

**CALENDAR ITEM
C63**

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S 3

02/22/13
PRC 7958.1
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

Pebble Beach Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, adjacent to the Pebble Beach Golf Course, Pebble Beach, Monterey County.

AUTHORIZED USE:

Continued use and maintenance of two existing seawalls used for bluff protection.

LEASE TERM:

10 years, beginning April 1, 2007.

CONSIDERATION:

Annual rent in the amount of \$5,230, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

1. Amend the lease to revise Section 1, Authorized Improvements, to authorize the continued use and maintenance of an existing seawall adjacent to the Pebble Beach Clubhouse that was not previously authorized by the Commission.
2. Revise the annual rent from \$5,230 per year to \$5,975 per year, effective April 1, 2013.
3. Replace Section 3, Description of Lease Premises, with the attached Exhibit A, which includes the previously unauthorized seawall.
4. Amend the lease to revise Section 2 – Special Provisions to include a provision stating that the Lessee agree to pay \$906 in rent for the seawall for the period beginning January 13, 2012, to March 31, 2013.

CALENDAR ITEM NO. **C63** (CONT'D)

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjoining the lease premises.
2. On March 25, 2008, the Commission authorized the issuance of Lease No. PRC 7958.1, a General Lease – Protective Structure Use, to the Pebble Beach Company (Pebble Beach), for a 10-year term, effective April 1, 2007, for two seawalls adjacent to the Pebble Beach Golf Course. The lease expires on April 6, 2017.
3. On June 23, 2011, the Commission authorized the issuance of Lease No. PRC 8925.1, a General Lease – Right-of-Way Use, to Pebble Beach for temporary access and use of a beach to facilitate reconstruction of existing coastal protection structures adjacent to the Pebble Beach Clubhouse. The lease expired December 22, 2011. Pursuant to the terms of the lease, Pebble Beach provided survey data and as-built drawings for Commission staff review. Based on the information provided, approximately 218 square feet of the newly reconstructed seawall encroaches onto State-owned sovereign land. Pebble Beach is now seeking Commission authorization for the new seawall. The new seawall will be included in Lease No. PRC 7958.1.
4. In addition to the proposed amendment, Commission staff is also recommending the Commission authorize Commission staff to collect \$906 in rent for the period the seawall has occupied State-owned sovereign land, but has not been under lease. The construction of the seawall was completed on January 13, 2012. The Lessee's annual rent will be revised to include the new improvements effective April 1, 2013.
5. **Existing Seawall:**
The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C63** (CONT'D)

6. **Revision of Rent:**
The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is therefore, not a project in accordance with CEQA.
- Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15060, subdivision (c)(3), and 15378.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

APPROVALS OBTAINED:

California Coastal Commission
Monterey County

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Seawall:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Revision of Rent:

Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C63** (CONT'D)

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 section 6370 et seq.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 7958.1, a General Lease – Protective Structure Use, effective February 1, 2013, to revise the authorized improvements to authorize the continued use and maintenance of an existing seawall adjacent to the Pebble Beach Clubhouse, revise the annual rent from \$5,230 per year to \$5,975 per year, effective April 1, 2013, replace Section 3, Description of Lease Premises, with the attached Exhibit A, and amend the lease to revise Section 2 – Special Provisions regarding rent for the unauthorized seawall; all other terms and conditions of the lease will remain in effect without amendment.

Authorize Commission staff to collect \$906 in rent for the seawall for the period beginning January 13, 2012, to March 31, 2013.

EXHIBIT A

PRC 7958.1

LAND DESCRIPTION

Four parcels of tide and submerged lands in a portion of the Pacific Ocean known as Stillwater Cove, adjacent to Rancho El Pescadero, County of Monterey, State of California. Said parcels more particularly described as follows:

PARCEL 1

All that portion of land lying directly beneath the 1996 coastal bluff restoration and stabilization project within a strip of land, 80.00 feet wide, being contiguous with and lying southerly of the following described line:

BEGINNING at a point having CCS83, Zone 4 coordinates of North 2102808.12 feet and East 5696329.59 feet; thence N 61°50'29" W, 465.62 feet; thence S 87°37'20" W, 427.05 feet to the POINT OF TERMINATION of this line.

