

**STAFF REPORT**

**41**

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10/24/19  
PRC 3691.9  
A2132  
K. Connor

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**AMENDMENT OF PERMIT**

**PERMITTEE:**

City of Coronado

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean, at Coronado Municipal Beach, City of Coronado, San Diego County.

**AUTHORIZED USE:**

Public recreation, including lifeguarding and beach maintenance.

**LEASE TERM:**

49 years, beginning May 27, 1978.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

**PROPOSED AMENDMENT:**

Allow the deposition of a maximum of 100,000 cubic yards of sand annually for 5 years, beginning October 24, 2019, under the City of Coronado Opportunistic Beach Fill Program. All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;  
California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On April 24, 1980, the Commission authorized the issuance of Permit No. PRC 3691.9, a General Permit – Public Agency Use to the City of Coronado (City) for public recreation, including lifeguarding and beach maintenance at a 91.83-acre parcel in the Pacific Ocean, at Coronado

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Municipal Beach, city of Coronado ([Item 31, April 24, 1980](#)). The permit will expire on May 26, 2027.

On October 16, 2008, the Commission authorized an amendment to allow deposition of a maximum of 100,000 cubic yards (cy) of sand annually on the beach under the City of Coronado Opportunistic Beach Fill Program (Program), for 5 years, beginning October 16, 2008. ([Item C14, October 16, 2008](#)). The City is now applying for another amendment of the permit to place a maximum of 100,000 cy of sand annually at Coronado Municipal Beach for 5 years under the same parameters as the previously approved deposition.

The Program is implemented according to the guidelines specified in the May 2008 Sand Compatibility and Opportunistic Use Program (SCOUP) plan adopted by the San Diego Association of Governments (SANDAG) and the Coastal Sediment Management Workgroup (CSMW). The SCOUP plan was prepared to assist in streamlining the permitting and regulatory approval process for beach replenishment projects using opportunistic materials in volumes of less than 150,000 cy. Streamlining the approval process can prevent otherwise suitable beach fill materials from being lost due to the timing and cost associated with obtaining special permits for each project.

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

The timing and rate of sand placement on the beach is proposed to replicate nature as closely as possible. Sand placement would be restricted from June 1 to September 14 to minimize impacts to invertebrates, grunion, and foraging birds; and avoid impacting the high beach-use season, unless the deposition is placed high on the back-beach area. Placement of sediment will result in temporary, localized increases in turbidity in the immediate vicinity of the site. However, the proposed beach nourishment would not result in significant impacts to water quality; is not anticipated to significantly impact any plants or animals; and would not affect the movement of any native resident or migratory fish or impede the use of native nursery sites.

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Sand would be delivered by truck from the Navy or local projects throughout the City. The haul routes for the material would include 4<sup>th</sup> Street, Ocean Drive, Ocean Boulevard, Orange Avenue, Avenida del Sol, and Avenida Lunar. The beach access points include Ocean Drive, Avenida del Sol, Avenida Lunar, Ocean Place, and Ocean Boulevard. These access points allow the trucks access to the beach to deposit their load for disbursement by earthmoving equipment. There is no staging site for this receiver site. Proposed placement activities vary seasonally to minimize impacts to biological resources including Western snowy plover.

Applications for the required permits from the California Coastal Commission and San Diego Regional Water Quality Control Board have been submitted and are pending approval. The amendment for the U.S. Army Corps of Engineers' permit has been completed and approved.

Sand placement at Coronado Municipal Beach is consistent with the Public Trust Doctrine because it may help reduce coastal damage from storms, enhances recreational use, and restores beach habitat for shore birds and grunion. Coronado Municipal Beach is located approximately 5 miles south of downtown San Diego. The Project receiver site is within the City boundaries in the area adjacent to Coronado Municipal Beach. Coronado Municipal Beach also includes lifeguard towers to help facilitate beach-related recreation.

The proposed amendment would require the Permittee to continue to comply with the adopted Mitigation Monitoring Program (MMP) during sand placement to avoid potential impacts to California least terns, Western snowy plovers, and grunion; construction activities will only occur during the time when these species are not on-site.

The proposed amendment does not alienate the State's fee simple interest or permanently impair public rights. The proposed amendment is limited to a 5-year term, does not grant the Permittee exclusive right to the lease premises, and requires the Permittee to insure the premises and indemnify the State for any liability incurred as a result of the Permittee activities.

### **Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, increased flooding, and erosion, affect both open coastal areas and inland waterways in California. The lease premises are located in a tidally influenced area vulnerable to wave action at the current sea level of the Pacific Ocean. The Program provides shoreline protection,

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erosion control, recreational benefits, and habitat enhancement through nourishment of the City’s North Reach and South Reach receiver sites.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. Projected sea-level rise scenarios for the lease area (San Diego tide gauge) are listed in Table 1.

