MINUTE ITEM
This Calendar Item No. C11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
0 at its 9/23/91
meeting.

CALENDAR ITEM

A 29

S 14

C 11

09/23/91
PRC 4698
Townsend

AMENDMENT AND ASSIGNMENT OF
GENERAL PERMIT - RECREATIONAL USE

ASSIGNOR:
Shorecliff Properties, Inc.
2555 Price Street
Pismo Beach, California 93449

ASSIGNEE:
TIC World-Wide Corporation
1601 State Street
Santa Barbara, California 93101

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 ORIGINAL PERMIT:
Initial period:
Fifteen (15) years beginning August 1, 1987.

Surety bond:
$5,000.

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

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.

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.

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

APPLICANT STATUS:
Applicant is owner 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 3, Div. 3; Title 14, Div. 6.

AB 884:
N/A

OTHER PERTINENT INFORMATION:
1. PRC 4698 was initially issued as a Non-Commercial and Protective Structure Permit for a term of 15 years beginning August 1, 1972 to Howard Detwiler, et al, dba Shore Cliff Lodge. The authorized use under the permit was a rock seawall with backfill to be topped with white sand to create a 1,600 square foot beach.

   In 1979, the parties assigned their interest in the permit to Shorecliff Properties, Inc. and amended the permit to install erosion control material, consisting of 6,000 cubic yards of large rock and 250 cubic yards of concrete, on seven new parcels located at the base of the cliffs supporting the Assignee's business "Shorecliff Inn and Motel". As a part of the project, a retaining wall was constructed on the upland landward of the existing seawall, nontidal beach area and the ordinary high water line.

   The permit recognizes the existence of an easement on the upland property for purposes of public ingress and

egress across, over, and upon the adjacent upland. In 1972, Howard Detwiler, et al conveyed the easement by an Irrevocable and Perpetual Offer to Dedicate to the City of Pismo Beach.

In 1987, the State Lands Commission approved the issuance of a new 15-year General Permit - Recreational Use/Protective Structure Permit, beginning August 1, 1987, to Shorecliff Properties, Inc. Shorecliff agreed to provisions that (1) the ongoing maintenance of the lease area by the installation of the embankment protection material 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.

By application dated December 14, 1990, TIC World-Wide Corporation, a California corporation, has requested assignment of permit PRC 4698 from Shorecliff Properties, Inc., effective December 11, 1990. TIC has purchased the business assets of Shorecliff Properties, Inc. and proposes no changes in the lease premises. All other terms and conditions of the permit remain unchanged and in full force and effect.

2. The land description of the Lease Premises, attached hereto as Exhibit "A", is being amended to more accurately describe the subject parcels. The amended description does not enlarge or enhance the Lease Premises.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will have no direct effect on those significant lands.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

EXHIBITS:

A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. 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 EFFECT ON SUCH LANDS.

2. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

3. APPROVE THE AMENDED LAND DESCRIPTION OF THE LEASE PREMISES ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

4. AUTHORIZE THE ASSIGNMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 4698 FROM SHORECLIFF PROPERTIES, INC. TO TIC WORLD-WIDE CORPORATION, EFFECTIVE DECEMBER 11, 1990, WITH ALL OTHER TERMS AND CONDITIONS REMAINING UNCHANGED AND IN FULL FORCE AND EFFECT FOR THE MAINTENANCE OF AN EXISTING SEAWALL AND BEACH AREA AND ROCK EMBANKMENT AREA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 4698.1

LAND DESCRIPTION

Those 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 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 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 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 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 27.45 feet to a point on the ordinary high water line; thence along the ordinary high waterline 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 07° 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 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 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 08° 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 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 tangent to the 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 the 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 the beginning of a reverse curve, thence along said curve concave northerly tangent to the 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 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 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; thence continuing 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 a point

on the ordinary high water line and the point of beginning.

