MINUTE ITEM
This Calendar Item No. 71
was approved as Minute Item
71 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

MINUTE ITEM

71

08/22/90

PRC 6616

FONG

AMENDMENT OF GENERAL LEASE - PUBLIC AGENCY USE

Art Folger, Deputy City Attorney, the city of Huntington Beach, appeared before the Commission to express the concerns for the city.

After discussing Calendar Item 71, Chairman Davis "deemed that the issue before the commission is to approve the demolition and the construction of a new pier with the understanding that the rent will be negotiated later and brought back to the commission for final decision."

The Commissioners adopted Calendar Item 71 unanimously supporting the motion by a vote of 3-0.

Attachment: Calendar Item 71

A 58

S 37

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MINUTE ITEM
This Calendar Item No. 71
was approved as Minute Item
No. 71 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

A 58

S 37

71

08/22/90
PRC 6616
Fong

AMENDMENT OF GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:
City of Huntington Beach
P.O. Box 190
Huntington Beach, CA 92648

AREA, TYPE LAND AND LOCATION:
6.3 acres of tide and submerged lands in the Pacific Ocean in the City of Huntington Beach, Orange County.

LAND USE:
Public recreational pier.

TERMS OF ORIGINAL LEASE:

Initial period: Thirty-five (35) years beginning February 1, 1984.

Renewal options: One successive period of fourteen (14) years.

Consideration: The public use and benefit; with the State reserving the right at any time to set a monetary rental if income generated from the lease premises exceeds expenses thereon or if the Commission finds such action to be in the State's best interest.

TERMS OF PROPOSED LEASE AMENDMENT:

1. Approve the demolition and reconstruction of the Huntington Beach Pier;

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2. Acknowledge the termination by the City of Huntington Beach of those subleases approved by the State Lands Commission May 7, 1984.

3. Amend the land description to accomodate a minor extension in the length of the pier when reconstructed.

CONSIDERATION: The public use and benefit with the State reserving the right, at any time, to set a monetary rental if income is generated from the lease premises or if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Reg. 2003.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: December 20, 1990

OTHER PERTINENT INFORMATION:

1. The City of Huntington Beach proposes the reconstruction of the existing Huntington Beach Municipal Pier. The project will involve the removal and replacement of the existing, deteriorated, concrete pier with a new concrete pier in the same location. The proposed pier reconstruction will be designed and constructed to approximate the historic and visual appearance of the existing pier. The pier sustained considerable storm damage in January, 1988, and subsequently has been determined to be structurally unsafe. At present, the pier is closed to public access. The proposed uses supported by the 1,830 foot replacement pier are of the same type and in approximately the same location as on the

existing pier. The total deck area of the pier will be increased from 65,205 square feet to 69,752 square feet for the replacement pier. The seaward end of the replacement pier will be approximately 13 feet higher than the existing in order to eliminate wave over topping and damage. The land uses historically present on the pier prior to its recent closure included the following: life guard tower, bait shop, coffee shop and restroom. The City of Huntington Beach General Plan requires that plans for the restoration of the pier include the following: areas for recreational fishing and support facilities, unobstructed public views seaward from the end of the pier, pedestrian access as the primary mode of circulation on the pier, and a minimum of 50 percent of the area as public open space.

The existing pier, constructed in 1913-1914, is listed on the National Register of Historic Places. The evaluation and mitigation recommendations contained in the EIR adopted and certified by the City of Huntington Beach are in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 (36 CFR 800).

2. Due to the closure of the pier, the City has released the sublessees from their contractual obligations. The City desires to sublease the pier to a master concessionaire in the future. The choice of the concessionaire has not been made and will require a lease amendment and additional Commission approval of any sublease or permission for commercial activity. The Commission will review revenue generating proposals for possible participation under a lease amendment.

3. The annual rental value of the site is estimated to be $45,900.

4. An EIR was prepared and adopted for this project by the City of Huntington Beach. The State Lands Commission staff has reviewed such document.

