

CALENDAR ITEM

C20

MINUTE ITEM  
This Calendar Item No. C20  
was approved as Minute Item  
No. 20 by the State Lands  
Commission by a vote of 3  
to 0 at its 12/17/92  
meeting

A 29

12/17/92

S 14

W 24925 PRC 7665  
Maricle

GENERAL PERMIT - PUBLIC AGENCY USE

**APPLICANT:**

City of Pismo Beach  
1000 Bello Street  
P. O. Box 3  
Pismo Beach, California 93449

**AREA, TYPE LAND AND LOCATION:**

A 0.03-acre parcel of tide and submerged land in the Pacific Ocean, Pismo Beach, San Luis Obispo County.

**LAND USE:**

Proposed construction of a seawall and retention of an existing storm drain.

**PERMIT TERM:**

Permit period:  
Forty-nine (49) years beginning December 1, 1992.

**CONSIDERATION:**

The public health and safety; 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.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

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**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**  
05/03/93

**OTHER PERTINENT INFORMATION:**

1. A Negative Declaration, SCH 92061045, was prepared and adopted for this project by the City of Pismo Beach. The State Lands Commission's staff has reviewed such document.
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.
3. The annual rental value of the site is estimated to be \$100.
4. The City of Pismo Beach has applied to the Commission to construct a bluff-support structure and to retain an existing storm drain facility, located at Ocean Boulevard and Montecito Avenue, in the Shell Beach District of Pismo Beach. The bluff in this area has eroded to the point where Ocean Boulevard is undermined. The storm drain carries water flows to the Pacific Ocean.

The surrounding district is residential. The bluff is near vertical (3/4:1) to overhanging and approximately 26 feet in height. Recent erosion of the bluff has resulted in the undermining of Ocean Boulevard; asphalt and a segment of the curb broke away from the street and fell down the bluff during a series of storms. Temporary barriers have been erected to restrict access to this area and sackcrete (stacked bags of concrete) has been placed as an emergency measure. The bluff terminates in a rocky gravel-strewn beach. A shallow,

wave-cut platform extends into the surf zone.

**APPROVALS OBTAINED:**

United States Army Corps of Engineers.  
California Coastal Commission.

**FURTHER APPROVALS REQUIRED:**

State Lands Commission.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Site Map
- D. Notice of Determination with affixed Negative Declaration

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT A NEGATIVE DECLARATION, SCH 92061045, WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PISMO BEACH AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO THE CITY OF PISMO BEACH OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING DECEMBER 1, 1992; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, 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; FOR THE CONSTRUCTION OF A SEAWALL AND RETENTION OF AN EXISTING STORM DRAIN FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

W 24925

All that land lying within the Boundary of A SUBDIVISION OF A PART OF LOTS 6 AND 8 OF THE SUBDIVISIONS OF RANCHO EL PISMO as shown on THE CERTIFICATION RE MAP OF PISMO TERRACE filed for Record at Page 65 in Volume 3 of Maps in the County Recorders Office Of the San Luis Obispo County, a triangular piece of land, more particularly described as follows:

That portion of Ocean Boulevard and Block 7 of said Map;

Beginning at a 1" iron pipe set on the north easterly line of Ocean Boulevard and the centerline of Montecito Avenue as shown on said Map;

thence, south westerly on a prolongation of the centerline of said Montecito Avenue, South 29 degrees 43 minutes West, 54 feet to the TRUE POINT OF BEGINNING of a triangular piece of land, which point lies within the boundary of Ocean Boulevard;

thence continuing southwesterly South 29 degrees 43 minutes west, 6 feet more or less to a point that lies on the common boundary of Ocean Boulevard and Block 7 as shown on said map,;

thence, continuing southwesterly along said centerline projected, South 29 degrees 43 minutes west, 34 feet more or less to a point;

thence, leaving said centerline projected, South 77 degrees, 55 minutes, 23 seconds East, 66 feet more or less to a point in said Block 7;

thence North 42 degrees, 38 minutes, 37 seconds West, 66 feet more or less and crossing the westerly line of Ocean Boulevard to THE TRUE POINT OF BEGINNING, containing 1260 square feet more less of which 60 square feet more less lies within Ocean Boulevard.

