

CALENDAR ITEM
C42

A	64		12/14/06
S	38	PRC 8738	W 26183 J. Brown

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

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

AREA, LAND TYPE, AND LOCATION:

State sovereign lands in and adjacent to Warner Avenue, within the boundaries of the Bolsa Chica Ecological Reserve, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Construction, use and maintenance of a 24-inch diameter gravity sewer pipeline.

LEASE TERM:

20 years, beginning December 14, 2006.

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 interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

General liability insurance with coverage of no less than \$1,000,000.

Construction:

During the construction project, the City shall provide sufficient ingress to and egress from the Bolsa Chica Conservancy interpretive center driveway for bus-related traffic.

The City shall provide a copy of the draft traffic plan for review and approval by Commission staff before it is finalized and implemented.

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Utilities:

The City shall provide sewer and water stubs, at no cost to the Commission, as designated by Commission staff, to the Bolsa Chica Ecological Reserve and to the Bolsa Chica Lowlands Restoration Project.

Restoration:

Within 90 days from the completion of construction, the City shall restore all disturbed areas within the lease premises to the satisfaction of staff of the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant has a roadway easement for the uplands adjoining the lease premises.
2. The City has applied to the Commission to construct and operate a 24-inch gravity sewer main approximately 20 feet below ground a portion of which will be located within and along east-bound Warner Avenue between the Pacific Coast Highway and Weatherly Avenue within the boundaries of the Bolsa Chica Ecological Reserve. The total project will be constructed in nine sequential phases and will take approximately 135 working days over 29 weeks to complete. The project, as described and analyzed in the City's adopted environmental documentation, will not impact wetlands of the Bolsa Chica Ecological Reserve.
3. The proposed lease area encompasses the west section of Warner Avenue near the Pacific Coast Highway that is primarily comprised of an asphalt surface and disturbed roadway shoulder.
4. Commission staff has contacted representatives of the California Department of Fish and Game and the Bolsa Chica Conservancy, the Commission's existing Lessees of this area. Both representatives have no concerns as long as the proposed project will not impact wetlands of the Bolsa Chica Ecological Reserve or the Bolsa Chica Lowlands Restoration Project and that all disturbed areas are restored to mutually acceptable conditions.
5. On November 17, 2004, the City Zoning Administrator approved Coastal Development Permit No. 03-15/Mitigated Negative Declaration (MND) No. 03-01.

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6. On December 22, 2004, the coastal development permit appeal period ended and the permit action became final.
7. A MND and Mitigation Monitoring Program (MMP), SCH#2004091154, were prepared and adopted for this project by the city of Huntington Beach. The City prepared and adopted mitigation measures for the project as described in the MND/MMP.
8. The Bolsa Chica lowlands were acquired for the specific purpose of restoring the area to tidal wetlands as mitigation for development at the Ports of Los Angeles and Long Beach. The lowlands acquired for the Restoration Project are adjacent to the Bolsa Chica Ecological Reserve that has been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370-6377.

Although the Commission considers all lands "significant" by nature of their public ownership, use classifications, specifically designed to protect the significant environmental values of the area designated, are not assigned unless such lands have been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370-6377. The Bolsa Chica lowlands have been subjected historically to intensive modifications that eliminated its wetlands function, including, but not limited to, elimination of its access to the sea and oil and gas production. Accordingly, the area was neither identified pursuant to Public Resources Code sections 6370-6377 nor assigned use classifications; therefore the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

City of Huntington Beach

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Coastal Commission
California Department of Transportation
California Regional Water Quality Control Board

EXHIBIT:

- A. Site/Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM 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 MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS FINDINGS:

