

MINUTE ITEM

This Calendar Item No. C04  
was approved as Minute Item  
No. 4 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/24/84  
meeting.

CALENDAR ITEM

A 29

C04

05/24/84  
W 23026  
Lipphardt  
PRC 6674

S 14

GENERAL PERMIT - PUBLIC AGENCY  
AND APPROVAL OF SUBLEASE

LESSEE

City of Pismo Beach, etc.

SUBLESSOR:

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

SUBLESSEE:

Blair W. and Cheryl A. Sheldon  
1271 San Carlos  
San Luis Obispo, California 93401

AREA, TYPE LAND AND LOCATION:

A 0.640 acre of tide and submerged land in  
Pacific Ocean at Pismo Beach, San Luis Obispo  
County.

LAND USE:

Operation and maintenance of Pismo Beach Pier  
and related concessions.

TERMS OF PROPOSED PERMIT:

Initial period: 35 years from May 1, 1984.

CONSIDERATION:

The public use and benefit with the State,  
reserving the right at any time to set a  
monetary rental for any year in which income  
generated from the lease premises exceeds  
expenses thereon or if at any time the  
Commission finds such action to be in the  
State's best interest.

CALENDAR ITEM NO. C 0 4 (CONT'D)

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Adm. Code 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs has been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

04/30/85.

**OTHER PERTINENT INFORMATION:**

1. The Pismo Beach Pier has been owned and operated by the State Department of Parks and Recreation since the County of San Luis Obispo transferred the pier to the State in 1950. Recent legislation passed (SB 1603, Chapter 1618, Statutes of 1982) which authorizes the transfer of the pier to the City of Pismo Beach as part of an urban waterfront restoration project. The restoration project has received an award grant from the State Coastal Conservancy.
2. There is one existing sublease on the lease premises:

Sublessees: Blair W. and Cheryl A. Sheldon  
Concession for fishing gear,  
bait, paraphernalia, and  
refreshment items.

The City is planning to enter into additional subleases in the future, subject to the terms of the General Permit.

CALENDAR ITEM NO. C 0 4 (CONT'D)

3. The annual rental value of the site is estimated to be \$2,509. The State's permit requires that the City submit an annual report covering income and expenses generated by operation of the pier. Should income exceed expenses for any given year, the State reserves that right to set a monetary rental for that year. Any income not paid to the State as rental shall be used for the operation of the lease premises or for any public trust use for the statewide benefit of the public along the Pismo Beach waterfront.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, existing facilities, 2 Cal. Adm. Code 2905(1).
5. 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.

APPROVALS OBTAINED:

N/A.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061, AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905.

CALENDAR ITEM NO. C 0 4 (CONT'D)

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 35-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM MAY 1, 1984, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL FOR ANY YEAR IN WHICH INCOME GENERATED FROM THE LEASE PREMISES EXCEEDS EXPENSES THEREON OR IF AT ANY TIME THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR OPERATION AND MAINTENANCE OF PISMO BEACH PIER AND RELATED CONCESSIONS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. APPROVE AN EXISTING SUBLEASE TO BLAIR W. AND CHERYL A. SHERLDON ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION PROVIDED THAT THE SUBLESSEES EXECUTE AN APPROPRIATE DOCUMENT WITH THE STATE, AGREEING TO BE BOUND BY THE PROVISIONS OF THE STATE PERMIT TO THE CITY OF PISMO BEACH AND NAME THE STATE AS ADDITIONAL INSURED ON ANY LIABILITY INSURANCE POLICY REQUIRED BY THE SUBLEASE.

EXHIBIT "A"

LAND DESCRIPTION

W 23026

A strip of tide and submerged land in the Pacific Ocean at Pismo Beach, San Luis Obispo County, California, lying directly beneath a 32 feet wide timber pile wharf, the centerline of which is described as follows:

BEGINNING at a point on the Westerly edge of the concrete seawall as it existed October 3, 1925, in the Town of El Pizmo, City of Pismo Beach, County of San Luis Obispo, State of California, according to map filed for record June 5, 1905, in the Office of the County Recorder of said County, which point of beginning is distant the following courses and distances from the most easterly corner of Block 8 of said town; S 47° 15' W 283.43 feet along the southeasterly line of said Block 8; thence N 52° 38' W 103.21 feet; thence S 68° 10' W 152.20 feet to the above mentioned point of beginning; thence running from said point of beginning S 69° 00' W 1215 feet to the end of the herein-described centerline.