EXHIBITS:
A. Land Description.
B. Location Map.
C. Resolution adopting the EIR, mitigation measures, and Statement of Overriding Consideration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF HUNTINGTON BEACH AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT, IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 15091 OF THE STATE EIR GUIDELINES, THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS ADOPTED BY THE CITY OF HUNTINGTON BEACH, THE CEQA LEAD AGENCY, AS REPRESENTED IN EXHIBIT "C" ATTACHED HERETO.

3 AUTHORIZE ISSUANCE TO THE CITY OF HUNTINGTON BEACH OF AN AMENDMENT TO LEASE PRC 6616 TO: 1) APPROVE THE DEMOLITION AND RECONSTRUCTION OF THE HUNTINGTON BEACH PIER, 2) ACKNOWLEDGE THE TERMINATION, BY THE CITY OF HUNTINGTON BEACH, OF THOSE SUBLEASES THAT WERE APPROVED BY THE COMMISSION MAY 7, 1984, 3) AMEND THE LAND DESCRIPTION TO PERMIT A RECREATIONAL PIER WITH RESTROOMS, AND LIFEGUARD STATIONS, AND 4) AMEND THE LAND DESCRIPTION TO ACCOMODATE A MINOR EXTENSION IN THE LENGTH OF THE PIER WHEN RECONSTRUCTED; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 6616

LAND DESCRIPTION

A strip of tide and submerged land 180 feet wide situated in the City of Huntington Beach, Orange County, State of California, the centerline of said strip being described as follows:

BEGINNING at the intersection of the northeasterly line of Pacific Coast Highway (formerly Ocean Avenue) with the centerline of Main Street, thence S 41° 41' 37" W 2,095 feet to the end of said centerline of said strip of tide and submerged land.

EXCEPTING THEREFROM all that portion lying landward of the ordinary high water mark of the Pacific Ocean.

ALSO EXCEPTING THEREFROM all that portion lying lying landward of the Boundary Line Agreement 84 as recorded in Book 8183, page 3, Official Records of said County.

END OF DESCRIPTION

PREPARED JUNE 21, 1990 BY LLB.

