MINUTE ITEM
This Calendar Item No. C32 was approved as Minute Item No. 32 by the California State Lands Commission by a vote of 3 to ∅ at its 11/27/00 meeting.

CALENDAR ITEM
C32

A 67

S 35

PRC 8233
PRC 8234

11/27/00
W 25524
J. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

William G. Whyte and Elizabeth F. Whyte
16541 Carousel Lane
Huntington Beach, California 92649

Bernie Barrad and Sheila Barrad, as Trustees of the
Bernie and Sheila Barrad Trust Dated February 12, 1987
11669 Bernardo Way
Grand Terrace, California 92313-4913

Anselmo Pineda and Monique Pineda
16571 Carousel Lane
Huntington Beach, California 92649

Simon B. Rayhanabad and Kelarice J. Rayhanabad
16591 Carousel Lane
Huntington Beach, California 92649

Oliver E. Clark III and Jean A. Clark, Trustees of the
Oliver E. Clark III and Jean A. Clark Family Trust Dated October 12, 1983
16601 Carousel Lane
Huntington Beach, California 92649

Robert F. Baron and Lloyd A. Baron, Trustees of the
Baron Family Trust, Originally Established August 4, 1983, as Amended
16611 Carousel Lane
Huntington Beach, California 92649

AREA, LAND TYPE, AND LOCATION:
A strip of state owned submerged lands ten feet in width lying adjacent to and waterward of an existing bulkhead located waterward of Lots 130, 131, 133, 135-137 of Tract 5481, in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:
Repair of an existing bulkhead that may include all or some of the following: (1) existing pile repair; (2) placement of sheet piles; and (3) installation of rock slope protection.

LEASE TERM:
Ten years, beginning November 1, 2000.

CONSIDERATION:
The public health and safety; 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:
Liability insurance: Combined single limit coverage of $1,000,000 .

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. Pursuant to two agreements entered into in 1961 and 1962 (Boundary Line Agreement 18 and Sovereign Land Location 34), the Commission settled certain boundary and title ownership issues with the Huntington Harbour Corporation involving Huntington Harbour involving the area developed as Huntington Harbour. Based on those agreements, the Commission's sovereign ownership was consolidated into open waterwars that are now known as the Main and Midway Channels. Areas within the development that were subdivided for residential purposes were placed behind bulkheads. The existing bulkhead is considered to be the boundary between the private upland and the State's fee ownership.

   Throughout much of Huntington Harbour, erosion and marine organisms have threatened the structural integrity of the bulkhead. The applicants are requesting that the Commission authorize repair and reinforcement of the bulkhead adjacent to their residences in order to prevent more

extensive structural damage. Mitigation for potential impacts to soft bottom habitat and eelgrass will be performed in accordance with the April 2000 Soft Bottom Mitigation Plan and the Southern California Eelgrass Mitigation Policy.

3. A Mitigated Negative Declaration and mitigation measures were prepared and adopted for this project by the City of Huntington Beach. The Commission's staff has reviewed such documents.

4. 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.

APPROVALS OBTAINED:

City of Huntington Beach; Regional Water Quality Control Board; California Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

U. S. Army Corps of Engineers; California Coastal Commission; California State Lands Commission.

EXHIBITS:

A. Location Map
B. Land Description
C. Notice of Determination
D. Mitigation Measures

PERMIT STREAMLINING ACT DEADLINE:

March 12, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MEASURES WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF HUNTINGTON BEACH AND THAT

THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MEASURES AS CONTAINED IN THE SEPTEMBER 14, 2000, NOTICE OF ACTION PREPARED BY THE CITY OF HUNTINGTON BEACH, A COPY OF WHICH IS ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

