

MINUTE ITEM

11/21/74
CRK

35. MORATORIUM ON LEASING IN HUNTINGTON HARBOUR, ORANGE COUNTY; AND AUTHORIZATION OF A USE PERMIT TO ROBERT F. AND LOYD A. BARON - WP 4099, PRC 4099.

During consideration of Calendar Item 35 attached, Mr. James F. Trout, Manager, Land Operations, explained to the Commission the reasons for the proposed moratorium. The moratorium would suspend the construction of new boating facilities on State-owned channels of Huntington Harbour in the City of Huntington Beach, Orange County. Mr. Trout stated that until a cumulative and comprehensive environmental impact report has been prepared on the effect of the existing leases in the area, no future leases should be authorized. He pointed out that the proposed Use Permit to the Barons, presently before the Commission, is the only outstanding application on file with the Division. The Commission, therefore, approved the permit.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THERE IS A POTENTIAL CUMULATIVE AND GROWTH INDUCING IMPACT UPON THE ENVIRONMENT ASSOCIATED WITH THE FUTURE ISSUANCE OF ANY PERMIT FOR NEW PIERS OR SLIPS IN STATE-OWNED CHANNELS OF HUNTINGTON HARBOUR, CITY OF HUNTINGTON BEACH, ORANGE COUNTY.
2. ADOPTS A MORATORIUM ON THE CONSTRUCTION OF NEW BOATING FACILITIES ON STATE-OWNED CHANNELS OF HUNTINGTON HARBOUR IN THE CITY OF HUNTINGTON BEACH, ORANGE COUNTY, UNTIL SUCH TIME AS A COMPREHENSIVE ENVIRONMENTAL IMPACT REPORT AND SUPPORTING PLAN FOR ALL FUTURE CONSTRUCTION ON SUCH CHANNELS HAVE BEEN PREPARED AND APPROVED.
3. AUTHORIZES THE ISSUANCE OF A 5-YEAR USE PERMIT WITH A CONSIDERATION OF \$50 PER ANNUM SUBJECT TO PRC SECTION 21085, 14 CAL. ADM. CODE SECTION 15100, ET SEQ., AND 2 CAL. ADM. CODE SECTION 2910(a), CLASS 3(1): FOR THE CONSTRUCTION AND MAINTENANCE OF ONE UNCOVERED PIER OCCUPYING NO MORE THAN 1,000 SQUARE FEET AND LOCATED ADJACENT TO LOT 137 OF TRACT NO. 5481, AS SHOWN ON A MAP RECORDED IN BOOK 215, PAGES 11 TO 22, BOTH INCLUSIVE, OF MISCELLANEOUS RECORDS OF ORANGE COUNTY, CALIFORNIA, TO ROBERT F. AND LOYD A. BARON.

Attachment:

Calendar Item 35 (2 pages)

MORATORIUM ON LEASING IN HUNTINGTON HARBOUR, ORANGE COUNTY,
AND AUTHORIZATION OF A USE PERMIT

In processing applications for pier permits in the Huntington Harbour Project located in Anaheim Bay in the City of Huntington Beach, the Division has encountered serious questions concerning the cumulative impact of such action.

Huntington Harbour is a marine oriented, high income residential community with extensive self-contained recreational amenities, including private boating facilities located on channels, many of which are owned by the State and under the Commission's jurisdiction. Most of the waterways are dead-end channels or enclosed or semi-enclosed lagoons. There is only one opening to the ocean and tidal action is inadequate to provide circulation necessary for a proper flushing action. As the number of boat berths increase, the lack of circulation becomes acute. Already, impoverished benthic conditions exist in some areas in inner Huntington Harbour. Added to this is the boat traffic problem, especially on weekends.

The State Lands Commission has authorized 74 leases which include approximately 106 boat berths. The number of boats presently in Huntington Harbour exceeds 3,000. No studies have been made to calculate the number of boats the harbor can "adequately" hold, and any statement concerning overcrowding must be subjective. Nevertheless, there is a cumulative and growth inducing impact associated with any permit to allow new piers or slips in the area. Such impact is often uncertain when an individual project is reviewed in isolation from other critical development factors.

In recognition of the foregoing, on September 11, the Division advised the City of Huntington Beach, as well as concerned private parties and agencies that no action would be recommended on any application for any new boating facility in Huntington Harbour until such time as a single comprehensive environmental impact report and supporting plan has been processed for the area.

The Division has on file only one application for a recreational pier permit. The applicant is Robert F. and Lloyd A. Baron, husband and wife. Their application triggered the awareness of the need for the proposed comprehensive environmental study and moratorium. However, it is unfair to penalize the Barons by unduly denying them the use of recreational amenities until a comprehensive environmental impact report can be prepared, as they were unaware of the proposed moratorium at the time they submitted their application.

EXHIBIT: A. Location Map.

CALENDAR ITEM NO. 35. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THERE IS A POTENTIAL CUMULATIVE AND GROWTH INDUCING IMPACT UPON THE ENVIRONMENT ASSOCIATED WITH THE FUTURE ISSUANCE OF ANY PERMIT FOR NEW PIERS OR SLIPS IN STATE-OWNED CHANNELS OF HUNTINGTON HARBOUR, CITY OF HUNTINGTON BEACH, ORANGE COUNTY.
2. ADOPT A MORATORIUM ON THE CONSTRUCTION OF NEW BOATING FACILITIES ON STATE-OWNED CHANNELS OF HUNTINGTON HARBOUR IN THE CITY OF HUNTINGTON BEACH, ORANGE COUNTY, UNTIL SUCH TIME AS A COMPREHENSIVE ENVIRONMENTAL IMPACT REPORT AND SUPPORTING PLAN FOR ALL FUTURE CONSTRUCTION ON SUCH CHANNELS HAVE BEEN PREPARED AND APPROVED.
3. AUTHORIZE THE ISSUANCE OF A 5-YEAR USE PERMIT WITH A CONSIDERATION OF \$50 PER ANNUM SUBJECT TO PRC SECTION 21085, 14 CAL. ADM. CODE SECTION 15100, ET SEQ., AND 2 CAL. ADM. CODE SECTION 2910(a), CLASS 3(1); FOR THE CONSTRUCTION AND MAINTENANCE OF ONE UNCOVERED PIER OCCUPYING NO MORE THAN 1,000 SQUARE FEET AND LOCATED ADJACENT TO LOT 137 OF TRACT NO. 5481, AS SHOWN ON A MAP RECORDED IN BOOK 215, PAGES 11 TO 22, BOTH INCLUSIVE, OF MISCELLANEOUS RECORDS OF ORANGE COUNTY, CALIFORNIA, TO ROBERT F. AND LOYD A. BARON.