PARCEL 2

All that portion of land lying directly beneath the 1996 coastal bluff restoration and stabilization project within a strip of land, 100.00 feet wide, being contiguous with and lying southerly of the following described line:

COMMENCING at a point having CCS83, Zone 4 coordinates of North 2102465.82 feet and East 5696881.94 feet; thence S 47°45'47" W, 80.00 feet to the POINT OF BEGINNING; thence S 39°31'43" E, 170.00 feet; thence N 76°40'48" E, 140.00 feet to the POINT OF TERMINATION of this line.

PARCEL 3

COMMENCING at a 2-inch iron pipe with screw cap, no tag at the southwesterly corner of that certain lot as described in that deed as recorded on March 8th, 1989 in the Office of the Recorder, County of Monterey at Reel 2338, Official Records, page 561, thence South 62°52'28" East, 1195.00 feet more or less to a point on the northerly bank of Stillwater Cove, said point being the POINT OF BEGINNING; thence the following courses and distances:

1. South 05°24'38" West, 3.03 feet; thence
2. South 85°14'32" East, 14.00 feet; thence
3. North 76°53'23" East, 10.00 feet; thence
4. North 61°10'41" East, 15.00 feet; thence
5. South 68°44'10" East, 14.001.82 feet; thence
6. North 88°44'04" East, 9.00 feet; thence
7. North 69°25'14" East, 20.50 feet; thence

8. North 20°38'12" West, 5.00 feet to a point hereinafter referred to as "POINT A"; thence
9. South 79°24'54" West, 14.00 feet; thence
10. South 33°11'42" West, 5.00 feet; thence
11. North 81°26'53" West, 11.00 feet; thence
12. North 60°58'41" West, 14.00 feet; thence
13. South 68°58'09" West, 39.00 feet more or less to the POINT OF BEGINNING.

Containing an area of 585 square feet, more or less.

PARCEL 4

COMMENCING at the aforementioned "POINT A"; thence North 68° 05' 02" East 171.87 feet to the POINT OF BEGINNING; thence the following courses and distances:

1. South 58°06'56" East, 4.50 feet; thence
2. North 35°45'01" East, 4.50 feet; thence
3. North 54°14'59" West, 2.00 feet; thence
4. South 63°08'58" West, 5.41 feet more or less to the POINT OF BEGINNING.

Containing an area of 15 square feet, more or less.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High Water Mark of the Pacific Ocean.

The BASIS OF BEARINGS for PARCEL 1 and for PARCEL 2 is the California Coordinate System of 1983 (CCS83), Zone 4. The BASIS OF BEARINGS for PARCEL 3 and for PARCEL 4 is taken as being N 71°26'30" W between two found monuments on the southwesterly boundary of Parcel 1 as described in the deed recorded in the Official Records of the County of Monterey on Reel 2338, at Page 561.

The descriptions for Parcels 1 & 2 were taken from those of the lease to the Pebble Beach Club, approved by the State Lands Commission at their regular meeting of March 25, 2008. The descriptions for Parcels 3 & 4 are based upon field survey information as provided to the CSLC by the applicant.

