

**CALENDAR ITEM**

**C88**

A 72

04/26/13

W 26638, PRC 8738.9, PRC 5769.9

S 34

D. Simpkin

**CONSIDER TERMINATION OF A GENERAL PERMIT – PUBLIC AGENCY USE,  
RESCISSION OF APPROVAL FOR A GENERAL LEASE – PUBLIC AGENCY USE,  
ISSUANCE OF A NEW GENERAL LEASE – PUBLIC AGENCY USE, AND  
AUTHORIZATION OF AN ABANDONMENT AGREEMENT**

**LESSEE:**

City of Huntington Beach  
P.O. Box 190  
Huntington Beach, CA 92649

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

Sovereign land in and located adjacent to Warner Avenue, city of Huntington Beach, Orange County.

**AUTHORIZED USE:**

**PRC 5769.9:** Warner Avenue Bridge and right-of-way.

**PRC 8738.9:** Construction, use, and maintenance of a 24-inch-diameter gravity sewer pipeline (never constructed)

**W 26638:** The continued use and maintenance of the Warner Avenue Bridge and an existing 14-inch-diameter water pipeline; construction, use, and maintenance of two 6-inch-diameter sewer laterals; and the replacement of an existing 8-inch diameter sewer force main with a new 12-inch diameter sewer force main.

**LEASE TERM:**

20 years, beginning April 26, 2013.

**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.

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**OTHER PERTINENT INFORMATION:**

1. The channel beneath the Warner Avenue Bridge and the south one-half of the Warner Avenue right-of-way between the Pacific Coast Highway and just east of the Warner Avenue Bridge is sovereign land under the jurisdiction of the California State Lands Commission.
2. On December 20, 1979, the Commission authorized a General Permit – Public Agency Use, Lease No. PRC 5769.9, to the City of Huntington Beach (City), for a 49-year term, beginning December 1, 1979. The Permit was for the construction of the Warner Avenue Bridge and the associated right-of-way. Commission staff is requesting that Lease No. PRC 5769.9 be terminated and the authorized uses be consolidated with the other proposed improvements discussed below in a new lease.
3. On December 14, 2006, the Commission authorized a General Lease – Public Agency Use, Lease No. PRC 8738.9, to the City for a 20-year term, beginning December 14, 2006. This lease authorized the construction, use, and maintenance of a 24-inch-diameter gravity sewer pipeline along the south side of Warner Avenue. This pipeline was part of the City's 2006 Warner Avenue Gravity Sewer Project. Due to issues related to construction, it was never constructed. Commission staff requests that the Commission's prior authorization be rescinded.
4. As part of the City's proposed Warner Avenue Gravity Sewer Improvement Project and Warner Avenue Sewer Lift Station Project, the City is now proposing the construction of a new 12-inch-diameter sewer force main located on the south side of the Warner Avenue Bridge. The existing 8-inch-diameter sewer force main will be removed from the north side of the Warner Avenue Bridge. In addition, the City is proposing the construction of two 6-inch-diameter sewer laterals that will serve California State Parks facilities located west of Pacific Coast Highway and the Bolsa Chica Conservancy located south and adjacent to Warner Avenue. Commission staff has reviewed the proposed engineering plans.
5. The City is also seeking the Commission's approval for an existing, but previously unauthorized, 14-inch diameter water pipeline located on the Warner Avenue Bridge.
6. In addition to the proposed construction, the City is requesting authorization to remove and abandon several antiquated sewer improvements that have existed in the Warner Avenue right-of-way for many years, but were never authorized by the Commission and of which Commission staff were unaware. These improvements include existing

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sewer pipelines, sewer manholes, and a sewer lift station. Existing sewer lines will be filled with a cement slurry mix. The existing lift station and manholes will be excavated to a depth of 5 feet below existing grade then filled with cement slurry mix. The abandonment of these improvements will be included in a separate Abandonment Agreement ensuring the City's ongoing obligation for the abandoned facilities.

7. To accommodate the termination of Lease No. PRC 5769.9, the construction of the proposed 12-inch-diameter sewer force main, and two 6-inch-diameter sewer laterals, Commission staff recommends that a new General Lease – Public Agency Use be authorized.