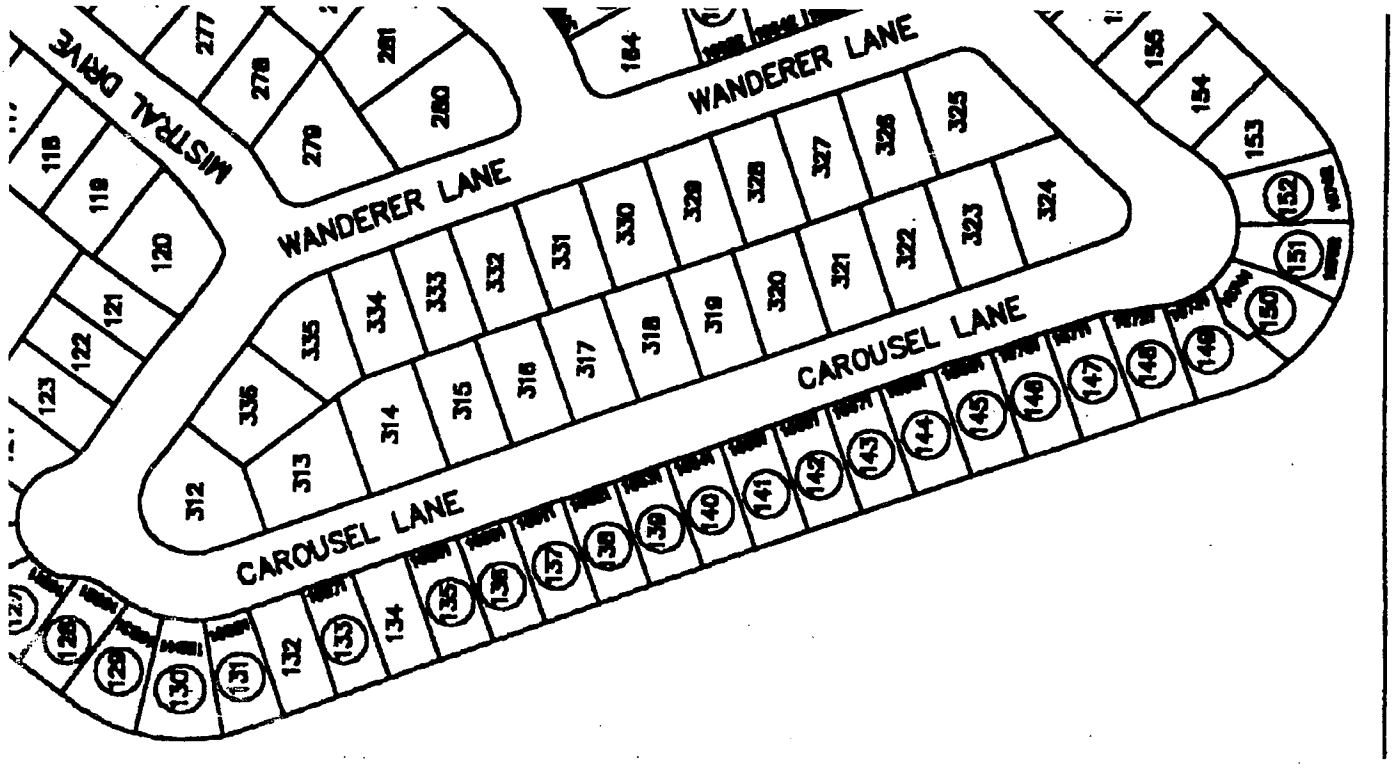
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WILLIAM G. WHYTE AND ELIZABETH F. WHYTE; BERNIE BARRAD AND SHEILA BARRAD AS TRUSTEES OF THE BERNIE AND SHEILA BARRAD TRUST DATED FEBRUARY 17, 1987; ANSELMO PINEDA AND MONIQUE PINEDA; SIMON B. RAYHANABAD AND KELARICE RAYHANABAD, TRUSTEES OF THE RAYHANABAD TRUST ESTABLISHED MARCH 9, 1995; OLIVER E. CLARK III AND JEAN A CLARK, TRUSTEES OF THE OLIVER E. CLARK III AND JEAN A. CLARK FAMILY TRUST DATED OCTOBER 12, 1983; AND ROBERT F. BARON AND LLOYD A. BARON, TRUSTEES OF THE BARON FAMILY TRUST, ORIGINALLY ESTABLISHED AUGUST 4, 1983, AS AMENDED, OF SIX GENERAL LEASES - PROTECTIVE STRUCTURE USE, BEGINNING NOVEMBER 1, 2000, FOR A TERM OF TEN YEARS, FOR REPAIR OF AN EXISTING BULKHEAD ADJACENT TO LOTS 130, 131, 133, 135-137 OF TRACT 5481, THAT MAY INCLUDE ALL OR SOME OF THE FOLLOWING: (1) EXISTING PILE REPAIR; (2) PLACEMENT OF SHEET PILES; AND (3) INSTALLATION OF ROCK SLOPE PROTECTION ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE PUBLIC HEALTH AND SAFETY, 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 FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000.

