

MINUTE ITEM

This Calendar Item No. 18.
was approved as a Calendar Item
No. 18 by the State Lands
Commission by a vote of 3
to 0 at its 11-20-79
meeting.

CALENDAR ITEM

18.

11/79
W 22185
Gordon
PRC 4698.1

ASSIGNMENT AND AMENDMENT OF NON-COMMERCIAL LEASE
AND PROTECTIVE STRUCTURE PERMIT, PRC 4698.1

ASSIGNOR: Howard F. Detwiler, Arno Roscher and
Harold L. Endlich, dba Shore Cliff Lodge
2555 Price Street
Pismo Beach, California 93449

ASSIGNEE: Shorecliff Properties, Inc.
c/o Blais and Loskamp
99 East Magnolia Boulevard, Suite 100
Burbank, California 91502

AREA, TYPE LAND AND LOCATION:
A 0.15 acre parcel and 7 parcels totalling
0.133 acre, all composing an aggregate
of 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
a backfilled nontidal beach area plus the
proposed installation and maintenance of
rock embankment protection material and
devices in 7 areas, respectively.

TERMS OF ORIGINAL LEASE/PERMIT:
Initial period: 15 years from August 1,
1972.

Surety bond: \$3,000.

Public liability insurance: \$600,000 per
occurrence for bodily
injury and \$100,000 for
property damage, or combined
single limit coverage
of \$700,000.

Consideration: \$150 per annum, plus
the public benefit accruing
from the public use of,
and right of, access
to and from the leased

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CALENDAR ITEM 108
MINUTE PAGE 2306

CALENDAR ITEM NO. 18. (CONTD)

premises, with the State reserving the right to review and reset a reasonable rental on each fifth anniversary.

Special:

Lessee agreed to create easements for purposes of public ingress and egress to the leased premises over, across, and upon the adjacent upland.

TERMS OF AMENDED LEASE/PERMIT:
Initial period:

15 years from August 1, 1972.

Surety bond:

\$3000.

Public liability insurance: \$600,000 per occurrence for bodily injury and \$100,000 for property damage, or combined single limit coverage of \$700,000.

Special:

1. The amendment authorizes placement of new embankment protection material, increases the area of use, establishes new construction limiting dates and brings the lease/permit provisions into conformance with current requirements and standards.

2. All other terms and conditions of the lease/permit remain in full force and effect.

CONSIDERATION: \$150 per annum, plus the public benefit accruing from the public use of, and right of, access to and from the leased premises, with the State reserving the right to fix a reasonable rental on each fifth anniversary of the lease/permit.

CALENDAR PAGE	109
MINUTE PAGE	2307

CALENDAR ITEM NO. 18. (CONTD)

BASIS FOR CONSIDERATION:

2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The assignment of this lease/permit is occasioned by the incorporation of lessee's upland assets and liabilities as Shorecliff Properties, Inc., a California corporation. The Office of the Secretary of State advises staff that assignee is qualified to conduct business in the State.
2. Assignee's project, as proposed in the amendment, encompasses the installation and maintenance of erosion control material consisting of 6,000 cubic yards of large rock and 250 cubic yards of concrete on 7 new parcels located at the base of cliffs supporting assignee's business "Shorecliff Inn and Motel". As a part of this project, a new retaining wall is also proposed to be constructed on the upland landward of the existing seawall, nontidal beach area and the ordinary high water line.

The littoral cliff formations are being jeopardized by erosion. Tide and wave action interacting with sand and gravel create a scouring effect at the cliff bases. Over an extended period of time, this rhythmic pattern appears to have carved a series of sea caves under assignee's surface improvements. Erosion

CALENDAR PAGE	110
MINUTE PAGE	2308

CALENDAR ITEM NO. 18. (CONTD)

of the cliff faces and displacement of certain of the top soil to the beach and surf below continues at an accelerated pace. Any sudden collapse or large displacement of any portion of the cliffs is an impending risk and a potential danger to assignee and the public health and safety of the sovereign lands herein.

