

CALENDAR ITEM
C51

MINUTE ITEM
This Calendar Item No. C51
was approved as Minute Item
No. 51 by the State Lands
Commission by a vote of 3
to 0 at its 02/12/97
meeting.

A 74
S 38

02/12/97
PRC7938 W 25208
J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

City of Solana Beach
635 South Highway 101
Solana Beach, California 92075-2215

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Pacific Ocean at Fletcher Cove, Solana Beach,
San Diego County.

AUTHORIZED USE:

Deposition of 44,000 cubic yards of sand onto the beach at Fletcher Cove.

LEASE TERM:

Two years, beginning September 1, 1997.

CONSIDERATION:

No rent shall be charged as the project is a public benefit.

SPECIFIC LEASE PROVISIONS:

Insurance:

N/A

Bond:

N/A

OTHER PERTINENT INFORMATION:

Applicant owns the uplands adjoining the lease premises.

On October 10, 1995, and as amended on November 12, 1996, the California Coastal Commission granted Permit #6-94-207A Phase II for this project under its certified regulatory program. (Title 14, California Code of Regulations, section 15251 (c)).

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Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the Coastal Commission as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

The beach replenishment material is being made available by the North County Transit District (District) in conjunction with the Lomas Santa Fe Drive Grade Separation Project. The District and the Lessee were co-applicants for the permits issued by the Coastal Commission and United States Army Corps of Engineers.

APPROVALS OBTAINED:

United States Army Corps of Engineers; California Regional Water Quality Control Board; California Coastal Commission.

EXHIBITS:

- A. Location and Site Map.
- B. Land Description.
- C. CDP 6-94-207A

PERMIT STREAMLINING ACT DEADLINE:

June 9, 1997.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (COASTAL COMMISSION PERMIT#6-94-207-A), WAS ADOPTED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION (CCC) UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF

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REGULATIONS, SECTION 15251(c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN, AND CONCURS IN CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF SOLANA BEACH OF A GENERAL LEASE - PUBLIC AGENCY USE, EFFECTIVE SEPTEMBER 1, 1997; THE PUBLIC USE AND BENEFIT; FOR DEPOSITION OF 44,000 CUBIC YARDS OF SAND AT FLETCHER COVE, SOLANA BEACH, SAN DIEGO COUNTY; ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY REFERENCE MADE A PART HEREOF.

