

**CALENDAR ITEM
C101**

A 27

06/23/11

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W 26469

D. Simpkin

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Pebble Beach Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Stillwater Cove, Carmel Bay, Monterey County.

AUTHORIZED USE:

Temporary access and use of a beach to facilitate reconstruction of existing coastal protection structures.

LEASE TERM:

6 months, beginning June 23, 2011.

CONSIDERATION:

\$5,700 for the term of the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises
2. The Pebble Beach Company's Beach and Tennis Club occupies the upland adjacent to the lease premises and was originally constructed around 1916. The existing grouted rip rap, concrete blocks and debris, and cobblestone walls that have protected the Beach and Tennis Club since the 1960's have deteriorated and are in need of replacement.
3. The existing grouted rip rap, concrete blocks and debris, and cobblestone walls will be removed and replaced with new two-tiered seawalls. The Applicant has applied for a lease for temporary access and use of the beach adjacent to the project, to facilitate the removal and construction of the new seawalls.

CALENDAR ITEM NO. **C101** (CONT'D)

4. In addition to accessing the beach with heavy equipment, the Applicant will also remove a portion of the existing rip rap apron and place it seaward of the construction zone as a protection barrier and a fixed working boundary. This protection barrier will be removed upon completion of the project.
5. The Del Monte Forest Area Land Use Plan/Local Coastal Program and the Stillwater Cove Management Plan, allows public access of Stillwater Cove Beach. Stillwater Cove is available for day beach use, as well as for diving and boating, and includes public parking in the lots near the 17th green and beach club, equipment and passenger drop off near the pier, a ramp for access to the shoreline, and public restrooms including showers for divers. The beach is available to the public, up to a maximum of 50 individuals at a time, and a maximum of 10 divers in the cove at a time. All of the 12 Del Monte Forest Land Use Plan shoreline access points originally identified in the early 1980's have been developed.
6. Special condition 5 of Coastal Development Permit 3-09-025 requires Pebble Beach to construct a signed, unobstructed public access trail between the Pebble Beach Lodge and the Sloat building and an overlook at the seaward edge of the existing parking lot area between the Sloat building and the ocean. The overlook is currently primarily a parking lot for private use which has no defined area for public access and includes no public amenities. The site is located close to the commercial node of Del Monte Forest and is immediately adjacent to the 18th green. Improvements here would provide additional low-cost recreational beach access to an area of the coastline that is currently underutilized and not easily accessible.
7. The removal of the existing rip rap structure will result in the useable beach area being widened and expanded by 3,355 square feet. Removal of the rip rap and setback of the seawall will uncover sandy beach area that is currently unavailable, increasing the useable beach area for the public. The applicant has agreed to allow public access to the beach from the adjacent Stillwater Cove Pier, which is subject to Commission Lease No. PRC 2714.1.
8. The Applicant will conduct and submit a mean high tide line survey upon removal of the existing seawalls to ensure the proposed new seawalls will not encroach onto sovereign land.

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9. 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 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302.

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

10. 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:

Monterey Bay National Marine Sanctuary
County of Monterey
California Regional Water Quality Control Board – Central Coast Region
U.S. Fish and Wildlife Service
California Department of Fish and Game

FURTHER APPROVALS REQUIRED:

California Coastal Commission

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 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302.

