

MINUTE ITEM

This Calendar Item No. ~~628~~ was approved as Minute Item No. 28 by the California State Lands Commission by a vote of 3 to 0 at its 1-29-99 meeting.

**CALENDAR ITEM
C28**

A 73
S 38

PRC 5542

01/29/99
WP 5542.9
J. Smith

AMENDMENT OF LEASE

LESSEE:

City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

AREA, LAND TYPE, AND LOCATION:

A 1.379-acre parcel, more or less, of tide and submerged lands in the Pacific Ocean, city of San Clemente, Orange County.

AUTHORIZED USE:

Operation and maintenance of the San Clemente Municipal Pier.

LEASE TERM:

45 years, beginning September 1, 1978.

CONSIDERATION:

Submission by the City of annual reports of the income and expenses on the lease premises. The State has the right to set a monetary rental for any reporting period in which the income exceeds the expenses, not to exceed the amount of such excess income.

PROPOSED AMENDMENT:

The land description shall be amended to provide for a use area extending 15 feet from the extremities of the pier. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. By its action on September 26, 1985, (Minute Item 17), the Commission approved the sublease between the Lessee and Hal Griffith for the Fisherman's Restaurant. The Commission also authorized the amendment of the land description to provide for a ten-foot use area

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extending from the extremities of the pier. The City and Mr. Griffith have agreed to additional improvements and renovations of the restaurant. Only a portion of the restaurant is covered by Lease No. PRC 5542.9. The improvements and renovations will include expansion of the side decks which will extend approximately 2½ feet on each side beyond the present use area covered by the lease. To accommodate for the proposed deck expansion, the Lessee has requested that the land description be amended to provide for a 15-foot use area extending from the extremities of the pier.

3. A Mitigated Negative Declaration was prepared and adopted for this project by the city of San Clemente. The Commission's staff has reviewed such document.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

FURTHER APPROVALS REQUIRED:

California Coastal Commission; California State Lands Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.

PERMIT STREAMLINING ACT DEADLINE:

July 14, 1999.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

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SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 5542.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE FEBRUARY 1, 1999, TO AMEND THE LAND DESCRIPTION AS SET FORTH IN EXHIBIT A; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT "A"
LAND DESCRIPTION

PRC 5542.9

A parcel of tide and submerged land lying in the Pacific Ocean westerly of the City of San Clemente, Orange County, California, said parcel lying immediately beneath the San Clemente Municipal Pier and described as follows:

COMMENCING at the most southerly corner of Lot 1, Block 12, Tract 785, as filed for record in Book 23, Pages 36 and 37, Records of Orange County, California, said point also being on the easterly right-of-way line of Avenida Victoria; thence N 33° 28' 55" W, 63.92 feet; thence S 56° 31' 05" W, 30.00 feet to a point in the centerline of Lot 20, Block A, Tract 779, as filed for record in Book 23, Pages 19 through 25, Records of Orange County, California, and known as Avenida Victoria; thence S 33° 28' 55" E along the centerline of Avenida Victoria 122.97 feet; thence leaving said centerline S 56° 31' 05" W, 204.68 feet to the TRUE POINT OF BEGINNING; thence N 33° 28' 55" W, 57.00 feet; thence S 56° 31' 05" W, 87.00 feet; thence S 33° 28' 55" E, 45.00 feet; thence S 56° 31' 05" W, 696.00 feet; thence N 33° 28' 55" W, 12.00 feet; thence S 56° 31' 05" W, 35.00 feet; thence S 33° 28' 55" E, 12.00 feet; thence S 56° 31' 05" W, 56.00 feet; thence N 33° 28' 55" W, 12.00 feet thence S 56° 31' 05" W, 26.00 feet; thence S 33° 28' 55" E, 12.00 feet; thence S 56° 31' 05" W, 214.00 feet; thence N 33° 28' 55" W, 12.00 feet; thence S 56° 31' 05" W, 26.00 feet; thence S 33° 28' 55" E, 12.00 feet; thence S 56° 31' 05" W, 55.50 feet; thence N 33° 28' 55" W, 21.00 feet; thence S 56° 31' 05" W, 63.00 feet; thence S 33° 28' 55" E, 66.00 feet; thence N 56° 31' 05" E, 63.00 feet; thence N 33° 28' 55" W, 21.00 feet; thence N 56° 31' 05" E, 377.50 feet; thence S 33° 28' 55" E, 12.00 feet; thence N 56° 31' 05" E, 35.00 feet; thence N 33° 28' 55" W, 12.00 feet; thence N 56° 31' 05" E, 459.00 feet; thence S 33° 28' 55" E, 12.00 feet; thence N 56° 31' 05" E, 20.00 feet; thence N 33° 28' 55" W, 12.00 feet; thence N 56° 31' 05" E, 217.00 feet; thence S 33° 28' 55" E, 45.00 feet; thence N 56° 31' 05" E, 87.00 feet; thence N 33° 28' 55" W, 30.92 feet; thence N 56° 31' 05" E, 22.17 feet; thence N 33° 28' 55" W, 14.08 feet; thence S 56° 31' 05" W, 22.17 feet; thence N 33° 28' 55" W, 12.00 feet to the point of beginning.

TOGETHER WITH a use area extending 15 feet from the extremities of said pier.