8. **Termination and Rescission of Approval**

The staff recommends that the Commission find that the subject Termination of a General Permit – Public Agency Use and Rescission of Approval for a General Lease – Public Agency Use do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**Continued Use and Maintenance of Existing Facilities**

The staff recommends that the Commission find that the continued use and maintenance of the Warner Avenue Bridge and 14-inch-diameter water pipeline is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

**Abandonment of Facilities and Construction of New Facilities**

A Mitigated Negative Declaration, State Clearinghouse No. 2012071063, was prepared by the City of Huntington Beach and adopted on September 5, 2012, for this project. The California State Lands Commission staff has reviewed such document.

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A Mitigation Monitoring Program was prepared for this project.

8. 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.

**FURTHER APPROVALS REQUIRED:**

California Coastal Commission

**EXHIBITS:**

- A. Land Description
- B. Location and Site Map
- C. Mitigation Monitoring Program

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Termination and Rescission of Approval**

Find that the subject Agreement for Abandonment, Termination of a General Permit – Public Agency Use and Rescission of Approval for a General Lease – Public Agency Use are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**Continued Use and Maintenance of Existing Facilities**

Find that the continued use and maintenance of the Warner Avenue Bridge and 14-inch-diameter water pipeline is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing

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Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**Abandonment of Facilities and Construction of New Facilities**

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2012071063 was prepared by the City of Huntington Beach and adopted on September 5, 2012, a Mitigation Monitoring Program has been prepared for this Project, and that the Commission has reviewed and considered the information contained therein.

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

**AUTHORIZATION:**

1. Authorize termination of Lease No. PRC 5769.9, a General Permit – Public Agency Use, issued to the City of Huntington Beach, effective April 26, 2013,
2. Rescind the December 14, 2006 Commission authorization of Lease No. PRC 8738.9, a General Lease – Public Agency Use, to the City of Huntington Beach.
3. Authorize the removal of an existing 8-inch-diameter sewer force main located on the Warner Avenue Bridge.
4. Authorize the execution of an Abandonment Agreement with the City of Huntington Beach for abandonment of sewer pipelines, sewer manholes, and a sewer lift station.
5. Authorize issuance of a new General Lease – Public Agency Use to the City of Huntington Beach, effective April 26, 2013 for a 20-year term, for the construction of a 12-inch-diameter sewer force main and two 6-inch-diameter sewer laterals, and the continued use and maintenance of the Warner Avenue Bridge; and a 14-inch-diameter water pipeline as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof. No monetary consideration will be charged as the actions result in 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.

**EXHIBIT A**

**W 26638**

**LAND DESCRIPTION**

Three parcels of State-owned lands in the unincorporated territory of the County of Orange, State of California, and more particularly described as follows:

**PARCEL 1 (formerly PRC 8738)**

The northerly thirty (30) feet of that certain parcel described as Exhibit 1, Part 3 of that corporation quitclaim deed recorded August 17, 1973 from Signal Bolsa Corporation to the State of California, recorded in Book 10855 Official Records Page 531, Orange County Records.

**PARCEL 2**

All those lands as described as Exhibit B, Parcel 3 of that corporation deed recorded August 17, 1973 from Signal Bolsa Corporation, Signal Properties Inc. and Signal Oil and Gas Company to the State of California, recorded in Book 10855 Official Records Page 354, Orange County Records.

