sand onto the Bay perimeter. The dredged materials will generally be deposited in daylight

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fill abutting the public/private property line, then elevating the sandy beach level to approximately +9 feet on average and creating a grade break after which the maximum slope will be 15:1 for sand and shoreline areas. The re-created 15:1 slope will be feathered back into existing contours. The proposed sand fill is primarily intended to keep the future walkway and recreational facilities accessible under all tidal conditions. The proposed beach widening will result in an additional 5-6 acres of usable beach for public access and recreational use.

In association with the proposed beach filling and widening under Phase I, the City of San Diego proposes to extend and underground existing storm drain outlets. Presently, there are 10 major storm drain outfalls and various other private drains which cross the beach here and empty into Sail Bay. These existing outlets cause three major problems resulting in localized erosion during storms, shallow ponding of "nuisance water" or urban runoff during dry weather and physical impediments to lateral access and beach use. The proposed improvements will involve the construction of drop structures at the back of the beach and then undergrounding the reconstructed drains as they cross the beach. To mitigate the problem of seawater backing up through the reconstructed system, during high tides, flap-gates will be installed at the pipe's outlets. The outlets will sit on concrete piers in the Bay at their terminus. All private drains will also be hooked up and tied into the eight reconstructed drains. Again, a primary intent of the project will be to underground these drains so they will not be exposed even at low tide.

The Phase II improvements will include the development of all surface improvements, the perimeter walkway, neighborhood park and removal of remaining private encroachments. The proposed access and recreational facilities will include development of the perimeter walkway connecting into the existing Bayside Walk terminus and extending it around to the improved access ramp at the foot of Moorland Drive. Along the proposed accessway, there will be twelve nodes created, including secondary access points at all streetends. Special treatment and public facilities, will be provided at the Verona Court terminus, the Catamaran Hotel, the Briarfield Crescent boardwalk and the Fanuel streetend park. The public improvements will include sitting areas, lighting and beach showers. The remaining walkway alignment and widened beach will serve primarily as a circulation element with landscaped buffers, public safety measures, sand volleyball courts, fire rings, drinking fountains, trash receptacles and other related improvements.

The walkway, itself, will be concrete and 10 feet wide. The alignment will connect into the existing Bayside Walk in Mission Beach, circling around Sail Bay to Riviera Shores. The walkway will have cut-off walls (averaging 2 ft. below grade) to mitigate undermining and the walkway will accommodate and provide access for maintenance vehicles for the improved

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parklands. As designed, the walkway should be accessible under all tidal conditions. In its approval, the City Council directed that the walkway be limited to pedestrian use; however, there will be no physical barriers to preclude bicyclists or others. Along the Briarfield Crescent, the walkway will become an elevated wooden boardwalk supported by concrete pilings.

Another major feature of the proposed development will be the creation of the 1 1/2 acre neighborhood park at the Fanuel Street end. The right-of-way will be combined with a City-owned parcel on the west side to develop lawn areas, a restroom facility, children's play area and a 27 space parking lot. The park development will necessitate the demolition of an existing one-story, single-family residence that is presently leased by the City.

The last major component will be the removal of any remaining private encroachments, including fences, patios, walls and pools or the modification of those encroachments to incorporate them into the project. After the previous removal of almost 30 private docks in 1978, the City has negotiated leases and removal bonds for the elimination of the remaining encroachments. All the major encroachment owners have executed the bonds and it is their responsibility to eliminate the impediments upon notice. In the interim, they are billed and paying monthly rent. However, if at the time of project construction, the owners have not abated the encroachments, the City will remove and/or modify them and then seek reimbursement. The Catamaran and the ZLAC piers will be retained, under 30 day leases, as public facilities and the Catamaran pier may be re-built in the future, under a separate permit. One private dock will remain and is situated on the private property within the Briarfield Crescent.

3. Surrounding Development. The project boundaries extend from Verona Court and the Mission Beach community, around the bay's perimeter to Moorland Drive within the Crown Point/Riviera Shores section of Pacific Beach. Development along the 10 acres of existing shoreline adjoining Sail Bay is predominantly medium-rise, multi-family structures. Mission Beach and Pacific Beach are older, well-established residential communities and create a distinct urbanized edge along the bay. Along its western side, Mission Beach reflects a higher density, linear development pattern and congested appearance. The blocks are divided alternately by alleys and pedestrian courts. The small lots, reflecting its 1914 subdivision, have generally not been consolidated and remain improved with older cottages and interspersed, newer, multi-story apartments and condominiums.