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

END OF DESCRIPTION

PREPARED JULY 12, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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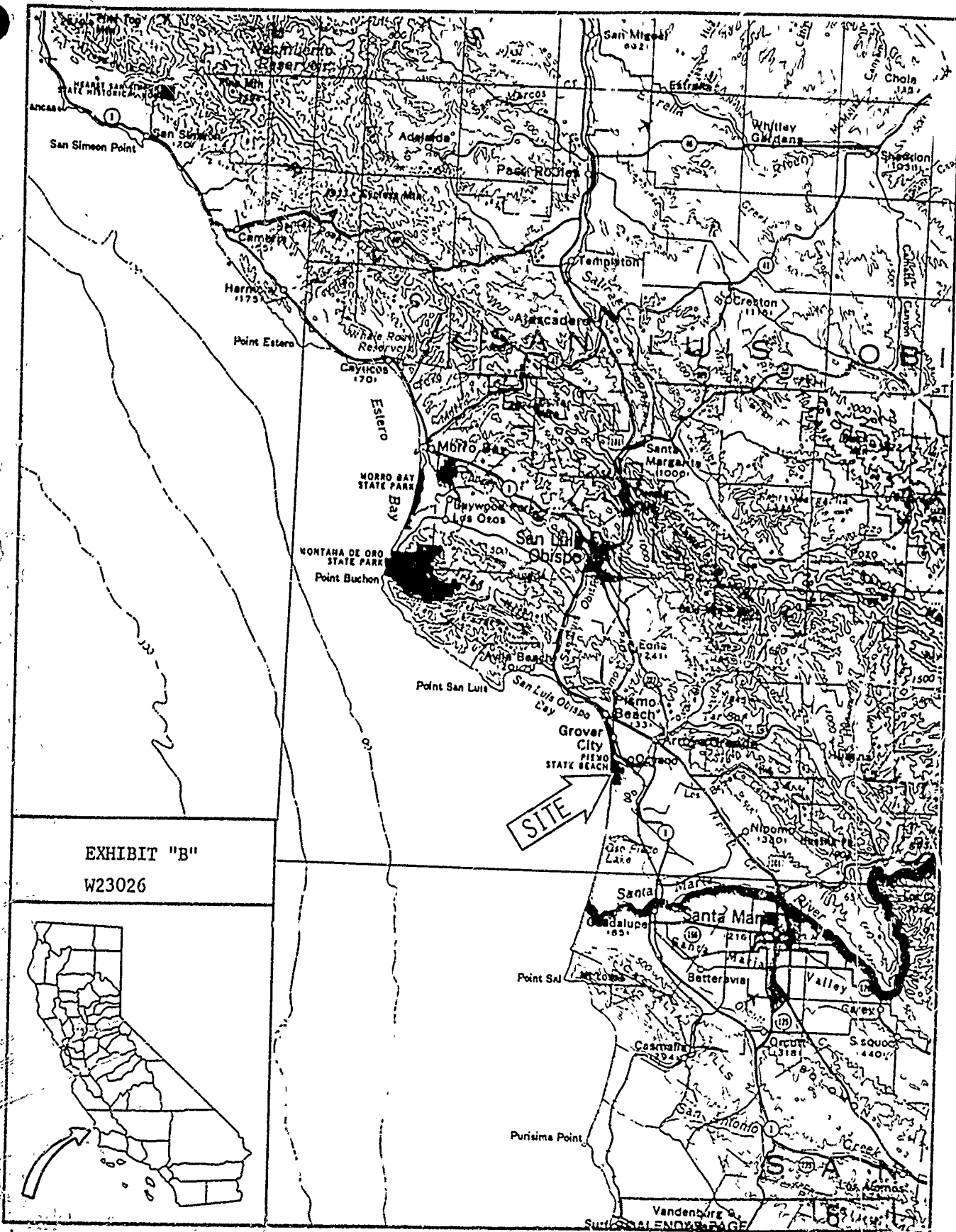


EXHIBIT "B"

W23026



SITE

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