

MINUTE ITEM

This Calendar Item No. C85
was approved as Minute Item
No. 85 by the State Lands
Commission by a vote of 3
to 0 at its 11/15/94
meeting.

CALENDAR ITEM

C85

A 33
S 14, 18

11/15/94
W 25139
J. Smith
PRC 7802

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Kathryn L. Fox, Trustee and Joyce Rivers Cusano
2161/2171 Shoreline Drive
Pismo Beach, California 93449

AREA, TYPE LAND AND LOCATION:

Parcel of tide and submerged land in the Pacific Ocean,
Shell Beach, San Luis Obispo County.

LAND USE:

Proposed repair of foundation of existing seawall installed
to protect existing residences.

PROPOSED LEASE TERMS:

Lease period:
10 years beginning December 1, 1994.

Public liability insurance:
Combined single limit coverage of \$500,000.

CONSIDERATION:

The public use and benefit, with the State reserving the
right at any time to set a monetary rental if the Commission
finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicants are owners of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:
02/20/95

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OTHER PERTINENT INFORMATION:

1. The applicants propose to repair a seven-foot high concrete seawall, with access stairways at both ends, which has been damaged by wave action and erosion. This protective structure was built approximately 20 years ago to protect existing blufftop residences. A new foundation is proposed across the entire toe of the structure. Voids behind the wall will be backfilled with concrete to stabilize the slopes behind the wall.
2. A Negative Declaration was prepared and adopted for this project by the City of Pismo Beach on January 11, 1994, as Coastal Development Permit 93-153. The document was not circulated through the State Clearinghouse; however, based on staff's review of the mailing list, it would appear that the document was circulated for public review as broadly as State and local law may require.
3. 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:

United States Army Corps of Engineers; Regional Water Quality Control Board; City of Pismo Beach.

FURTHER APPROVALS REQUIRED:

California Coastal Commission; State Lands Commission.

EXHIBIT:

- A. Location and Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

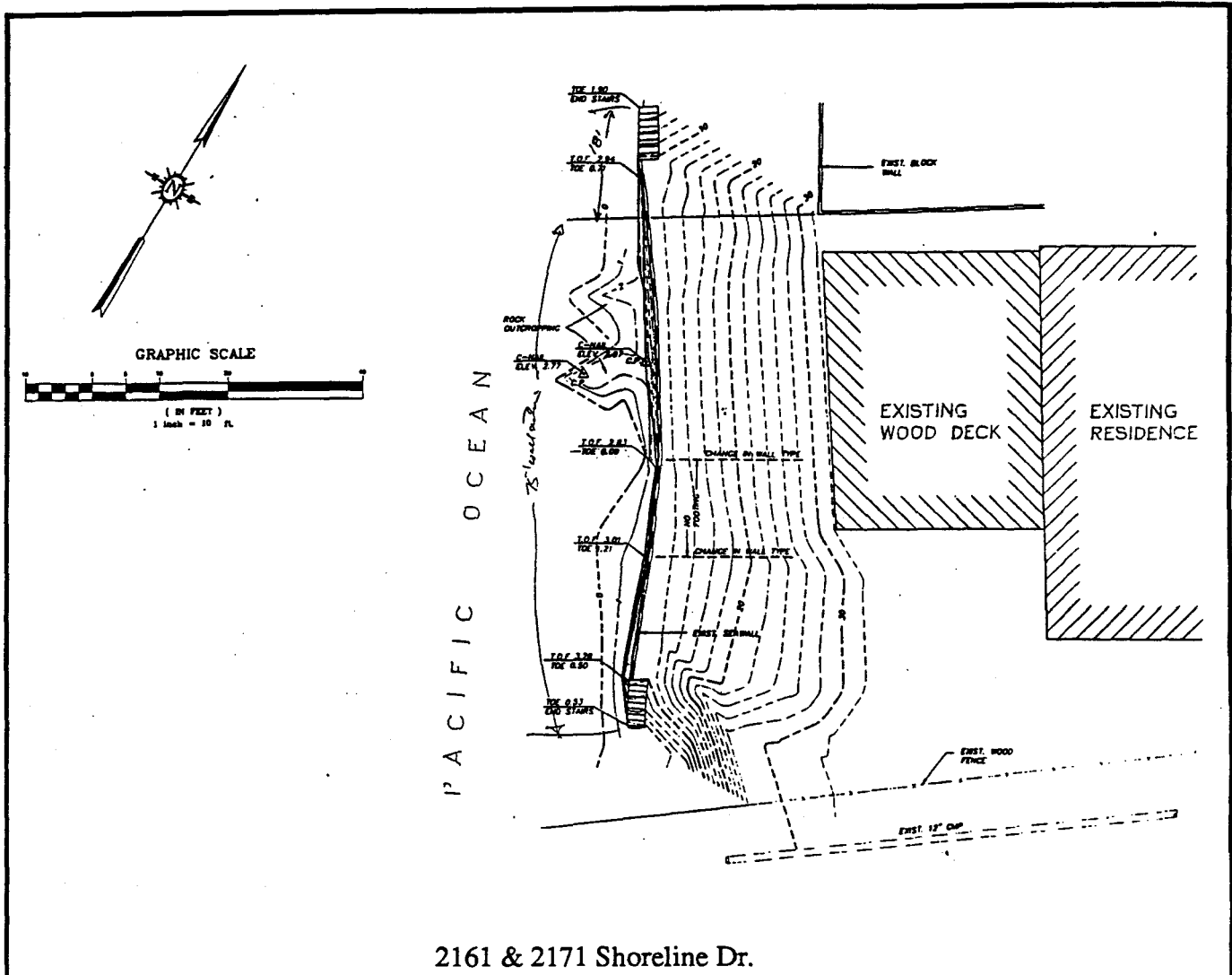
1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PISMO BEACH AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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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 KATHRYN L. FOX, TRUSTEE AND JOYCE RIVERS CUSANO OF A TEN YEAR GENERAL LEASE - PROTECTIVE STRUCTURE USE BEGINNING DECEMBER 1, 1994; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR PROPOSED REPAIR OF EXISTING SEAWALL FOUNDATION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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2161 & 2171 Shoreline Dr.

