

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th6a

Staff: S. Vaughn – LB

Date: November 19, 2015

ADMINISTRATIVE PERMIT

Application No. 5-15-0453**Applicant:** Ernie & Diane Quijada**Agents:** Jim Caldwell

Project Description: Replacement of a cantilevered deck with a new approximately 40' long concrete deck cantilevered 5' over the water with a 24' long, 42" high glass railing with posts and 16' long 7' high glass windscreen using bird safe glass. The proposed project also includes a new spa landward of the cantilevered deck.

Project Location: 16671 Carousel Lane, Huntington Beach (Orange County)

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

December 10, 2015, 9:00 am
Portola Plaza Hotel
2 Portola Plaza
Monterey, CA 93940

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Shannon Vaughn
Title: Coastal Program Analyst

STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages five through eight.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. PROJECT DESCRIPTION

The site is currently developed with a single-family residence on a bulkheaded lot with a concrete/wood deck that is cantilevered 5' past the bulkhead over the water and a private dock. The applicant proposes to remove a concrete/wood deck and railing and build a new concrete cantilevered deck with a metal and bird safe glass screen that extends 5' beyond the private property line over coastal waters. The site is located on a residentially zoned bay front lot at 17761 Carousel Lane in Huntington Beach, Orange County (**EXHIBIT 1**). Most of the Huntington Harbor water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks over public waters. Virtually the entire water frontage in Huntington Harbor is supported by bulkheads.

Specifically, the proposed concrete deck is approximately 200 ft², approximately 40' long and 5' wide with a new railing around the perimeter of the new deck. The applicant also proposes to construct a new spa landward of the cantilevered deck. Project plans are included in **Exhibit 2**. In order to prevent a bird strike hazard, the applicant proposes to use tempered glass in the glass railing to provide an opaque surface that would be visible to birds as compared to a clear glass railing. The proposed deck with railing is associated with the adjacent single family residential use. To address water quality concerns, the applicant is proposing to construct a trench drain, which will direct deck drainage and runoff landward toward a street drain. Additionally, **Special Condition 1** requires the applicant to observe water quality and best management practices (BMP) measures into the project. **Special Conditions 2 & 3** require the applicant to conduct pre and post eelgrass and *Caulerpa taxifolia* surveys to ensure that the water quality and BMP measures are effective at preserving water quality. All work will occur from the landward side of the deck. The proposed construction will not disturb bay waters or bay bottom sediments.

Most of the existing residences that front along the waters of Huntington Harbor have cantilevered decks, including properties adjacent to the project site. The proposed deck is similar in function to the other cantilevered decks associated with residential development within Huntington Harbor. The proposed development is consistent with past Commission actions in the area.

The nearest public access in the area is at a small pocket beach approximately 0.5 miles north east of the site on Humboldt Drive.

The City of Huntington Beach has a certified Local Coastal Program. However, due to the project location seaward of the mean high tide line, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The land use designation at the site is Open Space – Water (OS – W). The site is zoned Open Space Water Recreation. The proposed development is consistent with the City's certified LCP, specifically with Implementation Plan Chapter 213 Open Space District, which allows private cantilevered decks abutting residential uses, and with Chapter 210, which provides standards for cantilevered decks in Huntington Harbor in the Open Space Water Recreation zone. The City of Huntington Beach reviewed the proposed plans and issued Approval-in-Concept dated October 27, 2015. All work will occur from the landward side of the deck. In this area of Huntington harbor, the water area is owned and administered by the State. A lease to use the water area for their proposed

private uses was obtained from the California State Lands Commission on June 29, 2015 (**EXHIBIT 3**).

Although cantilevered, the proposed deck would preclude the general public from utilizing the public water area underneath the dock for recreation or navigational purposes. However, the proposed deck will replace an existing deck, is not expanding further than the existing deck, and will not cover any additional water area. There is no sandy beach area along the bulkhead, therefore, in this case, the placement of a concrete deck cantilevered 5' beyond the bulkhead would not create an impediment to public access as there is no opportunity for the public to walk upon the land in front of the bulkhead at this site or immediate area. The proposed development will not have any significant adverse impact on public access to the coast or to nearby recreational facilities.

