**MINUTE ITEM**
This Calendar Item No C98 was approved as Minute Item No. 98 by the California State Lands Commission by a vote of 3 to Ø at its 9-17-01 meeting.

# CALENDAR ITEM
# C98

A 67

S 35

PRD 8346

09/17/01
W 25628
M. Hays

## GENERAL LEASE - PROTECTIVE STRUCTURE USE

**APPLICANT:**

Isaac Azoulay and Linda Zonana Azoulay
3432 Venture Drive
Huntington Beach, CA 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 Lot 6 of Tract 8636, in Huntington Harbour, city of Huntington Beach, Orange County.

**AUTHORIZED USE:**

Repair of an existing bulkead 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 September 1, 2001.

**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. Applicant owns 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



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settled certain boundary and title ownership issues with the Huntington Harbour Corporation involving the area developed as Huntington Harbour. Based on those agreements, the Commission's sovereign ownership was consolidated into open waterways 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 applicant is requesting that the Commission authorize repairs and reinforcement of the bulkhead adjacent to their residence 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 approved by the Department of Fish and Game.

3. The applicant was originally one of 21 applicants who submitted an application for a proposed bulkhead repair project. The applicant withdrew their application prior to approval by the Commission on April 24, 2001. The applicant is now seeking approval for bulkhead repairs.

4. A Mitigated Negative Declaration No. 00-05 was prepared and adopted for the original project by the City of Huntington Beach on September 13, 2000. An Addendum to the Mitigated Negative Declaration was prepared and adopted by the City of Huntington Beach on September 12, 2001 to include the applicant. The California State Lands Commission's staff has reviewed such document.

5. 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.

**APPROVAL OBTAINED:**

City of Huntington Beach



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**FURTHER APPROVALS REQUIRED:**

Regional Water Quality Control Board; California Fish and Game; U. S. Army Corps of Engineers; California Coastal Commission

**EXHIBITS:**

A. Site Map
B. Land Description
C. Notice Of Determination
D. City of Huntington Beach Notice of Action (Mitigation Measures)

**PERMIT STREAMLINING ACT DEADLINE:**

March 11, 2002

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A MITIGATED NEGATIVE DECLARATION AND ADDENDUM 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 ATTACHED AS EXHIBIT D.

**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 OF A GENERAL LEASE - PROTECTIVE STRUCTURE TO ISAAC AZOULAY AND LINDA ZONANA AZOULAY; BEGINNING SEPTEMBER 1, 2001, FOR A TERM OF TEN YEARS, FOR REPAIR OF AN EXISTING BULKHEAD ADJACENT TO LOT 6 OF TRACT 8636, THAT MAY INCLUDE ALL OR SOME OF THE



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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 CONSIDERATION BEING 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.



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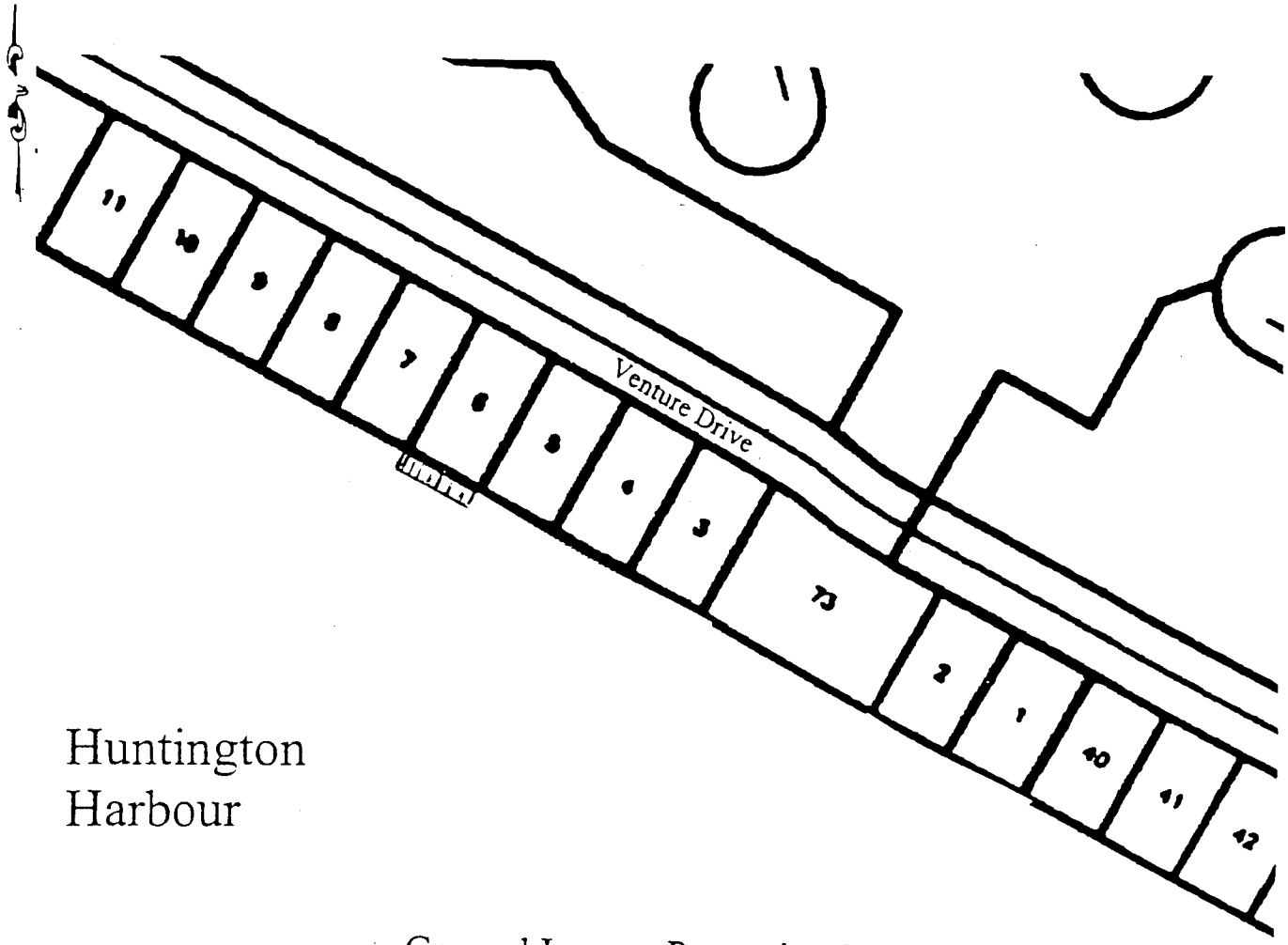
NO SCALE

