

**CALENDAR ITEM  
C66**

A 67  
S 35

06/28/10  
WP 3254.1  
D. Simpkin

**GENERAL LEASE – RECREATIONAL USE AND  
PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

Ing Liong Wong and Chu Fong Wong, as Trustees under the Wong 1986 Family Trust (Created by a Declaration of Trust Dated September 18, 1986)

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

Sovereign land in Huntington Harbour, adjacent to 16891 Bolero Lane, city of Huntington Beach, Orange County.

**AUTHORIZED USE:**

The continued use and maintenance of an existing boat dock and access ramp, and the retention of an existing cantilevered deck extending no more than five feet waterward of the bulkhead.

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

**LEASE TERM:**

Ten years, beginning November 20, 2009.

**CONSIDERATION:**

Boat dock and access ramp: No monetary consideration pursuant to Public Resources Code section 6503.5.

Cantilevered deck: Annual rent in the amount of \$1,013, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bulkhead: 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:

Combined single limit liability insurance coverage in the amount of no less than \$1,000,000.

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Other:

No permanent roof or other enclosure will be constructed on the Lease Premises. Applicants agree that any proposed use of the Lease Premises that includes a residential extension of the actual living quarters constitutes residential use and is prohibited.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into and recorded as Boundary Line Agreement 18, between the Commission and the Huntington Harbour Corporation. Appurtenances extending into these Channels are subject to lease pursuant to Public Resources Code section 6501, et seq. The Applicants' upland property is located along the Main Channel of Huntington Harbour.
3. On September 3, 1999, the Commission authorized the issuance of a Recreational Pier Lease, PRC 3254.9, to Ing Liong Wong and Chu Fong Wong, as Trustees of the Wong Family Trust Dated September 18, 1986, for a ten-year term, effective November 20, 1999. The lease expired on November 19, 2009. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use for the existing boat dock and access ramp as well as for the existing cantilevered deck. A five-foot portion of the cantilevered deck extends over the State's fee ownership in the Main Channel of Huntington Harbour, and was not previously authorized by the Commission. Since the deck is existing, staff is recommending that it be included in the lease. The Applicants are also applying for authorization to make repairs to an existing bulkhead not previously authorized by the Commission.
4. Over the years, erosion due to localized tidal currents, recreational boat use, and periodic maintenance dredging activities in the area have undermined the bulkhead, damaged the support piles, and threatened the overall structural integrity. The Applicants are requesting that the Commission authorize repairs and reinforcement of the bulkhead adjacent to their residence in order to prevent more structural damage. A portion of the repairs will take place on sovereign land waterward of the bulkhead, thus requiring the Commission's authorization.
5. Tetra Tech Inc. is currently working with 30 homeowners to repair bulkheads in Huntington Harbour. The main purpose of the bulkhead repair project is to restore the foundation of the bulkhead and to provide

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toe protection to inhibit any future scouring or erosion, which may expose the footing foundation and jeopardize the bulkhead's structural integrity. The repairs will be made in three phases: pile repair, placement of sheet piles, and installation of slope protection, although not all phases apply to all properties. The total project duration is estimated to be 120 working days. The project will begin once all necessary permits/approvals have been obtained.

6. The existing boat dock and access ramp qualify for rent-free status as the Applicants are natural persons who own the littoral land improved with a single-family dwelling pursuant to Title 2, California Code of Regulations, sections 2002 (f) and 2003 (a)(5).
7. The repairs to the bulkhead will mutually benefit both the public and the applicant. The bulkhead will have the additional protection from tidal currents and wave action provided at no cost to the public.
8. The cantilevered deck does not qualify for rent-free status because it is not used for the mooring of boats. Therefore, that portion of the deck extending over State fee ownership within the Harbour is subject to annual rent pursuant to Title 2, California Code of Regulations, sections 2002 (b)(3) and 2003 (a)(4).
9. **Existing Boat Dock and Access Ramp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

10. **Cantilevered Deck:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

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11. **Bulkhead:** A Mitigated Negative Declaration (SCH# 2008071142) was prepared by the City of Huntington Beach and adopted on September 3, 2008, for this project. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Huntington Beach.
12. 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.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**EXISTING BOAT DOCK AND ACCESS RAMP:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

**CANTILEVERED DECK:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

**BULKHEAD:** Find that a Mitigated Negative Declaration (SCH# 2008071142) and a Mitigation Monitoring Program were prepared by the city of Huntington Beach and adopted on September 3, 2008, for this project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit Letter D, attached hereto.

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**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 - Recreational Use and Protective Structure Use to Ing Liong Wong and Chu Fong Wong, as Trustees under the Wong 1986 Family Trust (Created by a Declaration of Trust Dated September 18, 1986), beginning November 20, 2009 for a term of ten years, for the continued use and maintenance of an existing boat dock, access ramp, the retention, use, and maintenance of an existing cantilevered deck, and repair of an existing bulkhead that may include all or some of the following: (1) existing pile repair; (2) placement of sheet piles; (3) installation of rock slope protection as shown on Exhibit A attached (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration for the boat dock and access ramp: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the cantilevered deck: annual rent in the amount of \$1,013, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; consideration for the bulkhead repairs: 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; combined single limit liability insurance coverage in the amount of no less than \$1,000,000.