In this case, there is an existing significant pattern of development of 5' deep decks cantilevered over the bulkhead. Thus, the construction of a cantilevered deck at this site and in this location would not be establishing a new pattern of development (nor create an adverse public access condition, as previously mentioned). The Commission imposes **Special Condition 4** stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property or on adjacent public waters.

B. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. RECREATION

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. WATER QUALITY

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction Best Management Practices. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area that crosses jurisdiction with that of the Commission's original permit jurisdiction.

Section 30601.3 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission when the applicant, the local government and the Commission through its executive director consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation. In this case, the project site crosses jurisdictional boundaries, the applicant is the City, and the City submitted the coastal development permit application directly to the Commission, requesting a consolidated permit action by the Commission. Consequently, the standard of review is Chapter 3 of the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. Water Quality

A. Construction Responsibilities and Debris Removal

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- (3) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- (6) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;

- (7) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- (11) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (12) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (14) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Best Management Practices Program

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs:

- (1) Boat Cleaning and Maintenance Measures:
 - a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;
 - b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and

- c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
- (2) Solid and Liquid Waste Management Measures:
 - a. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.
- (3) Petroleum Control Management Measures:
 - a. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
 - b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
 - c. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

2. Eelgrass Survey(s)

- A. **Pre Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.
- B. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine

Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

3. Pre-construction *Caulerpa Taxifolia* Survey

- A.** Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B.** The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C.** Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.
- D.** If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Public Rights

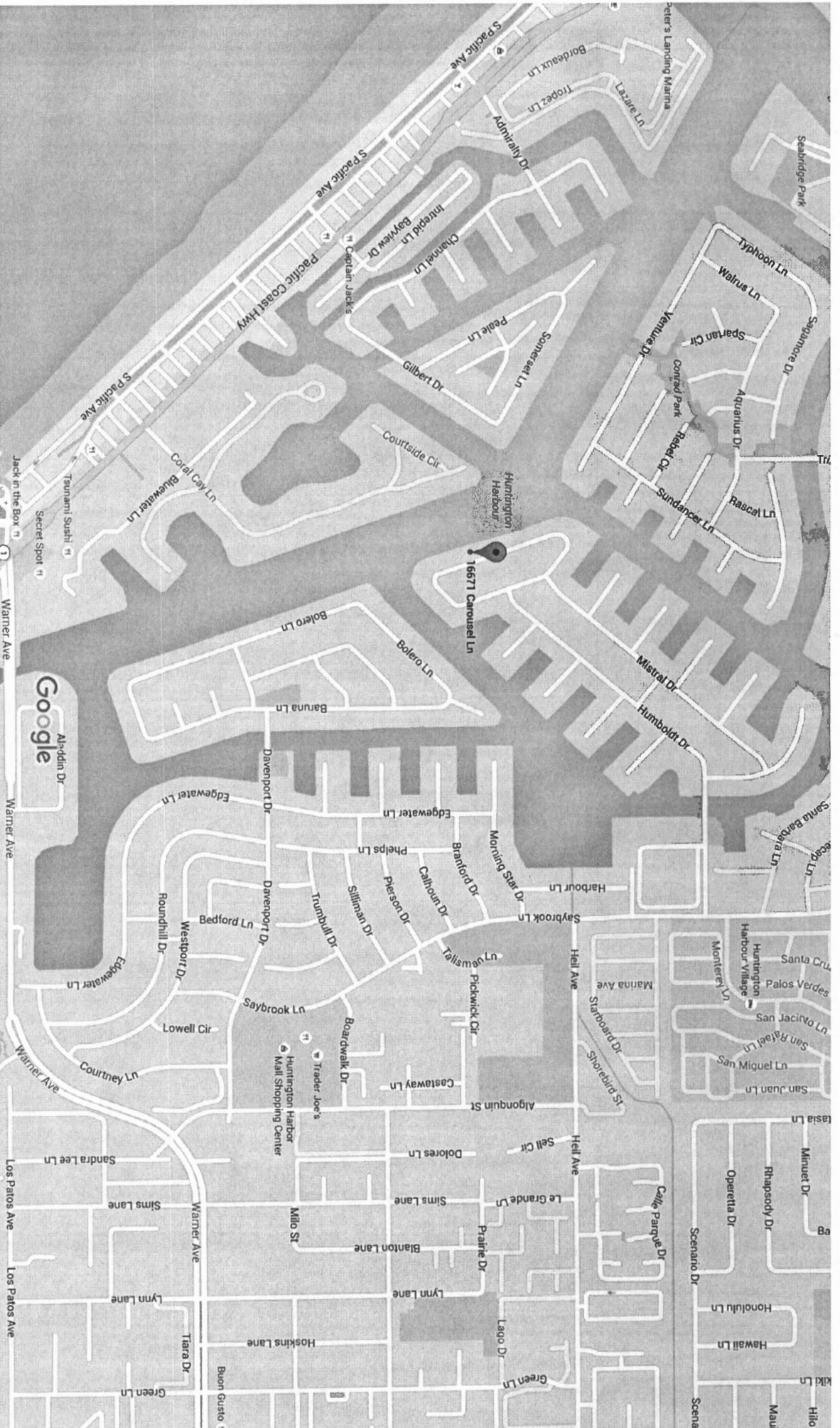
The Coastal Commission’s approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing