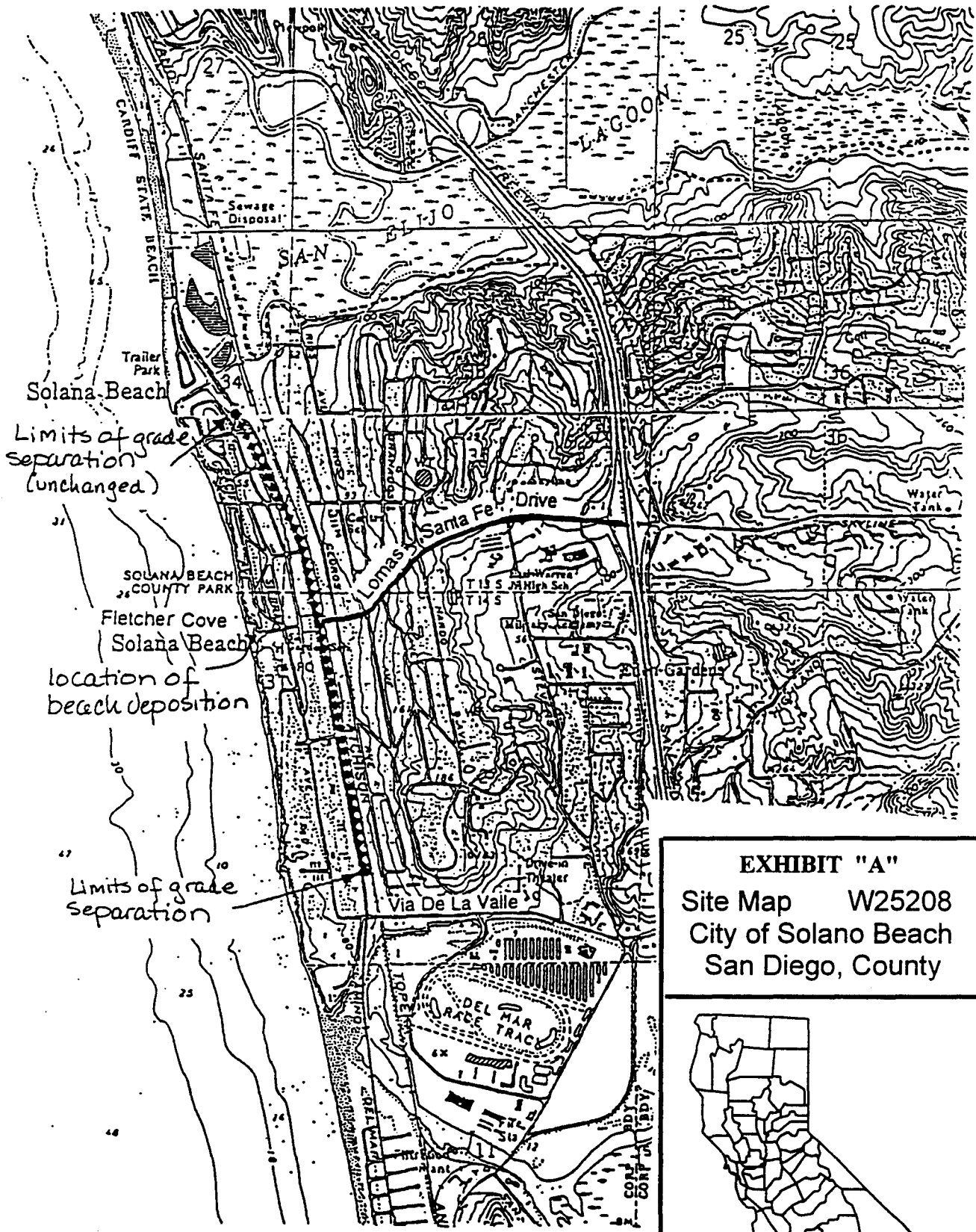


EXHIBIT "A"
 Site Map W25208
 City of Solano Beach
 San Diego, County



This Exhibit is solely for purposes of generally defining the lease premises, 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"
LAND DESCRIPTION

A parcel of tide and submerged land 400 feet wide in the Pacific Ocean near Fletcher Cove Park in the City of Solana Beach, San Diego County, California, described as follows:

Bounded on the north by the westerly projection of Ocean Street; bounded on the east by the Ordinary High Water Mark of the Pacific Ocean; bounded on the south by the westerly projection of South Shore Drive; bounded on the west by a line measured 400 feet westerly of the Ordinary High Water Mark of the Pacific Ocean.

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



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CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036

Date December 2, 1996Application No. 6-94-207-A Phase IIPage 1 of 5NOTICE OF INTENT TO ISSUE AMENDMENT TO PERMIT

On October 10, 1995 and as amended on November 12, 1996, the California Coastal Commission approved the application of North County Transit Dev. Board & City Solana Beach, subject to the attached special conditions, for the development described below:

Original Description: Construction of a 1.4 mile railroad undercrossing below Lomas Santa Fe Drive, a bridge over the railroad crossing, relocation and upgrade of existing storm drain within Lomas Santa Fe, construction of an outfall structure and energy dissipator (9 ft high, 17 ft wide, 24 ft long) on Fletcher Cove beach, deposition of a maximum of 230,000 cubic yards of excavated material on beach between Cliff Street and North Seascape Surf Park in Solana Beach.

Approved Amendment: Place a maximum of 44,000 cubic yards of beach deposition material on beach at Fletcher Cove. Allow the permit to be issued in two phases. Phase I: Storm drain upgrade and construction of energy dissipator; Phase II: Railroad grade separation and beach deposition.

Zoning	Right-of-way; Open Space
Plan Designation	Right-of-way; Open Space

Site: Right-of-way east of Lomas Santa Fe Drive and Highway 101 intersection, and Fletcher Cove Beach at western terminus of Plaza Street; Solana Beach, San Diego County. APN 263-011-13; 298-212-16, 17; 298-042-32, 33; 298-010-66.

The Phase II permit will be held in the San Diego District Office of the Commission, pending fulfillment of Special Conditions 1 - 8 & 10 - 13. When these conditions have been satisfied, the Phase II permit will be issued:

CHARLES DAMM
 DISTRICT DIRECTOR
 BY

Diana Lilly

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SPECIAL CONDITIONS:

B. Phase II: Grade Separation and Beach Deposition.

Phase II of the amendment is subject to the following special conditions:

1. Army Corps of Engineer Approval. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, all of the following:

- a. A written determination from the Army Corps of Engineers, and supporting documentation submitted by the applicant, indicating the amount and location on-site of excavated material which is determined by the Corps to be suitable for use as beach nourishment material on the beach at Fletcher Cove;
- b. A written description and/or map of the above location(s) where deposition of excavated material is permitted by the Corps of Engineers.

2. Timing of Beach Sand Deposition. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, plans and implementation measures for deposition of the excavated material on the beach which incorporate the following:

- a. A written agreement from the applicant to the Executive Director to transport and distribute approximately 44,000 cubic yards of Torrey Sandstone, as approved by the Corps of Engineers as suitable beach nourishment material, to the beach at Fletcher Cove during the approved time period;
- b. Deposition shall be permitted only in the time period after Labor Day weekend of any year to prior to Memorial Day weekend of the following year. This requirement may be modified only upon written approval by the Department of Fish and Game or the U.S. Fish and Wildlife Service, and if the Commission approves the modifications as an amendment to this permit;
- c. A detailed preliminary construction schedule. The applicant shall submit a final construction schedule to the Executive Director when it is available.

