

MINUTE ITEM
This Calendar Item No. C30
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 3
to 0 at its 2-5-01
meeting

CALENDAR ITEM
C30

A 67
S 35

02/05/01
W 25508
M. Hays

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Peter K. Kompaniez and Valerie J. Kompaniez,
Trustees of the Kompaniez 1998 Family Trust dated 2/10/98
16581 Carousel Lane
Huntington Beach, CA 92649

AREA, LAND TYPE, AND LOCATION:

A strip of state owned submerged lands ten feet in width lying adjacent to and waterward of an existing bulkhead located waterward of Lot 134 of Tract 5481 in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

Repair of an existing bulkhead that may include all or some of the following:
(1) existing pile repair; (2) placement of sheet piles; and (3) installation of rock slope protection.

LEASE TERM:

Ten years, beginning February 1, 2001.

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.

SPECIFIC LEASE PROVISIONS:

Insurance:
Liability insurance: Combined single limit coverage of \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. Pursuant to two agreements entered into in 1961 and 1962 (Boundary Line Agreement 18 and Sovereign Land Location 34), the Commission settled certain boundary and title ownership issues with the Huntington Harbour Corporation involving the area being developed as Huntington Harbour. Based on those agreements, the Commission's sovereign ownership was consolidated into open waterways that are now known as the Main and Midway Channels. Areas within the development that were subdivided for residential purposes were placed behind bulkheads. The existing bulkhead is considered to be the boundary between the private upland and the State's fee ownership.

Throughout much of Huntington Harbour, erosion and marine organisms have threatened the structural integrity of the bulkhead. The applicants are requesting that the Commission authorize repair and reinforcement of the bulkhead adjacent to their residence in order to prevent more extensive structural damage. Mitigation for potential impacts to soft bottom habitat and eelgrass will be performed in accordance with the April 2000 Soft Bottom Mitigation Plan and the Southern California Eelgrass Mitigation Policy.

3. On December 15, 2000, the California Coastal Commission (CCC) granted Permit # 5-98-179 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).
4. Staff has reviewed the CCC document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.
5. 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.

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APPROVALS OBTAINED:

California Coastal Commission, City of Huntington Beach; Regional Water Quality Control Board, California Department of Fish and Game, U. S. Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

California State Lands Commission

EXHIBITS:

- A. Location Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

June 13, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 5-98-179, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE 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 SECTIONS 6370, ET SEQ.

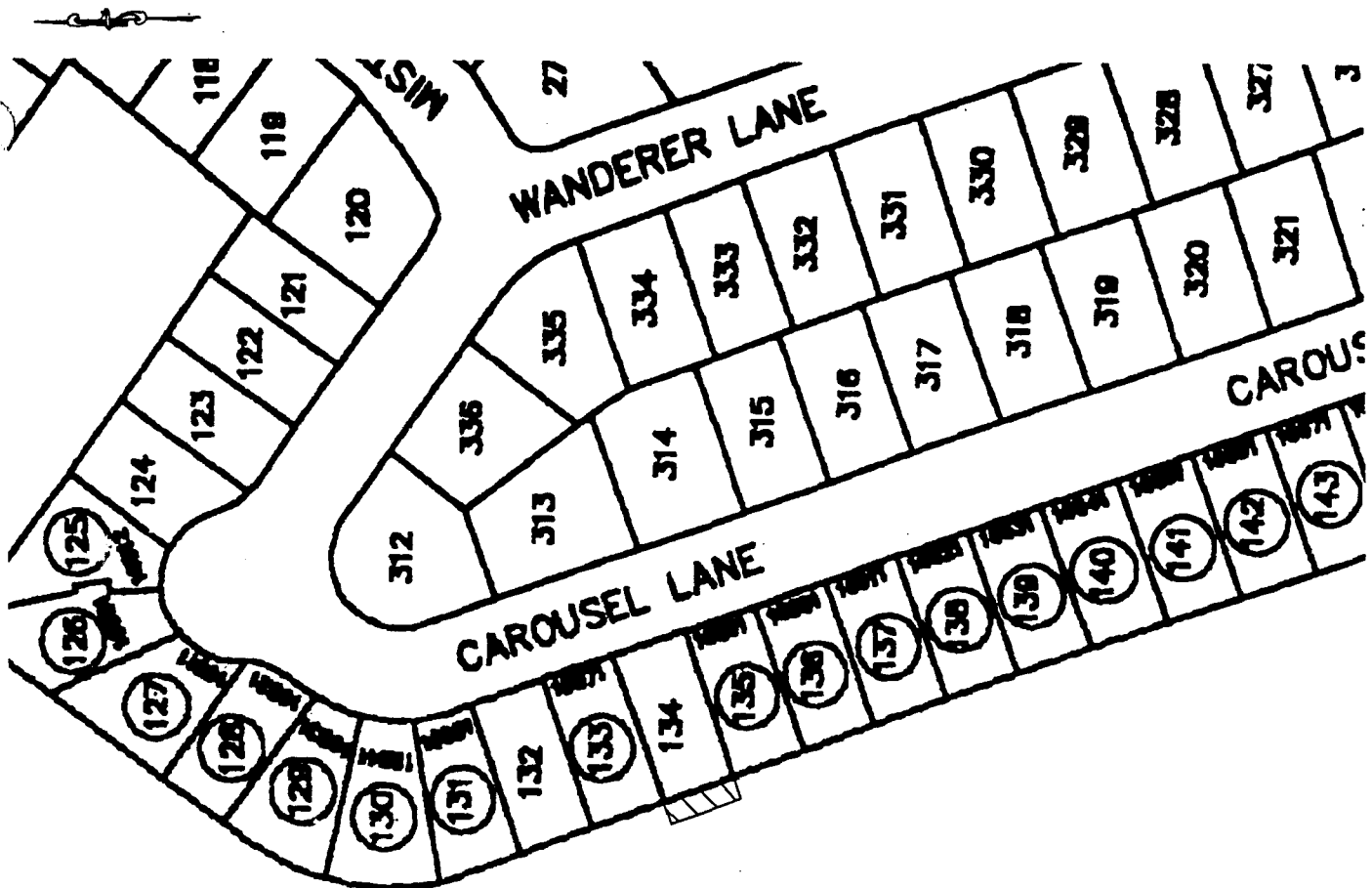
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AUTHORIZATION:

AUTHORIZE ISSUANCE TO PETER K. KOMPANIEZ AND VALERIE J. KOMPANIEZ, TRUSTEES OF THE KOMPANIEZ 1998 FAMILY TRUST DATED 2/10/98, OF A GENERAL LEASE-PROTECTIVE STRUCTURE USE, BEGINNING FEBRUARY 1, 2001, FOR A TERM OF TEN YEARS, FOR REPAIR OF AN EXISTING BULKHEAD ADJACENT TO LOT 134 OF TRACT 5481, THAT MAY INCLUDE ALL OR SOME OF THE FOLLOWING: (1) EXISTING PILE REPAIR; (2) PLACEMENT OF SHEET PILES; AND (3) INSTALLATION OF ROCK SLOPE PROTECTION ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; 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; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

SITE MAP



General Lease - Protective Structure
Lot 134

LOCATION MAP

NO SCALE

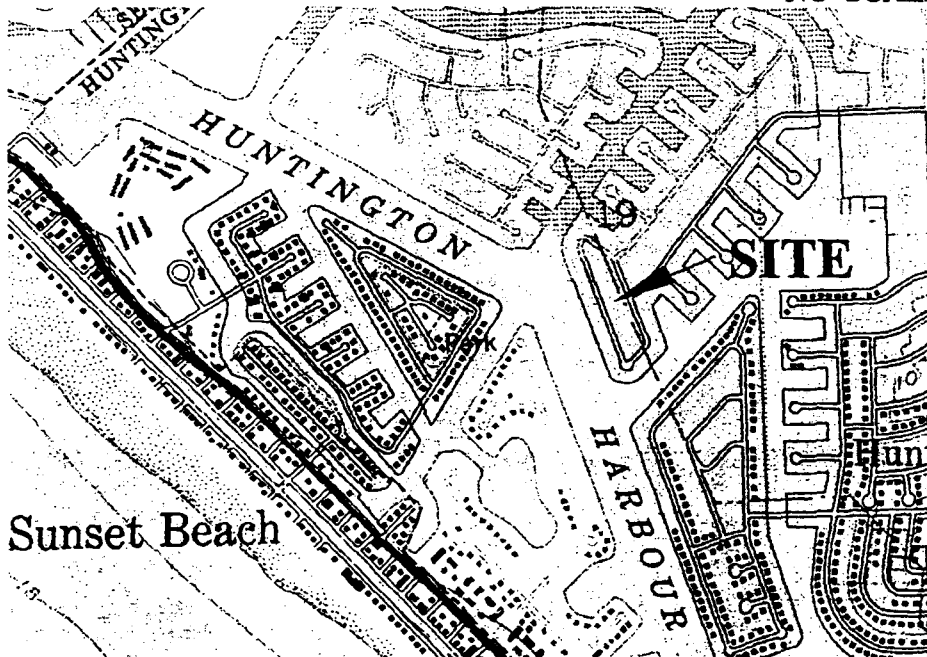
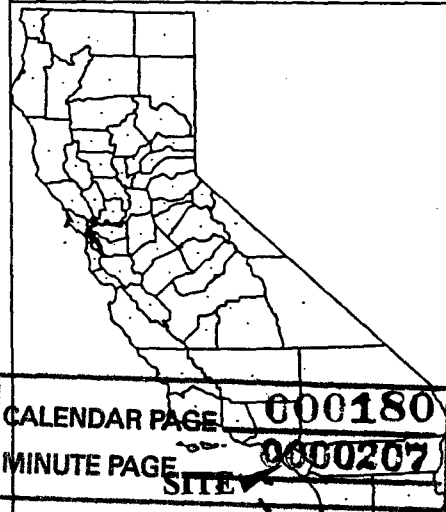


Exhibit A
W25508
APN 178-041-05
Humboldt Island
Huntington Harbour
ORANGE COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, 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.

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SITE

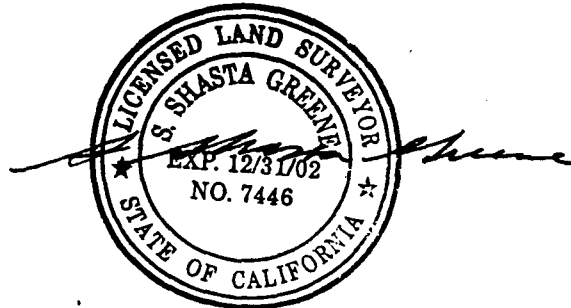
EXHIBIT B

LAND DESCRIPTION

A parcel of tide and submerged land situate the City of Huntington Beach, Orange County, and more particularly described as follows:

Bounded on the East by the westerly line of Lot 134 of Tract 5481, as said lot is shown on that certain map filed in Book 215 of Miscellaneous Maps at Pages 11 to 22, Orange County Records; bounded on the South by the westerly prolongation of the southerly line of said Lot 134; bounded on the West by a line which is parallel with and distant 10 feet westerly from, measured at right angles, said westerly line of Lot 134 and bounded on the North by the westerly prolongation of the northerly line of said Lot 134.

Prepared from record data.



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