

**CALENDAR ITEM
C49**

A 33

04/26/05

S 15

PRC 6542 WP 6542.9

J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Department of Parks and Recreation
1725 23rd Street, Suite 200
Sacramento, California 95816

AREA, LAND TYPE, AND LOCATION:

0.103 acre, more or less, of sovereign lands in the Pacific Ocean, adjacent to the Oceano Dunes Off-Highway Vehicle Park, near Oso Flaco Creek, Pismo Beach, San Luis Obispo County.

AUTHORIZED USE:

Maintenance of an existing vehicle barrier.

LEASE TERM:

20 years, beginning October 1, 2003.

CONSIDERATION:

The public use and benefit, 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. At its meeting on December 22, 1983, the Commission authorized the issuance of a 20-year Public Agency Lease (PRC 6542.9) to the Department of Parks and Recreation (DPR) for maintenance of a vehicle barrier on State-owned sovereign lands, adjacent to the Oceano Dunes Off-Highway Vehicle Park in San Luis Obispo County. The lease expired on September 30, 2003. The vehicle barrier was required by the California Coastal Commission (CCC) in June 1982, as a condition of its approval of a permit to DPR to operate an Off-Highway Vehicle Park in

CALENDAR ITEM NO. C49 (CONT'D)

Pismo Beach, north of Oso Flaco Creek. The barrier prohibits vehicle access to a environmentally sensitive dune area south of Oso Flaco Creek. Pedestrian access is available, except during the nesting season for the Snowy Plover and Least Tern (March 1 - September 30). The DPR has submitted an application for a new lease to maintain the existing vehicle barrier.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

4. 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.

EXHIBITS:

- A. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

-2-

000236

CALENDAR PAGE

000577

MINUTE PAGE

CALENDAR ITEM NO. C49 (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATIONS DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE DEPARTMENT OF PARKS AND RECREATION OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING OCTOBER 1, 2003, FOR A TERM OF 20 YEARS, FOR MAINTENANCE OF AN EXISTING VEHICLE BARRIER ON SOVEREIGN LANDS ADJACENT TO THE OCEANO DUNES OFF-HIGHWAY VEHICLE PARK, ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, 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.

EXHIBIT A

LAND DESCRIPTION

PRC 6542.9

A strip of tide and submerged land 10 feet in width in the Pacific Ocean at Oso Flaco Creek, Pismo State Beach, San Luis Obispo County, California, lying 5 feet on each side of an existing vehicle barrier extending waterward 450 feet, more or less, from the ordinary high water mark.

END OF DESCRIPTION

REVISED NOVEMBER 2, 1983 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

000238
CALENDAR PAGE

000573
MINUTE PAGE

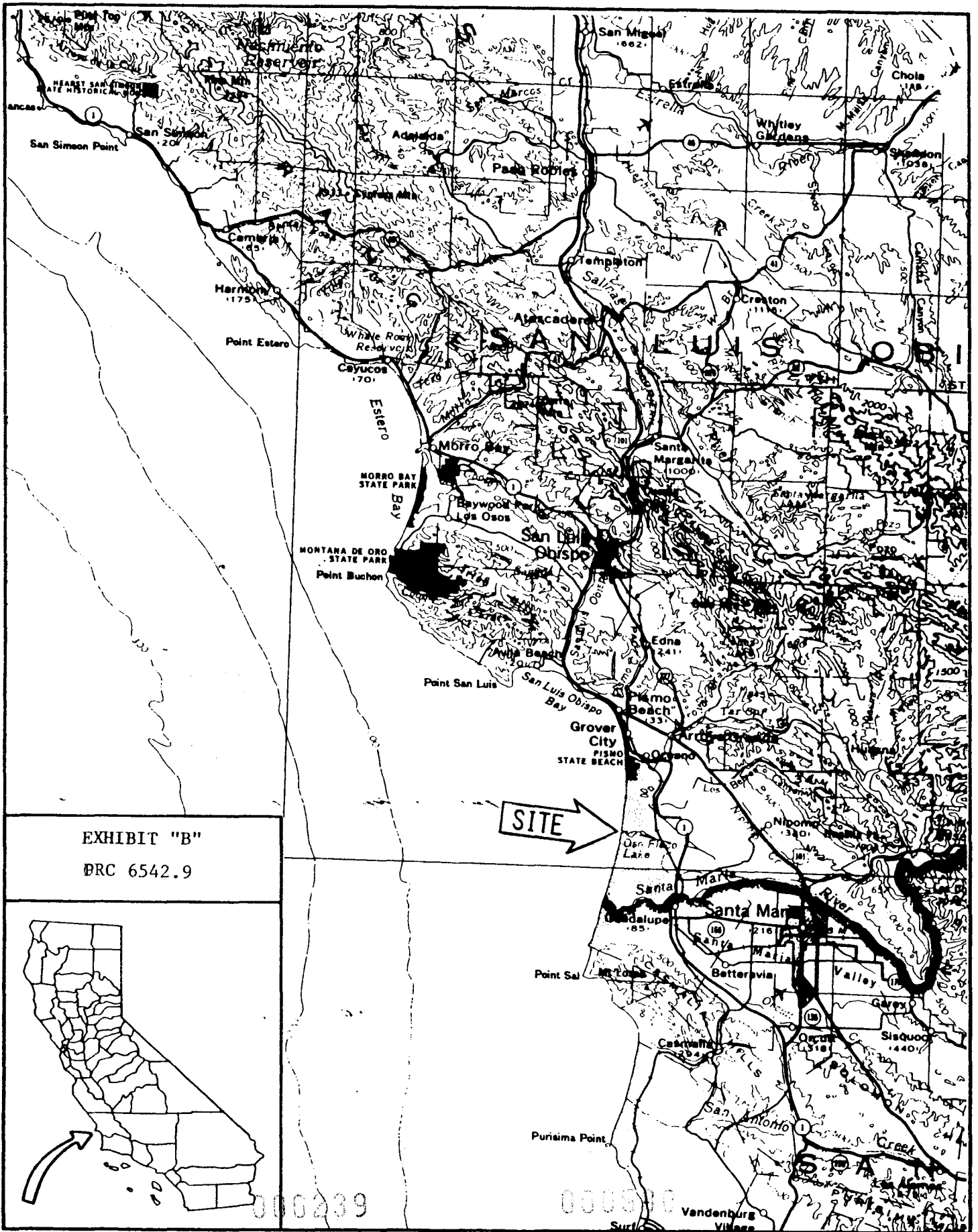


EXHIBIT "B"

BRC 6542.9