**PARCEL 3**

Commencing at the southeasterly corner of those lands described in the deed to the City of Huntington Beach recorded April 21, 1971 in Book 9613, Page 233 of Official Records, said point of commencement also being the southeasterly corner of the 1.354 acre parcel shown on the record of survey filed in Book 7, Page 20 of Records of Survey both located in records, of said county thence easterly North 89°51'53" East, 174.36 feet, along the centerline of Warner Avenue (formerly Los Patos Avenue), said centerline being 30 feet northerly of and parallel to the City of Huntington Beach Boundary as shown on the parcel map filed in Book 115, Page 18 of Parcel Maps, of said records; thence southerly at right angles to said centerline South 00°08'07" East, 30.00 feet to the POINT OF BEGINNING, of this description said POINT OF BEGINNING being a point along the southerly line of Warner Avenue; thence continuing southerly entering the unincorporated territory of the County of Orange South 00°08'07" East, 12.50 feet to a line parallel with and 12.50 feet southerly of said southerly line; thence easterly along said parallel line North 89°51'53" East, 46.00 feet; thence northerly at right angles to said parallel line North 00°08'07" West 12.50 feet to said southerly line of Warner Avenue; thence westerly along said southerly line South 89°51'53" West, 46.00 feet to the POINT OF BEGINNING.