Heading eastward, the Catamaran Hotel presents a distinctive landmark with its high rise tower. Development between the hotel to the Zlac Rowing Club is predominantly single-family residential uses. This section includes the Briarfield semi-circle which surrounds the lowest part of the beach and thus offers the least usable beach. Under most tides, the bulkheads here present an impediment to lateral access and; at higher tides, the adjoining screetends here and at Dawes become flooded. The undeveloped center of the Briarfield Crescent is owned by the abutting property owners and a private dock will remain. The dock at the Zlac Rowing Club will also be retained as a public facility and the Club's wood/glass building and nature Cypress tree serve as another unique landmark.

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Between the Rowing Club to the Bay Scene Condominiums near Graham Street, the development pattern is lower profile apartments and condominium complexes. Through here, the building profiles are interrupted by the streetends. This section includes Fanuel Street, where the proposed neighborhood park will be situated. The Bay Scene complex serves as another notable feature, incorporating tall pines, a multi-level recreational area and sculptured walls which are setback approximately 20 feet from public property. From this point to Moorland Drive, along the bay's eastern shores, there is almost a solid line of high rise residential complexes and the area is commonly known as "China Wall". These complexes have also been built over underground parking levels which create blank walls at the beach level. South of the project limits, there is Riviera Shores and Crown Point where unobstructed views of Sail Bay are possible,

4. Public Access/Recreational Facilities. Section 30210 of the Coastal Act states "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." Section 30214 of the Act further states public access provisions shall be implemented with considerations regarding the site's capacity, privacy rights of abutting property owners and necessary maintenance responsibilities. With regard to recreational opportunities, Section 30213 also mandates that "lower cost visitor and recreational facilities shall be...encouraged, and, where feasible, provided." Additionally, Section 30221 provides that "oceanfront land suitable for recreational use shall be protected...." All of these policies document the Coastal Act's mandate to create, protect and support increased opportunities for public access and recreational use.

Historically, Sail Bay's shoreline has exhibited a low intensity use level by the general populace. However, this has primarily resulted from the area's lack of identity and its accessibility problems. Here, while an important factor is the absence of public facilities including parking, the physical obstructions to public access and the indirect deterrents to public use fostered by abutting residents have discouraged the public. With the prior removal of the old docks and implementation of the proposed development, there will be improved public access at all streetends, better circulation linkages and enhanced recreational opportunities for the public. The proposed beach filling and replenishment will accommodate an expanded usable beach area, continuous lateral access under all tides and permit the undergrounding of the storm drains to further enhance public safety. In conjunction with the expanded sandy beach, the concrete walkway, neighborhood park and recreational amenities, such as sand volleyball courts, will increase opportunities for both active and passive recreational activities.

With the elimination of the remaining private encroachments, the reconstructed storm drain system and the walkway completion, lateral public access will be assured. Along the landward edge of the walkway, a landscaped buffer zone will be established to protect the privacy of adjacent residents and enhance the scenic amenities of the area. If private residents seek direct access to the shoreline, it will only be accommodated by stepping stones or other such landscape features; no private stairs or accessways will be permitted. Although the landscape buffers and concrete walkway will occupy sandy beach, they are public access improvements associated with a beach expansion and replenishment project. Given the historic problem of private encroachments within the area, they will serve as a clear delineation of the public's rights to access and they reflect the intensive and urbanized character of the surrounding development, as opposed to an open, natural setting.

Periodically, there have been public concerns about the beaching and storage of small boats and catamarans along the shoreline. On a recent site inspection, approximately 100 small crafts were counted along the shoreline. Although these beached boats do present a certain restriction, they also serve to enhance the visitor's experience and visual qualities. At this point, the problem appears to be one of local enforcement and regulation, rather than coastal policy. Therefore, as detailed above, the Commission finds the project will enhance public access, protect the privacy of adjacent residents, assure public safety and create additional opportunities for recreational enjoyment. As submitted, the City is not proposing any development activity during the summer season and Special Condition #1 serves to formalize the intent and assure conflicts with peak beach use periods will be minimized. Further, Special Condition #2 documents the need for State Lands review. Therefore, the Commission finds the project consistent with all applicable Chapter 3 policies and; as specifically required by Section 30604(c), it further finds project approval consistent with all the public access and recreation policies of the Act.