NO SCALE

SITE MAP



General Lease - Protective Structures
Lots 130, 131, 133, 135-149

LOCATION MAP

NO SCALE

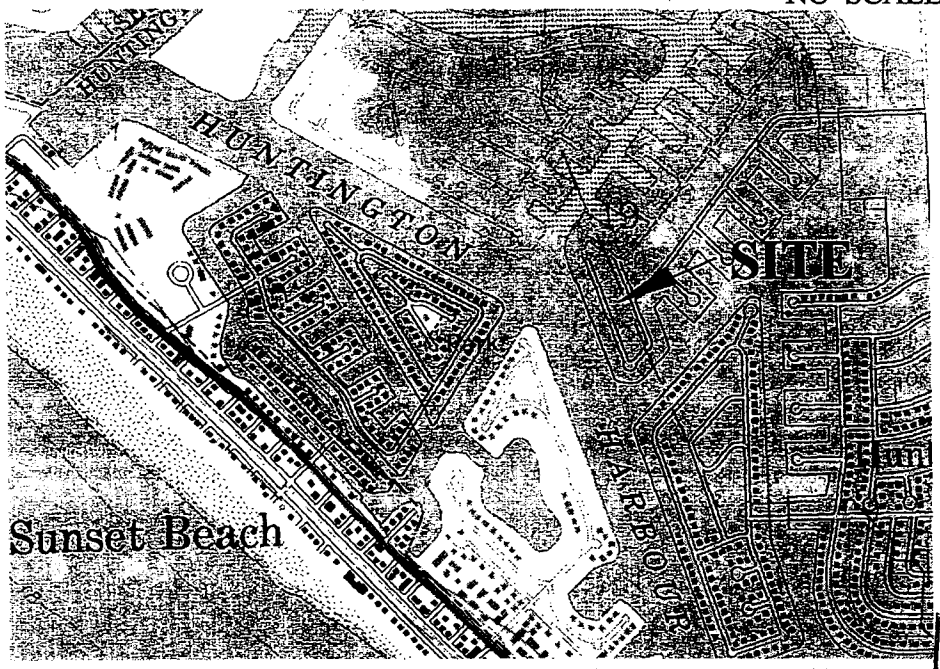
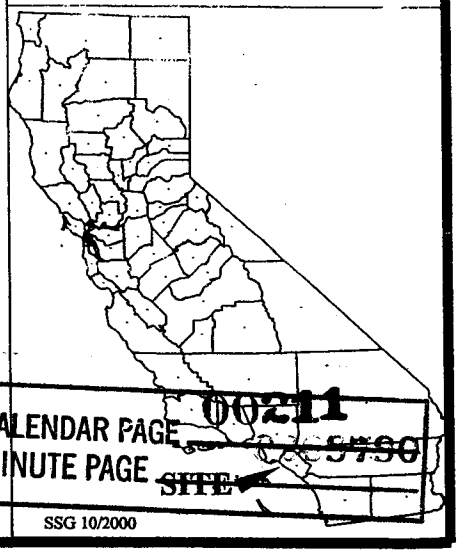


Exhibit A
W 25524
Humboldt Island
Huntington Harbour
ORANGE COUNTY



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 of limitation of any state interest in the subject or any other property.

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SSG 10/2000

EXHIBIT B

Those state owned submerged lands lying within a strip of land ten feet in width waterward of and immediately adjacent to Lots 130, 131, 133, 135-149 of Tract 5481, as shown on a Map recorded in Book 215, pages 11 - 22 of Miscellaneous Map, records of Orange County.

Exhibit C

NOTICE OF DETERMINATION

To:

☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

■ Orange County Clerk Recorder's Office
Public Services Division
P.O. Box 238
Santa Ana, CA 92702

From:

City of Huntington Beach
Planning Department
2000 Main St., 3rd Flr.
Huntington Beach, CA 92648

☐ **Fee:** Exempt per Govt. Code Section 6103

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Negative Declaration No. 00-05 (Humboldt & Trinidad Island Seawall Repairs
State Clearinghouse #: 2000081028 **Contact Person:** Mary Beth Broeren **Phone:** (714) 536-5271

Project Location: 104 properties on Humboldt and Trinidad Islands, Huntington Harbor

Project Description: The project would repair the bulkhead on 40 properties on Humboldt Island and 64 properties on Trinidad Island. The project is designed to restore the foundation of the bulkhead and provide toe protection to inhibit any future scouring or erosion. In general, the repairs would be made in three phases: pile and repair, replacement of sheet piles, and installation of slope protection, although not all three phases apply to all properties. The first two phases will be completed by divers. The final phase will require use of barges and a crane. The project proposes mitigation for potential impacts to eel grass and soft bottom habitat. The project is expected to take a year to complete.

This is to advise that the City of Huntington Beach Zoning Administrator has approved the above described project and has made the following determinations regarding the above described project:

1. The project ☐ will, ■ will not, have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ■ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures ■ were, ☐ were not, made a condition of approval of the project.
4. A statement of Overriding Considerations ☐ was, ■ was not, adopted for this project.