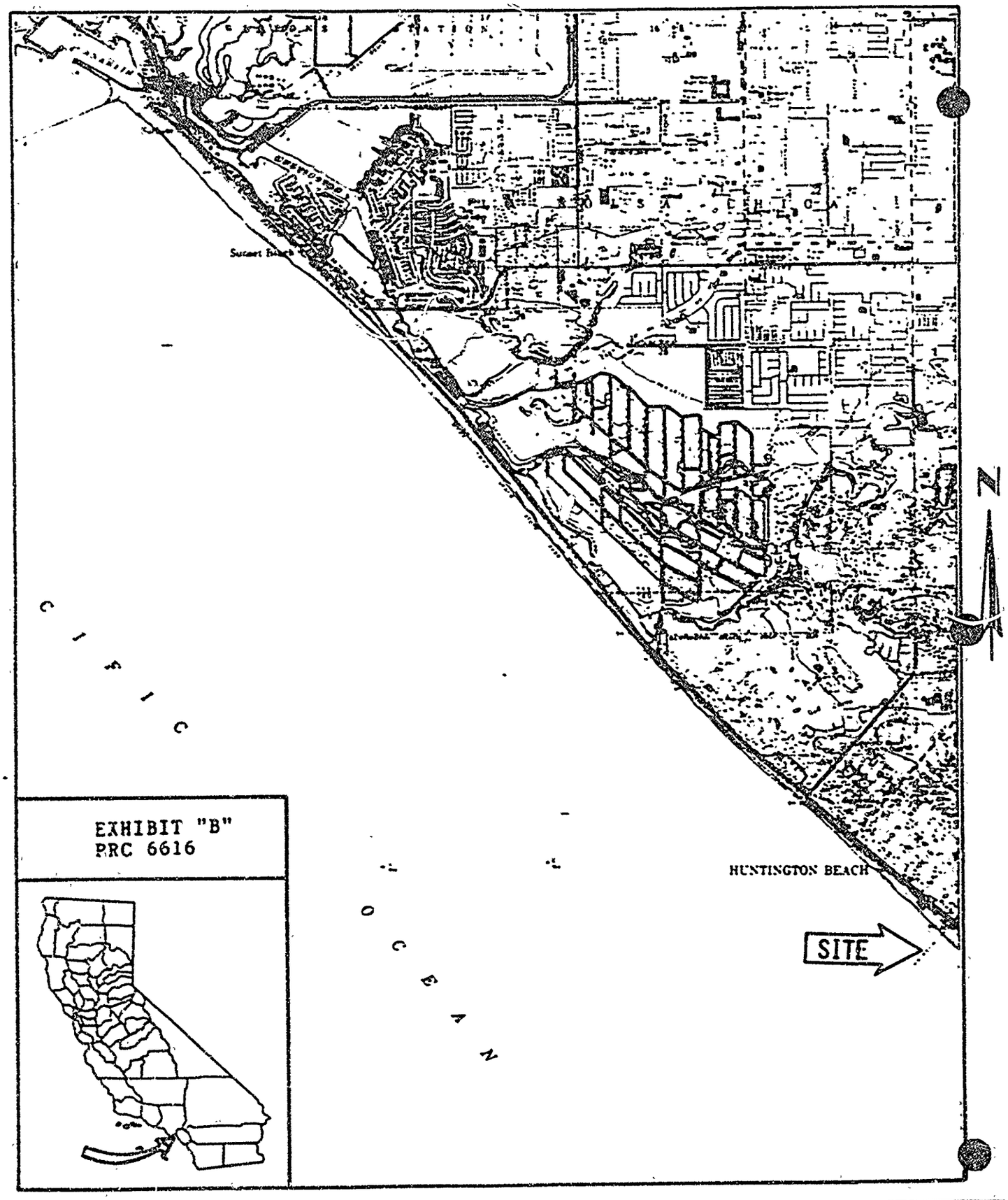

EXHIBIT "B"
PRC 6616

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EXHIBIT "C"

RESOLUTION NO. 1431

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH ADOPTING ENVIRONMENTAL IMPACT REPORT NO. 89-8: DEMOLITION AND RECONSTRUCTION OF THE HUNTINGTON BEACH PIER

WHEREAS, Environmental Impact Report No. 89-8 and related entitlements have been prepared; and

The City of Huntington Beach was the lead agency in the preparation of the Environmental Impact Report; and

All persons and agencies wishing to respond to notice duly given have been heard by the Planning Commission either through written notice or during a public hearing on May 1, 1990, and such comments as were made were duly noted and responded to.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Huntington Beach as follows:

SECTION 1: The Planning Commission does hereby find that Environmental Impact Report No. 89-8 has been completed in compliance with the California Environmental Quality Act and all State and local guidelines.

SECTION 2: The Planning Commission has considered all significant effects detailed in Environmental Impact Report No. 89-8, together with proposed mitigation measures to mitigate such effects (see Exhibit A).

SECTION 3: The Planning Commission finds that through the implementation of the aforementioned mitigation measures the majority of the potentially adverse impacts associated with the project can be eliminated or reduced to a level of insignificance and have made findings in accordance thereto (See Exhibit B).

SECTION 4: The Planning Commission further finds that the benefits accruing to the City from the project override the unmitigable impacts to historic resources as detailed in the attached Statement of Overriding Considerations (see Exhibit C) and have made the appropriate findings (see Exhibit B).

SECTION 4: The Planning Commission of the City of Huntington Beach does hereby adopt and certify as adequate Environmental Impact Report No. 89-8.

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SECTION 5: The Planning Director is hereby authorized and directed to file with the Office of the County Clerk and the State Office of Planning and Research a notice of determination for Environmental Impact Report No. 89-8, as required by Section 15094 of the California Environmental Quality Act Guidelines.

PASSED AND ADOPTED by the Planning Commission of the City of Huntington Beach on the 15th. day of May, 1990, by the following roll call vote:

AYES: Shomaker, Mountford, Williams, Kirkland, Bourguignon, Leipzig
NOES: Ortega
ABSENT: None
ABSTAIN: None

ATTEST:

Mike Adams
Mike Adams, Secretary

Geri Ortega
Planning Commission Chairman

(57168-2,3)

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EXHIBIT A

MITIGATION MEASURES
HUNTINGTON BEACH PIER RECONSTRUCTION

1. The pier shall be constructed to a height of 38 feet above Mean Lower Low Water Line at the Seaward end, and in compliance with flood plain standards for Flood Insurance Rate Map zone VE.

