

**MINUTE ITEM**

This Calendar Item No. C45 was approved as Minute Item No. 45 by the California State Lands Commission by a vote of 3 to 0 at its 12-3-99 meeting.

**CALENDAR ITEM  
C45**

A 28  
S 17

12/03/99  
PRC 7344.9 WP 7344.9  
N. Smith

**GENERAL LEASE - PROTECTIVE STRUCTURE  
AND ASSIGNMENT OF LEASE**

**LESSEE:**

Guy Michael Dart, Jane Dart Tucker, and Stephen M. Dart, in equal shares, a 50% interest in this Lease, and Stephen M. Dart, Trustee of the Jane O. Dart Sanderling Qualified Personal Residence Trust #2 dated January 18, 1996, a 50% interest in this lease  
P.O. Box 1033  
Pebble Beach, California 93953

**AREA, LAND TYPE, AND LOCATION:**

0.015 acres, more or less, of sovereign lands in the Pacific Ocean, near Pebble Beach, Monterey County.

**AUTHORIZED USE:**

Continued use and maintenance of rock revetment bank protection.

**LEASE TERM:**

Ten years, beginning October 1, 1999.

**CONSIDERATION:**

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance: Combined single limit coverage of \$300,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns and has the right to use the uplands adjoining the lease premises.

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2. Due to Jane O'Brien Dart's estate planning, the lease will be issued as follows: Guy Michael Dart, Jane Dart Tucker, and Stephen M. Dart, in equal shares, a 50% interest in this lease, and Stephen M. Dart, Trustee of the Jane O. Dart Sanderling Qualified Personal Residence, Trust #2 dated January 18, 1996, a 50% interest in this lease.
3. Jane O'Brien Dart is also requesting a future assignment of this leasehold as follows: by its terms, the Jane O. Dart Sanderling Qualified Personal Residence, Trust #2 dated January 18, 1996, (Stephen M. Dart, trustee) shall terminate on January 18, 2001, and the 50% undivided interest it holds in this proposed lease and in ownership of the upland property shall then transfer to Guy Michael Dart, Jane Dart Tucker, and Stephen M. Dart, in equal shares. It is proposed that the Commission agree to this assignment of the 50% undivided interest in this proposed lease at the termination of the Trust, provided that Jane O'Brien Dart has and retains a continuous right to retain possession and control of all of the lease premises and the adjacent upland parcel throughout the remaining term of the lease. As a condition of this consent to future assignment, a copy of a lease or other document sufficiently stating that Jane O'Brien Dart will have the right to retain possession and control of 100% of this lease and the adjacent upland property, by December 18, 2000, shall be provided. Jane O'Brien Dart must retain the right to occupy and to maintain the upland throughout the term of the lease.
4. As to the assignment, 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 because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.  
  
Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.
5. As to the protective structure, 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).

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

6. 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. Land Description
- B. Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

AS TO THE ASSIGNMENT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AS TO THE PROTECTIVE STRUCTURE, 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.

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**AUTHORIZATION:**

1. AUTHORIZE ISSUANCE TO GUY MICHAEL DART, JANE DART TUCKER, AND STEPHEN M. DART, IN EQUAL SHARES, A 50% INTEREST IN THIS LEASE, AND TO STEPHEN M. DART, TRUSTEE OF THE JANE O. DART SANDERLING QUALIFIED PERSONAL RESIDENCE, TRUST #2 DATED JANUARY 18, 1996, A 50% INTEREST IN THIS LEASE, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 1, 1999, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF ROCK REVETMENT BANK PROTECTION ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000.
  