This is to certify that the final ☐ Environmental Impact Report, ■ Negative Declaration, with comments and responses and record of the project approval is available to the General Public at:

City of Huntington Beach Department of Planning
2000 Main Street, Huntington Beach, CA 92648

September 13, 2000
Date of Final Action

Signature

Senior Planner
Title

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Exhibit D

OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA

P.O. BOX 190 CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

September 14, 2000

PETITION DOCUMENT: **NEGATIVE DECLARATION NO. 00-05 (HUMBOLDT/TRINIDAD ISLANDS)**

APPLICANT: Fernando Pages, Tetra Tech, Inc., 670 North Rosemead Boulevard, Pasadena, CA 91107

PROPERTY OWNER: 104 property owners on Humboldt and Trinidad Islands, Huntington Harbor

REQUEST: The project would repair the bulkhead on 40 properties on Humboldt Island and 64 properties on Trinidad Island. The project is designed to restore the foundation of the bulkhead and provide toe protection to inhibit any future scouring or erosion. In general, the repairs would be made in three phases: pile and repair, replacement of sheet piles, and installation of slope protection, although not all three phases apply to all properties. The first two phases will be completed by divers. The final phase will require use of barges and a crane. The project proposes mitigation for potential impacts to eelgrass and soft bottom habitat. The project is expected to take a year to complete.

LOCATION: Humboldt and Trinidad Islands, Huntington Harbor (northwest Huntington Beach)

PROJECT PLANNER: Mary Beth Broeren

Dear Applicant:

Your application was acted upon by the Zoning Administrator of the City of Huntington Beach on September 13, 2000, and your request was Approved with Mitigation. Included in this letter are the Mitigation Measures for this application.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Two Hundred Dollars ($200.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Six Hundred Ninety Dollars ($690.00) if the appeal

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is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action.

The last day for filing an appeal and paying the filing fee for the above noted application is September 25, 2000.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after the final approval, unless actual construction has begun.

SUGGESTED FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 00-05

1. The Negative Declaration No. 00-05 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration.

2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address water quality, the loss of eel grass and soft bottom habitat and noise. Mitigation measures were generally designed to minimize impacts to homes in the vicinity and the habitat of the Harbor.

3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated, will have a significant effect on the environment. The purpose of the project is to repair seawalls, which reduces flood hazard for the area. Potential impacts resulting from construction of the project are temporary and intermittent or can be adequately mitigated. Mitigation plans have been developed in concert with various regulatory agencies including the Department of Fish and Game and U.S. Army Corps of Engineers.

MITIGATION MEASURES FOR ENVIRONMENTAL ASSESSMENT NO. 00-05

1. During all phases of the project, Best Management Practices (BMPs) will be used to prevent and control turbidity. BMPs may include the installation of a silt curtain.

2. If turbidity is observed at a distance of 100-ft. or greater from the actual work site, either the work will be stopped until the water returns to normal or, if deemed necessary, a silt curtain will be installed until turbidity returns to normal.

3. A soft bottom mitigation plan has been prepared which consists of improving a 3,410 sq. ft. wetland area in the Bolsa Chica Ecological Reserve in Huntington Beach, California by removing debris, regrading, and repairing the tidal inlet conduit. This plan will be implemented by the project proponents concurrently with the bulkhead repairs.

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4. An eelgrass mitigation transplant was completed in June 2000. Tetra Tech, Inc. transplanted 3,600 sq. ft. of eelgrass as mitigation for the bulkhead repair project. This was completed in conjunction with the County of Orange mitigation project for the Sunset Harbor Maintenance Dredging project, pursuant to the County of Orange Eelgrass Mitigation Plan that has been approved by the appropriate agencies. The Plan and transplant are consistent with the Southern California Eelgrass Mitigation Policy. In addition to the initial transplant, the Policy requires conducting mitigation monitoring surveys to evaluate the level of transplant success and conducting additional transplants if the primary transplant does not meet project success criteria.

5. An anchor management plan will be prepared and implemented to avoid damage to eelgrass that would not otherwise be impacted.

6. All work will be performed on weekdays (Monday to Friday) and hours of operation will be 7:00 a.m. to 3:30 p.m. and in accordance with City of Huntington Beach Municipal Code Section 8.40. No work will be performed on Saturdays, Sundays or federal holidays.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for in relation to the vicinity in which it is proposed. The conceptual plan should not be construed as a precise plan reflecting conformance to all Code requirements.

I hereby certify that Negative Declaration No. 00-05 was Conditionally Approved by the Zoning Administrator of the City of Huntington Beach, California, on September 13, 2000, upon the foregoing conditions and citations.

Very truly yours,

Mike Strange

Mike Strange, Acting
Zoning Administrator

MS:MBB:rk

xc: Property Owner

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