

MINUTE ITEM
This Calendar Item No. C21 was approved as
Minute Item No. 21 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM
C21

A 74
S 35

09/13/07
PRC 8408 WP 8408.9
J. Brown

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

AREA, LAND TYPE, AND LOCATION:

Sovereign lands adjacent to the San Dieguito River, in the city of Del Mar, San Diego County.

AUTHORIZED USE:

Maintenance of a pedestrian trail and landscaping improvements.

LEASE TERM:

Five years, beginning July 1, 2007.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Public liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has a right to use the uplands adjoining the lease premises.
2. On June 18, 2002, the Commission authorized the issuance of a General Lease - Public Agency Use to the City of Del Mar for construction of a pedestrian trail and landscaping improvements along the south side of the San Dieguito River. The trail consists of a five-foot wide ADA-accessible

CALENDAR ITEM NO. C21 (CONT'D)

decomposed granite path, two ADA-accessible viewing areas, and an ADA-accessible picnic table. Landscaping improvements consist of native and naturalized species compatible with coastal lagoon wetland and upland coastal sage scrub habitats. These improvements are consistent with the proposed San Dieguito Wetland Restoration Project.

A portion of the trail is located on sovereign lands. It is the intent of Commission staff and the City to formally resolve title interests through a title settlement agreement. Commission staff is recommending the issuance of a short-term lease to the City while staff prepares and finalizes the title settlement agreement with the City. Upon agreement by both parties, the title settlement agreement would be submitted for consideration by the Commission at a future meeting.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines. Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15060 (c)(3) and 15378.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands.

APPROVALS OBTAINED:

City of Del Mar and the California Coastal Commission

EXHIBITS:

- A. Location and Site Map
- B. Legal Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURUSANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3)

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BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

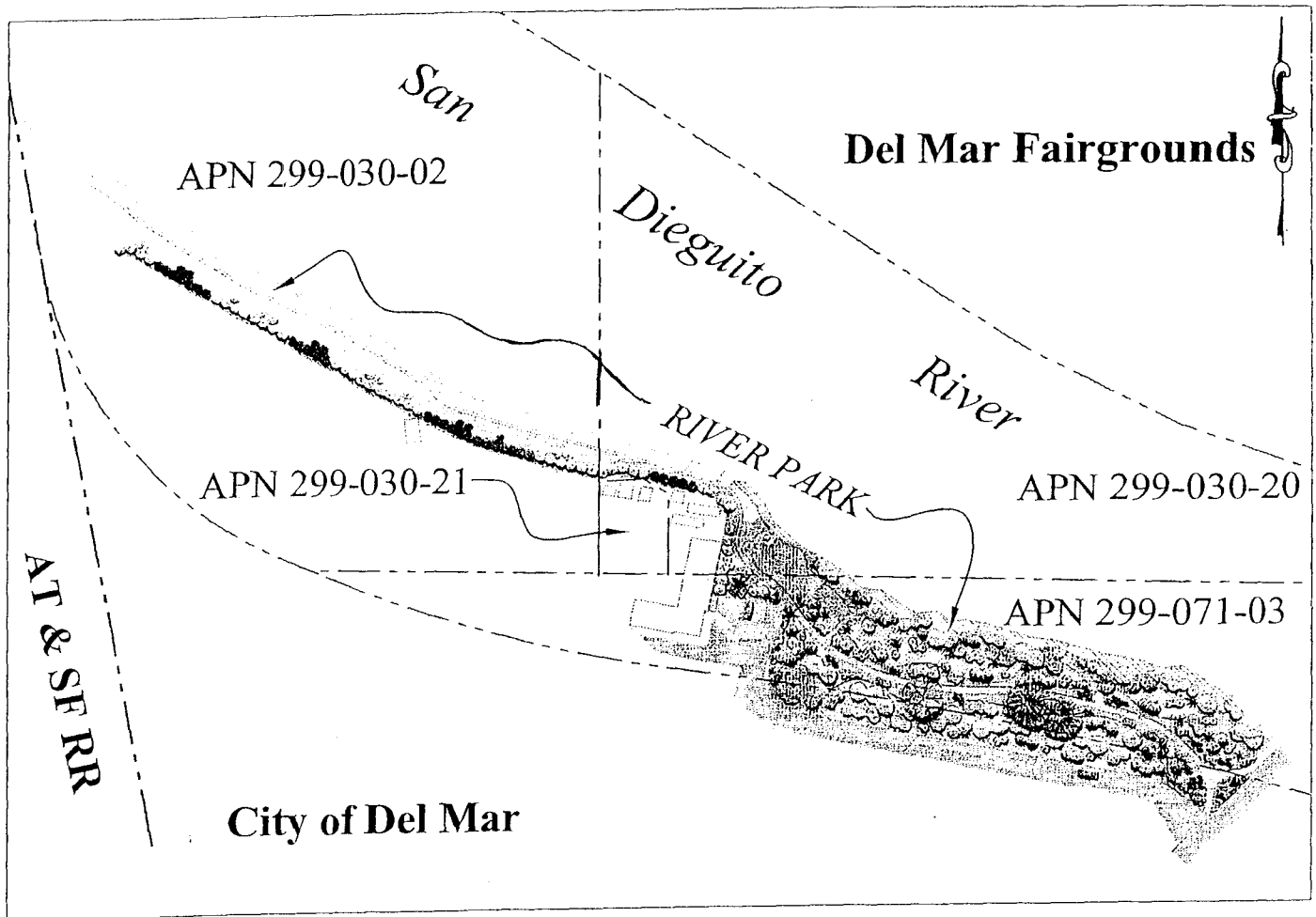
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF DEL MAR, OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JULY 1, 2007, FOR A TERM OF FIVE YEARS, FOR MAINTENANCE OF A PEDESTRIAN TRAIL AND LANDSCAPE IMPROVEMENTS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

