

**CALENDAR ITEM
C70**

A 74
S 37

06/29/15
W 26784
W. Hall

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Huntington Beach

LAND TYPE AND LOCATION:

Sovereign lands within the Bolsa Chica Lowlands Restoration Project area, Orange County.

AUTHORIZED USE:

Temporary construction access and staging area, and construction, use and maintenance of two 8-inch water pipelines, approximately 335 linear feet and approximately 430 linear feet, for connectivity with existing water main lines.

LEASE TERM:

Temporary construction access and staging area: 5 years beginning September 15, 2015.

Construction, use, and maintenance of two 8-inch water pipelines: 25 years, beginning September 15, 2015.

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 interests.

SPECIFIC LEASE PROVISIONS:

1. The City of Huntington Beach (City or Applicant) acknowledges that it will be working on lands leased to the California Department of Fish and Wildlife (CDFW; formerly California Department of Fish and Game) for operation and management of the Bolsa Chica Lowlands Restoration Project (BCLRP). The City will ensure all of its construction workers receive wetlands sensitivity training from Commission staff or a designated representative.
2. The City is required to provide signage and notification to the public of the temporary impact to public access along the back berm of the BCLRP,

CALENDAR ITEM NO. **C70** (CONT'D)

and the adjoining neighborhood. The City is required to provide Commission staff and the public a designated point of contact to respond to public inquiries about the construction project.

3. The City shall conduct all onsite activities between September 15th and February 15th, outside of the bird nesting season. The City shall request written approval from the CDFW's onsite Bolsa Chica Ecological Reserve (Reserve) Manager before beginning any work on the Lease Premises to ensure there is no conflict with nesting birds.
4. The City will implement erosion, dust control, and equipment fuel and oil leak prevention and containment measures at all construction, staging, and access areas within the Lease Premises.
5. The City is required to maintain safe public access to the Reserve during the construction and restoration period when reasonable.

OTHER PERTINENT INFORMATION:

1. The Lease Premises are a portion of the Fieldstone Property acquired from Hearthside Residential Corporation by grant deed recorded December 16, 2005 (AD 483), for inclusion in the BCLRP.
2. The proposed pipeline extension project (Project) is located on the eastern upland of the BCLRP lands outside the fenced Reserve. The Project location is between the eastern berm (berm) of the BCLRP, also used as a maintenance access road, and the adjacent residential community.
3. The City has applied to the Commission for temporary construction staging on a parcel of land located between the berm and the adjoining neighborhood. The Applicant has also requested temporary construction access through the Graham Street entrance gate to the BCLRP and across the berm.
4. The City proposes to install two 8-inch water pipelines to provide connectivity with existing public waterlines located outside of and adjacent to BCLRP lands. Construction equipment will include a backhoe tractor, small tractor bucket loader and dump truck. Applicant is applying for a General Lease – Public Agency Use.
5. The Project will provide the public use and benefit of increased water system reliability and redundancy for fire protection, and improve water circulation and quality to the residential community and the BCLRP/Reserve Office.

CALENDAR ITEM NO. **C70** (CONT'D)

6. On December 9, 2013, the City, acting as the lead agency under the provisions of the California Environmental Quality Act (CEQA), determined that the Project, as described above, was categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, section 15301, example (b), under Class 1, Existing Facilities. Staff concurs with the City's determination.

The staff recommends that the Commission also find that this activity is exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303, example (d).

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

7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the Project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

APPROVALS OBTAINED:

City of Huntington Beach
County of Orange

APPROVALS NEEDED:

California Coastal Commission

EXHIBITS:

- A. Land Description
- B. Site And Location Map – Pipeline Lease Area
- C-1. Site And Location Map – Temporary Staging Lease Area
- C-2. Site And Location Map – Temporary Egress/Ingress Lease Area

CALENDAR ITEM NO. **C70** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Concur with the City's determination that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301, example (b).

Find that the activity is also exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303, example (d).

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the City of Huntington Beach beginning September 15, 2015, for a term of five years for the temporary construction access as shown on Exhibit C-2 (for reference purposes only) and staging area as shown on Exhibit C-1 (for reference purposes only), and a term of 25 years for the construction, use, and maintenance of two 8-inch water pipelines, approximately 335 linear feet and approximately 430 linear feet, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) 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 interests.