This activity is a remedial action to preserve the existing environment and to protect assignee's interests and property. The project will produce few adverse scenic impacts and be of mutual benefit to the public and assignee. Staff determines the current monetary rent and the current public use and benefit to be a reasonable and equitable consideration. This project is consistent with Coastal Commission regulations.

3. A negative declaration was prepared by the City of Pismo Beach, pursuant to CEQA and implementing regulations.
4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class A, which authorizes Restricted Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS OBTAINED:

City of Pismo Beach, California Department of Fish and Game, California Central Coast Regional Water Quality Control Board.

CALENDAR PAGE	111
MINUTE BOOK	2309

CALENDAR ITEM NO. 18 (CONTD)

FURTHER APPROVALS REQUIRED:

California South Central Regional Coastal Commission, United States Army Corps of Engineers. No adverse comments relative to this project have been received by staff. The proposed amendment is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS: A. Land Description. B. Location Map.
 C. Notice of Determination and Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE CITY OF PISMO BEACH ON NOVEMBER 8, 1978.
2. CERTIFY THAT THE NEGATIVE DECLARATION HAS BEEN COMPLETED IN COMPLIANCE WITH CEQA, AS AMENDED, AND THE STATE EIR GUIDELINES, AND THAT THE COMMISSION 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. DETERMINE THAT THE PROJECT AND THIS ACTIVITY IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
5. FIND THAT APPROVAL OF THE ASSIGNMENT AND AUTHORIZATION OF THE AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
6. APPROVE THE ASSIGNMENT OF LEASE/PERMIT PRC 4698.1 FROM HOWARD F. DETWILER, ARNO ROSCHER AND HAROLD L. ENDLICH, DBA SHORE CLIFF LODGE TO SHORECLIFF PROPERTIES, INC.
7. AUTHORIZE THE AMENDMENT OF NON-COMMERCIAL LEASE AND PROTECTIVE STRUCTURE PERMIT PRC 4698.1, EFFECTIVE SEPTEMBER 20, 1979; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150 PLUS THE PUBLIC USE AND BENEFIT,

CALENDAR PAGE	112
MINUTE PAGE	2310

CALENDAR ITEM NO. 18 (CONTD)

WITH THE STATE RESERVING THE RIGHT TO FIX A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE/PERMIT; PROVISION OF A \$3,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$600,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$700,000; FOR MAINTENANCE OF AN EXISTING SEAWALL AND BACKFILLED NONTIDAL 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.

CALENDAR PAGE	113
DATE-ACS	2311

EXHIBIT "A"

Land Description

22185

Seawall and Nontidal Beach Area

A parcel of tide and submerged land situate in the City of Pismo Beach, San Luis Obispo County, California, more particularly described as follows:

COMMENCING at State of California, Division of Highways monument EC208+58.61; 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 THEREFROM that portion lying landward of the ordinary high water mark of the Pacific Ocean.

END OF DESCRIPTION

CALENDAR PAGE	114
MINUTE PAGE	2312

Embankment Protection Area

Seven parcels of tide and submerged land situated in the Pacific Ocean, in the vicinity of the City of Pismo Beach, San Luis Obispo County, State of California, 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 water line S 10° 06' 00" E, 10.00'; thence continuing along the ordinary high water line S 33° 45' 24" W, 8.16 feet to the point of beginning and the end of the herein-described parcel.

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 and the end of the herein-described parcel.

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

CALEND. PAGE	115
MINUTE PAGE	2313

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 7° 18' 45" E, 9.93 feet to the point of beginning and the end of the herein-described parcel.

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 being the point of beginning and the end of the herein-described parcel.

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' 00" E, 56.89 feet to a point on the ordinary high water line being the point of beginning and the end of the herein-described parcel.

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 0° 50' 00" E, 522.00 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

CALENDAR PAGE	116
MINUTE PAGE	2314

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 being the point of beginning and the end of the herein-described parcel.