COASTAL COMMISSION

S-15-0453

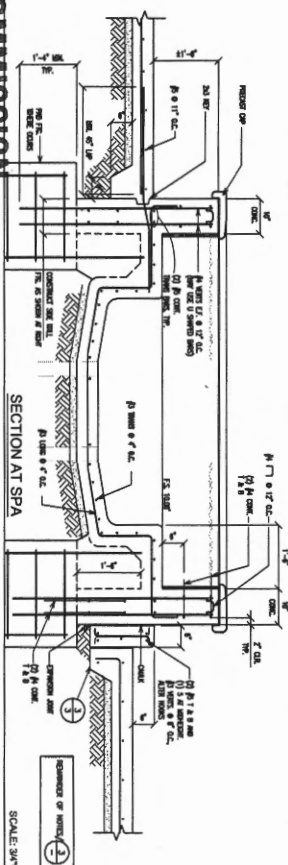
EXHIBIT #

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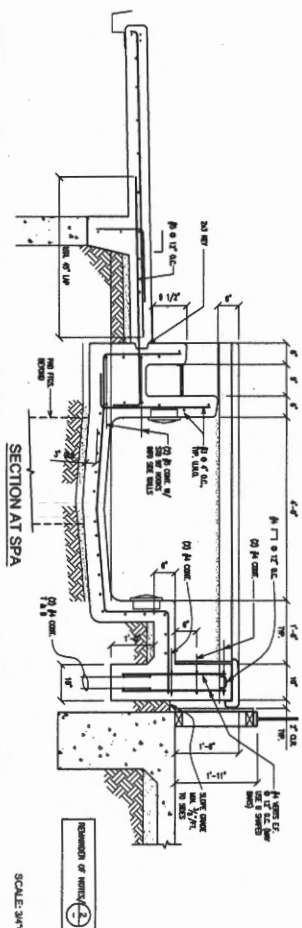
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SECTION AT SPA

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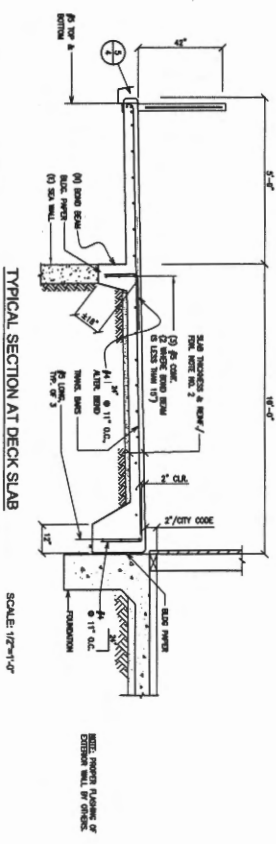
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SECTION AT SPA