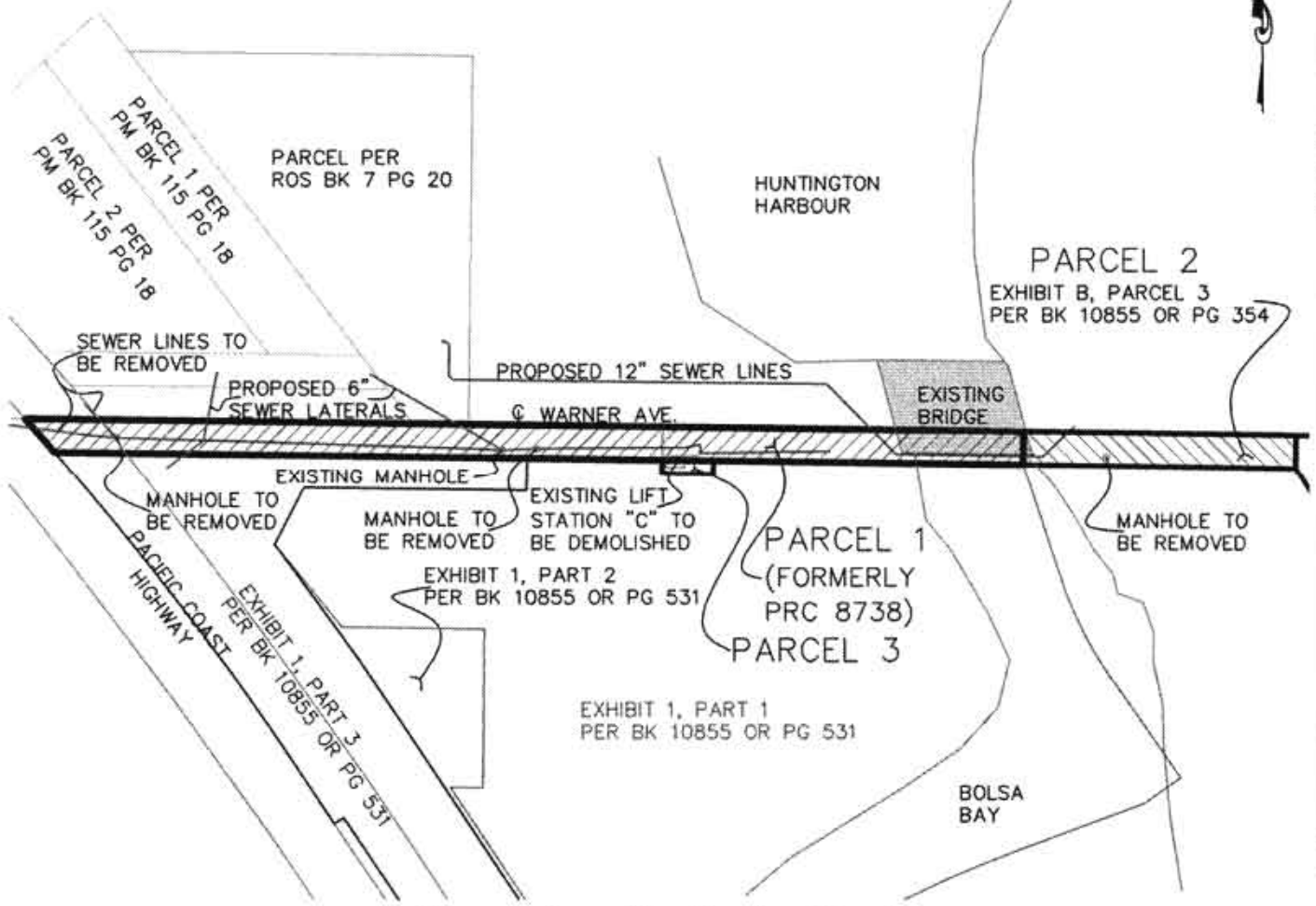
**END OF DESCRIPTION**

PREPARED 3/20/13 BY THE  
CALIFORNIA STATE LANDS  
COMMISSION BOUNDARY UNIT



NO SCALE

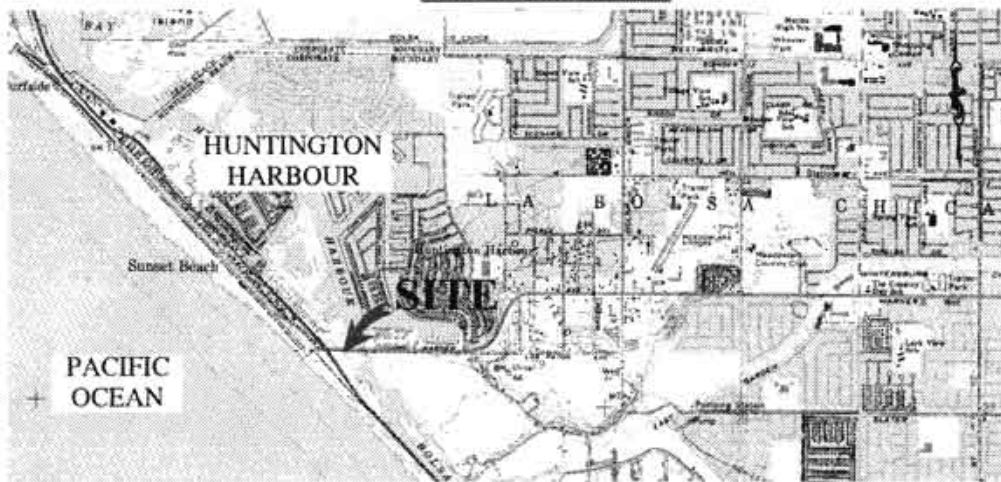
# SITE



Warner Ave., Huntington Beach

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.

**Exhibit B**  
 W 26638  
 CITY OF HUNTINGTON BEACH  
 GENERAL LEASE  
 PUBLIC AGENCY USE  
 ORANGE COUNTY



*Exhibit C: Mitigation Monitoring Program*

Potential Impact	Mitigation Measure		Agency Responsible	Timing
Impacts related to potential seismic ground shaking.	G-1.	Prior to the approval of project plans and specifications, the City shall confirm that the recommendations included in the Geotechnical Report for Sewer Lift Station Replacement Project, Warner Avenue Gravity Sewer Lift Station C Warner Avenue at Pacific Coast Highway, Huntington Beach, California (AESCO, January 23, 2012) have been incorporated into the project during final design.	City of Huntington Beach	Prior to project approval.
Impacts related to potentially contaminated soils and groundwater.	HM-1.	<p>Prior to construction of the proposed project, the contractor shall prepare and submit to the City for review, a site-specific Health and Safety Plan to address the handling of impacted groundwater and soil encountered during project construction. The Health and Safety Plan shall include at a minimum:</p> <ul style="list-style-type: none"> <li>• List of key personnel and description of responsibilities;</li> <li>• The use of appropriately 40-hour Hazardous Waste Operations and Emergency Response trained operators and workers;</li> <li>• Notification of sub-contractors of the requirements set forth herein;</li> <li>• Hazard evaluation including physical and chemical hazards for all activities anticipated to be conducted in the vicinity of the intersection of Warner Avenue and Pacific Coast Highway;</li> <li>• Site control program including work zone, decontamination procedures and standard operating procedures;</li> <li>• Description of personal protective equipment (PPE);</li> <li>• Emergency response plan;</li> <li>• Applicable action levels; and</li> <li>• Job task safety analysis.</li> </ul> <p>Breathing zone photo-ionization detector readings shall be taken and readings shall be recorded in a field log. Based on previous investigations, Level D will be the required PPE worn by all field personnel within the exclusion zone. Any emergencies encountered during the field investigation will be addressed and documented</p>	City of Huntington Beach	Prior to construction