**Table 1. Projected Sea-Level Rise for San Diego<sup>1</sup>**

| <b>Year</b> | <b>Projection (feet)</b> |
|-------------|--------------------------|
| 2030        | 0.9                      |
| 2040        | 1.3                      |
| 2050        | 2.0                      |
| 2100        | 7.0                      |

Source: Table 34, State of California Sea-Level Rise Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a baseline of the year 2000.

The combination of these projected conditions increases the likelihood of future erosion to the North and South Reach receiver sites. As discussed in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise will further influence coastal areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run-up, potentially resulting in greater beach erosion than previously experienced.

The purpose of the Program is to capitalize on opportunities to obtain beach-quality sand from construction, development, or dredging projects in the region when it becomes available. The Program will also help enhance nourishment of down drift shorelines within the littoral cell. However, the benefits of the Program offer temporary protection from the effects of climate change, and the beach receiver sites will require ongoing periodic nourishment to maintain Program benefits and

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objectives. In addition to the Program, the beach receiver sites may need additional nourishment projects to offset beach erosion and protect upland infrastructure.

The lease includes an acknowledgment that the lease premises may be subject to the effects of sea-level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

### **Conclusion:**

For all the reasons above, staff believes this amendment is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed amendment; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. Approval or denial of the application for a permit amendment is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant will have no right to deposit a maximum of 100,000 cy of sand annually for 5 years at Coronado Municipal Beach. Upon expiration or prior termination of the permit, the permittee also has no right to a new permit or renewal of any previous permit.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. A Mitigated Negative Declaration (MND), State Clearinghouse No. 2008021045, was prepared by the City and adopted on June 17, 2008, for this project. Commission staff has reviewed this document. An MMP was adopted by the City. The previous permit authorization for the project was approved by the Commission on October 16, 2008 ([C14, October 16, 2008](#)), and relied on the adopted MND and MMP. The Commission adopted the MMP, on file at the Sacramento Office of the Commission, at the October 16, 2008 meeting, and it remains in full force.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et

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seq. At the time the Commission considered the MND in 2008, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers

**FURTHER APPROVALS REQUIRED:**

California Coastal Commission

San Diego Regional Water Quality Control Board

**EXHIBITS:**

- A. Legal Description
- B. Site And Location Map
- C. Sample Project Notification Report

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that an MND, State Clearinghouse No. 2008021045, and an MMP were prepared and adopted for this project on June 17, 2008, by the City of Coronado and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the permit amendment to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

The previously adopted MMP, on file at the Sacramento Office of the Commission, remains in full force.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the issuance of this amendment is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the proposed permit; and is in the best interests of the State.

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**AUTHORIZATION:**

Authorize amendment of Permit No. PRC 3691.9, a General Permit - Public Agency Use to the City of Coronado for the deposition of a maximum of 100,000 cubic yards of sand annually beginning October 24, 2019, for a period of 5 years, at Coronado Municipal Beach under the City of Coronado Beach Opportunistic Beach Fill Program, as described in Exhibit A and shown on Exhibit B (for reference purposes only); all other terms and conditions of the permit will remain in effect without amendment.

**EXHIBIT A**

PRC 3691.9

**LAND DESCRIPTION**

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

BEGINNING at a point having CCS83, Zone 6 coordinates: Northing (y) = 1828457 feet and Easting (x) = 6269778 feet;

thence from said point of beginning the following eight (8) courses:

- (1) South 56°42'50" East 7879 feet,
- (2) North 33°32'00" East 2619 feet,
- (3) North 47°33'30" West 1555 feet,
- (4) North 49°39'30" West 1338 feet,
- (5) North 53°40'30" West 1934 feet,
- (6) North 54°02'30" West 1474 feet,
- (7) North 56°17'20" West 1624 feet, and
- (8) South 33°43'20" West 2932 feet to the point of beginning.

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

The BASIS OF BEARINGS of this description is the California Coordinate System of 1983, Zone 6 (1986).