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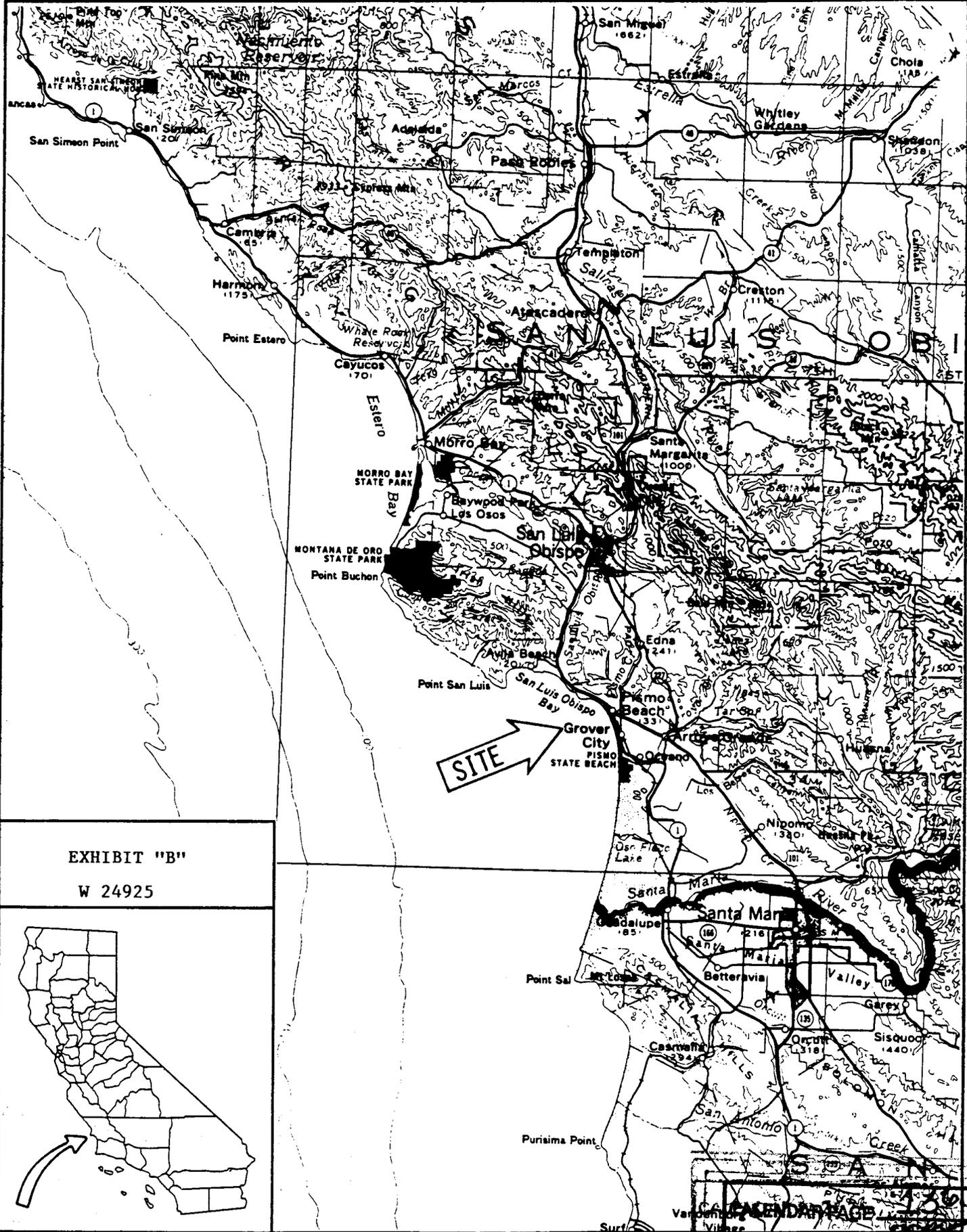
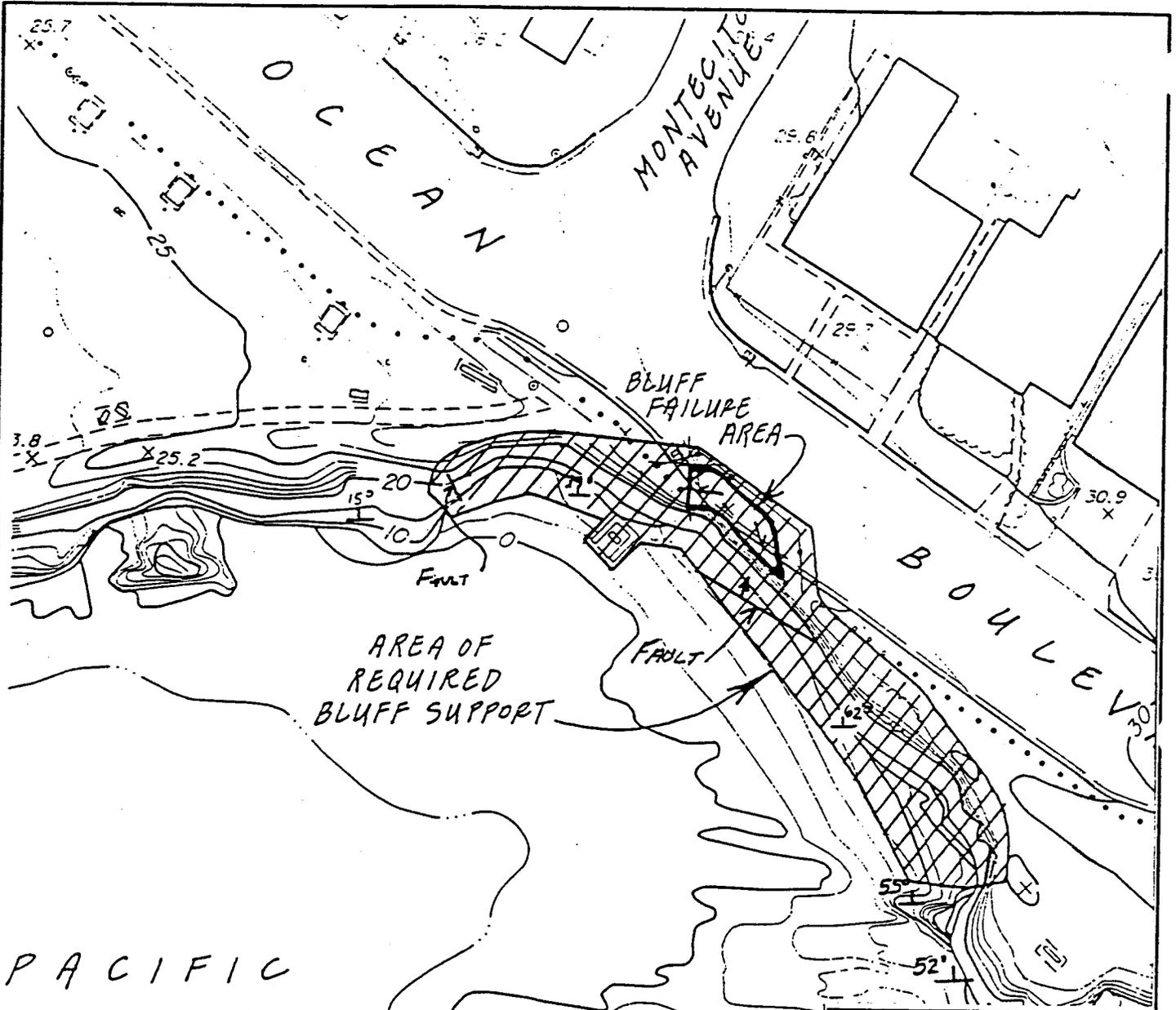


