MINUTE ITEM
This Calendar Item No. C20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM
C20

A 28

S 17

10/23/86
G 08-04
J. Sekelsky
Townsend

DETERMINATIONS UNDER 6701 ET SEQ. OF THE P.R.C.
CONCERNING A LEASE BETWEEN
CITY OF PACIFIC GROVE, AS LESSOR, AND
MONTEREY BAY AQUARIUM FOUNDATION, AS LESSEE

The Monterey Bay Aquarium Foundation has requested that the Commission make the determinations set forth in Section 6702(b) of the P.R.C. with respect to the lease described below. Briefly, the determinations relate to the following:
(a) conformance with the terms of the granting statutes;
(b) that proceeds of the lease shall be expended for statewide purposes as authorized by the granting statutes; and (c) that the lease is in the best interests of the State.

DESCRIPTION OF LEASE

LESSOR: City of Pacific Grove
City Hall
Pacific Grove, California 93950

LESSEE: Monterey Bay Aquarium Foundation,
a California nonprofit corporation
886 Cannery Row
Monterey, California 93940

AREA, TYPE LAND AND LOCATION:
Approximately a one and one-half acre parcel of tide and submerged lands granted to the City of Pacific Grove, located on Cannery Row, Monterey County (see Site Map Exhibit "A" attached). The precise location of the ordinary high water mark in this area has not been determined and will not be established by this lease.

LAND USE: The subject tidelands and submerged lands have been used in conjunction with the construction and operation of the Monterey Bay Aquarium (Aquarium) since 1981. Prior to that time, the site was occupied by the dilapidated remains of the old Hovden Cannery, which because of its dangerous condition inhibited public access to and enjoyment of the tidelands in the area. The Aquarium was designed to preserve the architectural exterior of the old cannery and the historical appearance of this part of Cannery Row. The Aquarium is open to the public, subject to an entry fee, and provides educational and recreational opportunities as well as facilities for scientific research in marine biology. Aquarium walkways extend over the tidelands for a close-up look at tide pools and nearby wildlife. The Lessee has provided a free public walkway from Cannery Row to the tidelands, adjacent to the Aquarium.

DURATION: Twenty-five (25) years, beginning on December 3, 1980.

CONSIDERATION: Lessee pays one dollar ($1.00) per year in rent, and provides substantial public benefit, including, but not limited to, two (2) days of free public access per year, the free public access days to be reviewed after one full year of operation.

ENVIRONMENTAL IMPACT OF THE LEASE

The City Council of the City of Monterey, Lead Agency for the project, adopted Resolution No. 14,100 C.S. on March 4, 1980, wherein they upheld the action of the Monterey Planning Commission on February 6, 1980, which certified the EIR which had been prepared for the project and found that all significant impacts identified in the EIR had been satisfactorily mitigated by conditions of approval of the project. The project is further consistent with Pacific Grove's General Plan, zoning regulations, and the adopted Cannery Row Land Use Plan of the Local Coastal Plan.

CONFORMANCE WITH GRANTING STATUTES

Legislative Acts relating to the leased lands include:

Chapter	Year
690	1931
231	1935

Staff of the Commission have reviewed the subject lease and have found it to be in accordance with the terms and conditions of the granting statutes.

DISPOSITION OF LEASE PROCEEDS

Staff of the City have assured Commission staff that all revenues derived by the City from the lease will be deposited in a tidelands Trust Fund, and will be expended for the maintenance, improvement, and benefit of the tide and submerged lands granted to the City of Pacific Grove.

STATEWIDE PUBLIC BENEFIT

As described above, the proposed use of the subject granted lands and the adjacent uplands for the Aquarium provides the general public with unique educational and recreational opportunities, and enhances access to and use of the granted lands by the general public.

AB 884: N/A.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF MONTEREY, AS LEAD AGENCY FOR THE AQUARIUM PROJECT UNDER CEQA, HAS PREPARED AND CERTIFIED AN EIR FOR THE PROJECT, AND THAT ALL SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR HAVE BEEN SATISFACTORILY MITIGATED BY CONDITIONS OF APPROVAL OF THE PROJECT.

