

MINUTE ITEM

8/31/72  
CRK

5. 15-YEAR PROTECTIVE STRUCTURE PERMIT AND NONCOMMERCIAL LEASE, TIDELAND AT PISMO BEACH, SAN LUIS OBISPO COUNTY; HOWARD F. DETWILER, ARNO ROSCHER, AND HAROLD L. ENDLICH, A JOINT VENTURE, DBA SHORE CLIFF LODGE - W 9513, PRC 4698.1.

During consideration of Calendar Item 3 attached, the Executive Officer read into the record a telegram received from Kurt Kupper of San Luis Obispo, urging delay of action on the proposed project. The Executive Officer reported that word had been received from the City Manager of Pismo Beach that all governmental agencies concerned had approved the project.

Dr. Howard F. Detwiler appeared before the Commission to explain the project. He introduced a petition signed by 58 persons, endorsing the efforts of Shore Cliff Lodge, Pismo Beach, in constructing a seawall in order to create a public beach on their Pismo Beach property and a second petition, signed by 76 persons totally in favor of Shore Cliff Lodge building a breakwater, raising the beach with white sand, and building a stairway to the beach, the beach being located right below the Shore Cliff Inn (restaurant) now being built just north of the Shore Cliff Lodge.

UPON MOTION DULY MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 64 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A PROTECTIVE STRUCTURE PERMIT AND NONCOMMERCIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO HOWARD F. DETWILER, ARNO ROSCHER AND HAROLD L. ENDLICH, A JOINT VENTURE, DBA SHORE CLIFF LODGE, OF A 15-YEAR PROTECTIVE STRUCTURE PERMIT AND NONCOMMERCIAL LEASE IN THE FORM OF EXHIBIT "C" ON FILE IN THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF FROM AUGUST 1, 1972, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150, WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, AND THE PUBLIC USE AND BENEFIT; PROVISION OF A \$3000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE, FOR CONSTRUCTION OF A SEAWALL AND BACKFILL AS NECESSARY TO CREATE A SANDY BEACH ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 3 (3 pages)

CALENDAR ITEM

8/72  
CRK  
W 9513

3.

PROTECTIVE STRUCTURE PERMIT AND NON-COMMERCIAL LEASE

APPLICANT: Howard F. Detwiler, Arno Roscher and Harold L. Endlich, a Joint Venture, dba Shore Cliff Lodge.

LOCATION: A 0.15-acre parcel of tideland at Pismo Beach, San Luis Obispo County.

LAND USE: Construction of a seawall and backfill to create a non-tidal beach area.

TERMS OF PROPOSED LEASE:

15 years, from August 1, 1972.

Surety bond: \$3,000. Public liability insurance: \$200,000/  
\$600,000 for personal injury and \$100,000 for property damage.

CONSIDERATION: \$150 per annum, plus the public benefit accruing from access to and use of the leased premises and parking areas, with State reserving the right to review and reset a reasonable rental on each fifth anniversary.

BASIS FOR CONSIDERATION:

\$150 minimum rental for this type of lease or permit.

PREREQUISITE TERMS:

U.S. Army Corps of Engineers permit issued.

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Division 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Division 3, Articles 1 and 2.

OTHER PERTINENT INFORMATION:

An environmental impact report has been prepared and circulated to affected governmental agencies. Resources Agency departments suggested that approval be contingent upon free public access and parking and that no attempt be made to discourage public use. In addition, recommendation was made that major structures be adequately set back from eroding cliffs. These points have been included as covenants in the lease document.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Form of Lease.

CALENDAR ITEM NO. 3. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 64 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A PROTECTIVE STRUCTURE PERMIT AND NON-COMMERCIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO HOWARD F. DETWILER, ARNO ROSCHER AND HAROLD L. ENDLICH, A JOINT VENTURE, DBA SHORE CLIFF LODGE, OF A 15-YEAR PROTECTIVE STRUCTURE PERMIT AND NON-COMMERCIAL LEASE IN THE FORM OF EXHIBIT "C" ON FILE IN THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF FROM AUGUST 1, 1972, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150, WITH STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, AND THE PUBLIC USE AND BENEFIT; PROVISION OF A \$3,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE, FOR CONSTRUCTION OF A SEAWALL AND BACKFILL AS NECESSARY TO CREATE A SANDY BEACH ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 9513

A parcel of tide and submerged land situate in the City of Pismo Beach, San Luis Obispo County, California, more particularly described as follows:

COMMENCING at State of California, Division of Highways monument EC208+58.61; thence S. 75° 02' 50" W., 616.65 feet to the TRUE POINT OF BEGINNING; thence from said point of beginning, the following 14 courses:

1. S. 75° 04' 07" W., 13.00 feet
2. N. 77° 56' 28" W., 28.95 feet
3. West 14.00 feet
4. S. 51° 20' 25" W., 12.80 feet
5. North 110.40 feet
6. S. 78° 35' 00" E., 21.60 feet
7. S. 61° 21' 00" E., 20.80 feet
8. S. 36° 12' 00" E., 34.40 feet
9. S. 38° 33' 00" E., 34.40 feet
10. S. 03° 07' 00" E., 9.60 feet
11. S. 27° 57' 00" E., 15.20 feet
12. S. 15° 20' 00" E., 10.40 feet
13. N. 73° 43' 00" W., 13.60 feet
14. S. 49° 30' 40" W., 10.72 feet to the point

of beginning.

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

END OF DESCRIPTION