MINUTE ITEM
This Calendar Item No. C17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/91
meeting.

CALENDAR ITEM

C 17

A 19

S 11

09/23/91
PRC 2860 PRC 7593
Maricle

GENERAL PERMIT - PUBLIC AGENCY USE

PERMITTEE:
City of Foster City
Estero Municipal Improvement District
Attn: Ms. Sue Lee
610 Foster City Boulevard
Foster City, California 94404

AREA, TYPE LAND AND LOCATION:
Two parcels, 7,235 square feet and 5,878 square feet, respectively, filled sovereign land in Foster City, San Mateo County.

LAND USE:
Levee improvements and pathway system for the City of Foster City, Estero Municipal Improvement District.

TERMS OF PROPOSED PERMIT:
Initial period:
Forty-nine (49) years beginning October 1, 1991.

CONSIDERATION:
The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

(REVISED 10/11/91)

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STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

02/16/92

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

2. A Negative Declaration was prepared and adopted for this project by the City of Foster City. The State Lands Commission's staff has reviewed such document.

3. The land to be used by the applicant for the levee and pathway improvement project is part of the property currently under permit to the State Department of Fish and Game, PRC 2860, which covers approximately 33.401 acres. That permit was issued for purposes consistent with the public trust, including recreation and enhancement of the environment.

4. The City plans to provide flood protection and recreational facilities at the requested two locations, 7,235 square feet and 5,878 square feet, respectively, being a small portion of the 33.401 acres permitted to Fish and Game.

5. The proposed improvements within State Lands Commission property are as follows:

   (1) Construct an earth berm (soil mound) adjacent to the levee pathway on the bayward side of the crest.

   (2) Widen an existing levee bicycle/pedestrian pathway to ten feet and provide two-foot jogging paths on each side (14 feet total).

6. The intended work appears to be compatible with the terms of permit PRC 2860. In addition, that permit

expressly reserves the right to lease, convey, or encumber the lease premises, in whole or in part, during the lease term for any purpose not inconsistent or incompatible with the rights or privileges of the lessee. Also, the Department of Fish and Game has endorsed the project.

APPROVALS OBTAINED:
City of Foster City.

FURTHER APPROVALS REQUIRED:
San Francisco Bay Conservation and Development Commission (BCDC) and United States Army Corps of Engineers.

EXHIBITS:
A. Land Description
B. Parcel Map
C. Location Map
D. Notice of Determination
E. City Resolution No. P-33-91
F. Department of Fish and Game Letter dated July 2, 1991

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

2. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF FOSTER CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

3. AUTHORIZE ISSUANCE TO THE CITY OF FOSTER CITY, ESTERO MUNICIPAL IMPROVEMENT DISTRICT, OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING OCTOBER 1, 1991; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, FOR THE CONSTRUCTION OF AN EARTH BERM, THE WIDENING OF AN EXISTING BICYCLE AND PEDESTRIAN PATHWAY, AND THE PLACEMENT OF TWO ADJACENT JOGGING PATHS, TWO FEET EACH, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 2860

LAND DESCRIPTION

Two parcels of land that are portions of land shown as Lands of State of California Lands Commission in the City of Foster City, County of San Mateo, State of California, as per map recorded July 28, 1977 in Volume 8 of Licensed Land Survey Maps at Pages 78-87, in the Office of the County Recorder of said County. Said parcels are described as follows:

Parcel 1:

COMMENCING at the intersection of Beach Park Boulevard and Tarpon Street as shown on the map entitled, "RECORD OF SURVEY - EXHIBIT A OF SETTLEMENT AGREEMENT EMBODIED IN JUDGMENT ENTERED IN CASE OF: STATE VS. SAN MATEO COUNTY ET. AL.," in Volume 8 of Licensed Land Survey Maps at Page 81; thence N 68° 26' 09" E, 330.18 feet; thence S 00° 42' 12" E, 659.96 feet; thence S 15° 02' 48" W, 1319.91 feet to a point hereafter referred to as "Point A" and the TRUE POINT OF BEGINNING; thence along the following courses:

1. S 38° 19' 35" E, 65.23 feet; thence
2. S 13° 07' 20" W, 283.65 feet; thence
3. N 04° 10' 57" E, 328.29 feet to the true point of beginning.

