

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 3
to 0 at its 5-27-76
meeting.

CALENDAR ITEM

24.

5/76
W 21073
GRH
PRC 5131

PROTECTIVE STRUCTURE

APPLICANT: Charles R. and Pearl L. Leaders
305 Anita Drive
Pasadena, California 91105

AREA, TYPE LAND AND LOCATION: An 0.010-acre parcel of coastal tidelands
adjacent to Lot 2, Block 1, Shell Beach
Subd. #2, Shell Beach, San Luis Obispo County.

LAND USE: Protective Structure - Concrete seawall.

TERMS OF PROPOSED LEASE: Initial period: 10 years from July 1, 1976.

Renewal OPTIONS: 3 successive periods of 10
years each.

CONSIDERATION: \$20 per annum, with the State reserving the
right to fix a different rental on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION: \$20 minimum rental for this type of lease or
permit.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:
1. This project is situated on State land
identified as environmentally significant,
pursuant to Public Resources Code 6370.1,
and is classified in a significant use
category.

The applicant proposes to construct a
concrete seawall adjacent to his property
to prevent further erosion of the rock
cliff on the property. The City, in pre-
paring environmental documentation for

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CALENDAR ITEM NO. 24. (CONTD)

the project, contacted the Department of Fish and Game; Fish and Game stated that there would be no significant lasting pollution due to the seawall. Accordingly, the staff has determined that the seawall will be a compatible project consistent with identified significant environmental values.

2. A Negative Declaration was prepared by the City of Pismo Beach, pursuant to CEQA implementing regulations.
3. The applicant has received a conditional use permit for the seawall from the City of Pismo Beach. The Regional Coastal Zone commission has also issued a permit for seawall with the condition that the applicant obtain approval from the State Lands Commission.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE CITY OF PISMO BEACH ON JANUARY 22, 1975.
2. CERTIFY THAT IT HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO CHARLES R. AND PEARL L. LANDERS OF A 10-YEAR PROTECTIVE STRUCTURE LEASE FROM JULY 1, 1976, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$20 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE FOR THE CONSTRUCTION AND MAINTENANCE OF A SEAWALL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21073

A parcel of submerged land in the bed of the Pacific Ocean, vicinity of Shell Beach, California, more particularly described as follows:

BEGINNING at the most easterly corner of lot 2, block 1 of Shell Beach Subdivision No. 2, filed May 4, 1926, in map book 3, page 73, San Luis Obispo County Records; thence along the southeasterly line of said lot 2 S 29° 43' 00" W, 41.65 feet; thence N 37° 06' 51" W, 6.92 feet; thence S 78° 51' 33" W, 15.94 feet; thence N 77° 36' 30" W, 32.50 feet; thence N 27° 18' 50" W, 12.50 feet; thence N 78° 38' 36" E, 79.50 feet to the point of beginning.

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

END OF DESCRIPTION

Prepared R. L. Blake Checked Shirley King
Reviewed A. H. Kunnacker Date 5/3/76
/s/