5. Coastal Access/Parking. In addition to the previously cited Section 30214, Section 30212.5 of the Act states "wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." Further, Section 30252(4) of the Act states new development should provide adequate parking or substitute means of accommodating public access. The key issue presented here is the amount of increased user activity supported by the project and the area's ability to sustain such increased demands given the well-documented traffic congestion and public parking constraints in the adjoining urban beach communities. While it cannot be disputed that the increased amenities and public access improvements permitted herein will certainly attract larger numbers of beach visitors through congested areas, such a tradeoff is warranted by growing recreational demands and the limited scale of the proposed improvements. The proposed development is minimal to support continuous public access and promote public safety.

Further, the proposed Sail Bay facilities must be viewed as part of the overall Mission Bay Park and its improvement will serve as an important infilling and critical circulation link extending Bayside Walk to Riviera Shores. Although there will only be a small, 27 space parking lot created herein, the walkway will provide an essential linkage between the 280 spaces at Santa Clara and the underutilized, 780 spaces at Crown Point Shores around the point. This perimeter link will also

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function to encourage and support alternative transportation modes rather than automobile dependence. Therefore, when viewed as part of the overall Mission Bay Park development and recognizing the limited scale of the proposed public facilities, the Commission finds project approval will be consistent with Sections 30212.5 and 30252(4) of the Act.

6. Recreational Boating/Beach Expansion. Section 30233(a)(6) of the Coastal Act specifies the "filling or dredging of open coastal waters...shall be permitted in accordance with other applicable provisions of this division,... and shall be limited to the following: mineral extraction, including sand for restoring beaches..." In this particular project, although the proposed deposition of dredged materials will be utilized for beach replenishment and expanded, usable sandy beach, it also raises the issue of maintaining adequate water areas for recreational boating. With respect to boating activities, Section 30224 of the Act states "increased recreational boating use of coastal waters shall be encouraged..." Sail Bay presently has 600 acres of open water out of the 2200 acres within Mission Bay. Water use within Sail Bay is high and at capacity, primarily serving pleasure sailing activities and a variety of aquatic programs. Sailboats, catamarans and rowing shells are the predominant vehicles with water-skiing being a secondary activity.

When the approximately 30 private docks and piers were finally removed around 1978, the usable water area was increased by approximately 12 acres. Although there may be differences about the degree of change, the removal of those impediments certainly did increase usable water acreage. In permitting the beach replenishment and expansion to accommodate public access and increased recreational activities, the dredge deposition will create six additional acres of usable beach and combined with the expanded 12 acres water area, resulting from the dock removals, the net increase in open navigable water will be six acres. Again, while there may be differences over the acreage calculations and there is present recreational boating activities within the area, historically, there were deterrents to open use and the proposed beach expansion will clearly serve and support a larger number of people. The active and passive recreational amenities will accommodate and enhance greater public access than the water-oriented activities. Further, although there has been recent use of the open waters, resulting from project delays created by local government financial constraints, the clear intent was to expand both usable water and sandy beach areas. Lastly, the disputed six acres represent a minimal change from the immediate 600 acres within Sail Bay and Mission Bay's overall 2200 acres dedicated to water-oriented activities and recreational boating. Therefore, with these considerations, the Commission finds the project will appropriately balance the recreational demands for shoreline and water areas and thus finds project approval consistent with all applicable Chapter 3 provisions.

7. Water Quality. Section 30231 of the Act states "biological productivity and the quality of coastal waters... appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means,... controlling runoff..." Additionally, Section 30233(b) states "dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation." The permitted dredging activity herein will generate sand materials to replenish and expand the beach profile; this filling will also create deposit to underground the storm drain system. Presently, the open character of

Sail Bay results in good tidal circulation and flushing. The proposed storm drain improvements, alone, should alleviate any existing water quality problems. Because of their current elevations and the beach profile, these traversing outfalls cause localized erosion during storms and ponding of nuisance water in dry weather. By extending them out into the deeper bay, any concentrated runoff will be more rapidly dissipated and diluted, thereby mitigating any existing water quality problems. Further, while there may be some intermittent turbidity created by the dredging activity, these impacts should be short-term ones and not result in any significant adverse environmental impact. The Commission therefore finds the project should remedy and improve the Bay's water quality and it is consistent with Sections 30231 and 30233(b) of the Act.

