CALENDAR ITEM

C09

A 27 08/22/08

WP 6764.1

S 15 M. Clark

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Stillwater Yacht Club
P.O. Box 561
Pebble Beach, CA 93953

AREA, LAND TYPE, AND LOCATION:

4.18 acres, more or less, of sovereign lands in Stillwater Cove, adjacent to 2700 17 Mile Drive, Pebble Beach, Monterey County.

AUTHORIZED USE:

Installation, use, and maintenance of 23 existing seasonal mooring buoys, two attached uncovered floating boat docks, and the retention of an additional existing uncovered floating boat dock as shown on Exhibit A.

LEASE TERM:

Ten years, beginning November 1, 2007.

CONSIDERATION:

$3,172 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than $2,000,000.

In the event the permit issued by the Monterey Bay National Marine Sanctuary is terminated, then this lease shall also terminate.

OTHER PERTINENT INFORMATION:

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

2. On June 19, 1998, the Commission authorized a ten-year General Lease – Recreational Use to the Stillwater Yacht Club. That lease expired October 31, 2007. The Applicant has now applied for a new General Lease – Recreational Use.

3. The 23 seasonal mooring buoys (buoys) and three attached uncovered floating boat docks (floats) are installed from May 15th through October 31st of each year and are used in conjunction with the Stillwater Yacht Club's sailing program. The buoys and floats are only accessible from the upland via the Pebble Beach Corporation pier, which has been authorized by the Commission under a separate lease, Lease No. PRC 2714.1. The anchors for the buoys and floats are dropped and removed by the Pebble Beach Corporation Harbor Master, with the assistance of the Stillwater Yacht Club members, every season. The floats are attached to the pier and the three buoys closest to the pier are used as a string line to provide additional tie-ups for members.

4. The Stillwater Cove area is within the Monterey Bay National Marine Sanctuary and requires a Monterey Bay National Marine Sanctuary Permit (MBNMS) for the installation of facilities on the sea floor. The Stillwater Yacht Club has been granted a MBNMS permit for the continued use and maintenance of the existing buoys and floats within the Sanctuary.

5. **23 Mooring Buoys and Two Attached Uncovered Floating Boat Docks**: 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.

6. **Additional Uncovered Floating Boat Dock**: 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

7. 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. Site and Location Map
B. Legal Description

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

23 MOORING BUOYS AND TWO ATTACHED UNCOVERED FLOATING BOAT DOCKS: 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).

ADDITIONAL UNCOVERED FLOATING BOAT DOCK: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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.

