

**CALENDAR ITEM  
C37**

A	27	06/28/10
S	15	WP 7344.1 K. Foster

**GENERAL LEASE - PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

Stephen Murray Dart, Trustee of the Guy Michael Dart Family Trust dated March 23, 1988; Jane Dart Tucker, Trustee of the Jane Dart Tucker Revocable Trust dated April 19, 2000; and Stephen M. Dart, Trustee of the Stephen M. Dart 2001 Family Trust dated July 12, 2001

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

0.015 acre, more or less, of sovereign lands in the Pacific Ocean, adjacent to 3168 17 Mile Drive, APN 008-491-021, near Pebble Beach and Cypress Point, Monterey County.

**AUTHORIZED USE:**

Continued use and maintenance of two concrete-grouted rock revetment shoreline protective structures.

**LEASE TERM:**

Ten years, beginning October 1, 2009.

**CONSIDERATION:**

\$2,161 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 \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On December 3, 1999, the Commission issued a 10-year General Lease – Protective Structure Use to various members of the Dart family, the owners of the adjoining private upland property, for two separate parcels of sovereign land for the continued use and maintenance of two concrete-grouted rock revetment shoreline protective structures. The Lease was

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issued on a rent-free basis, consistent with Commission policy at that time. The Lease term ended on September 30, 2009. The applicants have applied to the Commission for a new lease for the existing structures, for which no changes are proposed.

3. 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 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.

4. 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. Land Description

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of 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:**

Authorize Issuance of a General Lease – Protective Structure Use to Stephen Murray Dart, Trustee of the Guy Michael Dart Family Trust dated March 23, 1988; Jane Dart Tucker, Trustee of the Jane Dart Tucker Revocable Trust dated April 19, 2000; and Stephen M. Dart, Trustee of the Stephen M. Dart 2001 Family Trust dated July 12, 2001 beginning October 1, 2009, for a term of ten years, for the continued use and maintenance of two concrete-grouted rock revetment shoreline protective structures as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; Consideration in the amount of \$2,161 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; Liability insurance in the amount of no less than \$1,000,000.