MINUTE ITEM
This Calendar Item No. C62 was approved as Minute Item No. 62 by the California State Lands Commission by a vote of 3 to 0 at its 8-19-03 meeting.

CALENDAR ITEM
C62

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PRC 4698

08/19/03
WP 4698.1
J. Smith

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

LESSEE:

Martin Resorts, Inc.
P.O. Box 12060
San Luis Obispo, California 93406

AREA, LAND TYPE, AND LOCATION:

0.17 acres, more or less, of sovereign lands in the Pacific Ocean, Pismo Beach, San Luis Obispo County.

AUTHORIZED USE:

Maintenance of an existing seawall, public beach area and rock embankment protection.

LEASE TERM:

Ten years, beginning August 1, 2002.

CONSIDERATION:

$3,870 per year; 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 rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $5,000,000.

Bond:

$5,000.

Easement:

An easement exists for purposes of public ingress and egress to a portion of the leased premises over, across, and upon the adjacent upland.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. In August 1972, the Commission issued a 15-year lease to the then owners of the Shore Cliff Lodge, Howard F. Detwiler, Arno Roscher and Howard L. Endlich, a Joint Venture Partnership, dba Shore Cliff Lodge. The Shore Cliff Lodge is located on a 100-foot bluff above the Pacific Ocean in Pismo Beach. The owners were proposing to construct a public access stairway down to the beach, and construct a seawall and backfill to create a public beach area. The lease covered the seawall and beach area. A condition of the original lease was recordation of an easement for public ingress and egress and parking involving the upland leading to and from the leased premises. The City of Pismo Beach accepted the easement. The Lessees agreed not to discourage public use of the easement and beach area by the posting of signs, or otherwise.

   In November 1979, the lease was assigned to Shorecliff Properties, Inc., and amended to include an additional lease area needed for the installation of concrete plugs and rock riprap. In July 1987, the Commission authorized a new 15-year lease to Shorecliff Properties, Inc. By executing the new lease, the Lessee acknowledged the recorded easement for public ingress and egress and the requirement that they not discourage public use of the easement and beach area. At its meeting on September 23, 1991, the Commission authorized the assignment of the lease from Shorecliff Properties, Inc., to TIC World-Wide Corporation effective December 11, 1990.

   Most recently, the Commission authorized the assignment of the lease to Martin Resorts, Inc., the current Lessee, effective May 1, 2002. Martin Resorts, Inc., has submitted an application for a new lease to maintain the seawall, beach area and rock embankment protection. The new lease will include the language acknowledging the recorded easement for public ingress and egress and the requirement that the Lessee not discourage public use of the easement and beach area.

3. At its meeting of September 17, 2001, the Commission considered and adopted the staff report entitled "Shoreline Protective Structures". In adopting the report, the Commission directed staff to look at a number of factors when processing applications for shoreline protective structures. Specific items to be considered include impacts on the public's ability to

utilize sovereign lands, impacts to public trust resources and the environment. Staff was also directed to charge rent consistent with existing regulations.

Beginning with the original lease that was issued in 1972, annual rent has been paid by the Lessees. The original and subsequent leases also acknowledged the public benefit accruing from the public use of, and right, of access to and from a portion of the lease premises. The current annual rent is $2,428 and, staff is recommending that the new annual rent be set at $3,870, plus the public benefit accruing from the public's ability to access and use a portion of the lease premises.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. 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.

EXHIBITS:

A. Location and Site Map
B. Land Descriptions

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

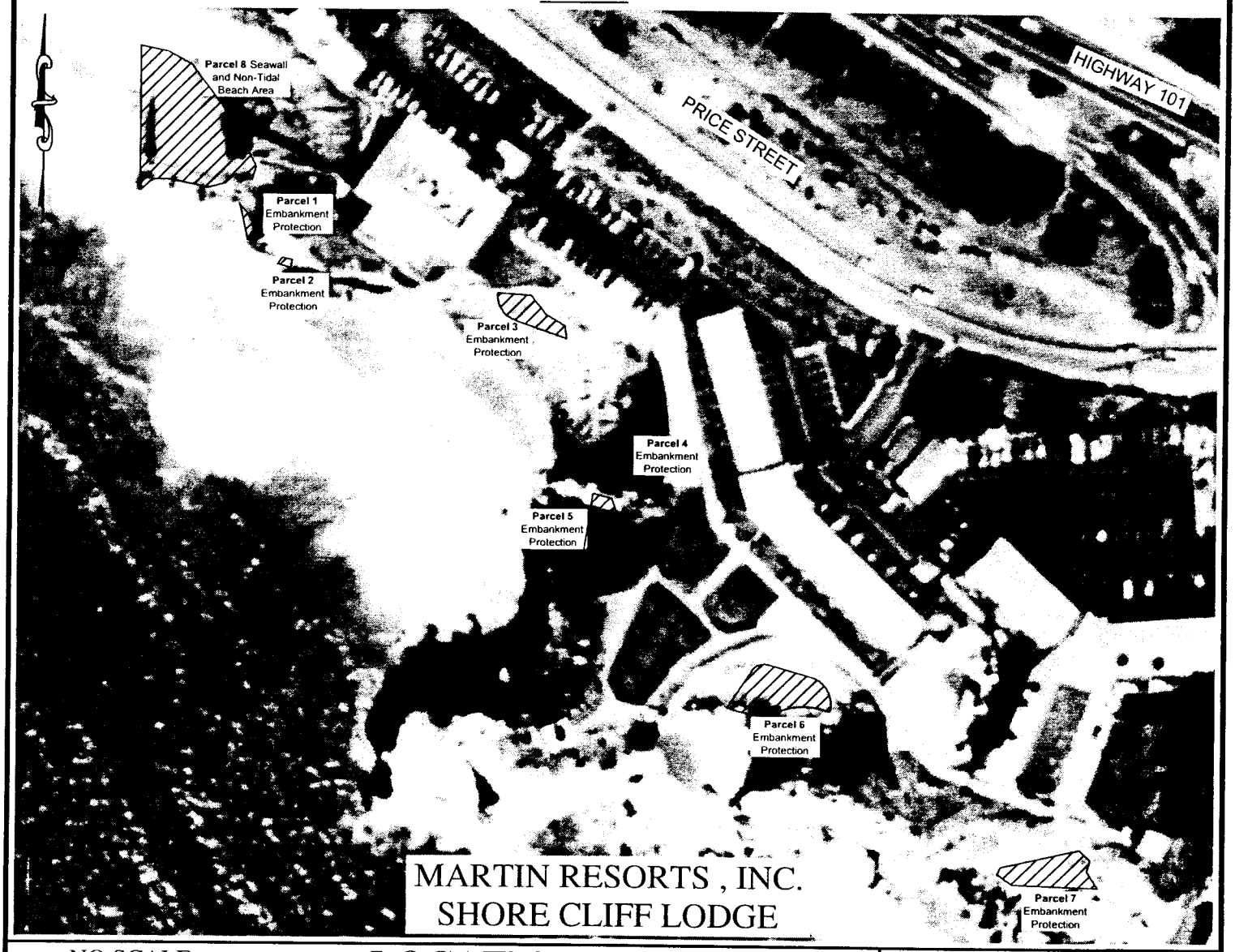
CEQA FINDING:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

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 ISSUANCE TO MARTIN RESORTS, INC., OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 1, 2002, FOR A TERM OF TEN YEARS, FOR MAINTENANCE OF AN EXISTING SEAWALL, PUBLIC BEACH AREA, AND ROCK EMBANKMENT PROTECTION ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $3,870, 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 RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $5,000,000; SURETY IN THE AMOUNT OF $5,000.

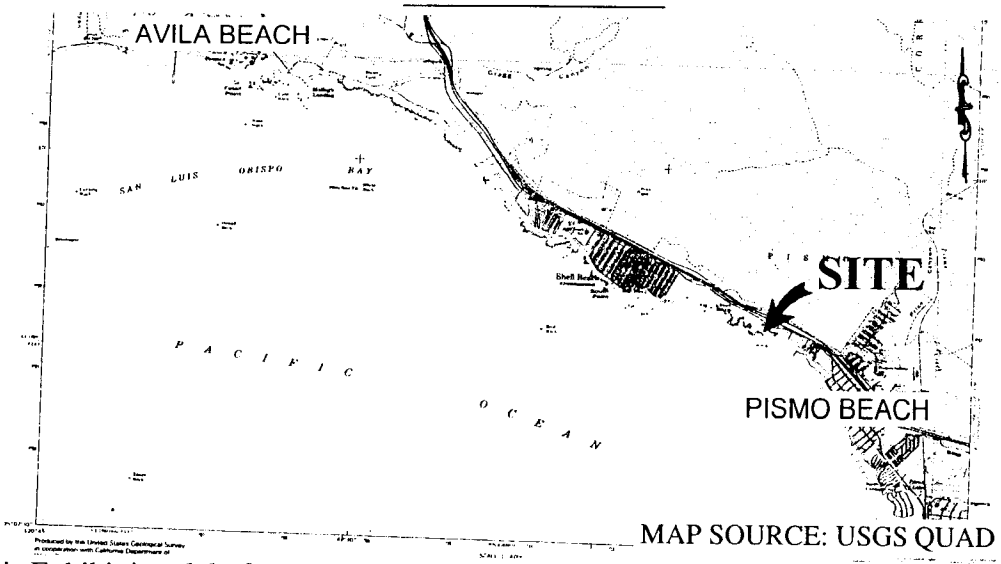
NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 4698.1
GENERAL LEASE
RECREATIONAL AND
PROTECTIVE
STRUCTURE USE
SAN LUIS OBISPO COUNTY

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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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EXHIBIT B

LAND DESCRIPTION **PRC 4698.1**

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 **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 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 **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.

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 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.

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 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 **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°58'08" 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 0°50'00" E, 346.00 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 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 and 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 **TRUE 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.

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PARCEL 8

COMMENCING at State of California, Division of Highways monument at EC 208 + 58.61 on the centerline of the southbound lane of U.S. Highway 101; 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 FROM 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 of 1927, Zone 5.

END OF DESCRIPTION

REVIEWED APRIL 14, 1987 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.