2. The pier shall be constructed in compliance with City Geotechnical Abatement Ordinance and with construction related seismic codes.

3. Prior to demolition, a detailed and comprehensive textual and pictorial historical documentary of the pier shall be prepared and approved by the Director of Community Development.

4. Prior to construction, the project design shall include memorialization of the pier's history by such means as plaques.

5. The project design shall include reconstruction of the pier to as exact as possible as to form and detail of the original structure, as approved by the City Council.

6. The project design shall include preservation of appropriate remains of original elements of the pier including such features as the cornerstone and ornamental balustrade at the west side approach, and if feasible, the remaining Art Deco buildings on the pier.

7. Prior to issuance of building permits, a plan depicting project staging areas, beach access, and bike path/walkway rerouting shall be approved by the Director of Community Development.

8. An interim bike path/walkway shall be provided during construction/demolition.

9. Construction should begin during the off-peak season (September to May) and to the extent that it is practical, concentrated in one general area at a time.

10. Truck deliveries and delivery of large equipment during construction shall be scheduled to avoid the hours between 7:30 A.M. and 9:00 A.M. and between 3:00 P.M. and 7:00 P.M.

11. For safety reasons, a 100 foot by 500 foot area of beach on each side of the existing pier may be closed during the demolition and construction period, and a 500 foot by 1400 foot area on each side of the pier may be closed to swimming and surfing during demolition and construction. The City Engineer and Construction Manager shall attempt to minimize any closures, particularly during peak use periods.

(5716d)

12. Creosote contaminated wooden timbers will be permanently disposed of at Bee Canyon Sanitary Landfill.

13. In order to minimize generation of creosote contaminated sawdust during demolition, timbers shall be cut as little as possible, and concrete shall be wetted down as necessary to minimize dust.

14. Workers shall be provided with heavy gloves to wear when handling creosote treated materials. Contaminated gloves shall be discarded and taken to Bee Canyon Landfill for disposal.

15. Workers shall be provided with particle dust masks to wear when exposed to creosote during construction.

16. Existing pier pilings shall be removed below the sand level between the shore and surf zone.

18. City shall comply with U.S. Coast Guard Regulations governing Notice to Mariners and construction safety requirements during construction.

EXHIBIT B

CEQA STATEMENT OF FINDINGS AND FACTS - ENVIRONMENTAL IMPACT REPORT NO. 89-8 (PIER RECONSTRUCTION)
CONDITIONAL USE PERMIT NO. 89-52
COASTAL DEVELOPMENT PERMIT NO. 89-29
FLOODPLAIN VARIANCE NO. 90-1

Background:

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide:

> "No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant environmental effects accompanied by a brief explanation of the rationale for each finding" (Section 15091, CEQA Guidelines).

The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the signigicant environmental effect as identified in the Final EIR. Hereafter referred to as Finding 1.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency. Hereafter referred to as Finding 2.

3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR. Hereafter referred to as Finding 3.

The City of Huntington Beach is considering approval of CUP 89-52 and CDP 89-29. Because the proposed actions constitute a project under the CEQA Guidelines, the City of Huntington Beach has prepared an EIR. This EIR has identified certain significant effects which may occur as a result of the project, or on a cumulative basis in conjunction with other past, present, and reasonably foreseeable future projects. Further, the City desires to approve this project and, after determining that the EIR is complete and has been prepared in accordance with CEQA and the Guidelines, the findings set forth herein are made:

(5716d)

1.0 EFFECTS DETERMINED NOT TO BE SIGNIFICANT:

The City of Huntington Beach prepared an initial study to identify the effects of the proposed project which are and are not potentially significant. Those topics which were determined not to be significant are listed below. Additionally, several potential impact areas were determined to be insignificant in EIR 89-8. These are listed below:

Population	Housing
Natural Resources	Land Use
Water Quality	Air Quality
Noise	Biological Resources
Public Safety	Public Utilities
Light and Glare	

2.0 EFFECTS DETERMINED TO BE MITIGABLE TO A LEVEL OF INSIGNIFICANCE:

A. EARTH RESOURCES

Significant Effect #1:

Over the life of the project, the beach adjacent to the pier could increase approximately 200 feet in width, given the historical beach accretion lover the past 75 years.

Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the fact that the Army Corps of Engineers maintains a shoreline monitoring program, and is responsible for correction of identified problems.

Significant Effect #2:

The Pier is located in a Flood Insurance Rate Map special flood hazard zone VE, and as such may experience wave overtopping related damage.

Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the final EIR and incorporated into the project:

1. The pier shall be constructed to a height of 38 feet above Mean Lower Low Water Line, and in compliance with flood plain standards for Flood Insurance Rate Map zone VE.

Significant Effect #3:

The existing structural piles are inadequate for current seismic loads.

Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the final EIR and incorporated into the project:

1. The pier shall be constructed in compliance with City Geotechnical Abatement Ordinance and with construction related seismic codes.

B. RECREATION RESOURCES

Significant Effect:

Demolition and construction activities will cause short term interruption in the availability of recreational facilities in the vicinity of the pier, including the city beach and bike path/walkway.

Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the final EIR and incorporated into the project:

1. Prior to issuance of building permits, a plan depicting project staging areas, beach access, and bike path/walkway rerouting shall be approved by the Director of Community Development.

2. An interim bike path/walkway shall be provided during construction/demolition.

3. Construction should begin during the off-peak season (September to May) and to the extent that it is practical, concentrated in one general area at a time.

C. TRAFFIC/PARKING

Significant Effect:

Pedestrian and beach related access may be hindered temporarily during various stages of construction, based on the location of equipment and areas in need of reconstruction.

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Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the final EIR and incorporated into the project:

1. Truck deliveries and delivery of large equipment during construction shall be scheduled to avoid the hours between 7:30 A.M. and 9:00 A.M. and between 3:00 P.M. and 7:00 P.M.

2. To the extent practical, construction activity should be concentrated in one general area at a time.

D. HAZARDOUS MATERIALS

Significant Effect:

Demolition of the existing pier will result in substantial tonnage of creosote contaminated timbers. The demolition process could release creosote into the environment.

Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the final EIR and incorporated into the project:

1. Creosote contaminated wooden timbers will be permanently disposed of at Bee Canyon Sanitary Landfill.

2. In order to minimize generation of creosote contaminated sawdust during demolition, timbers shall be cut as little as possible, and shall be wetted down as necessary to minimize dust.

3. Workers shall be provided with heavy gloves to wear when handling creosote treated materials. Contaminated gloves shall be discarded and taken to Bee Canyon Landfill for disposal.

4. Workers shall be provided with particle dust masks to wear when exposed to creosote during construction.

E. NAVIGATIONAL HAZARDS

Significant Effect:

Construction activities may result in potential hazards to navigation. Existing pier support pilings, if not removed, could also pose a hazard to navigational safety.

Finding:

Finding 1

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measures identified in the final EIR and incorporated into the project:

1. Existing pier pilings shall be removed below the sand level between the shore and surf zone.

2. City shall obtain U.S. Army Corps of Engineers Section 10 Permit.

3. City shall comply with U.S. Coast Guard Regulations governing Notice to Mariners and construction safety requirements during construction.

3.0 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE REDUCED TO A LEVEL OF INSIGNIFICANCE:

A. CULTURAL/HISTORIC RESOURCES

Significant Effect:

The project involves removal of the existing Huntington Beach Municipal Pier, a National Register listed historic structure, and replacement with a new pier in the same location.

Finding:

Finding 3

Facts in Support of Finding:

The significant effect has been substantially lessened to the extent feasible by virtue of the following mitigation measure identified in the final EIR and incorporated into the project:

1. Prior to demolition, a detailed and comprehensive textual and pictorial historical documentary of the pier shall be prepared and approved by the Director of Community Development.

2. Prior to construction, the project design shall include memorialization of the pier's history by such means as plaques.

3. The project design shall include reconstruction of the pier to as exact as possible as to form and detail of the original structure, as approved by the City Council.