PARCEL 7

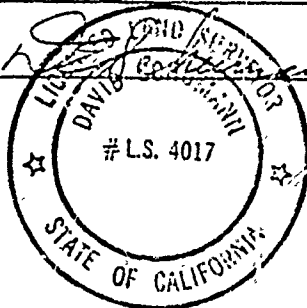
COMMENCING at the westerly end of the curve with a radius of 525.00 feet and tangent to a line bearing N 56° 28' 40" W as shown in Book 15, Page 8 of Record of Survey Maps recorded at the office of the County Recorder, County of San Luis Obispo, California; thence S 24° 50' 00" E, 515.00 feet to a point on the ordinary high water line being the 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 and the end of the herein-described parcel.

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

All bearings and distances in this description are based upon the California Coordinate System Zone 5.

END OF DESCRIPTION

Prepared Cris A. Perry Checked Deborah C. Perry
 Reviewed [Signature] Date 7/13/79



CALENDAR PAGE	117
MINUTE PAGE	2315

EXHIBIT "B"

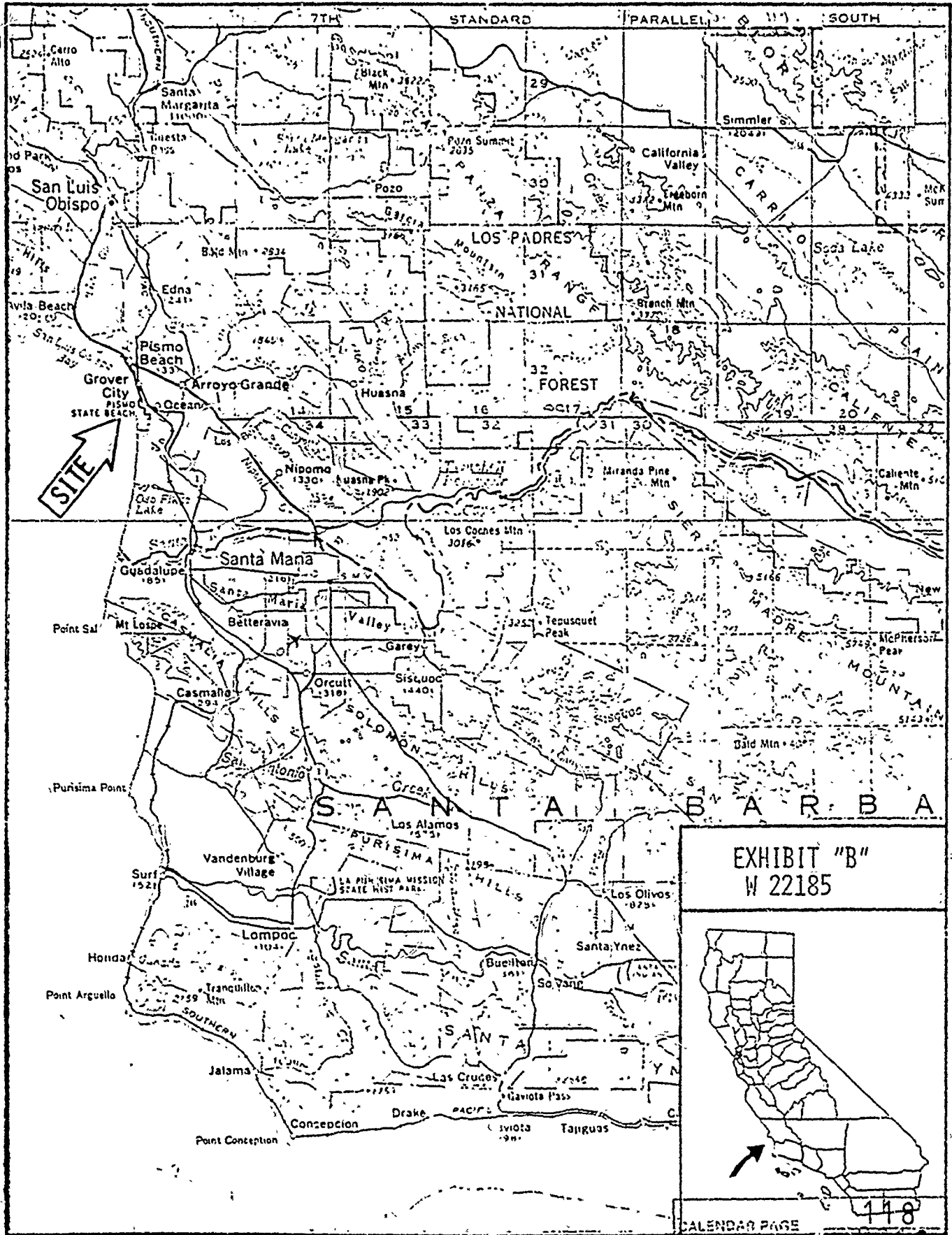


EXHIBIT "B"
W 22185



CALENDAR PAGE 118
MINUTE PAGE 2310

EXHIBIT "C"

TO: Secretary for Resources
 1416 Ninth Street, Room 1311
 Sacramento, California 95311

FROM: CITY OF PISMO BEACH
 (Lead Agency)
 P.O. BOX 3
 PISMO BEACH, CA 93449

County Clerk
 County of San Luis Obispo
County Courthouse
San Luis Obispo, CA 93401

SUBJECT: Filing of Notice of Determination in compliance with Section 21103 or 21152 of the Public Resources Code

Project Title Shorecliff Properties (S-CUP-78)	
State Clearinghouse Number (If submitted to State Clearinghouse)	
Contact Person Donald J. Funk	Telephone Number 773-4657
Project Location 2555 Price St., AP #05-251-06 & 05-261-01	
Project Description Construct retaining wall & rock embankment at base of cliff.	

This is to advise that the City of Pismo Beach
 (Lead Agency)
 has made the following determinations regarding the above described project:

- The project has been approved by the Lead Agency.
 disapproved