3. Final Plans for Beach Replenishment. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, plans for the beach deposition site(s) which include the method of deposition, geometry of the beach fill, maximum berm elevations, and shore advance distances. The plans shall establish the seaward limit of the final beach fill, surveyed and tied into stable monuments, which shall be utilized for subsequent monitoring of the beach replenishment effort. The plans shall provide for raking or other means to scarify the replenished beach upon completion of deposition.

4. Grunion Monitoring Program. Prior to the issuance of the coastal

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SPECIAL CONDITIONS, continued:

development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, a grunion monitoring program developed in consultation with and approved by the State Department of Fish and Game.

5. State Lands Commission Approval. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, a survey of the current mean high tide line completed to the satisfaction of the State Lands Commission. Also, the applicant 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 or leases required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

6. Access/Staging Areas/Traffic Control. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, the following:

a. A traffic control plan, approved by the City of Solana Beach, for the grade separation/Lomas Santa Fe Drive bridge portion of the project, to include detour routes and construction access routes, and for the beach deposition, to include access routes, pedestrian safety measures at the deposition site, the maximum number of full and return truckloads of deposition material possible per day, and projected deposition rates per day.

b. Detailed plans incorporated into the construction bid documents showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction of the project. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (Lomas Santa Fe Drive, Cedros Avenue, and Highway 101, in this instance). Two lanes in each direction shall remain open on Highway 101 at all times. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

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SPECIAL CONDITIONS, continued:

7. Landscape Plans. Prior to the issuance of a coastal development permit for Phase II, the applicant shall submit for the review and written approval of the Executive Director, a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features for the grade separation project. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. The plan shall indicate all existing trees to be removed, and emphasis shall be placed on replanting as many of the existing trees as is feasible. The plan shall include the following written commitment:

- (1) A planting schedule that indicates that the planting plan associated specifically with the grade separation project shall be implemented within 60 days of completion of construction.
- (2) A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

8. Final Plans. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the grade separation and all related components, stamped and approved by the City of Solana Beach in substantial conformance with the submitted plans dated November 22, 1994.

9. Public Rights. By acceptance of this permit for Phase II, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

10. Grading and Erosion Control. Prior to the issuance of the permit for Phase II, the applicant shall submit final grading plans for the grade separation project stamped and approved by the City of Solana Beach, to the Executive Director for review and written approval. The plan shall incorporate the following elements which shall be included in written notes on the grading plans:

- a. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.
- b. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms,

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SPECIAL CONDITIONS, continued:

interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

11. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit for Phase II, the applicant shall identify the location for the disposal of graded material from the grade separation site determined to be unsuitable for beach deposition, or submit a written acknowledgement that the location is not within the coastal zone. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

12. Contractor's Acknowledgement. Prior to awarding the Notice to Proceed (NTP) to the contractor for Phase II, the applicant shall submit a signed statement from the project contractor indicating that the contractor has received a copy of the coastal development permit and special conditions and is aware of all permit conditions.

13. Monitoring Sand Replenishment. Prior to the issuance of the coastal development permit for Phase II, the applicant shall submit to the Executive Director, a monitoring plan, developed in cooperation with the San Diego Association of Governments Shoreline Erosion Committee, to monitor changes to beach width after replenishment efforts have been completed. The plan shall include, at a minimum, recordation of pre-project and post-project beach and nearshore profiles as measured from survey transect ranges SD-600 and SD-630, as utilized by the Corps of Engineers in the Coast of California Study from 1983 to 1988 along the Solana Beach site, and at Cardiff State Beach. The inland locations shall be tied to stable monuments and incorporated into the final beach replenishment plans. Measurements of beach width at those locations shall be recorded in spring and autumn consistent with the monitoring program established by the Shoreline Erosion Committee for a minimum three year period following completion of deposition, or until other beach replenishment projects at the same location as the proposed project. Annual reports including the recorded information shall be submitted to the Executive Director.

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Steve Apple
Community Development Director
635 South Highway 101
Solana Beach, CA 92075

NOTICE OF ACCEPTANCEDate: December 3, 1996Applicant: City of Solana Beach; North County Transit DistrictDocument or Plans: 1. Final Plans; 2. Construction Schedule; 3. Water Quality Control Plan; 4. Statement that graded spoils will be deposited outside of the Coastal Zone; 5. Sand Maintenance Program; 6. Color Sample; 7. Contractor's AcknowledgmentSubmitted in compliance with Special Condition(s) No(s): 1, 2, 3, 4, 5, 6, 7
of Coastal Development Permit No. 6-96-207-A Phase IRemaining Special Condition(s): None for Phase I

Material submitted in compliance with said Special Condition(s) of your development permit has been reviewed by the District Director and found to fulfill the requirements of said condition(s). Your submitted material and a copy of this letter have been made a part of the permanent file.

Sincerely,

Charles Damm
District Director

By: *Diana Lilly*

cc: Bill Farquhar

(cliolnoa4207a.doc)

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