

MINUTE ITEM
This Calendar Item No. 6
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 3
to 0 at its 7-16-87
meeting.

CALENDAR ITEM

A 29

C 06

07/16/87

S 14

WP 4698 PRC 4698
Lipphardt

GENERAL PERMIT - RECREATIONAL USE
AND PROTECTIVE STRUCTURE PERMIT

APPLICANT: Shorecliff Properties, Inc.
c/o Earle C. Blais
101 South First Street, Suite 402
Burbank, California 91502

AREA, TYPE LAND AND LOCATION:
One 0.15-acre parcel and seven parcels
totalling 0.133 acre, all parcels together
totalling 0.283 acre of tide and submerged
lands in the Pacific Ocean at Pismo Beach,
San Luis Obispo County.

LAND USE: Maintenance of an existing seawall and beach
area, and rock embankment protection.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning August 1,
1987.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Special: An easement exists for
purposes of public ingress
and egress to a portion of
the leased premises over,
across, and upon the adjacent
upland.

CALENDAR ITEM NO. C 06 (CONT'D)

CONSIDERATION: \$1,232.70 per annum; plus the public benefit accruing from the public use of, and right of, access to and from a portion of the lease premises, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Payment for the first year's annual rent 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: N/A.

OTHER PERTINENT INFORMATION:

1. On November 11, 1979, the State Lands Commission approved an assignment of and amendment to the subject permit to Shorecliff Properties. The assignment covered the transfer of the permit which was for a seawall and a backfilled nontidal beach area, to Shorecliff Properties. The amendment allowed Shorecliff to install erosion control material at the base of the cliffs which support the Shorecliff Inn and Motel. Tidal and wave action and their interaction with sand and gravel had created a scouring effect at the cliff bases and caused severe erosion. The permit additionally required that the original permittee create a perpetual easement over, across, and upon the upland property for purposes of providing public access to the backfilled beach area. The permit is due to expire on July 31, 1987.

CALENDAR ITEM NO. C 06 (CONT'D)

Shorecliff has agreed to the terms of a new permit which include: 1) a provision that the ongoing maintenance of the lease area by the installation of embankment protection material shall be limited to the existing area; and 2) an acknowledgement of the perpetual easement and an agreement not to discourage public use of the easement and beach area.

2. 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.
3. 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(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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.
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 SHORECLIFF PROPERTIES, INC. OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE AND PROTECTIVE STRUCTURE PERMIT ON FILE IN THE PRINCIPAL OFFICE OF THE

CALENDAR ITEM NO. C 16 (CONT'D)

STATE LANDS COMMISSION, BEGINNING AUGUST 1, 1987; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,232.70, PLUS THE PUBLIC BENEFIT, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF AN EXISTING SEAWALL AND BEACH AREA, PLUS INSTALLATION AND MAINTENANCE OF ROCK EMBANKMENT PROTECTION MATERIAL AND DEVICES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

PRC 4698.1

Eight parcels of tide and submerged land situated in the Pacific Ocean in the vicinity of the City of Pismo Beach, San Luis Obispo County, California, Parcels 1-7 being used for Embankment Protection Areas and Parcel 8 being used for a Seawall and Non-Tidal Beach Area, said Parcels being more particularly described as follows:

PARCEL 1

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W, as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California; thence N 88°06'00" W, 367.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence N 12°29'00" W, 27.00 feet to a point on the ordinary high water line; thence along the ordinary high water line S 41°30'00" E, 13.00 feet; thence continuing along the ordinary high line S 10°06'00" E, 10.00 feet; thence continuing along the ordinary high water line S 33°45'24" W, 8.16 feet to the point of beginning.

PARCEL 2

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W, as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California; thence S 88°23'00" W, 334.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence N 73°53'00" W, 10.00 feet to a point on the ordinary high water line; thence along the ordinary high water line N 33°30'00" E, 6.00 feet; thence continuing along the ordinary high water line S 77°17'00" E, 8.00 feet; thence continuing along the ordinary high water line S 14°04'15" W, 6.20 feet to the point of beginning.

PARCEL 3

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W, as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California;

thence S 62°29'00" W, 136.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence N 71°04'00" W, 42.00 feet to the beginning of a curve concave northeasterly; thence along said curve tangent to the last said bearing having a radius of 21.00 feet, through a central angle of 74°54'00", a length of 24.64 feet to a point on the ordinary high water line; thence continuing along the ordinary high water line S 86°10'00" E, 26.00 feet also being a radial of the last said curve; thence continuing along the ordinary high water line S 39°02'00" E, 19.00 feet; thence continuing along the ordinary high water line S 59°49'00" E, 17.00 feet; thence continuing along the ordinary high water line S 70°18'45" E, 9.93 feet to the point of beginning.

PARCEL 4

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W, as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California; thence S 27°11'00" W, 159.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence along the ordinary high water line S 12°00'00" E, 14.00 feet; thence continuing along the ordinary high water line S 78°26'00" W, 7.00 feet; thence N 14°39'05" E, 15.60 feet to a point on the ordinary high water line and the point of beginning.

PARCEL 5

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W, as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California; thence S 28°30'00" W, 208.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence along the ordinary high water line S 75°12'00" E, 15.00 feet; thence continuing along the ordinary high water line S 20°15'00" E, 35.00 feet; thence continuing along the ordinary high water line S 61°11'00" W, 40.50 feet; thence N 8°58'08" E, 56.89 feet to a point on the ordinary high water line and the point of beginning.

PARCEL 6

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W, as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California, thence S 00°50'00" E, 346.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence along the ordinary high water line N 33°19'00" E, 35.05 feet to the beginning of a curve concave southerly; thence following the ordinary high water line along said curve tangent to the last said bearing having a radius of 11.00 feet; through a central angle of 72°25'00", a length of 13.90 feet; thence continuing along the ordinary high water line S 74°16'00" E, 33.96 feet to the beginning of a curve concave southwesterly; thence following the ordinary high water line along said curve concave southwesterly tangent to last said bearing having a radius of 22.00 feet through a central angle of 90°00'00", a length of 34.56 feet; thence N 74°16'00" W, 8.00 feet to the beginning of a curve concave southerly; thence along said curve tangent to last said bearing having a radius of 47.00 feet through a central angle of 35°11'00", a length of 28.86 feet to a point of reverse curvature; thence along a curve concave northerly tangent to last said curve having a radius of 60.00 feet through a central angle of 42°15'00", a length of 44.24 feet to a point on the ordinary high water line and the point of beginning.

PARCEL 7

COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56°28'40" W as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California, thence S 24°50'00" E, 515.00 feet to a point on the ordinary high water line being the TRUE POINT OF BEGINNING; thence along the ordinary high water line N 77°18'00" E, 61.00 feet; thence continuing along the ordinary high water line S 48°30'00" E, 11.50 feet; thence continuing along the ordinary high water line S 17°30'00" W, 9.00 feet; thence continuing along the ordinary high water line S 32°50'00" E, 16.00 feet; thence N 87°52'37" W, 65.11 feet to a point on the ordinary high water line; thence along the ordinary high water line N 53°47'00" W, 14.00 feet; thence continuing along the ordinary high water line N 22°15'00" E, 6.00 feet to the point of beginning.

PARCEL 8

COMMENCING at State of California, Division of Highways monument at EC 208 + 58.61 on the centerline of the southbound lane of U.S. Highway 101; 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 FROM PARCELS 1-8 any portion lying landward of the ordinary high water mark of the Pacific Ocean.

This description is based on the California Coordinate System of 1927, Zone 5.

END OF DESCRIPTION

REVIEWED APRIL 14, 1987 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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