LOCATION MAP

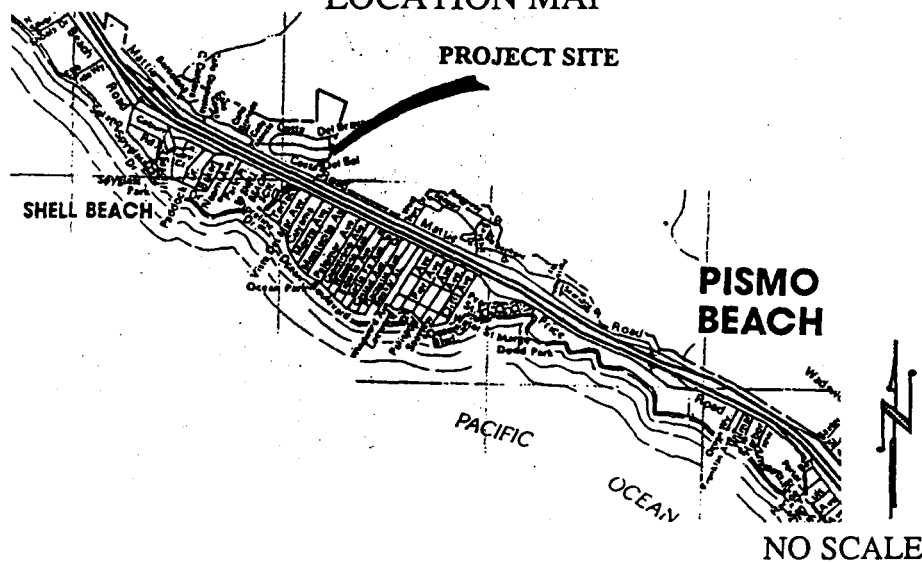


EXHIBIT "A"
 W 25139
 APNs 010 - 521 - 020,021
 General lease
 Protective Structure Use
 Fox / Cusano
 Pismo Beach
 SAN LUIS OBISPO CO.



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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