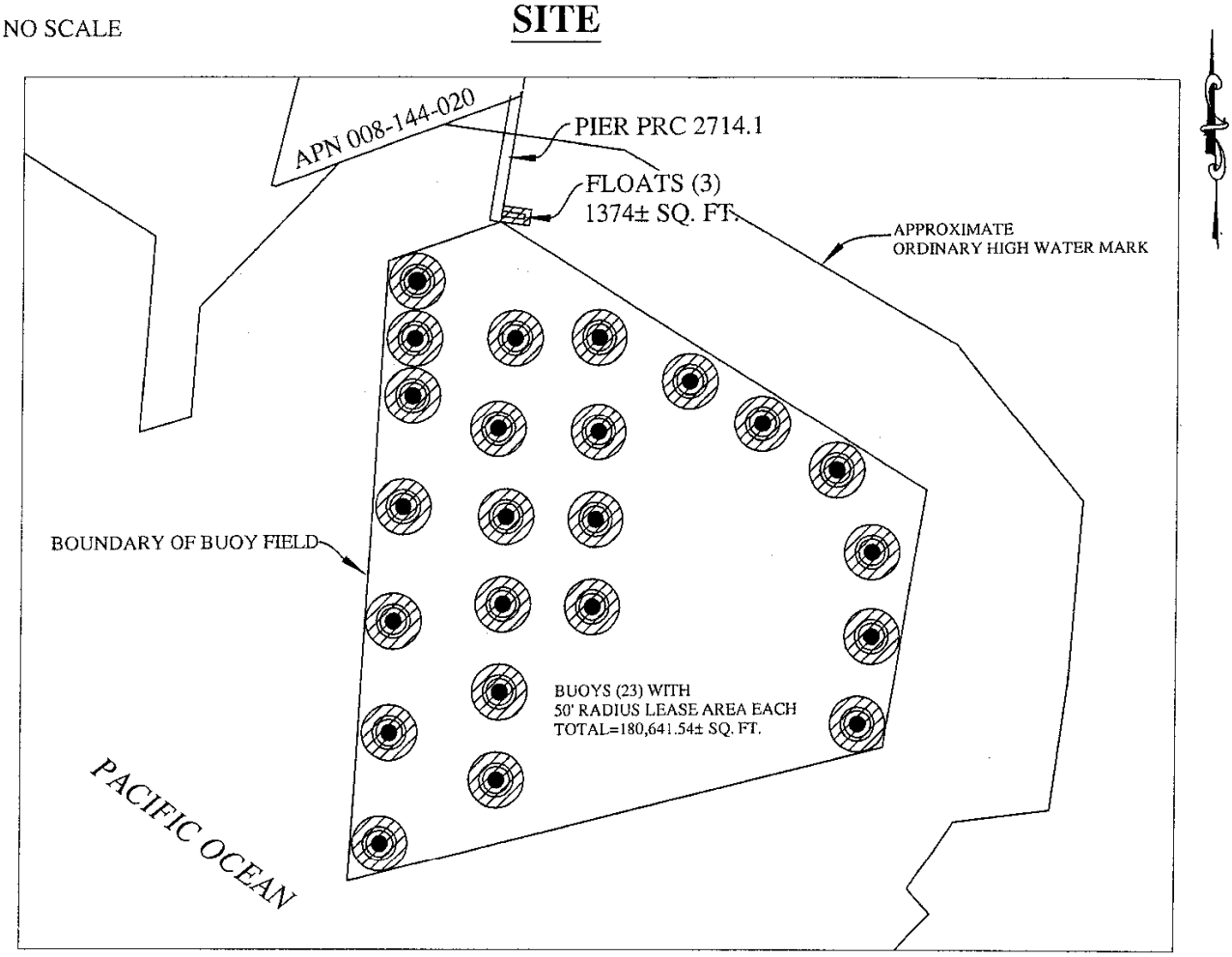
AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO THE STILLWATER YACHT CLUB BEGINNING NOVEMBER 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF 23 MOORING BUOYS, TWO ATTACHED UNCOVERED FLOATING BOAT DOCKS, AND THE RETENTION OF AN ADDITIONAL UNCOVERED FLOATING BOAT DOCK, AS SHOWN ON EXHIBIT A ATTACHED AND AS DESCRIBED

ON EXHIBIT B ATTACHED BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $3,172, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $2,000,000.

NO SCALE

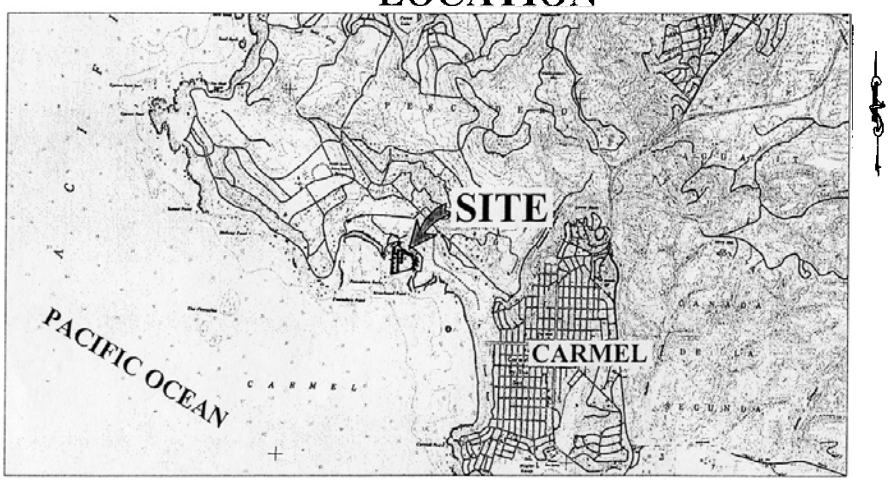
SITE



2700 17 MILE DRIVE, PEBBLE BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 6764.1
STILLWATER YACHT CLUB
APN 008-144-020
GENERAL LEASE
RECREATIONAL USE
MONTEREY 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.

CJH 4/16/2008