

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 2
to 0 at its 7/25/85
meeting.

CALENDAR ITEM

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07/25/85
WP 6674
Lipphardt

AMENDMENT TO GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: City of Pismo Beach
Attention: Dave Watson
1000 Bello Street
P. O. Box 3
Pismo Beach, California 93449

SUBLESSEE: City of Pismo Beach Public
Facilities Corporation
c/o City Clerk
Attention: President
1000 Bello Street
P. O. Box 3
Pismo Beach, California 93449

TRUSTEE: First Interstate Bank of California
Corporate Trust Department
Attention: John H. Scott,
Assistant Vice President
405 Montgomery Street
San Francisco, California 94104

AREA, TYPE LAND AND LOCATION:
A 4.076-acre parcel of tide and submerged land
in the Pacific Ocean at Pismo Beach, San Luis
Obispo County.

LAND USE: Operation and maintenance of Pismo Beach
Fishing Pier.

TERMS OF ORIGINAL PERMIT:
Initial period: 35 years beginning May 1,
1984.

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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, or if the Commission finds such action to be in the State's best interest.

TERMS OF PROPOSED AMENDMENT:

This amendment changes the Trustee previously named in financing documents and clarifies the lease description for title insurance purposes.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is Owner of upland.

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:

N/A.

OTHER PERTINENT INFORMATION:

1. On May 24, 1984, the State Lands Commission approved a General Permit - Public Agency Use, to the City of Pismo Beach (City) for the lease of .640 acres of tidelands and submerged lands underlying the Pismo Beach Fishing Pier. On July 12, 1984, the Commission approved an amendment to the permit which modified the lease description to provide for a proposed pier expansion which was to be partially financed through funding commitments from the Wildlife Conservation Board and the Federal Emergency Management Administration. On October 25, 1984, the Commission approved

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an amendment to the permit which amended the lease description to accommodate the City in obtaining title insurance and also restricted to use on the lease premises any revenues derived from or attributable to the lease premises.

2. In order to finance the remainder of the pier expansion project, the City formed the City of Pismo Beach Facilities Corporation (Corporation). The City and the Corporation entered in a Lease Agreement which subleases Lease PRC 6674, upon which the pier is located, to the Corporation, which then subleases such property back to the City for maintenance and operation. Under the Lease Agreement, the City is obligated to make lease payments to the Corporation for the use and occupancy of the property. The Corporation is obligated to assist the City in the pier project by assigning the lease payments to a Trustee whose responsibility is to administer funds for the improvement and restoration of the pier. The October 25, 1984 Commission action approved these subleases between the City and the Corporation, and the assignments of revenues to the named Trustee. The City previously named the Bank of America NT & SA as Trustee for this project. The City has recently obtained a new Trustee, First Interstate Bank of California.
3. The lease description is being changed to correct a typographical error and to clarify the description for title insurance purposes.
4. The annual rental value of the site is estimated to be \$15,980.

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5. 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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. AUTHORIZE ISSUANCE TO THE CITY OF PISMO BEACH OF AN AMENDMENT TO LEASE PRC 6674, EFFECTIVE JULY 25, 1985, SUBSTANTIALLY IN THE FORM ON FILE IN THE PRINCIPAL OFFICE OF THE STATE LANDS COMMISSION, WHICH AMENDS THE LAND DESCRIPTION TO THAT DESCRIBED ON EXHIBIT "A", ATTACHED AND BY REFERENCE MADE A PART HEREOF AND APPROVAL OF THE SUBSTITUTION OF FIRST INTERSTATE BANK OF CALIFORNIA FOR BANK OF AMERICA NT & SA AS ASSIGNEE OF THE REVENUES PURSUANT TO THE ASSIGNMENT APPROVED BY THE STATE LANDS COMMISSION ON OCTOBER 25, 1984, MINUTE ITEM 17. ALL REMAINING TERMS AND CONDITIONS OF LEASE PRC 3116 REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

EXHIBIT "A"

LAND DESCRIPTION

WP 6674

A strip of tide and submerged land 205' wide in the Pacific Ocean at Pismo Beach, San Luis Obispo County, California, said strip lying 102.5' on each side of the following described centerline of the Pismo Beach Pier:

COMMENCING at the most easterly corner of Block 8 of the "Town of El Pismo", City of Pismo Beach, County of San Luis Obispo, State of California, according to the map filed for record June 5, 1905, in Book "A" of Maps, Page 155 in the Office of the County Recorder of said County; thence S 47° 15' W 283.43 feet along the southeasterly line of said Block 8, thence leaving said southeasterly line N 52° 28' W 103.21 feet, thence S 68° 10' W 1,362.35 feet to the southwesterly end of the centerline of said Pismo Beach Pier and the TRUE POINT OF BEGINNING: thence along said centerline N 68° 10' E to the ordinary high water mark of the Pacific Ocean and the end of the herein described line.