# SITE MAP




General Lease - Protective Structure
Lot 6 Tract 8636

# LOCATION MAP

NO SCALE

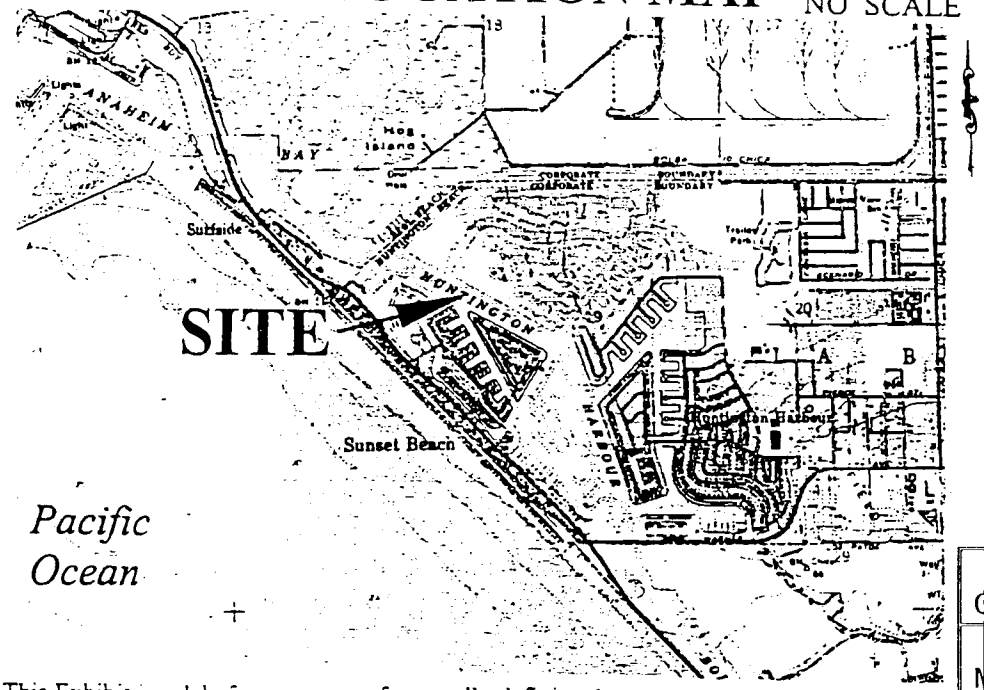
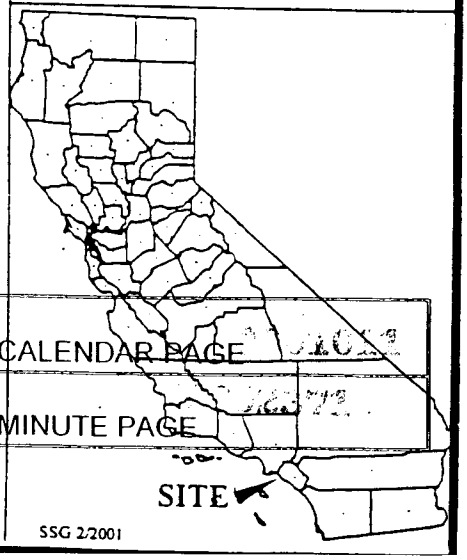



Exhibit A
W25628
APN 178-713-15
Trinidad Island
Huntington Harbour
ORANGE COUNTY

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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.

SSG 2/2001

# EXHIBIT B

Those state owned submerged lands lying within a strip of land ten feet in width waterward of and immediately adjacent to Lot 6 of Tract 8636, as shown on a Map recorded in Book 397, pages 33-35 of Miscellaneous Map, records of Orange County.

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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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