Potential Impact	Mitigation Measure		Agency Responsible	Timing
	HM-2.	<p>accordingly.</p> <p>Extraction and treatment of groundwater during project construction activities shall be performed in accordance with the recommendations of the Geotechnical Report, specifically: Under the general permit from the Santa Ana Regional Water Quality Control Board, methyl tert-butyl ether (MTBE) is listed as a constituent of concern to be monitored with discharge limits not to exceed a 26.1 microgram (ug)/1 maximum daily limit, and a 13 ug/1 monthly average limit. If other containments are detected, the discharge limits will be adjusted accordingly. Should De Minimus permit groundwater sampling activities indicate a sustained level of MTBE above the 13 ug/1 monitoring limit, discharge activities will need to be reevaluated and may need to cease under the direction of the Executive Director and an alternative permitting and discharge structure pursued.</p> <p>In addition to monitoring, the General National Pollutant Discharge Elimination System (NPDES) permit allows for on-site treatment of extracted groundwater to meet discharge limits. Typically, MTBE impacted groundwater is treated with granular activated carbon (GAC), biologically enhanced GAC, air stripping, chemical oxidation, and/or any combination of the aforementioned technologies, depending on levels of MTBE and extracted volume and flow rates.</p> <p>Alternatively, groundwater may be containerized pending sampling and disposal, if necessary. All containers shall be properly sealed to prevent leaks. Emergency response and cleanup equipment shall be available in the event of a release from the primary containment unit. If off-site transportation of water is conducted, manifests shall be completed and shall accompany each shipment that leaves the site.</p> <p>The General NPDES Permit allows for flexibility in discharge structure and monitoring frequency. Should any of the monitoring events for a specific constituent show effluent concentrations above the effluent limit, the frequency of monitoring for that constituent shall be</p>	City of Huntington Beach and SARWQCB	During project construction.

*Exhibit C: Mitigation Monitoring Program*

Potential Impact	Mitigation Measure	Agency Responsible	Timing
	<p>increased to weekly or daily as directed by the Executive Officer.</p> <p>Excavation and treatment of potentially impacted soil during project construction activities shall be performed in accordance with the recommendations of the Geotechnical Report, specifically: Excavated soil shall be monitored (screened in the field using a handheld device such as a photoionization detector, and sampled for analysis by a laboratory) to determine the presence of fuel hydrocarbons and fuel oxygenates. Soils that are potentially impacted with fuel hydrocarbons or fuel oxygenates shall be containerized pending characterization. Optionally, soil sampling and laboratory analysis may be conducted in the area of excavation prior to excavation as a preemptive measure to pre-profile the soil. However, this option should not be taken as a replacement for monitoring and sampling during excavation activities.</p> <p>An operation plan shall be prepared and shall include a description of soil characterization, handling, storage, and disposition procedures. The Contractor shall be responsible for loading and transporting to a treatment or disposal facility that is acceptable to the City, including the decontamination of all trucks and equipment prior to leaving the site. The Contractor shall maintain all roads traveled free from all soil and debris. Waste disposal manifests shall be completed by the Contractor and shall accompany each shipment of soil that leaves the site. All loads shall be covered to prevent dust and spill loss during transport. The Contractor shall provide a summary report of the soil disposition including copies of manifests, scale tickets, and treatment or disposal certificates. The Contractor shall conduct waste transportation operations in accordance with Federal and State. Department of Transportation requirements. This includes, but is not limited to, covering loads and adhering to weight limits.</p>	City of Huntington Beach	During project construction.
Impacts related to flow of traffic.	<p>T-1</p> <p>Prior to construction of the proposed project, the contractor shall provide a traffic control plan that provides safe detours around construction activity and provide temporary traffic control (i.e., flag person) during concrete transport and other construction-related truck hauling activities.</p>	City of Huntington Beach	Prior to construction.