EXHIBIT A

W 26784

LAND DESCRIPTION

Two parcels of that real property located in the City of Huntington Beach, County of Orange, State of California that is owned by the State of California as per Grant Deed recorded December 16, 2005 in Instrument No. 2005001008256 records of Orange County Recorder more particularly described as follows:

PARCEL 1

BEGINNING at the most westerly corner of Tract No. 8630 as per map recorded in Book 382, Pages 7 through 10 inclusive of Miscellaneous Maps records of the County Recorder of said County;
Thence along the southwesterly line of said Tract No. 8630 also being the northeasterly line of said described State of California property
South 26°19'46" East 118.00 feet;
Thence South 36°21'37" East 68.22 feet;
Thence South 37°47'13" East 110.54 feet;
Thence South 43°53'55" East 74.63 feet;
Thence South 51°36'17" East 52.51 feet to the most westerly corner of Lot 49 of said Tract No. 8630;
Thence leaving the southwesterly line of said Tract No. 8630
South 38°23'43" West 20.00 feet;
Thence North 51°36'17" West 53.86 feet;
Thence North 43°53'55" West 77.05 feet;
Thence North 37°47'13" West 111.86 feet;
Thence North 36°21'37" West 70.22 feet;
Thence North 26°19'46" West 119.75 feet to a point on the northwesterly line of said described State of California property;
Thence along said northwesterly line North 63°40'14" East 20.00 feet to the POINT OF BEGINNING.

PARCEL 2

BEGINNING at the most southerly corner of Lot 1 of Tract No. 8894 as per map recorded in Book 373, Pages 45 through 48 inclusive of Miscellaneous Maps records of the County Recorder of said County also being a point on the northeasterly line of said described State of California property;
Thence southeasterly along the southwesterly line of said Tract No. 8894 also being the northeasterly line of said described State of California property
South 37°49'41" East 48.05 feet;
Thence South 45°35'11" East 143.36 feet to the most southerly corner of said Tract No. 8894 also being the most westerly corner of Tract No. 7634 as per map recorded in Book 330, Pages 26 through 29 inclusive of Miscellaneous Maps records of the County Recorder of said County;
Thence southeasterly along the southwesterly line of said Tract No. 7634 also being the northeasterly line of said described State of California property
South 45°35'11" East 199.13 feet to the most westerly corner of Lot 50 of said Tract No. 7634;

Thence leaving said southwesterly line of said Tract No. 7634
South 44°24'49" West 15.00 feet;
Thence North 45°35'11" West 343.51 feet;
Thence North 37°49'41" West 49.07 feet;
Thence North 52°10'19" East 15.00 feet to the POINT OF BEGINNING.

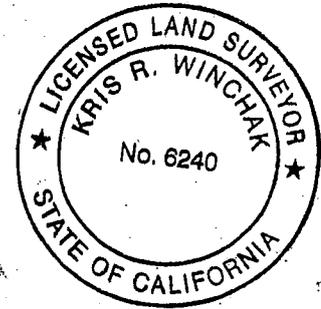
END OF DESCRIPTION

LAND DESCRIPTION PREPARED BY:

Kris R. Winchak 8-28-14

KRIS R. WINCHAK, L.S. NO. 6240

DATE



NO SCALE

SITE



**LEASE
PARCEL 1
(8-inch Water
Pipeline)**

APN 110-016-22

**LEASE
PARCEL 2
(8-inch Water
Pipeline)**

BOLSA CHICA ECOLOGICAL RESERVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26784
CITY OF HUNTINGTON
BEACH
APN 110-016-22
GENERAL LEASE -
PUBLIC AGENCY USE
ORANGE COUNTY

