

MINUTE ITEM
This Calendar Item No. C17
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM

C19

A 28

S 17

10/23/86
G 08-02
J. Sekelsky
Townsend

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

The Monterey Bay Aquarium Foundation (Aquarium) and the City of Monterey have 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 Monterey
c/o Bill Marsh, City Attorney
City Hall
Monterey, California 93940

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 Monterey, 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.

CALENDAR ITEM NO. C19 (CONT'D)

LAND USE:

The subject tidelands and submerged lands have been used in conjunction with the construction and operation of the 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: Fifty (50) years, beginning on March 10, 1981.

CONSIDERATION: Lessee pays one dollar (\$1.00) per year in rent, and provides substantial public benefit. Lessee is a California non-profit corporation and revenues are returned to the Aquarium. The lease provides for a five (5) year rent review.

ENVIRONMENTAL IMPACT OF THE LEASE

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

CALENDAR ITEM NO. C19 (CONT'D)

CONFORMANCE WITH GRANTING STATUTES

Legislative Acts relating to the leased lands include:

<u>Chapter</u>	<u>Year</u>
210	1868
237	1903
669	1919
734	1984

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 Monterey.

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.

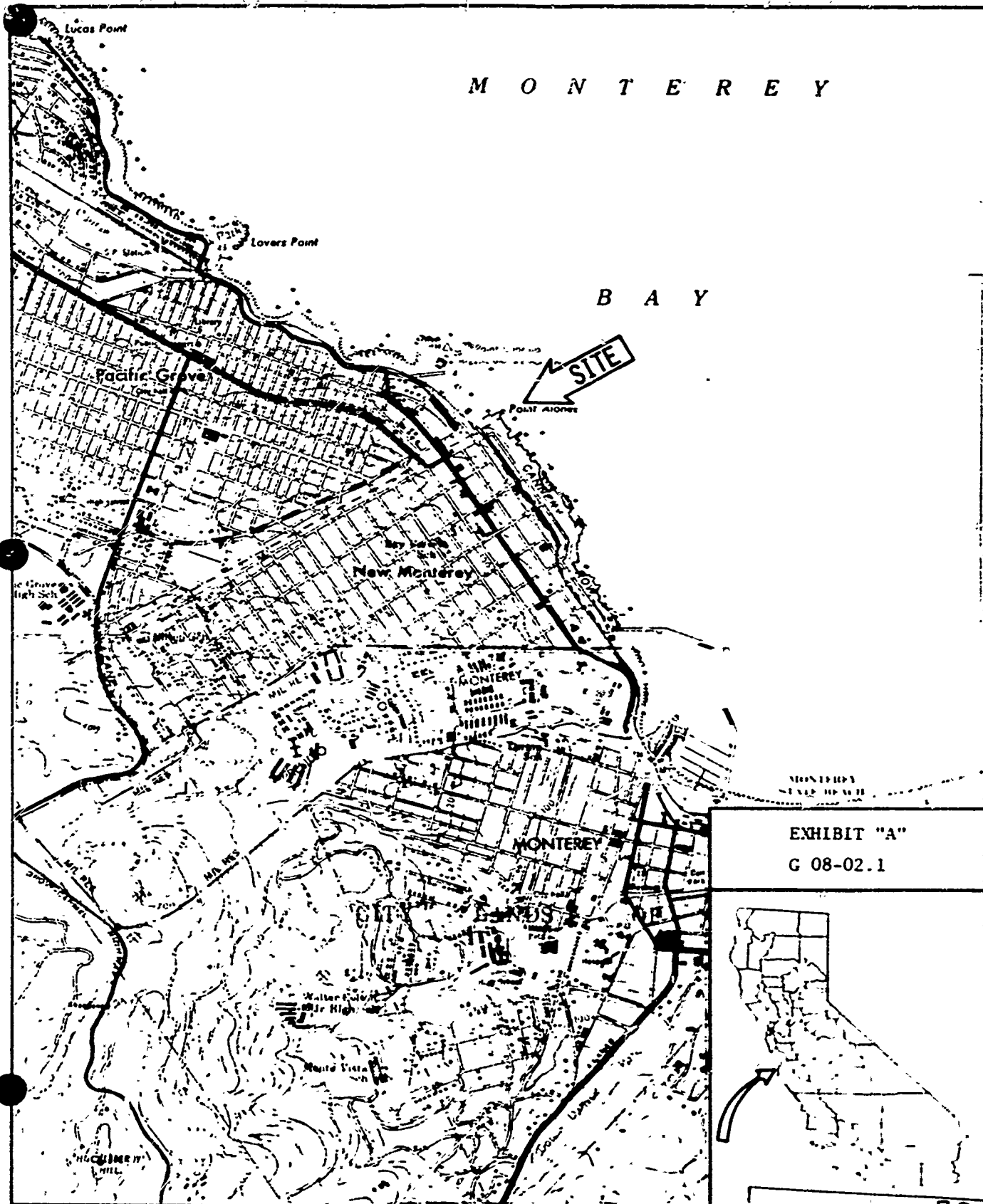
AB 884: N/A.

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 MONTEREY, AS LESSOR, AND THE 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 MONTEREY.
 - (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.



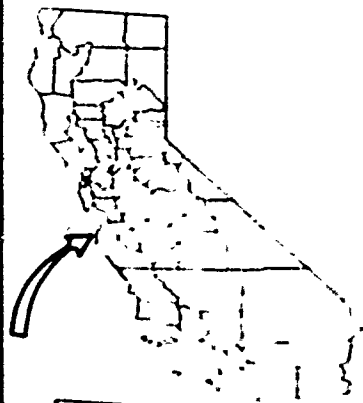
M O N T E R E Y

B A Y

SITE

MONTEREY
STATE OF CALIF.

EXHIBIT "A"
G 08-02.1



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