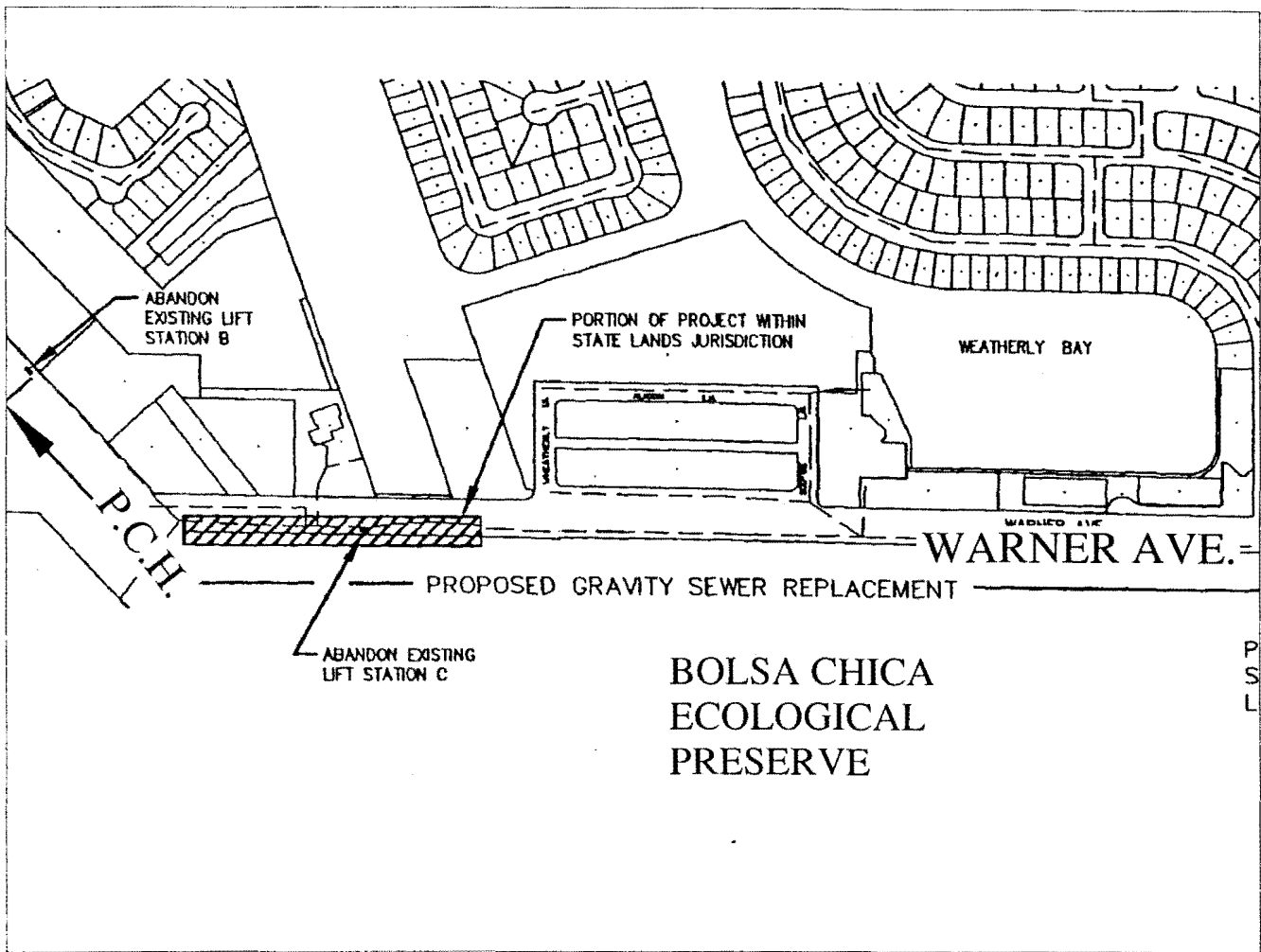
WITH RESPECT TO THE BOLSA CHICA ECOLOGICAL RESERVE, FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF HUNTINGTON BEACH OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING DECEMBER 14, 2006, FOR A TERM OF 20 YEARS, FOR CONSTRUCTION, USE AND MAINTENANCE OF A 24-INCH GRAVITY SEWER PIPELINE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS 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 INTEREST; GENERAL LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

SITE

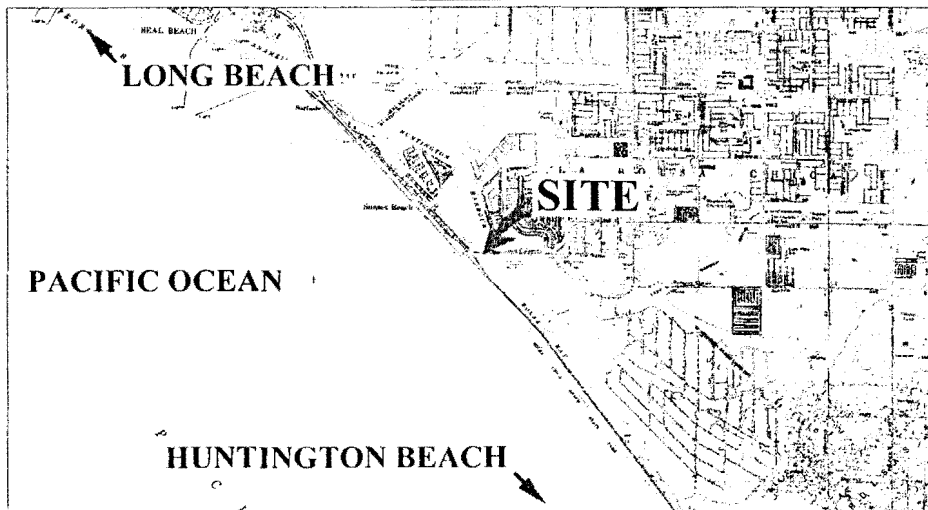


MAP SOURCE: SITE PLAN

WARNER AVE. BETWEEN P.C.H. AND LOS PATOS AVE.

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.

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Exhibit A

W26183

CITY OF HUNTINGTON BEACH
GENERAL LEASE
PUBLIC AGENCY USE
WARNER AVE.
ORANGE COUNTY



HUSTEAD 12/4/2006