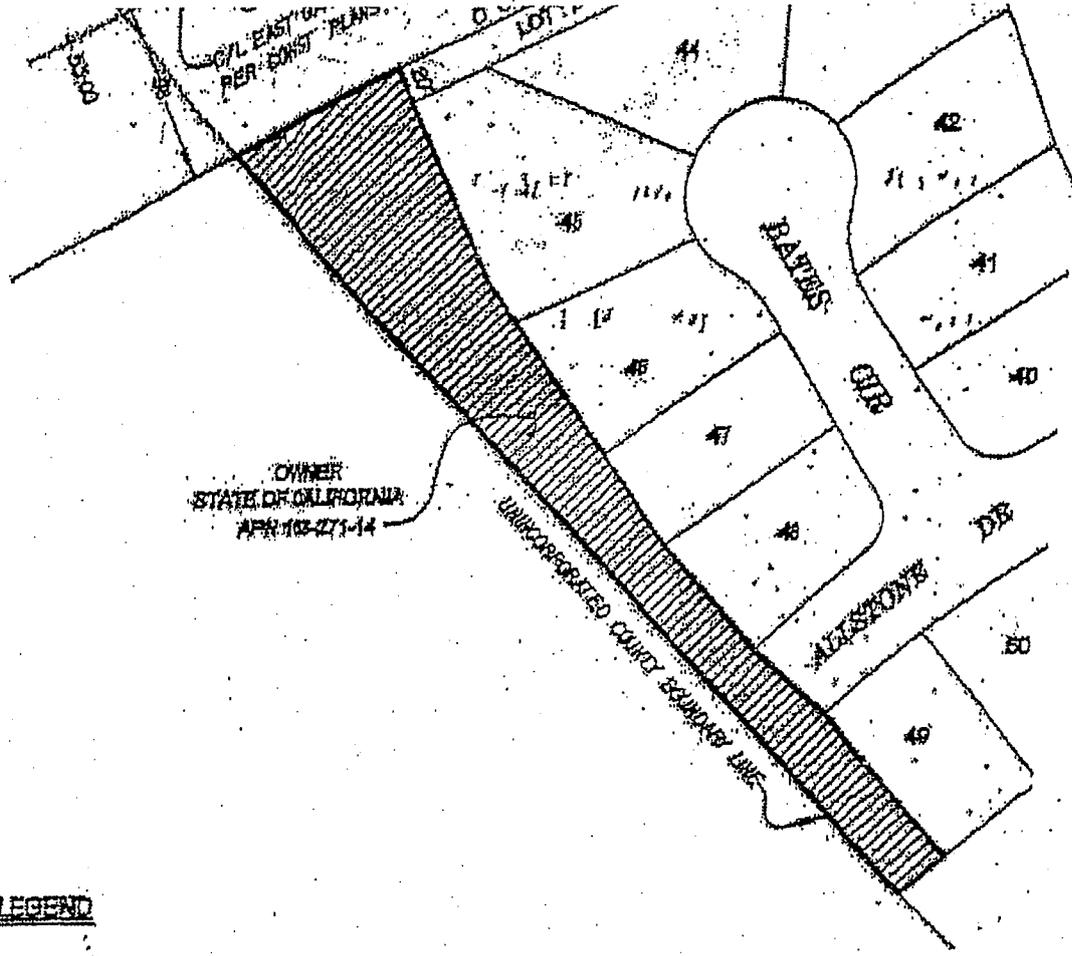


This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 08/28/14

NO SCALE

SITE



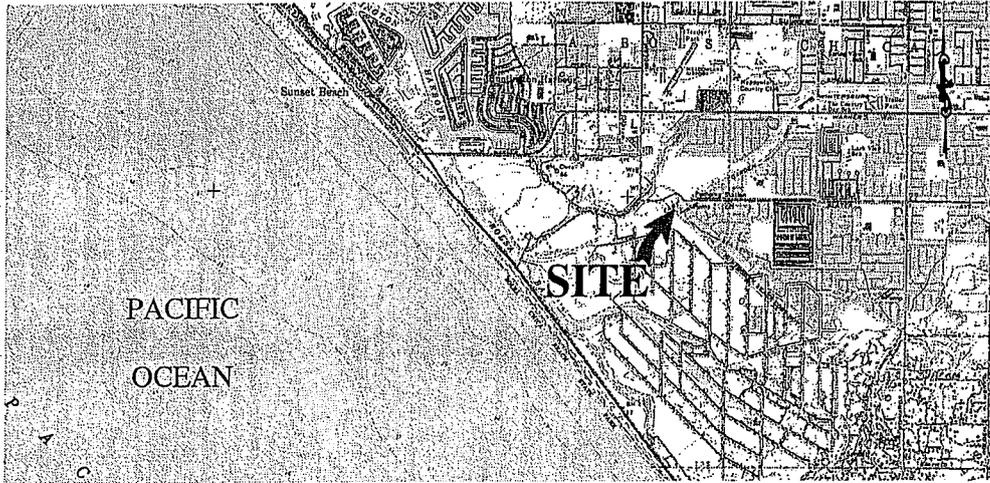
LEGEND



STAGING AREA, BOLSA CHICA ECOLOGICAL RESERVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit C-1