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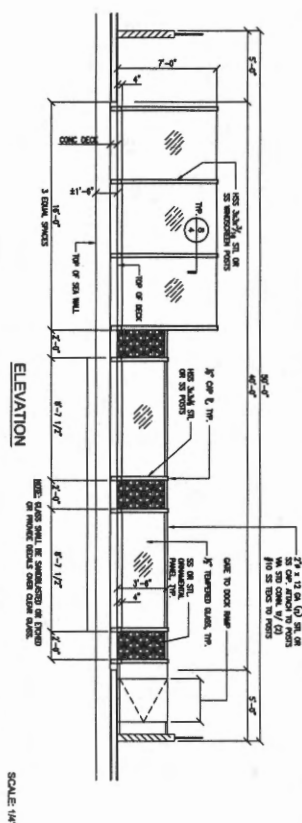
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TYPICAL SECTION AT DECK SLAB

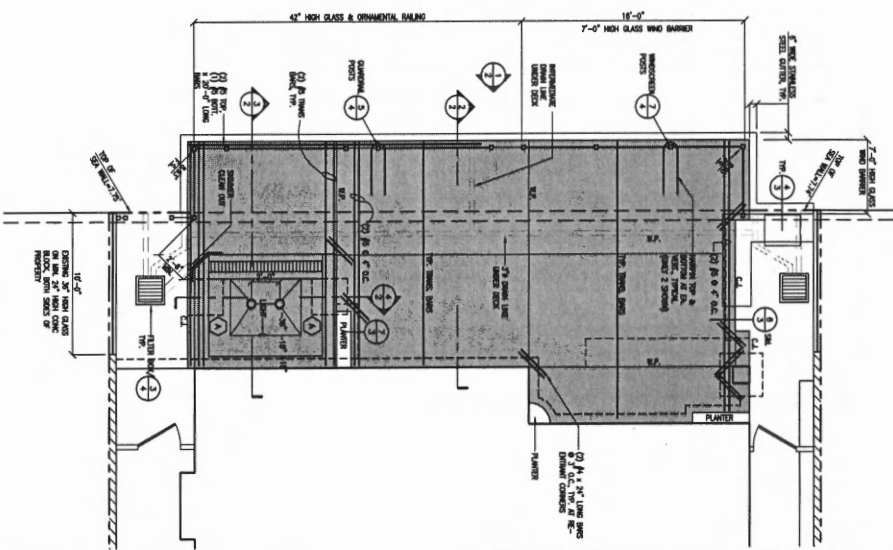
SCALE: 1/2"=1'-0"

2

ELEVATION

SCALE: 1/4"=1'-0"

①



ENLARGED DECK PLAN

SCALE: 1" = 1'-0"

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- [illegible]

NOTES

- NOTE:**
1. SEE QUEST 1 FOR FURTHER NOTES AND TYPICAL RESULTS

SHEET CONTENTS

ENLARGED DECK
PLAN, ELEVATION
& SECTIONS

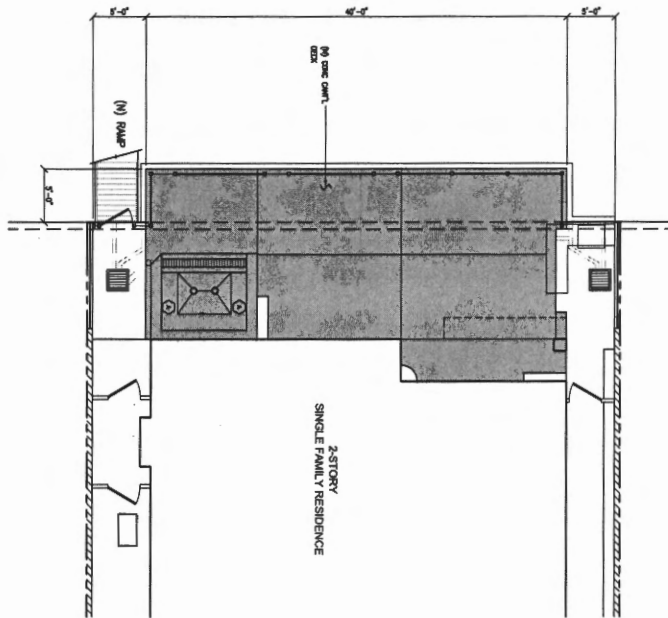
CONCRETE CANTILEVERED DECK & SPA
QUIJADA RESIDENCE
16671 CAROUSEL LANE
HUNTINGTON BEACH, CA 92649