EXHIBIT "B"  
W 24925





PACIFIC  
OCEAN

Photograph Dated January 30, 1992  
 Provided By Golden State Aerial Surveys, Inc.  
 3195 McMillan Road Suite E  
 San Luis Obispo, California

EXHIBIT "C"  
 W 24925

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 3806

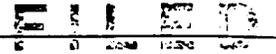
Notice of Determination

Form C

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) City of Pismo Beach
1000 Bello
Pismo Beach, CA 93449

x County Clerk
County of San Luis Obispo County



SEP 2 1992

FRANCIS M. COONEY, COUNTY CLERK
By [Signature]
DEPUTY CLERK

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Ocean Blvd Seawall

Project Title

92061045 City of Pismo BEach (805) 773-4658

State Clearinghouse Number (If submitted to Clearinghouse) Lead Agency Contact Person Area Code/Telephone/Extension

face of bluff adjacent to the end of Montecito street in the City of Pismo Beach, SLO cou:
Project Location (include county)

Project Description: Ocean Blvd across from 1624, 1654, and 1680 Montecito in Pismo Beach

Construction of a concrete reinforced seawall, cribwall, integral curb and gutter and sidewalk to prevent erosion effecting existing street and public utilities.

This is to advise that the City of Pismo Beach has approved the above described project on August 25, 1992 and has made the following determinations regarding the above described project:
(Date)

- 1. The project [ ] will [x] will not have a significant effect on the environment.
2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [x] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ] were [x] were not made a condition of the approval of the project.
4. A statement of Overriding Considerations [ ] was [x] was not adopted for this project.
5. Findings [ ] were [ ] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

City of Pismo Beach Community Development department 1000 Bello, Pismo Beach, CA

[Signature] September 2, 1992 City Planner
Signature (Public Agency) Date Title

Date received for filing at OPR:

EXHIBIT "D"

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COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF PISMO BEACH

1000 Bello Street, Pismo Beach, CA 93449

805-773-4658 • FAX 805-773-4684

**NEGATIVE DECLARATION**

PROJECT TITLE: Ocean Blvd Seawall  
PROJECT APPLICANT: City of Pismo Beach  
TELEPHONE NUMBER: (805) 773-4658  
PROJECT LOCATION: Ocean Blvd across from 1624, 1654, and 1680 Montecito in Pismo Beach.  
PROJECT DESCRIPTION: Construction of a concrete reinforced seawall, cribwall, integral curb and gutter and sidewalk to prevent erosion effecting existing street and public utilities.

FINDING

The City of Pismo Beach has reviewed the above project in accordance with the City of Pismo Beach's Rules and Procedures for Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report (EIR) need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on the attached and hereby made a part of this Negative Declaration have been added to the project.

The initial study which provides the basis for this determination is attached. A copy will be kept on file at the city of Pismo Beach, Community Development Department, (805) 773-4658.

DRAFT PREPARED BY: Carolyn Johnson/Environmental Coordinator  
DATE: June 12, 1992  
REVIEW PERIOD: June 15 - July 15, 1992

NOTICE

The public is invited to comment on the Draft Negative Declaration during the review period. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

COMMENTS RECEIVED ON DRAFT:  YES  NO

INITIAL STUDY REVISED:  YES  NO

DATE ADOPTED: 8/25/92

BY: Pismo Beach Planning Commission

Date: 6-12-92

INITIAL STUDY  
CITY OF PISMO BEACH

I. Background

A. Applicant: City of Pismo Beach

Address: 1000 Bello  
Pismo Beach, CA 93449

Telephone No.: (805) 773-4658

B. Representative: Mr. Jim Ashcraft/Public Works Director

Address: 1000 Bello  
Pismo Beach, CA 93449

Telephone No.: (805) 773-4656

C. Description

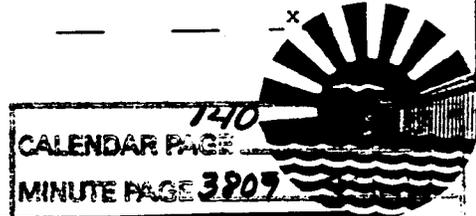
of Project: Construction of a concrete reinforced seawall, cribwall, integral cur and gutter and sidewalk to prevent erosion effecting existing stret and public utilities.