- The project will have a significant effect on the environment.
 will not
- An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is attached.

RECEIVED
 STATE LAND COMMISSION
 JUN 5 3 45 PM '79

Date Received for Filing

RECEIVED
 Office of the Secretary
 MAR 5 1979
 Resources Agency of California

Donald J. Funk
 Signature
 Community Development Director

Title
 2-28-79
 Date

CALENDAR PAGE	119
MINUTE PAGE	2317



CITY OF PISMO BEACH
CALIFORNIA

CITY HALL
1000 BELLO STREET

STATEMENT OF NEGATIVE DECLARATION

The Planning Commission of the City of Pismo Beach:

has reviewed the proposed project to construct a retaining wall and rock embankment to be located at the base of the cliffs adjacent to the Shorecliff Motel and Restaurant at 2555 Price St. AP#5-261-01 & 06. Based upon the information contained in the B-3 form and information provided by the applicant, the Planning Commission, on November 8, 1978, approved the following.

Findings:

Although the project is not Categorical Exempt and could potentially have a significant effect on the environment, the City of Pismo Beach has found that it will not have a significant effect based on the following findings: (Sec. 15083, Cal. Adm. Code).

LAND USE: The proposed use and improvements are consistent with the Land Use Element of the General Plan

AIR QUALITY: No significant increase in air pollutants will occur as a result of the project.

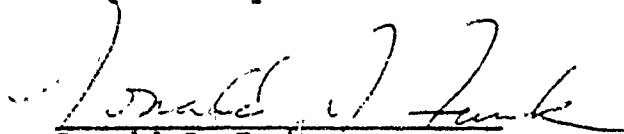
WATER QUALITY: No adverse impact on local water quality will result from the project.

GEOLOGY: There is relative little hazard existing at the proposed site of this project.

SOCIAL FACTORS: No adverse impact on social factors will be created by this site.

OTHER: No other significant adverse impacts are known.

Respectfully Submitted


Donald J. Funk
Environmental Coordinator

CALENDAR PAGE	120
MINUTE PAGE	2318