

**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.

CALENDAR ITEM NO. **C66** (CONT'D)

**SIGNIFICANT LANDS INVENTORY FINDING:**

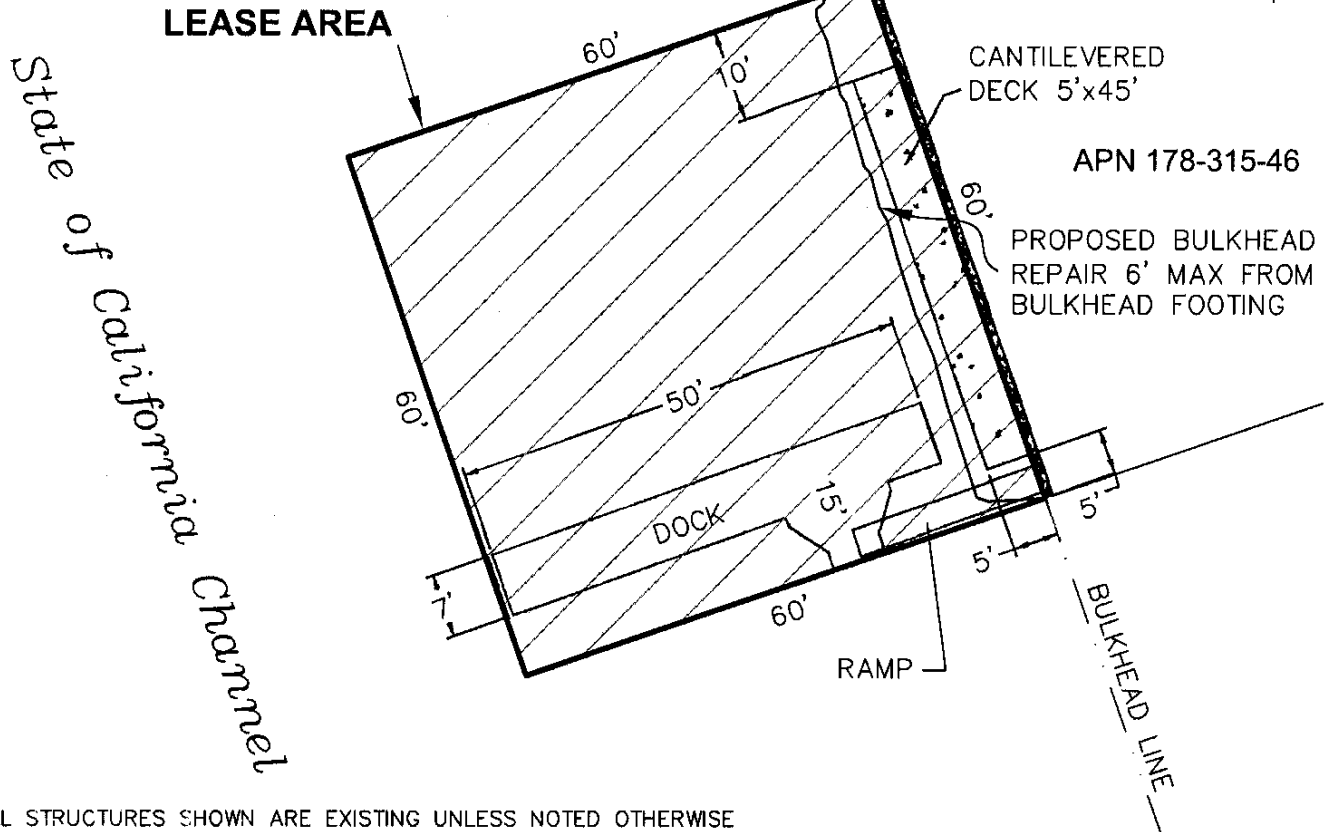
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease - 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.

NO SCALE

# SITE



\* ALL STRUCTURES SHOWN ARE EXISTING UNLESS NOTED OTHERWISE

16891 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

PRC 3254.1  
WONG

APN 178-315-46  
GENERAL LEASE  
RECREATIONAL /  
PROTECTIVE STRUCTURE 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.

**EXHIBIT B**

**PRC 3254.1**

**LAND DESCRIPTION**

A parcel of submerged land situate in Huntington Harbour, in the City of Huntington Beach, Orange County, State of California, described as follows:

BEGINNING at the most southerly corner of Lot 47, as said lot is shown and designated on that certain map of Tract No. 5264 filed August 20, 1963, in Book 185, Pages 27 through 34, Official Records of said County; thence along the westerly prolongation of the southerly line of said lot to the pierhead line as said pierhead line has been determined by the city council of said city; thence northerly along said pierhead line to the westerly prolongation of the northerly line of said lot; thence easterly along said prolongation to the most westerly corner of said lot; thence southerly along the westerly line of said lot to the POINT OF BEGINNING.

**END OF DESCRIPTION**

Prepared 04/12/2010 by the California State Lands Commission Boundary Unit



## Exhibit C

# NOTICE OF DETERMINATION

**To:**

- Office of Planning and Research  
P.O. Box 3044  
Sacramento, Ca 95812-3044
- 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  
(Contact) Jennifer Villasenor  
(Contact Phone) 714-374-1661

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

**State Clearinghouse Number:** 2008071142

**Project Title:** Mitigated Negative Declaration No. 08-010 (Huntington Harbour Bulkhead Repair Project).

**Applicant Name and Address:** Natalie Chan, Tetra Tech Inc., 401 E. Ocean Blvd., Suite 420, Long Beach, CA 90814.

**Project Location (include county):** 30 single-family residential properties, Huntington Harbour, City of Huntington Beach, County of Orange.