CORREIA
CONSULTING & DESIGN
STRUCTURAL ENGINEERS
5762 boise avenue, suite 215
huntington beach, ca 92649
PH 714 891-5582
FAX 714 891-5501

REVIEWS	BY
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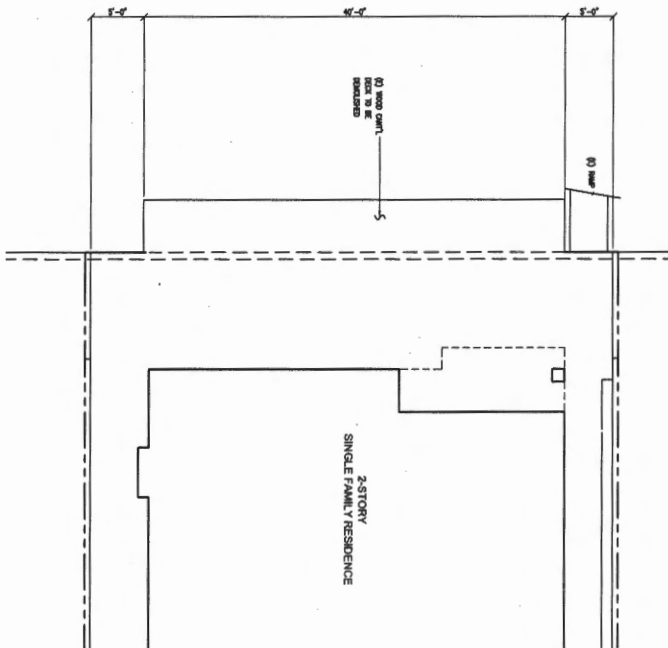
COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 3



NEW DECK LAYOUT

SCALE: 3/4" = 1'-0"



EXISTING DECK LAYOUT

SCALE: 3/4" = 1'-0"

SHEET CONTENTS

EXISTING & NEW
DECK LAYOUT

CONCRETE CANTILEVERED DECK & SPA
QUIJADA RESIDENCE
16671 CAROUSEL LANE
HUNTINGTON BEACH, CA 92649

CORREIA
CONSULTING & DESIGN
STRUCTURAL ENGINEERS
8782 bolton avenue, suite 210
huntington beach, ca 92649
PH: 714 891-6682
FAX: 714 891-6601
email: correa@verizon.net

REVISIONS BY

DATE	BY	REVISION
01/11/01	CC	ISSUED FOR PERMIT
01/11/01	CC	REVISED
01/11/01	CC	REVISED
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OF 3 SHEETS

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CALENDAR ITEM

C77

A 72

S 34

06/29/15
PRC 5625.1
D. Simpkin

**TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

LESSEE:

Robert E. Faber and Sarah K. Faber, Co-Trustees of the Third amendment and
Restatement of the Faber Revocable Inter-Vivos Trust, u/d/t/ April 29, 2005

APPLICANT:

Ernie W. Quijada, Jr. and Diane G. Quijada

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 16671
Carousel Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of a boat dock, access ramp, and bulkhead
protection, and the replacement, use, and maintenance of a cantilevered deck.

LEASE TERM:

10 years, beginning February 26, 2014.

CONSIDERATION:

Annual rent in the amount of \$2,007, with an annual Consumer Price Index
adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

No permanent roof or other enclosure will be constructed on the Lease Premises.
Applicant agrees that any proposed use of the Lease Premises that includes an
extension of the actual living quarters constitutes residential use and is
prohibited.