Potential Impact	Mitigation Measure		Agency Responsible	Timing
Impacts related to special status plants.	B-1	<p>Prior to the start of construction, pre-construction surveys for Coulter's saltbush, Davidson's saltscale, southern tarplant, salt marsh bird's-beak, Coulter's goldfields, Leopold's rush, estuary seablite, and woolly seablite shall be conducted. If any of these plants are found near the construction limits, a buffer shall be established by a qualified biologist around these plants to avoid any impacts. Construction personnel will be notified to avoid the area and a qualified biologist will monitor the area.</p>	City of Huntington Beach in consultation with CDFG and USFWS	Prior to construction
	B-2	<p>Prior to the start of construction, the City shall ensure that a qualified biologist implement a transplantation and salvage plan (i.e., plant/seed material) for the woolly seablite, estuary seablite, and Leopold's rush, which have been observed within areas of potential disturbance. Transplantation of these plants shall occur at the Bolsa Chica Wetlands in coordination with Bolsa Chica Conservancy staff, and the additional propagation of salvaged material shall be performed to ensure each plant's survival. Individual planting of these species may also be required should transplantation or propagation be unsuccessful.</p>	City of Huntington Beach in consultation with CDFG and USFWS	Prior to construction
Impacts related to special status wildlife and nesting birds subject to the Migratory Bird Treaty Act.	B-3	<p>Should construction activities be required during the bird breeding season (i.e., February 15 to July 31), a focused survey for Belding's Savannah Sparrow (BSS) shall be conducted no more than one week prior to construction activity within 200 feet of southern coastal salt marsh habitat. If no presence of BSS is observed within 200 feet of proposed construction activities, work may commence. Should this construction activity (within 200 feet of southern coastal salt marsh habitat) cease for a period of one week or longer, an additional focused survey for BSS shall be conducted prior to recommencement of construction. If surveys determine that BSS are present within 200 feet of proposed construction activity, consultation with the California Department of Fish and Game shall be initiated prior to any construction activity.</p> <p>Additionally, should removal of the five palm trees be required between February 15 and July 31, pre-construction nesting surveys</p>	City of Huntington Beach in consultation with CDFG	Prior to construction

*Exhibit C: Mitigation Monitoring Program*

Potential Impact	Mitigation Measure	Agency Responsible	Timing
	<p>shall be conducted to determine the presence of any nesting bird species. These surveys should occur no more than 72 hours prior to tree removal. If no nests are observed, tree removal may commence. However, if an active nest is located, the site will be marked and avoided. Once the young from active nests have fledged, tree removal may commence.</p> <p>Surveys shall be conducted by a qualified biologist and a memorandum of the findings shall be submitted to the City.</p>		
Impacts related to light and glare.	<p>A-1</p> <p>Prior to the approval of project plans and specifications, the City shall confirm that the project specifications ensure that all lighting associated with the proposed project would be shielded or focused downward to comply with City requirements.</p>	<p>City of Huntington Beach</p>	<p>Prior to project approval.</p>
Impacts related to archaeological resources.	<p>C-1</p> <p>The construction contractor shall use archaeological and Native American monitoring during all ground disturbing activities, including, but not limited to, trenching, boring, and grading.</p>	<p>City of Huntington Beach in consultation with NAHC</p>	<p>During project construction.</p>
	<p>C-2</p> <p>Archaeological monitoring shall include inspection of soils to determine if cultural materials are present. Archaeological monitors shall follow earth-moving equipment and examine excavated sediments and excavation sidewalls for evidence of archaeological resources. The archaeological monitor shall have the authority to re-direct construction equipment in the event potential archaeological resources are encountered. In the event archaeological resources are encountered, work in the vicinity of the discovery shall halt until appropriate treatment of the resource is determined by a qualified archaeologist in accordance with the provisions of CEQA Section 15064.5.</p>	<p>City of Huntington Beach in consultation with NAHC</p>	<p>During project construction.</p>
	<p>C-3</p> <p>In the laboratory, all artifacts shall be, identified, inventoried, and a determination of significance made. All cultural resource material shall then be transferred to an approved archaeological repository accompanied by a copy of the final monitoring report and all data in hard and electronic copy. The cost of curation, maintenance, and permanent storage of archaeological materials is assessed by the repository.</p>	<p>City of Huntington Beach in consultation with NAHC</p>	<p>During project construction.</p>