8. Environmentally Sensitive Habitat. Historically, Mission Bay has provided excellent feeding and nesting habitat for migratory and resident birds. Extensive dredging and filling operations in Mission Bay between 1948 and 1961, however, eliminated most marsh and mud flat habitat in its areal extent while creating a unique aquatic and public recreation park. While the entire area of Mission Bay was once a coastal salt marsh, the massive dredging and development for recreational purposes has eliminated most of its natural marshland features. However, the Bay still harbors and supports many sensitive biotic communities; the Dept. of Fish and Game has noted that extensive beds of eel grass, a valuable but dwindling habitat, exist subtidally in various locations around the bay. Eel grass is an endangered subaquatic plant species which functions as an important part of a complex marine faunal and floral association.

Section 30240 of the Coastal Act of 1976 advocates the maintenance of the biological productivity, species diversity and quality of coastal wetlands or environmentally sensitive habitats. Coastal policies further establish the Commission's mandate to protect such areas from significant disruptions of habitat values and to restrict these areas for limited modification. Section 30240(b) further requires the design and siting of development adjacent to sensitive habitats or park areas be compatible with their continuance and resource integrity. The LCP Manual defines "environmentally sensitive areas" as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Given that much of the proposed beach filling will occur in the tidal range generally indigenous for eel grass and there have been grass beds identified there, the attached Special Condition requires the City to specifically survey, map and develop a transplanting and/or re-establishment plan to maintain this resource. In consultation with the State Dept. of Fish and Game, the City successfully completed a similar transplanting project in conjunction with some maintenance dredging last year. Outside of the tidal area, the on-going beach maintenance and cleaning programs have effectively denuded the beach of any significant vegetation. Since the majority of the sandy beach is void of vegetation and, as conditioned, the City will inventory and re-establish any disrupted habitat, the Commission finds project approval will maintain sensitive habitat values and therefore it is consistent with applicable Chapter 3 policies.

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9. Shoreline Protective Works. Section 30235 of the Act states "seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion..." Additionally, Section 30253 states "new development shall minimize risks to life and property in areas of high...flood...hazard." The depth and topography of the beach profile around Sail Bay has remained fairly stable and remains close to its original contours. On the whole, there is no significant natural erosion or sand movement. Rather, the evident erosion results from concentrated runoff discharging from the short storm drain outfalls. Upon project completion, the reconstructed drains will be undergrounded and no longer empty onto and traverse the sandy beach. Further, to mitigate any excessive loss of replenished beach-front, the expanded sandy beach will be regraded and contoured to a 15:1 slope. After original dredging activities to create Mission Bay established 8:1 and 12:1 beach profiles, the shoreline areas have stabilized at 15:1 slopes in most areas. The proposed beach profile will be consistent with these stabilized slopes and thus mitigate the potential for future replenishment projects.

With regard to protective works, since the elevated beach profile should provide continuous access under all tidal conditions, there are only minor, low concrete bulkheads or retaining walls proposed at a couple of locations. At the Verona Court pedestrian node, there will be an approximately 100 foot long retaining wall to protect the accessway at its interface. Here, at its juncture with the existing Bayside Walk terminus, the development stringline extends bayward and is subject to increased erosion and high tide flooding. Along the Briarfield semi-circle, two existing bulkheads, which protect existing residences, will be incorporated into the elevated boardwalk design. At this section, there is only limited beach filling in order to maintain the existing contours and not encroach onto the adjoining private property within the crescent. In addition to the existing bulkheads, some retaining walls and riprap will be necessary to support the elevated boardwalk and mitigate backwater flooding at the nearby streetends. With the exception of these localized problems, the remaining beach profile perimeter is relatively stable and there is little evidence to support the need for future shoreline protective works. Further, given these improvements will enhance public access opportunities, there is no significant issue with sandy beach encroachments. Therefore, as designed and recognizing the stable shoreline profile in the project boundaries, the proposed development will remedy existing localized erosion, backwater flooding and enhance safe, public access. The Commission thus finds project approval consistent with the applicable Coastal Act policies.