END OF DESCRIPTION

REVISED APRIL 17, 1985, BY BOUNDARY SERVICES UNIT, M.L. SNAFER, SUPERVISOR

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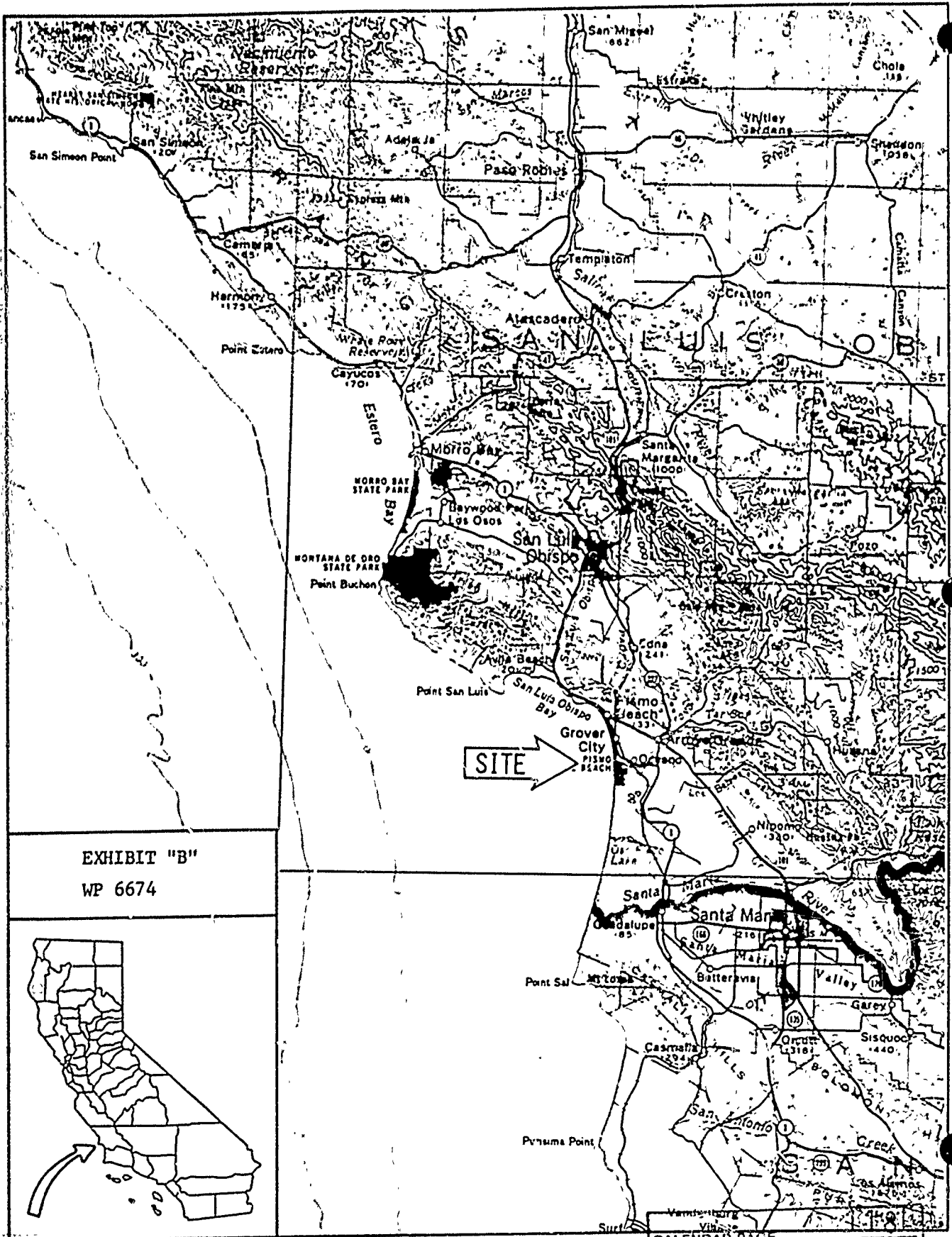


EXHIBIT "B"
WP 6674



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