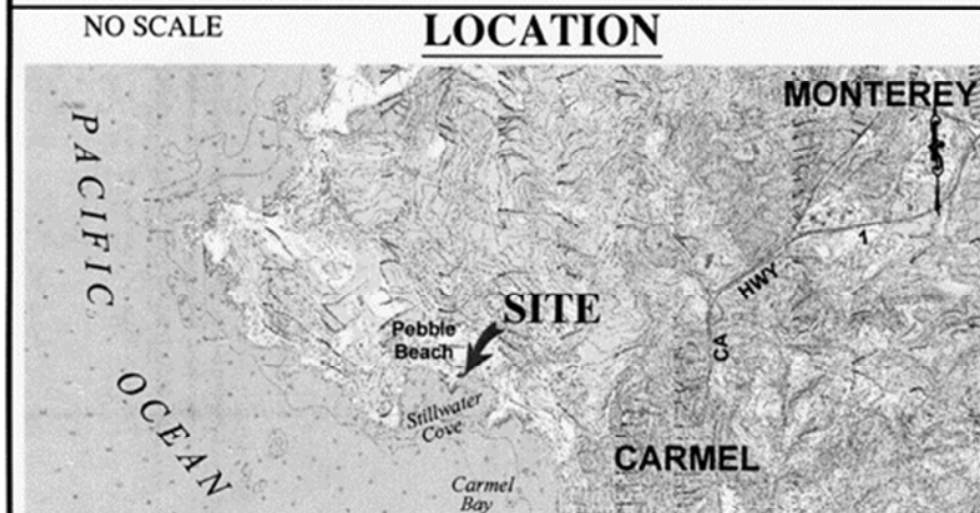
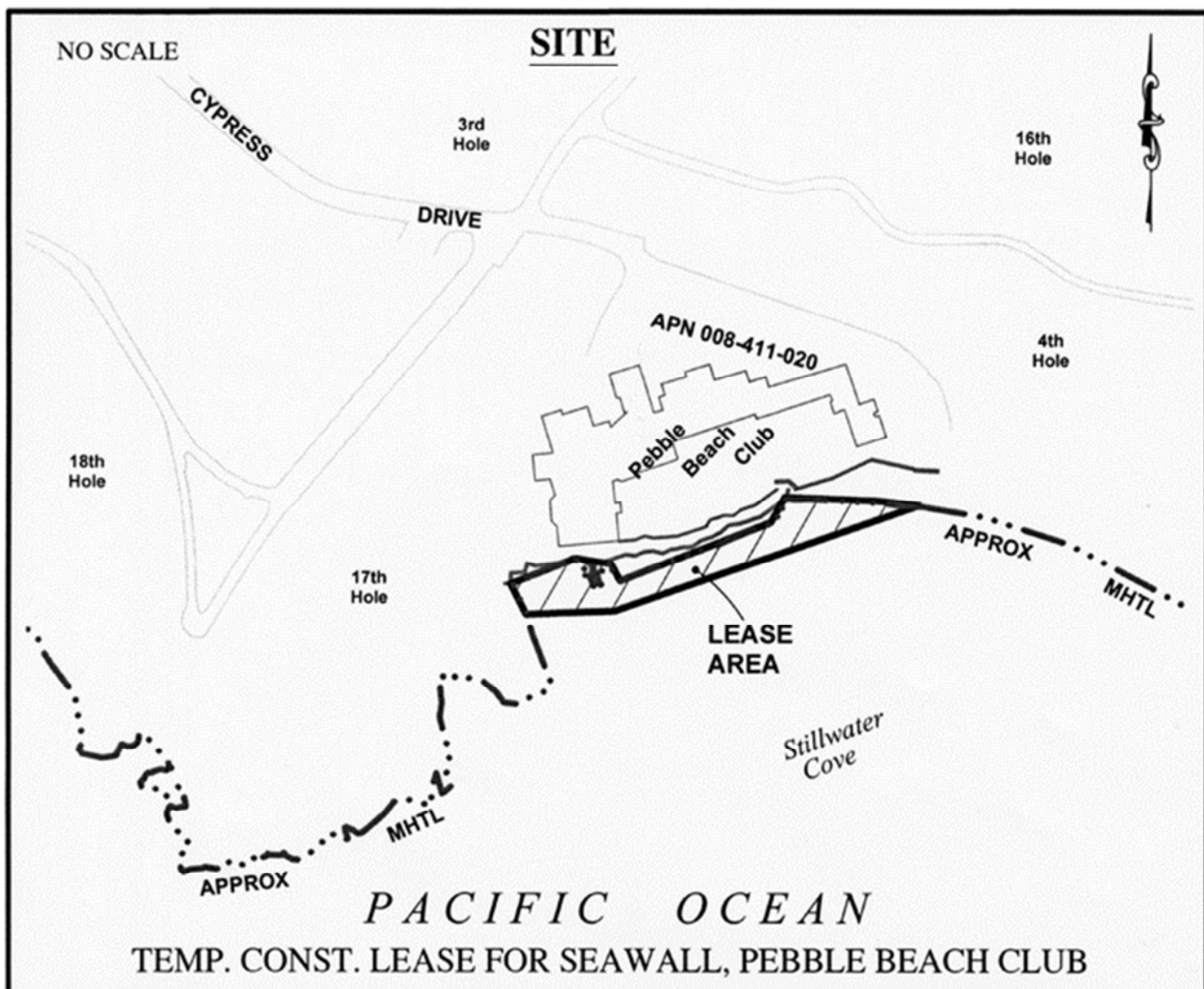
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SIGNIFICANT LANDS INVENTORY FINDING:

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 issuance of a six-month General Lease – Right-of-Way Use to the Pebble Beach Company beginning June 23, 2011, for temporary access and use of a beach to facilitate reconstruction of existing coastal protection structures as shown on Exhibit A (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration: \$5,700 for the term of the lease; liability insurance in the amount of no less than \$1,000,000.



MAP SOURCE: USGS QUAD

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.

Exhibit A

W 26469
 PEBBLE BEACH CLUB
 APN 008-411-020
 GENERAL LEASE
 RIGHT OF WAY USE
 MONTEREY COUNTY



EAP 06/11

EXHIBIT B

W 26469

LAND DESCRIPTION

A parcel 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, more particularly described as follows:

Commencing at a found 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 61° 46' 31" East, 1177.8 feet more or less to a point on the ordinary high water mark of the Pacific Ocean, said point being the POINT OF BEGINNING; thence southeasterly along said ordinary high water mark, approximated by the following seven (7) courses:

1. North 66° 51' 00" East, 68.00 feet; thence
2. South 82° 50' 00" East, 35.00 feet; thence
3. South 30° 30' 00" East, 19.00 feet; thence
4. North 67° 00' 00" East, 158.00 feet; thence
5. North 26° 55' 00" East, 28.00 feet; thence
6. South 89° 29' 00" East, 88.00 feet; thence
7. South 85° 40' 00" East, 43.00 feet; thence leaving said ordinary high water mark and entering tide and submerged lands of the Pacific Ocean



South 69° 03' 00" West, 314.00 feet; thence

South 86° 15' 00" West, 87.00 feet; thence

North 28° 22' 18" West, 33.31 feet to the POINT OF BEGINNING.

The bearing of North 71° 26' 30" West between two found monuments on the westerly boundary of that certain parcel described in said deed recorded in the Office of the Recorder, County of Monterey at Reel 2338, Official Records, page 561 was held as the basis of bearing for this description.

END OF DESCRIPTION