10. Visual Resources. Section 30251 of the Act states "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." The proposed walkway and pedestrian nodes are designed to be low scale and accented with textured paving, bollard lighting fixtures and extensive landscaping. The elevated boardwalk will exhibit a nautical character and reflect wharflike construction. The landscape buffers and planter areas will maintain public views, protect the privacy of adjacent residents and serve as a complimentary transition from the site's urban edge down to the beach. As designed, the proposed development will represent an aesthetic enhancement to the area's natural scenic amenities and the Commission finds project approval consistent with Section 30251 of the Act.

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11. Local Coastal Planning. Section 30604(a) of the Act provides that a coastal development permit shall be issued only if the permitted development will not prejudice the ability of the appropriate local government to prepare a certifiable Local Coastal Program (LCP). The proposed development will effectively implement the City-adopted Sail Bay Master Plan. The Sail Bay Master Plan is one element of the City of San Diego's Mission Bay Park LCP segment. The Mission Bay Land Use Plan (LUP) was preliminarily reviewed by the Commission in June and September, 1982. However, at those hearings, the City requested continuances and waived applicable time limitations to work with staff and other interested parties to resolve some of the identified issues. The land use plan designates the area for park and shoreline use; the proposed public access and recreational facilities are consistent with that designation. The only identified issues regarding the Sail Bay sub-area were the improvement of streetends for public access, the removal of remaining private encroachments and the need to develop a dredging and restoration plan, in consultation with the Dept. of Fish and Game, for eel grass beds. As conditioned, the proposed development addresses and resolves these concerns. Therefore, since the project is consistent, as conditioned, with the applicable Chapter 3 policies and the Sail Bay Master Plan, as modified above, the Commission finds project approval will not prejudice the ability of the City of San Diego to develop a certifiable LCP.

COMMISSION ACTION ON MAR. 23 1983

- Approved as Recommended
- Denied as Recommended
- Approved with Changes
- Denied
- Other

CALENDAR PAGE	<u>65.24</u>
MINUTE PAGE	<u>301?</u>

Application No. 6-83-12

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time.. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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#6-83-27