OTHER PERTINENT INFORMATION:

1. The Applicant owns the upland adjoining the lease premises.

COASTAL COMMISSION

5-15-0453

EXHIBIT #

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CALENDAR ITEM NO. C77 (CONT'D)

2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels (Channels) in 1962 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as the Amended Agreement for the Exchange of Lands in the Sunset Beach Area, Orange County, California, and recorded on March 7, 1963, in Book 6457, Page 819, 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.
3. On April 6, 2010, the Commission authorized Lease No. PRC 5625.1, a General Lease – Recreational Use, with Robert E. Faber and Sarah K. Faber, Co-Trustees of the Third amendment and Restatement of the Faber Revocable Inter-Vivos Trust, u/d/t/ April 29, 2005, for a 10-year term ending January 24, 2019.
4. On January 26, 2012, the Commission authorized the amendment of Lease No. PRC 5625.1 to include existing bulkhead protection that had previously been authorized under Lease No. PRC 8240.9.
5. On February 26, 2014, the upland property was deeded to Ernie W. Quijada, Jr. and Diane G. Quijada. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.
6. Staff is recommending termination of the existing lease and issuance of a new lease. Staff recommends termination of the existing lease because the prior lessee abandoned the lease by selling the property and facilities without executing a quitclaim deed.
7. The existing cantilevered deck extends over the State's fee owned land in the Main Channel of Huntington Harbour and will be replaced with a new cantilevered deck. Staff is recommending issuance of the new lease to include replacement of the cantilevered deck.
8. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, 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.

COASTAL COMMISSION

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EXHIBIT # 3
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CALENDAR ITEM NO. C77 (CONT'D)

9. **Issuance of Lease:** The staff recommends that the Commission find that this activity 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.

10. **Replacement of a Cantilevered Deck:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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

11. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is 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.

Issuance of Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title

CALENDAR ITEM NO. C77 (CONT'D)

14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Replacement of a Cantilevered Deck: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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:

1. Authorize termination effective February 25, 2014, of Lease No. PRC 5625.1, a General Lease – Recreational Use, to Robert E. Faber and Sarah K. Faber, Co-Trustees of the Third amendment and Restatement of the Faber Revocable Inter-Vivos Trust, u/d/t/ April 29, 2005.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Ernie W. Quijada, Jr. and Diane G. Quijada beginning February 26, 2014, for a term of 10 years, for the continued use and maintenance of an existing boat dock, access ramp, and bulkhead protection, and the replacement, use, and maintenance of a cantilevered deck as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,007, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

COASTAL COMMISSION

EXHIBIT A

PRC 5625.1

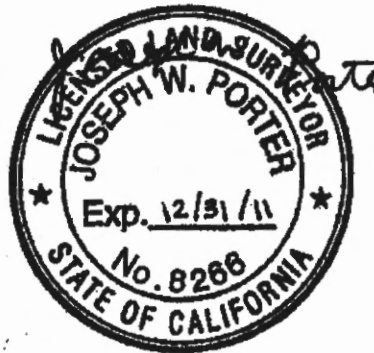
LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour, in the City of Huntington Beach, Orange County, California, described as follows:

Beginning at the most westerly corner of Lot 143, as said lot is shown and so designated on that certain map of Tract No. 5481 filed in Book 215, Pages 11 through 22, Official Records of said County; thence along the westerly extension of the northerly line of said lot 60.00 feet, more or less, to the pierhead line as said pierhead line is described in Resolution No. 5631, passed and adopted January 21, 1986 by the City Council of said City; thence southerly 50.00 feet along said pierhead line to the westerly extension of the southerly line of said lot; thence along said extension 60.00 feet, more or less, to the most southerly corner of said lot; thence northerly along the westerly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 01/28/2010 by the California State Lands Commission Boundary Unit