**END OF DESCRIPTION**

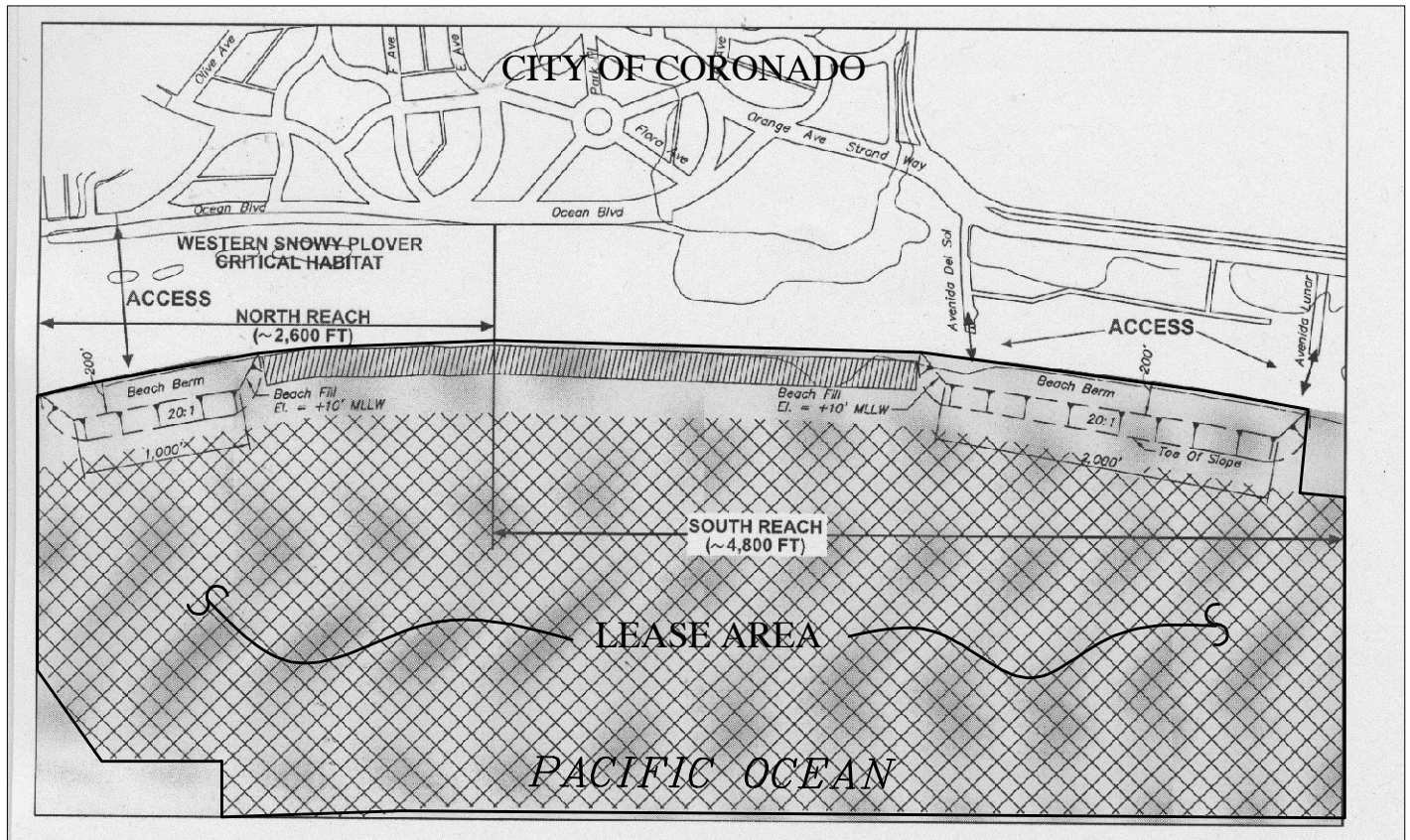
Prepared 10/07/2008 by the California State Lands Commission Boundary Unit





NO SCALE

# SITE



*Legend*

20:1 Horizontal: Vertical Slope

Slope Symbol

Surf Zone Placement Area

Nearshore Placement Area

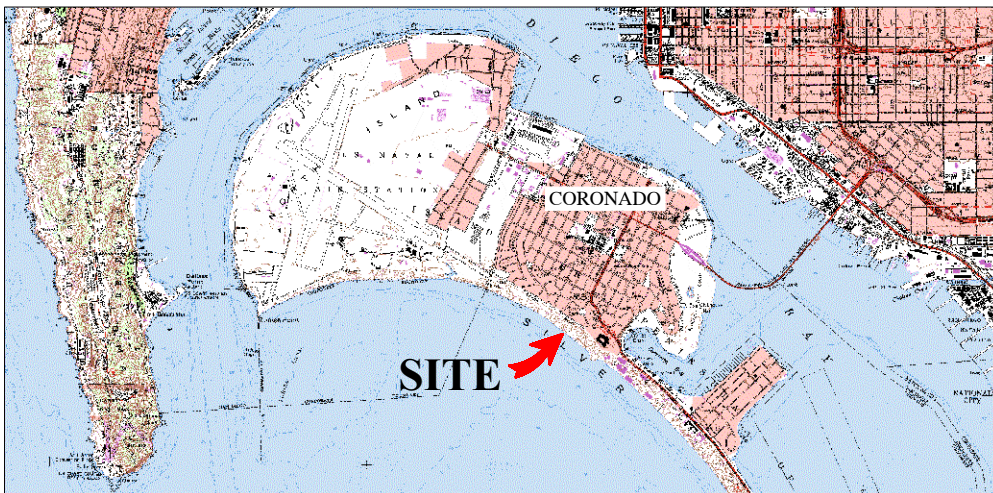
Working Area



## OPPORTUNISTIC BEACH FILL PROGRAM CORONADO MUNICIPAL BEACH SITE

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

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

# Exhibit B

PRC 3691.9  
CITY OF CORONADO  
GENERAL LEASE -  
PUBLIC AGENCY USE  
SAN DIEGO COUNTY