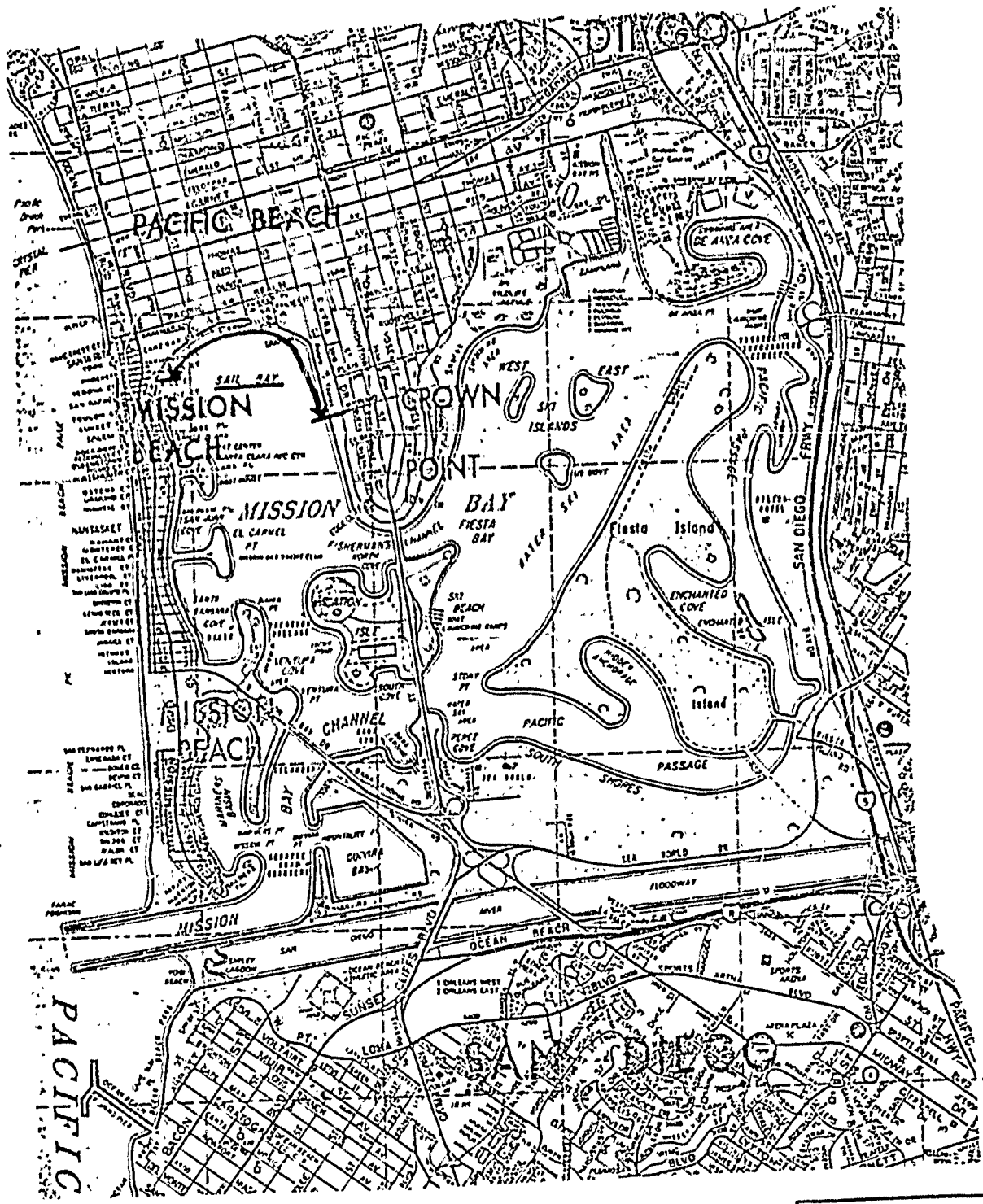



EXHIBIT NO. 1
APPLICATION NO. 6-83-27
Location Map
 California Coastal Commission

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MINUTE PAGE	3075

## EXHIBIT "D"

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION  
1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814

October 8, 1985

File Ref: W 23205

City of San Diego  
Parks and Recreation Department  
Attn: Edward Firkins  
Balboa Park Club, Balboa Park  
San Diego, California 92101

Gentlemen:

Pursuant to your application dated August 5, 1985, and by the authorization of the State Lands Commission on October 24, 1985 you are hereby granted permission to dredge, during the term of the permit, a maximum of 475,000 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to, oil, gas and geothermal from an area of granted tide and submerged lands in Sail Bay, San Diego County, as designated in Exhibits "A" and "B" attached hereto, which are by this reference expressly made a part hereof. Said permission includes the right to deposit 205,000 cubic yards of material onto Fiesta Island and 270,000 cubic yards of material around the northern end of Sail Bay to create a public beach.

No royalty will be assessed for material placed on Fiesta Island or at the approved public beach site as the project is for the public benefit. A royalty of \$0.35 per cubic yard shall be paid for material placed on private property or used for any private or commercial benefit. This permission is given on the condition that all dredging and material deposition shall be done in accordance with all applicable federal, State and local government laws, rules and regulations. Said permission shall be effective from November 1, 1985 through October 31, 1986.

The permission to dredge the above described lands is based upon information presently available to the State Lands Commission, and is given without survey or title determination. Such permission shall not be construed as fixing State land boundaries nor as necessarily establishing the extent of the State's claim to property in the area. The State warrants neither the title to the demised premises nor any right you may have to possession or quiet enjoyment of the same.

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CE 27

ROUTE PAGE

3076

October 8, 1985

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9 NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit, and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1-1/2%) per month from the date when the same was payable by the terms hereof.