2. AUTHORIZE FUTURE ASSIGNMENT OF THIS LEASE UNDER THE FOLLOWING CIRCUMSTANCES: BY ITS TERMS, THE JANE O. DART SANDERLING QUALIFIED PERSONAL RESIDENCE, TRUST #2 DATED JANUARY 18, 1996, SHALL TERMINATE ON JANUARY 18, 2001, AND THE 50% UNDIVIDED INTEREST IT HOLDS IN LEASE NO. PRC 7344.9, AND IN OWNERSHIP OF THE UPLAND PROPERTY, SHALL THEN TRANSFER TO GUY MICHAEL DART, JANE DART TUCKER, AND STEPHEN M. DART, IN EQUAL SHARES. CONSENT IS GIVEN TO ASSIGN THE 50% UNDIVIDED INTEREST IN LEASE NO. PRC 7344.9 AT THE TERMINATION OF THE TRUST, PROVIDED THAT JANE O'BRIEN DART HAS AND RETAINS A CONTINUOUS RIGHT TO RETAIN POSSESSION AND CONTROL OF ALL THE LEASE PREMISES AND THE ADJACENT UPLAND PROPERTY THROUGHOUT THE REMAINING TERM OF LEASE NO. PRC 7344.9. FURTHER AUTHORIZE COMMISSION STAFF TO PROVIDE A LETTER STATING THE COMMISSION'S CONSENT TO THE DESCRIBED ASSIGNMENT PRIOR TO JANUARY 18, 2001.

EXHIBIT A

PRC 7344

LAND DESCRIPTION

Two parcels of tide and submerged land in the Pacific Ocean in Pebble Beach, Monterey County, California, adjacent to the El Pescadero Rancho, said parcels are described as follows:

Parcel 1

COMMENCING at a point distant 89.15 feet north and 120.50 feet west from that certain monument numbered 3132, as said monument is shown and so designated on that certain map entitled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos," etc., filed January 12, 1922 in Volume 3 of Surveys, at page 3, Records of said County, said point of commencement also being the most easterly corner of that certain 2.981 acre parcel described in the deed recorded May 7, 1970 in reel 649, at page 735, Official Records of said county; thence along the southeasterly boundary of said parcel S 53° 00' 00" W, 452.11 feet; thence leaving said boundary S 85° 09' 43" W, 26.47 feet to the mean high tide line of the Pacific Ocean and being the TRUE POINT OF BEGINNING; thence following said mean high tide line:

N 2° 58' 50" E, 9.40 feet; thence  
N 35° 42' 14" W, 6.71 feet; thence  
N 31° 54' 23" W, 4.73 feet; thence  
N 54° 27' 22" W, 6.50 feet; thence  
N 62° 25' 29" W, 11.52 feet; thence  
S 66° 43' 12" W, 6.44 feet; thence  
S 79° 13' 26" W, 11.81 feet; thence leaving said mean high tide line  
S 59° 12' 54" E, 45.34 feet to the true point of beginning.

Parcel 2

COMMENCING at a point distant 89.15 feet north and 120.50 feet west from that certain monument numbered 3132, as said monument is shown and so designated on that certain map entitled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos," etc., filed January 12, 1922 in Volume 3 of Surveys, at page 3, Records of said County, said point of commencement also being the most easterly corner of that certain 2.981 acre parcel described in the deed recorded May 7, 1970 in reel 649, at page 735, Official Records of said county; thence along the southeasterly boundary of said parcel S 53° 00' 00" W, 452.11 feet; Thence N 42° 12' 00" W, 18.14 feet; thence N 50° 21' 00" W, 129.29 feet; thence leaving said boundary S 87° 29' 43" W, 32.44 feet to the mean high tide line of the Pacific Ocean and being the TRUE POINT OF BEGINNING; thence following said mean high tide line:

N 16° 04' 20" W, 5.80 feet; thence  
N 7° 17' 28" W, 7.11 feet; thence  
N 20° 12' 06" W, 7.94 feet; thence  
N 12° 10' 26" W, 5.01 feet; thence  
N 29° 43' 45" W, 7.14 feet; thence  
S 52° 59' 26" W, 8.94 feet; thence leaving said mean high tide line  
S 26° 35' 00" E, 11.52 feet; thence  
S 35° 16' 39" E, 9.75 feet; thence  
S 39° 29' 13" E, 9.75 feet to the true point of beginning.

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

END OF DESCRIPTION

PREPARED JULY 30, 1989 BY BIU 1.