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

END DESCRIPTION

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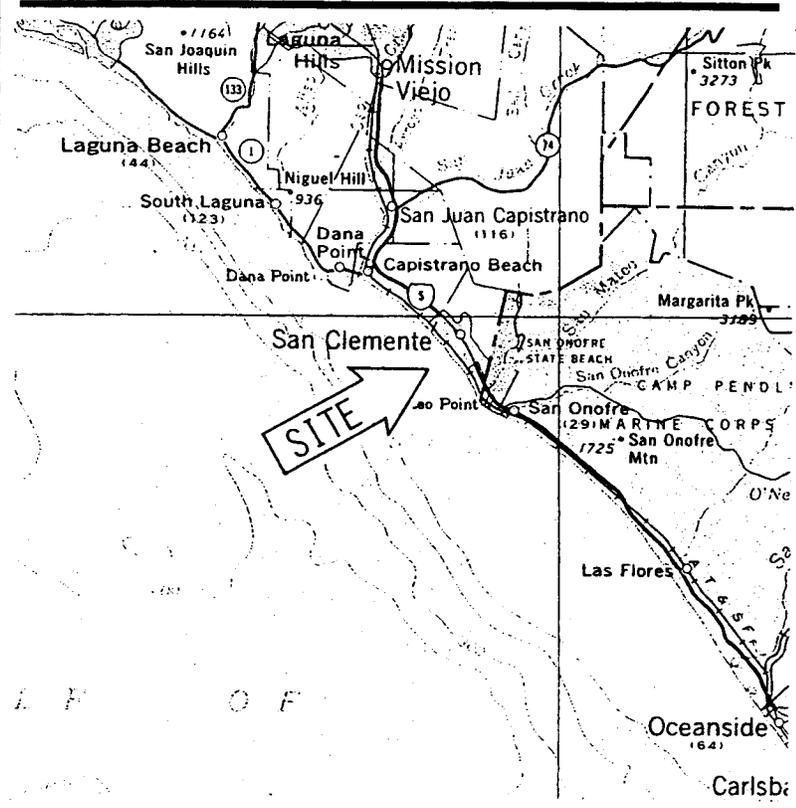
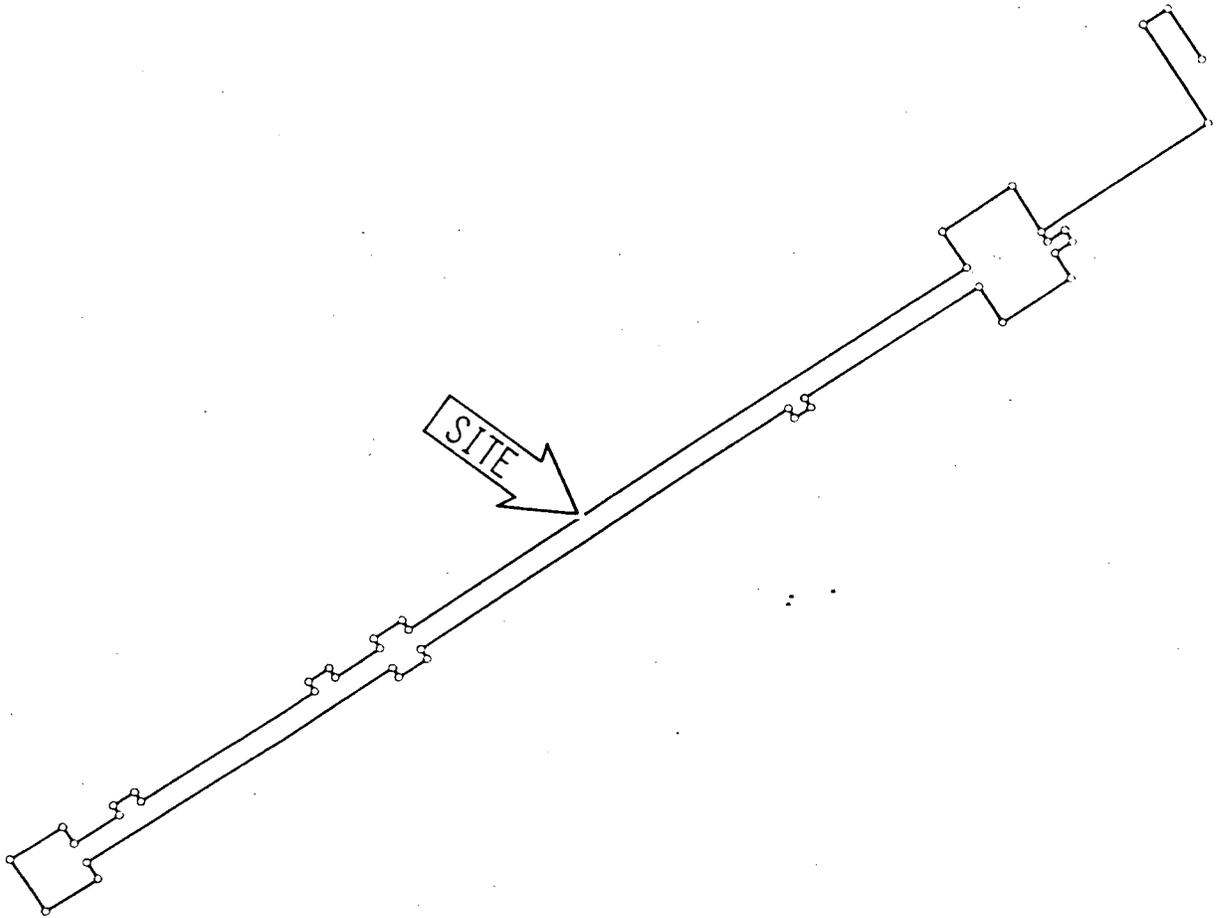


EXHIBIT "B"
 PRC 5542.9
 SITE MAP
 SAN CLEMENTE PIER
 CITY OF SAN CLEMENTE
 ORANGE, COUNTY
 CALIFORNIA



SITE
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