It is agreed that you shall furnish the Commission with copies of final surveys or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and, at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or impounded upon the State of California or any of its officers, agents or employees arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third person or entity. It is agreed that you shall at the option of the Commission procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

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3017

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated whenever the State Lands Commission deems such action to be in the best interests of the State, and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

\_\_\_\_\_  
W. M. THOMPSON, Chief  
Extractive Development Program

\_\_\_\_\_  
DATE

ACCEPTED:

BY \_\_\_\_\_

TITLE \_\_\_\_\_

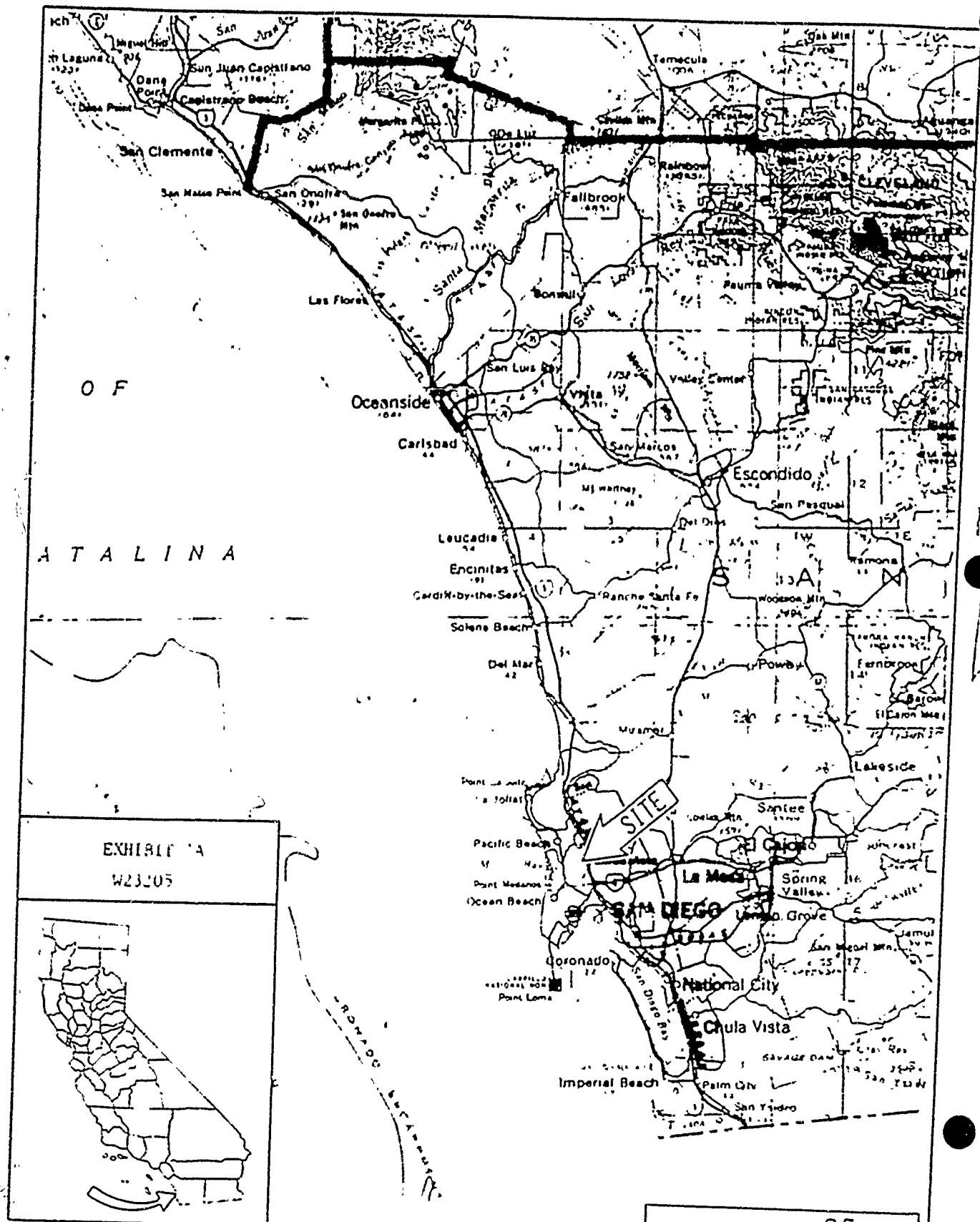
DATE \_\_\_\_\_

Mailed in Triplicate

Attachments: EXHIBITS A and B

24581

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MINUTE PAGE	3018



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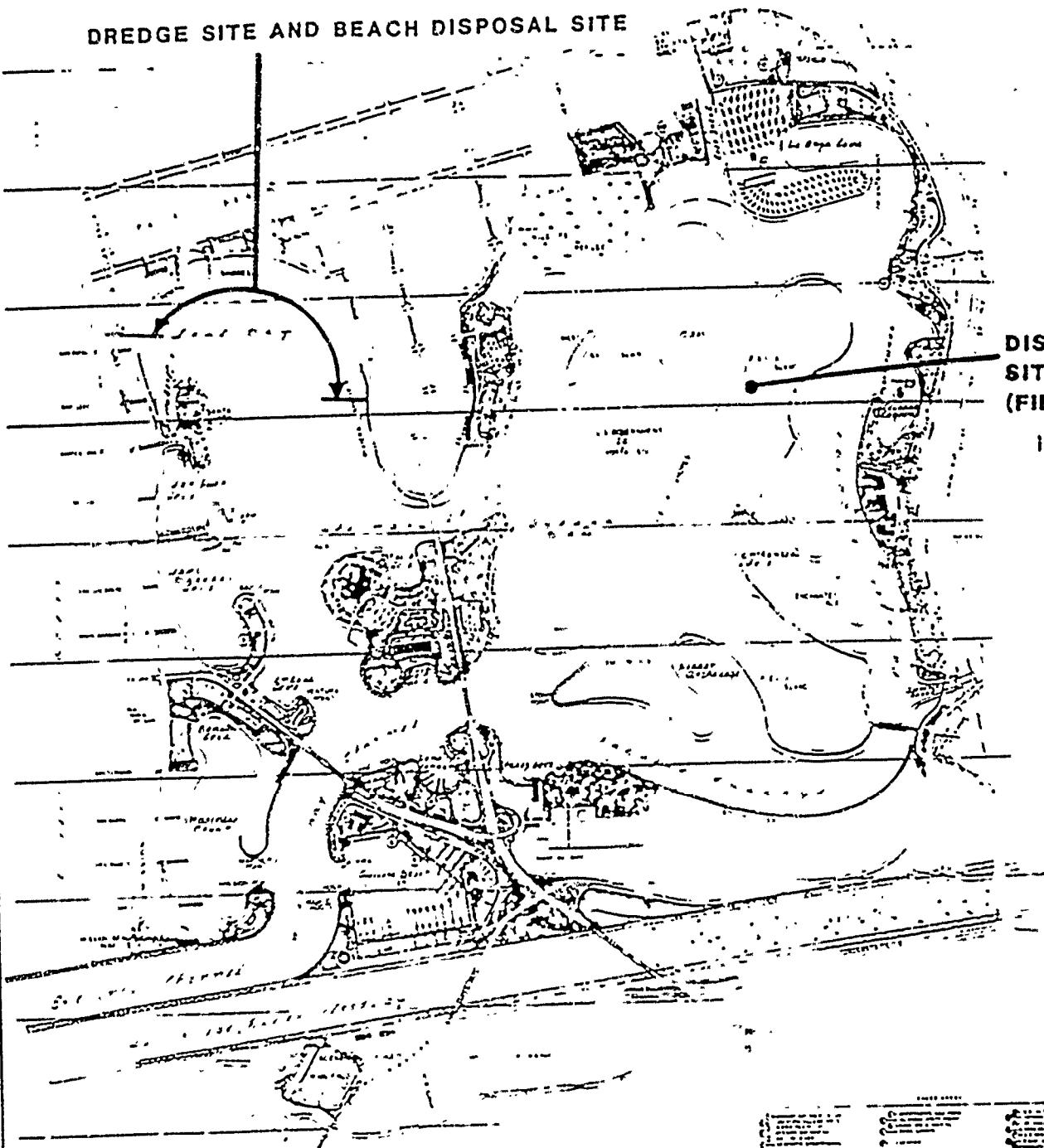


EXHIBIT A  
W23205



CALENDAR PAGE 65.30  
MINUTE PAGE 3019

DREDGE SITE AND BEACH DISPOSAL SITE



DISPOSAL  
SITE  
(FIESTA  
ISLAND)

1984  
MISSION BAY PARK

E

EXHIBIT "B"

W 23205

DREDGING PERMIT

NO. 1000 PAGE	65.31
NO. 1000 PAGE	3020