SITE MAP



RIVER PARK, CITY OF DEL MAR

NO SCALE

LOCATION MAP

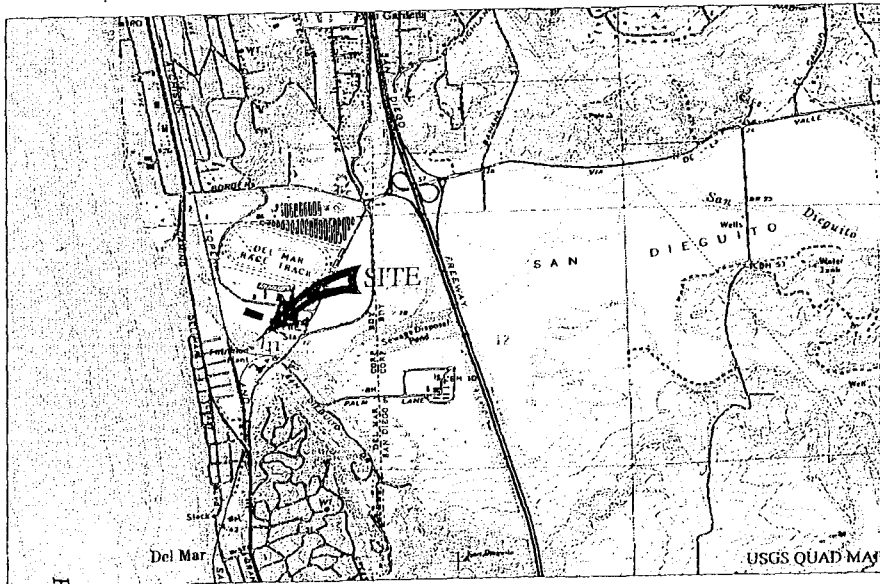


Exhibit A
 PRC 8408.9
 APN 299-030-02,20,21
 and APN 299-071-03
 City of Del Mar
 SAN DIEGO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

**EXHIBIT B
LAND DESCRIPTION**

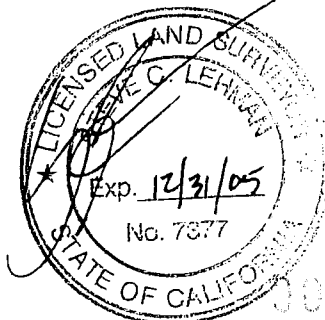
A parcel of filled tide and submerged lands in the historic bed of the San Dieguito River lying within the City of Del Mar Parcels as described in Book 1966 Official Records at page 89, Book 1970 Official Records at page 86549, Document Number 1995-0593223 and Document Number 1999-0776559 San Diego County Records situate within the County of San Diego, State of California, the northeasterly line of said parcel is described as follows:

BEGINNING at a point on the easterly right of way line of the Atchison, Topeka and Santa Fe Railroad having a California Coordinate System of 1983, Zone 6, coordinate of North=1,935,041.26 feet and East=6,249,981.78 feet, from which a City of Del Mar brass disk stamped "SAM 1990 PLS 4965" as shown on that map entitled "City of Del Mar GPS Geodetic Control Survey" filed as Record of Surveys Map No. 12921, having a CCS83, Zone 6 coordinate of North=1,934703.64 feet and East=6,251,263.20 feet, said brass disk bears South 75°14'23" East 1,325.18 feet; thence South 48°53'20" East 100.73 feet; thence South 59°37'24" East 398.63 feet; thence South 73°30'52" East 194.26 feet; thence South 51°11'06" East 157.06 feet; thence South 74°34'29" East 275.72 feet; thence South 59°47'25" East 286.81 feet to the terminus of said northeasterly line on the centerline of Grand Avenue, as said Avenue is shown on that map entitled "Arden Heights No. 6" filed as Map No. 1592 and vacated by Book 223 Official Records at page 71 San Diego County Records.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of said river.

The basis of bearings for this description is California Coordinate System of 1983, Zone 6. All bearings and distances are grid and feet.

END OF DESCRIPTION



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