4. The project design shall include preservation of appropriate remains of original elements of the pier including such features as the cornerstone and ornamental balustrade at the west side approach, and if feasible, the remaining Art Deco buildings on the pier.

However, even with these mitigation measures, the impacts to historic resources cannot be mitigated to a level of insignificance. The no-project alternative and a rehabilitation alternative were considered and determined infeasible by the City for the following reasons:

1. The City of Huntington Beach desires to have a functional pier as the focal point of the Downtown/Beach area.

2. A rehabilitated pier would not meet seismic safety criteria, would be subject to excessive flood damage, would cost roughly twice as much as a new pier, have less than one third the estimated service life, and take approximately four times longer to construct.

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EXHIBIT C

ENVIRONMENTAL IMPACT REPORT NO. 89-8

STATEMENT OF OVERRIDING CONSIDERATIONS

Final Environmental Impact Report No. 89-8 (including comments and response to comments), for the demolition and reconstruction of the Huntington Beach Pier identifies an unavoidable significant adverse environmental effect in the area of historic resources. CEQA Guidelines Section 15093 requires the decision maker (Planning Commission) to balance the benefits of the proposed project against unavoidable environmental risks in determining whether the project should be approved. If the decision-maker concludes that the benefits of the project outweigh the unavoidable adverse environmental effects, the effects may be considered acceptable.

Here, the City of Huntington Beach does find that the benefits flowing to the City and its residents from the project outweigh the significant adverse environmental effects which remain after the project's mitigation measures are implemented.

The unavoidable adverse impact of demolishing the existing Huntington Beach Municipal Pier, a National Register Historic Structure, is lessened by the mitigation measures identified in the EIR and incorporated in the project as conditions of approval. The City has determined that the remaining impact is acceptable given the offsetting project benefits as described below.

1. Seismic Safety

The existing pier is not designed for current seismic loads. The point of maximum stress is 5 to 15 feet below the sand line, and the existing pier would be subject to severe damage from a moderate to major earthquake in Huntington Beach. A rehabilitated pier would not rectify this situation because the existing inadequate piles would not be replaced. The replacement pier will incorporate a structural design that complies with the requirements of the City of Huntington Beach Seismic Code and standards of practice of the Structural Engineers Association of California, thereby better protecting the health and safety of the citizens of Huntington Beach.

2. Storm/Flood Protection

The existing pier is located in the Flood Insurance Rate Map Zone VE (Elevation 11), which is defined as a coastal flood area with velocity hazard. The pier is subject to wave overtopping and damage due to its low elevation. Even if rehabilitated, the last 212 feet of the pier would remain highly vulnerable to repeated storm damage due to its current low elevation. Reconstruction of the pier to a height of 38 feet above mean lower low water line will minimize the

potential structural and related safety hazards associated with storm wave crest elevations and overtopping related damage, thereby better protecting the health and safety of the citizens of Huntington Beach.

3. Service Life

The existing Huntington Beach Pier was closed in July, 1988, after the City determined that it was no longer structurally sound. It is estimated that rehabilitation of the existing pier would yield a service life of only 20 years, or approximately 73 percent less than the original pier. Reconstruction of the pier will yield an estimated service life of 75 years, thereby eliminating the need for another pier closure, construction period, and additional funding that would otherwise be necessary in only 20 years.

4. Length of Time for Construction

Rehabilitation of the existing pier would require a construction period of several years, according to Moffatt & Nichol Engineers, versus an approximately 18 month demolition and construction period for a new pier. The reduced downtime will minimize adverse impacts on recreation (due to beach and surf closure), as well as reduce impacts on traffic and parking, noise, biological resources, water quality, aesthetics, and navigation. The shorter construction period will also allow Huntington Beach residents and visitors to more quickly resume enjoyment of a unique coastal amenity.

5. Cost

It is estimated by Moffatt and Nichol Engineers that the cost of rehabilitating the existing Huntington Beach Pier would be approximately $25 million including repair of the pier, appurtenant structures, and engineering costs. The estimated cost for the replacement pier, including the above-listed items, is approximately $13 million. The lower cost replacement pier would be safer, longer (1,830 feet versus 1,500 feet) and have a longer service life than a rehabilitated pier.

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