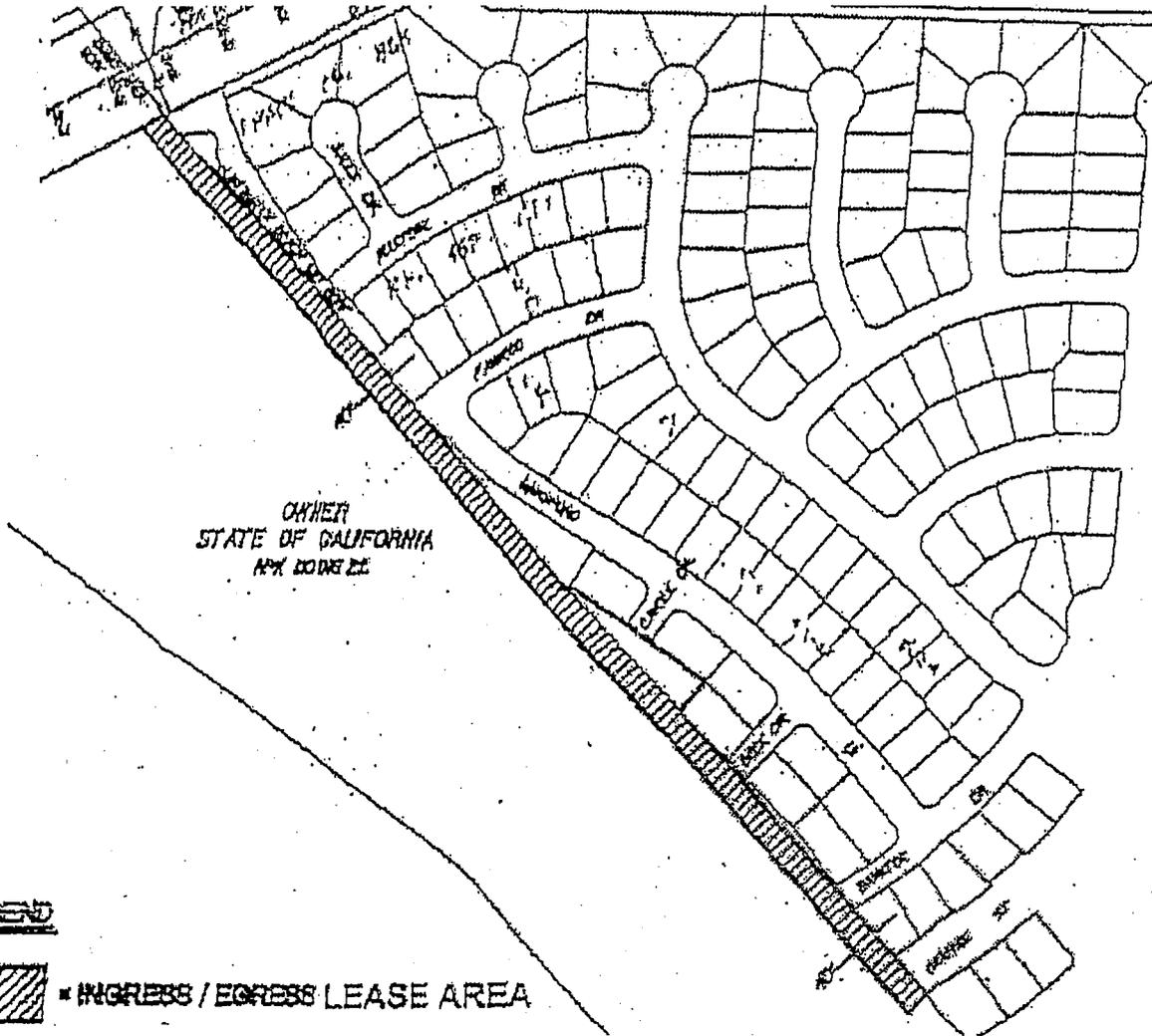
W 26784
 CITY OF HUNTINGTON
 BEACH
 APN 163-271-14
 GENERAL LEASE -
 PUBLIC AGENCY
 ORANGE COUNTY



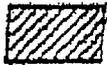
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NO SCALE

SITE



LEGEND



INGRESS / EGRESS LEASE AREA

EGRESS/INGRESS, BOLSA CHICA ECOLOGICAL RESERVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit C-2

W 26784

CITY OF HUNTINGTON
BEACH

APN 110-016-22

GENERAL LEASE -
PUBLIC AGENCY
ORANGE COUNTY



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