

MINUTE ITEM

This Calendar Item No. C16
was approved as Minute Item
No. 16 by the State Lands
Commission by a vote of 3
to 0 at its 6/30/77
meeting.

CALENDAR ITEM:

C16.

6/77
WP 2939
GDG

AMENDMENT AND RENEWAL OF RIGHT-OF-WAY LEASE PRC 2939.1 PRC 2939

APPLICANT: Pebble Beach Corporation
Pebble Beach, CA 93953

AREA, TYPE LAND AND LOCATION: A 0.693-acre parcel of coastal tide and submerged land situate in Spanish Bay at Pacific Grove, Monterey County.

LAND USE: Maintenance of a wastewater outfall pipeline and appurtenances.

TERMS OF ORIGINAL LEASE:

Initial period: Fifteen years, from September 27, 1962.
Renewal options: Two successive periods of ten years each.
Consideration: \$592.83.

TERMS OF AMENDED LEASE DURING THE FIRST RENEWAL PERIOD:

Initial period: Ten years, from September 27, 1977.
Renewal option: One remaining successive period of ten years.

Special:

1. The amendment brings the land description and the provisions for monetary consideration into conformance with current requirements and standards.
2. All other terms and conditions of the lease remain in full force and effect.

CONSIDERATION: \$592.83 per annum with State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

2 Cal. Adm. Code 2006.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of the upland.

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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 and 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 6.5, 10 and 11.

OTHER PERTINENT INFORMATION:

1. This activity is not a development within the meaning of Section 2503, Article 6.5, 2 Cal. Adm. Code and Section 30106 of the California Coastal Act.
2. This facility serves as an adjunct of applicant's sand processing plant situate on the upland.
3. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907 (a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
4. This project is situate on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes limited use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

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 ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRO SECTION 21085, 14 CAL. ADM. CODE SECTION 15100 ET SEQ., AND 2 CAL. ADM. CODE SECTION 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE PUBLIC RESOURCES CODE.
3. FIND THAT GRANTING OF THE LEASE IS CONSISTENT WITH REGULATIONS CONTAINED IN ARTICLE 6.5 OF TITLE 2 OF THE CALIFORNIA ADMINISTRATIVE CODE.

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4. AUTHORIZES THE AMENDMENT AND THE TEN-YEAR RENEWAL OF RIGHT-OF-WAY LEASE P.R.C. 2939-1, EFFECTIVE SEPTEMBER 27, 1977, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF TEN YEARS, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$592.83 WITH STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE, FOR MAINTENANCE OF A WASTEWATER OUTFALL PIPELINE AND APPURTENANCES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

MP 2939

A strip of tide and submerged land 10 feet in width lying in Spanish Bay and the Pacific Ocean, in Monterey County, being approximately 1.5 miles southwesterly from Point Pinos; said strip lying 5 feet on each side of the following described line:

COMMENCING at that certain monument numbered 8301, as said monument is shown and so designated on "Licensed Surveyors Map of El Pescadero and Point Pinos Ranchos" filed January 12, 1922, in Map Book 3 of Surveys Page 3, Monterey County records, thence South 127.32 feet; thence West 1087.64 feet to THE POINT OF BEGINNING; thence N 49° 20' W, 3500 feet to end of said line.

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

END OF DESCRIPTION

Prepared John T. O'Connell Checked W. J. Ginncke
Reviewed J. B. [unclear] Date 4/14/77
TJO