**Project Description:** The purpose of the project is to restore the foundation of the bulkhead at 30 existing single-family residential properties in Huntington Harbour and provide toe protection to inhibit any future scouring or erosion, which may jeopardize the bulkhead's structural integrity. The bulkheads in Huntington Harbour are made of reinforced cast-in-place concrete and untreated timber piles supporting the footings. Due to the time span of design and construction, there are slight differences in bulkhead design among the properties. Some sections of the bulkhead have a cutoff wall below the bulkhead and some do not have a cutoff wall. 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. Properties located on the main channel show the greatest erosion levels.

The repair project would consist of three phases: pile repair, placement of sheet piles and installation of slope protection, although not all phases would apply to all properties. All three phases will be staggered and performed concurrently at certain stages to minimize total project duration. The total duration of the project is estimated to take 120 working days.



**This is to advise that the City of Huntington Beach Zoning Administrator has approved the above described ( Lead Agency or  Responsible) project on September 3, 2008 and has made the following determinations regarding the above described project:**

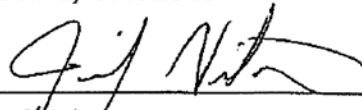
1. The project  will,  will not, have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures  were,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

Fee: Exempt per Govt. Code Section 6103

**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:**

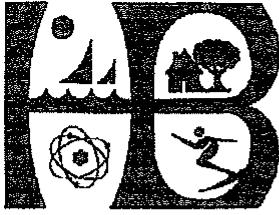
City of Huntington Beach  
Department of Planning  
2000 Main Street, Huntington Beach, CA 92648

September 3, 2008  
Date of Final Action

  
\_\_\_\_\_  
Signature

Associate Planner  
Title

**Exhibit D**



**OFFICE of the ZONING ADMINISTRATOR  
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

**NOTICE OF ACTION**

(714) 536-5271  
September 4, 2008

Natalie Chan  
Tetra Tech, Inc.  
401 E. Ocean Blvd., Suite 420  
Long Beach, CA 90814

**SUBJECT:** MITIGATED NEGATIVE DECLARATION NO. 08-010  
(HUNTINGTON HARBOUR BULKHEAD REPAIR  
PROJECT):

**APPLICANT:** Natalie Chan, Tetra Tech, Inc.

**REQUEST:** To analyze the potential environmental impacts associated with repair of the bulkhead at 30 existing single-family residential properties within Huntington Harbour. The purpose of the project is to restore the foundation of the bulkhead and provide toe protection to inhibit any future scoring or erosion, which may jeopardize the bulkhead's structural integrity. The repair project would consist of three phases: pile repair, placement of sheet piles and installation of slope protection, although not all phases would apply to all properties. The proposed project is subject to approval of a coastal development permit from the California Coastal Commission.

**PROPERTY OWNER:** Various

**LOCATION:** 30 properties in Huntington Harbour, City of Huntington Beach (includes properties on Davenport Island, Trinidad Island, Gilbert Island, Humboldt Island, Edgewater Lane and Morning Star Drive.)

**PROJECT PLANNER:** Jennifer Villasenor

**DATE OF ACTION:** September 3, 2008

On Wednesday, September 3, 2008 the Huntington Beach Zoning Administrator took action on your application, and your application was approved. Attached to this letter are the findings and mitigation measures.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements

prior to commencement of the project. It is recommended that you immediately pursue completion of the mitigation measures and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

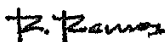
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is September 15, 2008, at 5:00 PM.

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

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Jennifer Villasenor, the project planner, at (714) 374-1661/ JVillasenor@surfcity-hb.org or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:JV:kdc  
Attachment

- c: Honorable Mayor and City Council  
Chair and Planning Commission  
Paul Emery, Interim City Administrator  
Scott Hess, Director of Planning  
William H. Reardon, Division Chief/Fire Marshal  
Terri Elliott, Principal Civil Engineer

## ATTACHMENT NO. 1

### FINDINGS AND MITIGATION MEASURES

#### MITIGATED NEGATIVE DECLARATION NO. 2008-010

#### FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 2008-010

1. Mitigated Negative Declaration 2008-010 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 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on Mitigated Negative Declaration No. 08-010.
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, potential impacts to eelgrass and the loss of soft bottom habitat. Mitigation measures were generally designed to minimize impacts to the flora and fauna of Huntington Harbour.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The structural integrity of the bulkheads in Huntington Harbour has been threatened due to erosion over the years. The purpose of the project is to restore the foundation of the bulkhead and provide slope protection, which will inhibit any future scouring or erosion. The project does not propose any new development or uses, and potential impacts resulting from construction of the project are temporary and intermittent or can be adequately mitigated.

#### MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. During all phases of the project, Best Management Practices (BMPs) will be implemented to prevent and control turbidity. BMPs may include installation of a silt curtain.
2. If turbidity is observed at a distance of 100 feet 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. An anchor management plan shall be prepared and implemented to avoid damage to eelgrass.
4. A pre-construction eelgrass survey shall be conducted to confirm that no impacts to eelgrass will occur within the area of construction as a result of the project.
5. Any reduction in acreage of eelgrass habitat shall be mitigated according to State and Federal environmental policies, which include the in-kind replacement of habitat.
6. The 11 properties requiring sheet pile installation, and impacting 401.5 square feet of soft bottom habitat, shall participate in the Soft Bottom Mitigation Plan, as approved by the California Coastal Commission under Coastal Development Permit 5-01-020. Confirmation from the California Department of Fish and Game (CDFG) shall be provided to ensure the

availability of credits in the "mitigation bank" for the required square footage to be mitigated for the project. In the event that sufficient credit is unavailable, the applicant must mitigate the impacted area of soft bottom habitat at a 2:1 ratio. Any new mitigation plan shall be approved by the CDFG and the California Coastal Commission.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.