D. Location: Ocean Blvd. across from 1624, 1654, and 1680 Montecito

II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. <u>Earth</u> . Will the proposal result in:			
1. Unstable earth conditions or changes in geologic substructures?	___	___	_x_
2. Disruptions, displacements, compaction, or over covering of the soil?	___	___	_x_
3. Change in topography or ground surface relief features?	___	___	_x_
4. The destruction, covering or modification of any unique geologic or physical features?	___	___	_x_
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	_x_
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mud slides, ground failure, or similar hazards?	___	___	_x_
7. Other(s) _____	___	___	_x_



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. <u>Air.</u> Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	___	___	_x_
2. The creation of objectionable odors?	___	___	_x_
3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	___	___	_x_
4. Other(s) _____	___	___	_x_
C. <u>Water.</u> Will the proposal result in:			
1. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	___	_x_
2. Alterations to the course or flow of flood waters?	___	___	_x_
3. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	___	_x_
4. Alteration of the direction or rate of flow of ground waters?	___	___	_x_
5. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	___	_x_
6. Substantial reduction in the amount of water otherwise available for public water supplies?	___	___	_x_
7. Exposure of people or property to water related hazards such as flooding?	___	___	_x_
8. Other(s) _____	___	___	_x_
	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. <u>Plant Life.</u> Will the proposal result in:			
1. Change in the diversity of species, or numbers of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	___	___	_x_
2. Reduction of the numbers of any unique, rare or endangered species of plants?	___	___	_x_
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	___	___	_x_

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
4. Reduction in acreage of any agricultural crop?	___	___	_x_
5. Other(s) _____	___	___	_x_
<b>E. <u>Animal Life.</u> Will the proposal result in:</b>			
1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	___	___	_x_
2. Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	_x_
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	___	___	_x_
4. Deterioration to existing fish or wildlife habitat?	___	___	_x_
5. Other(s) _____	___	___	_x_
<b>F. <u>Noise.</u> Will the proposal result in:</b>			
1. Increases in existing noise levels?	___	___	_x_
2. Exposure of people to severe noise levels?	___	___	_x_
3. Other(s) _____	___	___	_x_
<b>G. <u>Light and Glare.</u> Will the proposal produce new light or glare?</b>			
1. Other(s) _____	___	___	_x_
<b>H. <u>Land Use.</u> Will the proposal result in a substantial alteration of the present or planned land use of an area?</b>			
1. Other(s) _____	___	___	_x_
<b>I. <u>Natural Resources.</u> Will the proposal result in:</b>			
1. Increase in the rate of use of any natural resources?	___	___	_x_
2. Substantial depletion of any non-renewable natural resource?	___	___	_x_
3. Other(s) _____	___	___	_x_

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
J. <u>Risk of Upset.</u> Will the proposal involve:			
1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	___	_x_
2. Possible interference with an emergency response plan or an emergency evacuation plan?	___	___	_x_
3. Other(s) _____	___	___	_x_
K. <u>Population.</u> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?			
1. Other(s) _____	___	___	_x_
L. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing?			
1. Other(s) _____	___	___	_x_
M. <u>Transportation/Circulation.</u> Will the proposal result in:			
1. Generation of substantial additional vehicular movement?	___	___	_x_
2. Effects on existing parking facilities, or demand for new parking?	___	___	_x_
3. Substantial impact upon existing transportation systems?	___	___	_x_
4. Alterations to present patterns of circulation or movement of people and/or goods?	___	___	_x_
5. Alternations to waterborne, rail or air traffic?	___	___	_x_
6. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	___	___	_x_
7. Other(s) _____	___	___	_x_

Yes    Maybe    No

N. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- |   |     |     |              |
|---|-----|-----|--------------|
| 1. Fire protection?                                   | ___ | ___ | <u>  x  </u> |
| 2. Police protection?                                 | ___ | ___ | <u>  x  </u> |
| 3. Schools?   | ___ | ___ | <u>  x  </u> |
| 4. Parks or other recreational facilities?            | ___ | ___ | <u>  x  </u> |
| 5. Maintenance of public facilities, including roads? | ___ | ___ | <u>  x  </u> |
| 6. Other governmental services?                       | ___ | ___ | <u>  x  </u> |
| 7. Other(s) _____                                     | ___ | ___ | <u>  x  </u> |

O. Energy. Will the proposal result in:

- |   |     |     |              |
|---|-----|-----|--------------|
| 1. Use of substantial amounts of fuel or energy?  | ___ | ___ | <u>  x  </u> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | ___ | ___ | <u>  x  </u> |
| 3. Other(s) _____   | ___ | ___ | <u>  x  </u> |