PARCEL 8

COMMENCING at State of California, Division of Highways monument at EC 208+58.60 on the centerline of the south bound lane of U.S. Highway 101; thence S 75° 02'05" W, 616.65 feet to the POINT OF BEGINNING and the following 14 courses:

1.	S 75° 04' 07" W	13.00 feet
2.	N 77° 56' 28" W	28.95 feet
3.	N 90° 00' 00" W	14.00 feet
4.	S 51° 20' 25" W	12.80 feet
5.	N 00° 00' 00" W	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" W	10.40 feet
13.	N 73° 43' 00" W	13.60 feet
14.	S 49° 30' 00" W	10.72 feet to the point of

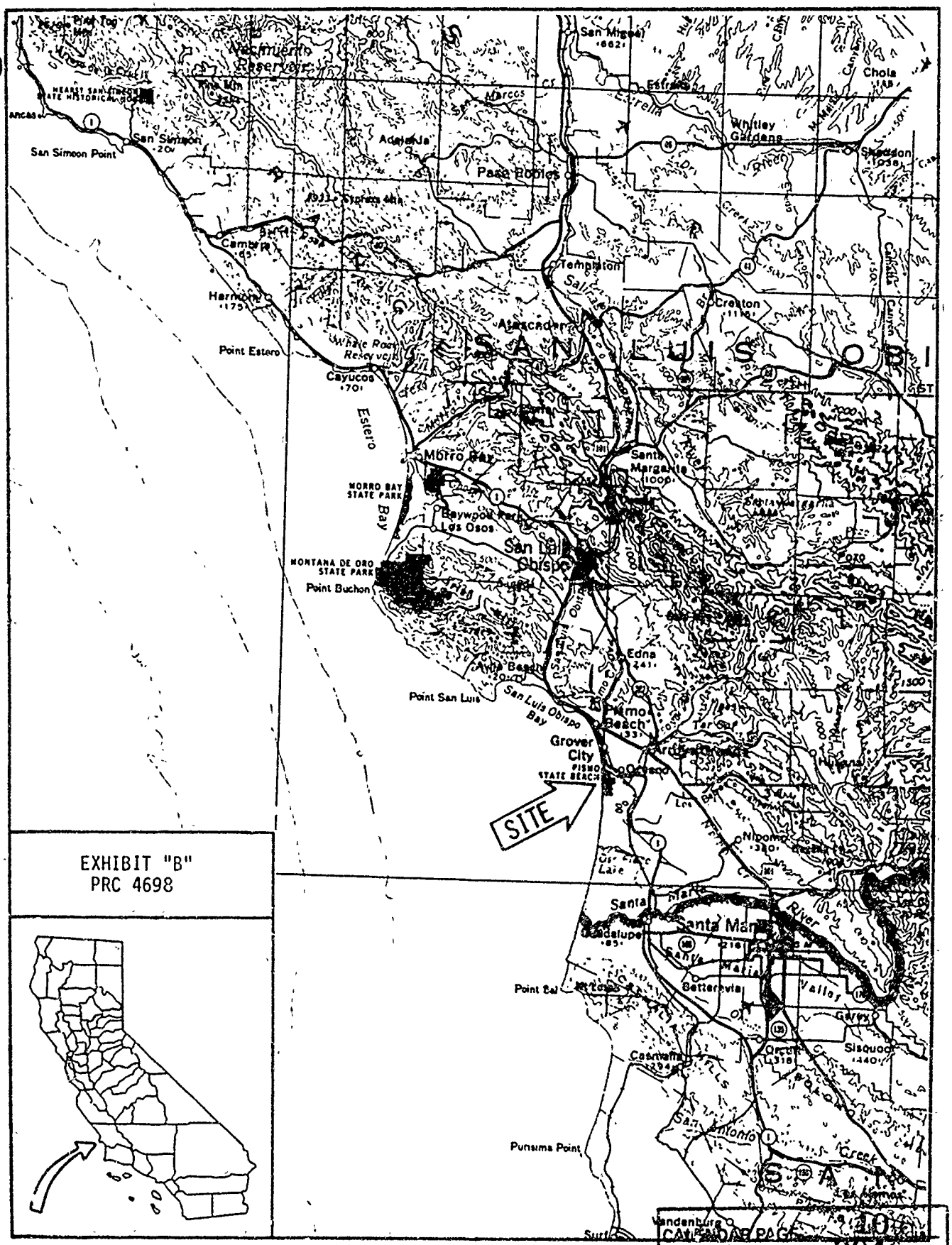
beginning.

EXCEPTING THEREFROM 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 Zone 5, NAD 1927.

END OF DESCRIPTION

REVIEWED AUGUST, 1991 BY LLB



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