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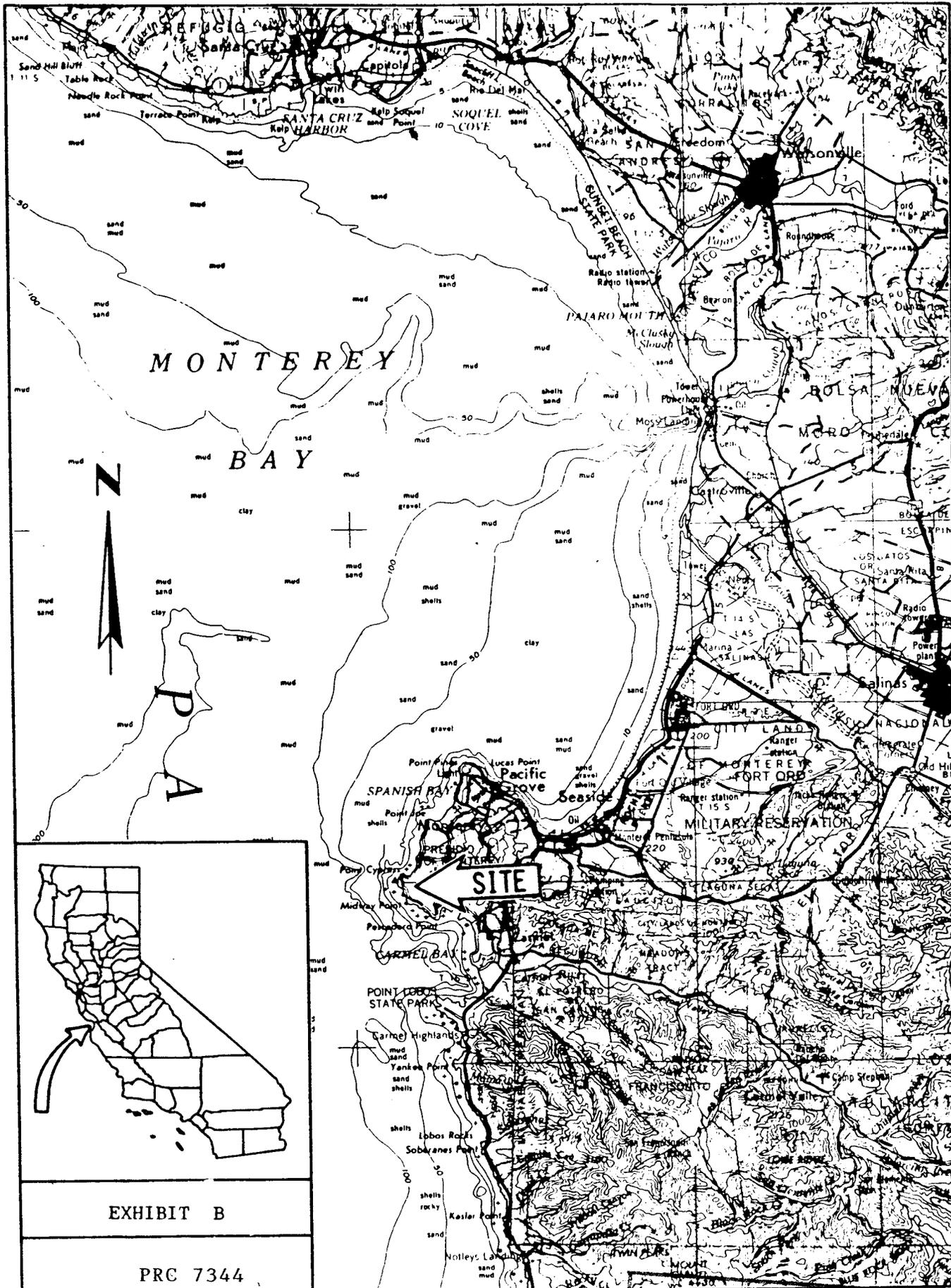


EXHIBIT B

PRC 7344

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