P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- |                              |     |     |              |
|------------------------------|-----|-----|--------------|
| 1. Power or natural gas?     | ___ | ___ | <u>  x  </u> |
| 2. Communication systems?    | ___ | ___ | <u>  x  </u> |
| 3. Water?                    | ___ | ___ | <u>  x  </u> |
| 4. Sewer or septic tanks?    | ___ | ___ | <u>  x  </u> |
| 5. Storm water drainage?     | ___ | ___ | <u>  x  </u> |
| 6. Solid waste and disposal? | ___ | ___ | <u>  x  </u> |
| 7. Other(s) _____            | ___ | ___ | <u>  x  </u> |

Yes    Maybe    No

Q.    Human Health.    Will the proposal result in:

1. Creation of any health hazard or potential health hazard (excluding mental health)?

\_\_\_    \_\_\_      x  

2. Exposure of people to potential health hazards?

\_\_\_    \_\_\_      x  

3. Other(s) \_\_\_\_\_

\_\_\_    \_\_\_      x  

R.    Aesthetics.    Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

\_\_\_    \_\_\_      x  

1. Other(s) \_\_\_\_\_

\_\_\_    \_\_\_      x  

S.    Recreation.    Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

\_\_\_    \_\_\_      x  

1. Other(s) \_\_\_\_\_

\_\_\_    \_\_\_      x  

T.    Cultural Resources.

1. Will the proposal result in the alteration of or the destruction of the destruction of a prehistoric or historic archaeological site?

\_\_\_    \_\_\_      x  

2. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

\_\_\_    \_\_\_      x  

3. Will the proposal restrict existing religious or sacred uses within the potential impact area?

\_\_\_    \_\_\_      x  

4. Other(s) \_\_\_\_\_

\_\_\_    \_\_\_      x  

U.    Mandatory Findings of Significance.

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

\_\_\_ \_\_\_ x

3. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

\_\_\_ \_\_\_ x

4. Does the project have environmental effects which will cause substantial, adverse effects on human beings, either directly or indirectly?

\_\_\_ \_\_\_ x

III. Discussion of Environmental Evaluation

A supplemental report related to potential impact on sensitive habitat is attached.

IV. Preliminary Determination

x I find that the proposed project could not have a significant effect on the environment. A Draft Negative Declaration will be prepared.

\_\_\_ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the attached have been incorporated into the project. A Draft Negative Declaration will be prepared.

\_\_\_ I find that, although the project as proposed could have a significant effect on the environment, there may be mitigation measures and/or project alternatives which, upon further examination, may eliminate the possibility of significant environmental effects. An Expanded Initial Study shall be prepared.

\_\_\_ I find that, pursuant to Section 15153 of the Guidelines, an environmental document has already been prepared and no additional document need be prepared. (\_\_\_\_\_)

\_\_\_ I find that, pursuant to Section 15163 of the Guidelines, an EIR has already been prepared, and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.  
A \_\_\_ Supplemental \_\_\_ Addendum EIR is required.

\_\_\_ I find that the proposed project may have a significant effect on the environment. An Environmental Impact Report is required.

June 12, 1992  
Date

*Carolyn Johnson*  
\_\_\_\_\_  
Carolyn Johnson  
Environmental Coordinator

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**CALIFORNIA DEPARTMENT OF FISH AND GAME  
CERTIFICATE OF FEE EXEMPTION**

**De Minimis Impact Finding**

**Project Title/Location (include county):**

Ocean Blvd Seawall, located on the bluff face adjacent to the end of Montecito street in the City of Pismo Beach, across from 1624, 1654, and 1680 Montecito

**Project Description:**

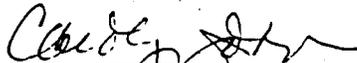
construction of a concrete reinforced seawall, cribwall, integral curb and gutter and sidewalk to prevent erosion effecting existing street and public utilities.

**Findings of Exemption (attach as necessary):**

No significant environmental impacts on wildlife, vegetation or biological resources have been identified.

**Certification:**

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

  
\_\_\_\_\_  
(Chief Planning Official)

Title: City Planner  
Lead Agency City of Pismo Beach  
Date September 2, 1992

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