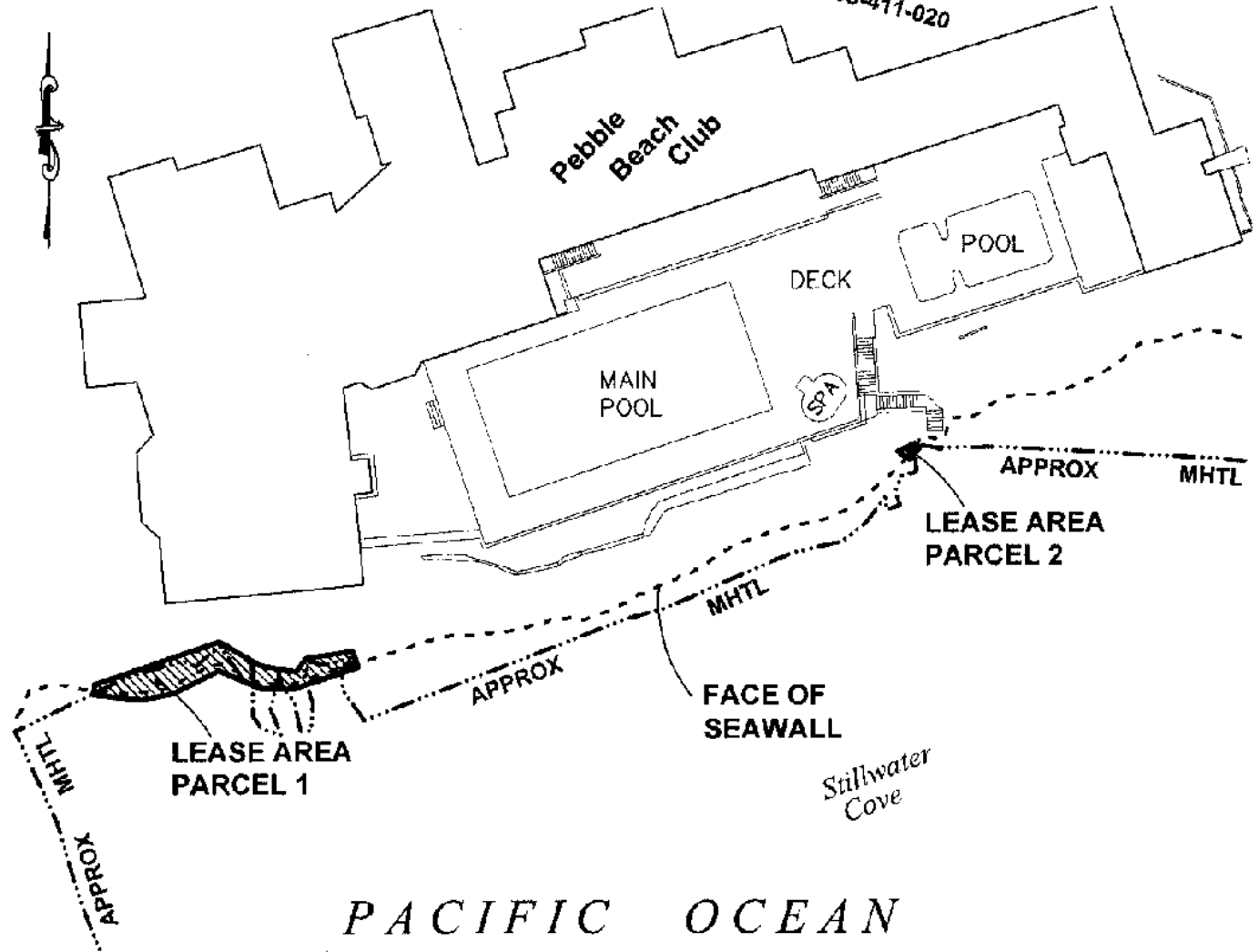
END OF DESCRIPTION



NO SCALE

SITE

APN 008-411-020

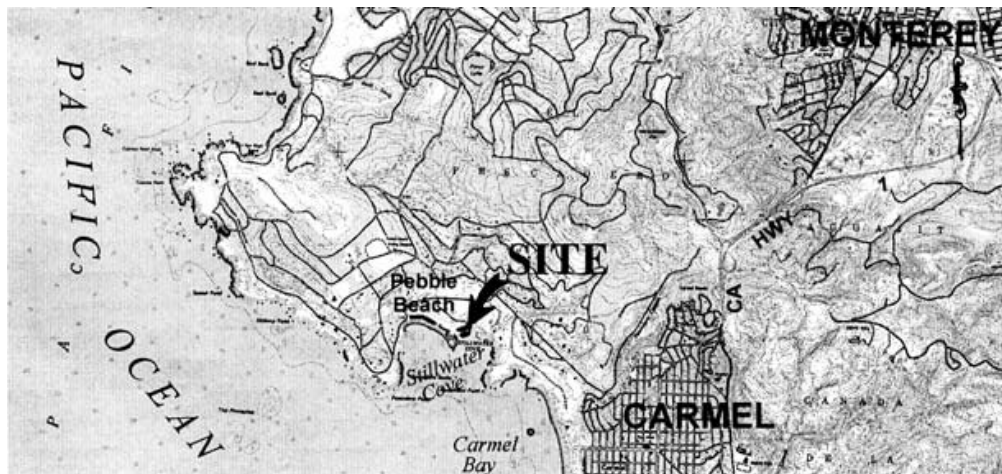


PACIFIC OCEAN

LEASE FOR SEAWALL, PEBBLE BEACH CLUB

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7958.1
 PEBBLE BEACH CLUB
 APN 008-411-020
 GENERAL LEASE-
 PROTECTIVE STRUCTURE USE
 MONTEREY COUNTY



SITE

EAP 06/11

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.