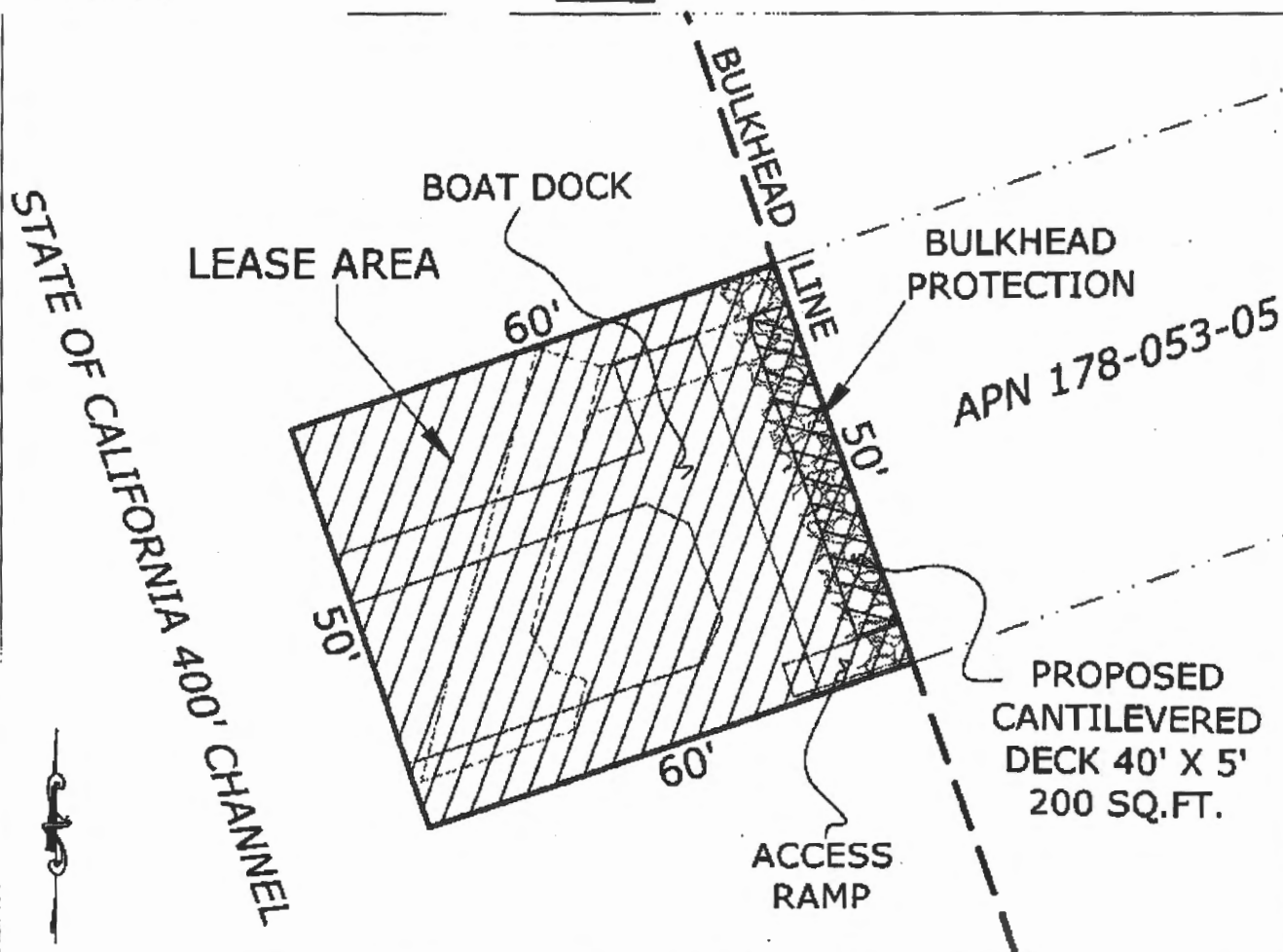


COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 6

NO SCALE

SITE



16671 CAROUSEL LANE, 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 or local laws, regulations, or any other property.

COASTAL COMMISSION

Exhibit B

PRC 5625.1

QUIJADA

APN 178-053-05

GENERAL LEASE -
RECREATIONAL AND
PROTECTIVE STRUCTURE USE
ORANGE COUNTY



TS 06/01/13