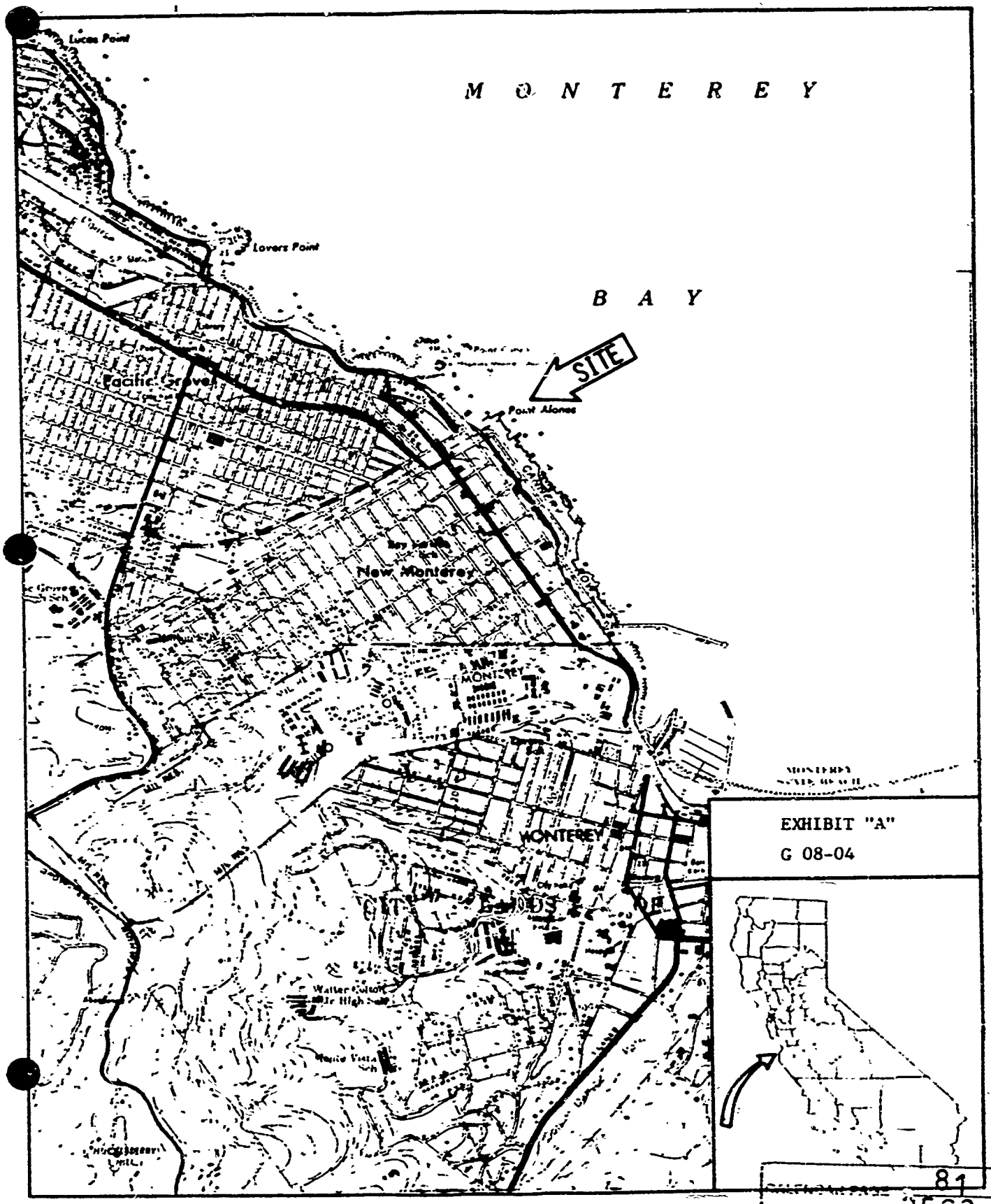
2. MAKE THE FOLLOWING DETERMINATIONS, PURSUANT TO SECTION 6702 OF THE P.R.C., AS TO THE LEASE BETWEEN THE CITY OF PACIFIC GROVE, AS LESSOR, AND MONTEREY BAY AQUARIUM FOUNDATION:

   (A) THAT SAID LEASE IS IN ACCORDANCE WITH THE TERMS OF THE GRANTS UNDER WHICH TITLE TO THE TIDE AND SUBMERGED LANDS IN QUESTION ARE HELD BY THE CITY OF PACIFIC GROVE.

   (B) THAT ALL REVENUES DERIVED FROM THE LEASE SHALL BE DEPOSITED IN A TRUST FUND EXPENDABLE ONLY FOR STATEWIDE PUBLIC PURPOSES AUTHORIZED BY THE GRANTING STATUTES.

   (C) THAT SAID LEASE IS IN THE BEST INTEREST OF THE STATE.

3. AUTHORIZE THE STAFF AND/OR THE ATTORNEY GENERAL TO TAKE ALL ACTION NECESSARY TO COMPLETE THIS APPROVAL.


MONTEREY
BAY
Lucas Point
Lovers Point
Point Alones
SITE
Pacific Grove
New Monterey
MONTEREY
N
EXHIBIT "A"
G 08-04