Potential Impact	Mitigation Measure		Agency Responsible	Timing
C-4	<p>A final monitoring report shall be prepared that will include, but not be limited to, a discussion of the results of the monitoring, an evaluation and analysis of the materials collected, an itemized catalog of artifacts collected, an appendix of curation agreements and other appropriate communications, and a discussion of the project-specific monitoring plan. This report shall be filed with the South Central Coastal Information Center, California State Fullerton upon completion of monitoring and analysis of materials recovered (if any).</p>		City of Huntington Beach	Post-construction
C-5	<p>The construction contractor shall use paleontological monitoring during all ground disturbing activities occurring at a depth of below 5 feet from the road or ground surface. Monitoring shall be conducted during all ground disturbing activities including, but not limited to, trenching, boring, and grading below 5 feet in depth.</p>		City of Huntington Beach	During project construction.
C-6	<p>Paleontological monitoring shall include inspection of exposed rock units and microscopic examination of matrix to determine if fossils are present. Paleontological monitors shall follow earth-moving equipment and examine excavated sediments and excavation sidewalls for evidence of significant paleontological resources. The monitor shall have the authority to re-direct construction equipment in the event potential paleontological resources are encountered. In the event fossil remains are encountered, work in the vicinity of the discovery shall halt until appropriate treatment of the resource is determined by a qualified paleontologist in accordance with the provisions of CEQA Section 15064.5. All efforts to avoid delays to project schedules shall be made.</p>		City of Huntington Beach	During project construction.
C-7	<p>In the laboratory, all fossils shall be prepared, identified, inventoried, and a determination of significance made. Specimen preparation and stabilization methods would be recorded for use by the paleontological repository. All fossil specimens shall then be transferred to a public museum or other approved paleontological repository accompanied by a copy of the final paleontological monitoring report and all data in hard and electronic copy. The cost of curation, maintenance, and permanent storage of fossil specimens is generally assessed by</p>		City of Huntington Beach	During project construction.

**Exhibit C: Mitigation Monitoring Program**

Potential Impact	Mitigation Measure	Agency Responsible	Timing
C-8	<p>the repository.</p> <p>The final paleontological monitoring report shall be prepared that will include, but not be limited to, "a discussion of the results of the monitoring, an evaluation and analysis of the fossils collected (including an assessment of their significance, age, and geologic context), an itemized inventory of fossils collected, a confidential appendix of locality and specimen data with locality maps and photographs, an appendix of curation agreements and other appropriate communications, and a discussion of the project-specific paleontological monitoring plan.</p>	City of Huntington Beach	Post-construction
C-9	<p>In the event human remains are encountered during construction activities, all excavation or disturbance in the area within the vicinity of the remains shall halt in accordance with Health and Safety Code §7050.5, Public Resources Code §5097.98 and 5097.94, and §15064.5 of the CEQA Guidelines and the Orange County Coroner shall be contacted. Within 24 hours of notification, the coroner will call the Native American Heritage Commission (NAHC) if the remains are thought to be Native American. If the remains are deemed Native American in origin, the NAHC immediately designates a person or persons it believes to be the most likely descended from the deceased (Most Likely Descendent) pursuant to Public Resources Code §5097.98 and CCR §15064.5. The Most Likely Descendent will then recommend means for treating and disposing with appropriate dignity the human remains and associated items.</p>	City of Huntington Beach in consultation with NAHC	During project construction.

Agency Abbreviations: CDFG = California Department of Fish and Game; NAHC = Native American Heritage Commission; SARWQCB = Santa Ana Regional Water Quality Control Board; USFWS = U.S. Fish and Wildlife Service