

**CALENDAR ITEM
C68**

A 67
S 35

10/19/12
PRC 8346.9
S. Guerrieri

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANTS:

Isaac Azoulay and Linda Azoulay, Trustees of the Azoulay Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3432 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Repair of an existing bulkhead including placement of geotextile, quarry waste, vinyl sheet piles, cement concrete, and pressure grout backfill.

LEASE TERM:

20 years; beginning October 19, 2012

CONSIDERATION

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.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland 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 between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960 and recorded on January 31, 1961 in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into these Channels beyond the bulkhead line require a lease from the Commission pursuant to Public Resources Code section 6501.1. The

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Applicants' upland property is located along the Main Channel of Huntington Harbour.

3. On September 17, 2001, the Commission authorized issuance of a General Lease – Protective Structure Use to Isaac Azoulay and Linda Zonana Azoulay, for 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. The bulkhead repairs were never completed. The lease expired on August 31, 2011. The Applicants are now applying for a new lease.
4. On April 19, 2012 staff held a public meeting in Huntington Beach to receive questions, comments, and concerns from Huntington Harbour residents regarding the Commission's jurisdiction and the enactment of Chapter 585, Statutes of 2011, which requires the Commission to charge rent for private recreational piers constructed on State lands. At the meeting, questions were again raised regarding the relatively-short lease term and the need for insurance requirements in leases for bulkhead protection only. After independent research and analysis by staff, staff is now recommending issuance of a new General Lease – Protective Structure Use. The new lease would have a longer term, and it would replace insurance requirements, with strengthened indemnification provisions.
5. The bulkhead protection mutually benefits the public and the Applicants. The bulkhead will be protected from undermining at no cost to the public.
6. On August 08, 2012, the California Coastal Commission (CCC) granted Permit 5-12-066 for this project under its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)).
7. Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the Commission to use the environmental analysis document certified by CCC as a Negative Declaration equivalent in order to comply with the requirements of CEQA.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

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EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an environmental analysis document, California Coastal Commission (CCC) permit 5-12-066, was adopted for this Project by the CCC under its certified program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in CCC's determination.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use, to Isaac Azoulay and Linda Azoulay, Trustees of the Azoulay Family Trust, beginning October 19, 2012, for a term of 20 years, for repair of an existing bulkhead including placement of geotextile, quarry waste, vinyl sheet piles, cement concrete, and pressure grout backfill, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be 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.

EXHIBIT A

PRC 8346.9

LAND DESCRIPTION

A ten (10) foot strip of submerged land situate in Huntington Harbour, in the City of Huntington Beach, Orange County, California, described as follows:

All those lands lying coincident with and waterward of an existing bulkhead lying immediately adjacent to Lot 6, as said lot is shown and so designated on that certain map of Tract No. 8636 filed in Book 397, Pages 33 through 35 of Official Records of said County.

Sidelines of said strip shall be terminated by the southwesterly prolongation of the southeasterly line and the northwesterly line of said lot.

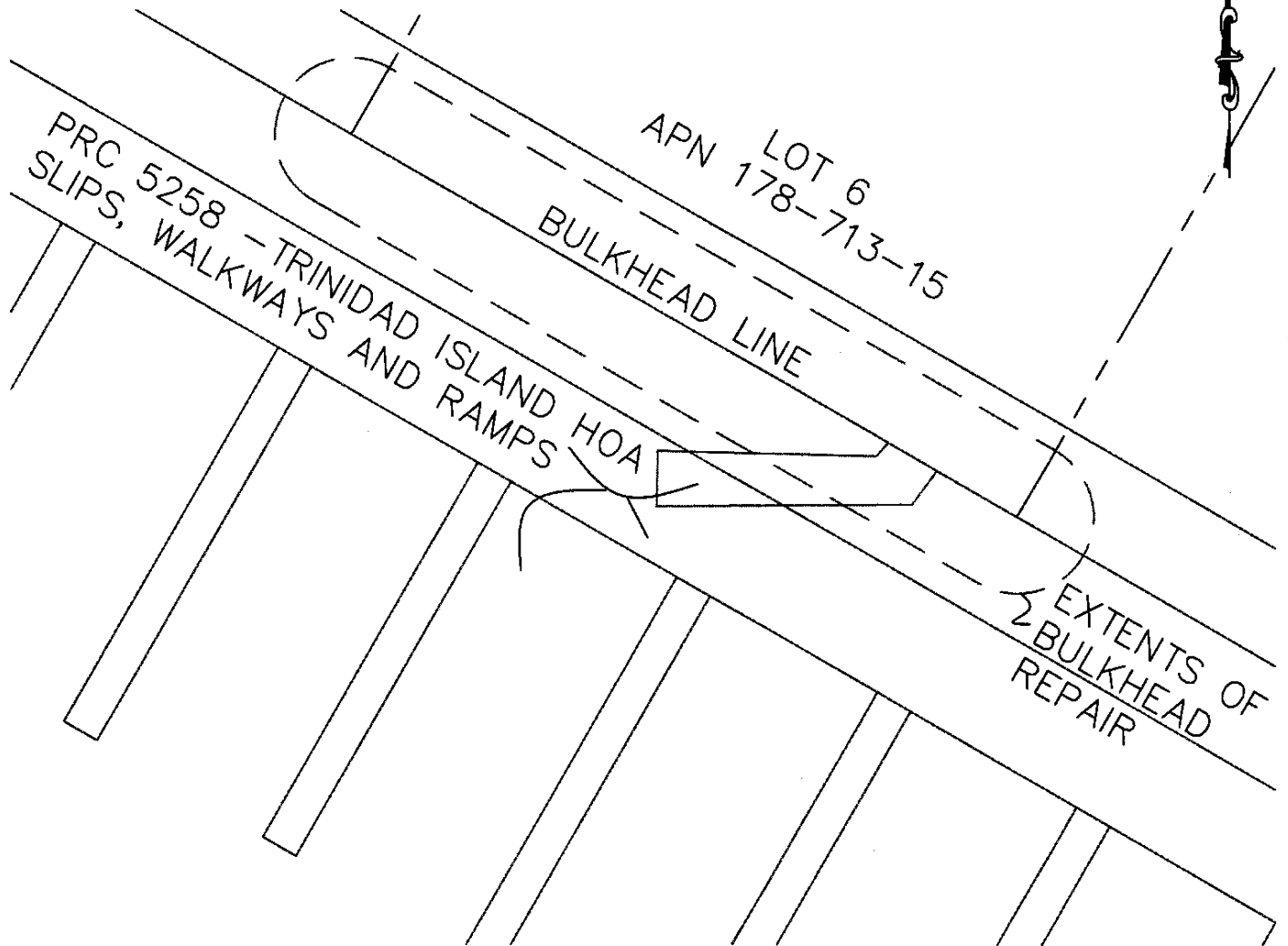
END OF DESCRIPTION

PREPARED 9/19/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



Repairs to an existing bulkhead at 3432 Venture Drive, Huntington Harbour

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8346.9
 AZOULAY
 APN 178-713-15
 GENERAL LEASE -
 PROTECTIVE STRUCURE 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.

MJF 9/19/12