Parcel 2:

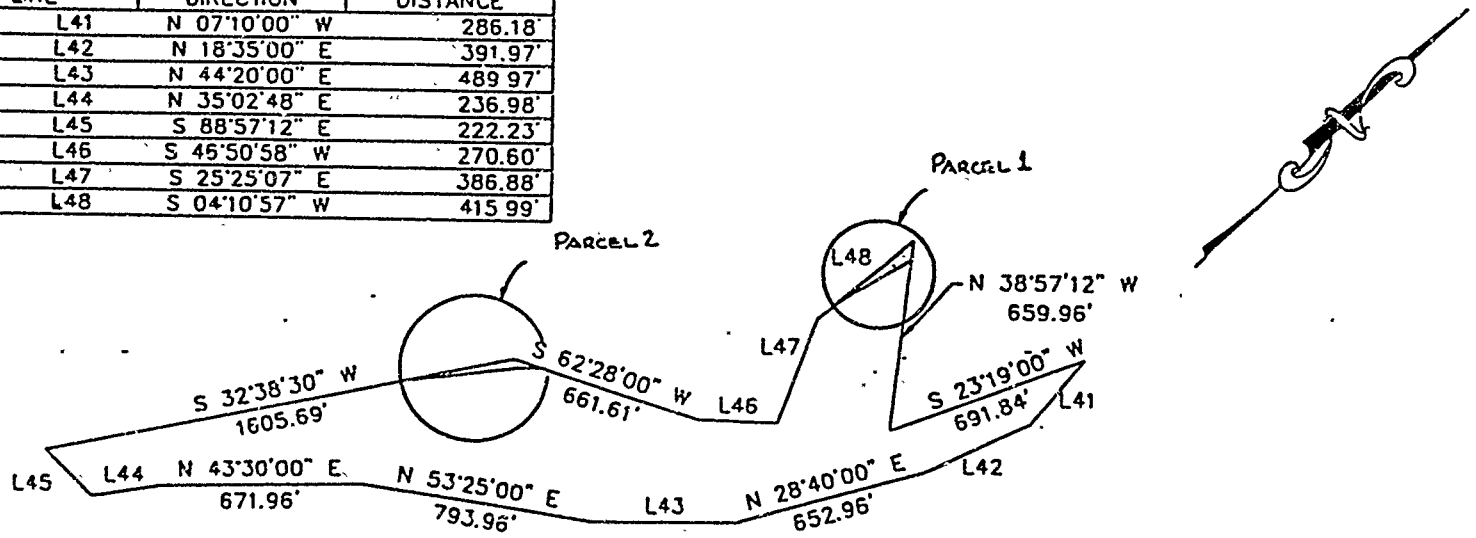
COMMENCING at the above described "Point A"; thence S 04° 10' 57" W, 415.99 feet; thence S 25° 25' 07" E, 386.88 feet; thence S 46° 50' 58" W, 270.60 feet; thence S 62° 28' 00" W, 556.57 feet to the TRUE POINT OF BEGINNING; thence along the following courses:

1. continuing S 62° 28' 00" W, 105.04 feet; thence
2. S 32° 38' 30" W, 348.21 feet; thence
3. N 37° 06' 25" E, 360.00 feet; thence
4. N 49° 23' 47" E, 84.00 feet to the point of beginning

END OF DESCRIPTION

REVIEWED AUGUST, 1991 BY LLB

LINE	DIRECTION	DISTANCE
L41	N 07°10'00" W	286.18'
L42	N 18°35'00" E	391.97'
L43	N 44°20'00" E	489.97'
L44	N 35°02'48" E	236.98'
L45	S 88°57'12" E	222.23'
L46	S 46°50'58" W	270.60'
L47	S 25°25'07" E	386.88'
L48	S 04°10'57" W	415.99'



No Scale

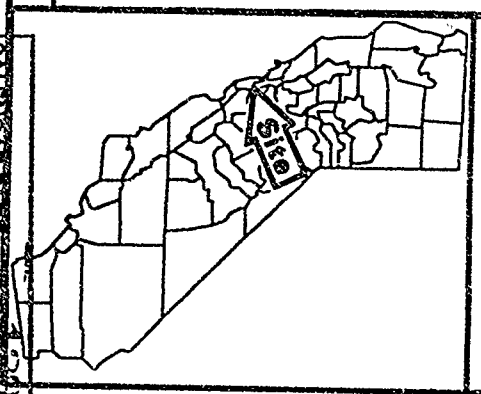


EXHIBIT "B"

SITE MAP
CITY OF FOSTER CITY
PRC 2860
SAN MATEO COUNTY

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LEVEE IMPROVEMENTS		
SCALE: 1"=400'	APPROVED BY:	DRAWN BY
DATE: 5/7/91		REVISED
CITY OF FOSTER CITY		
EXHIBIT 2		DRAWING NUMBER 1 OF 3

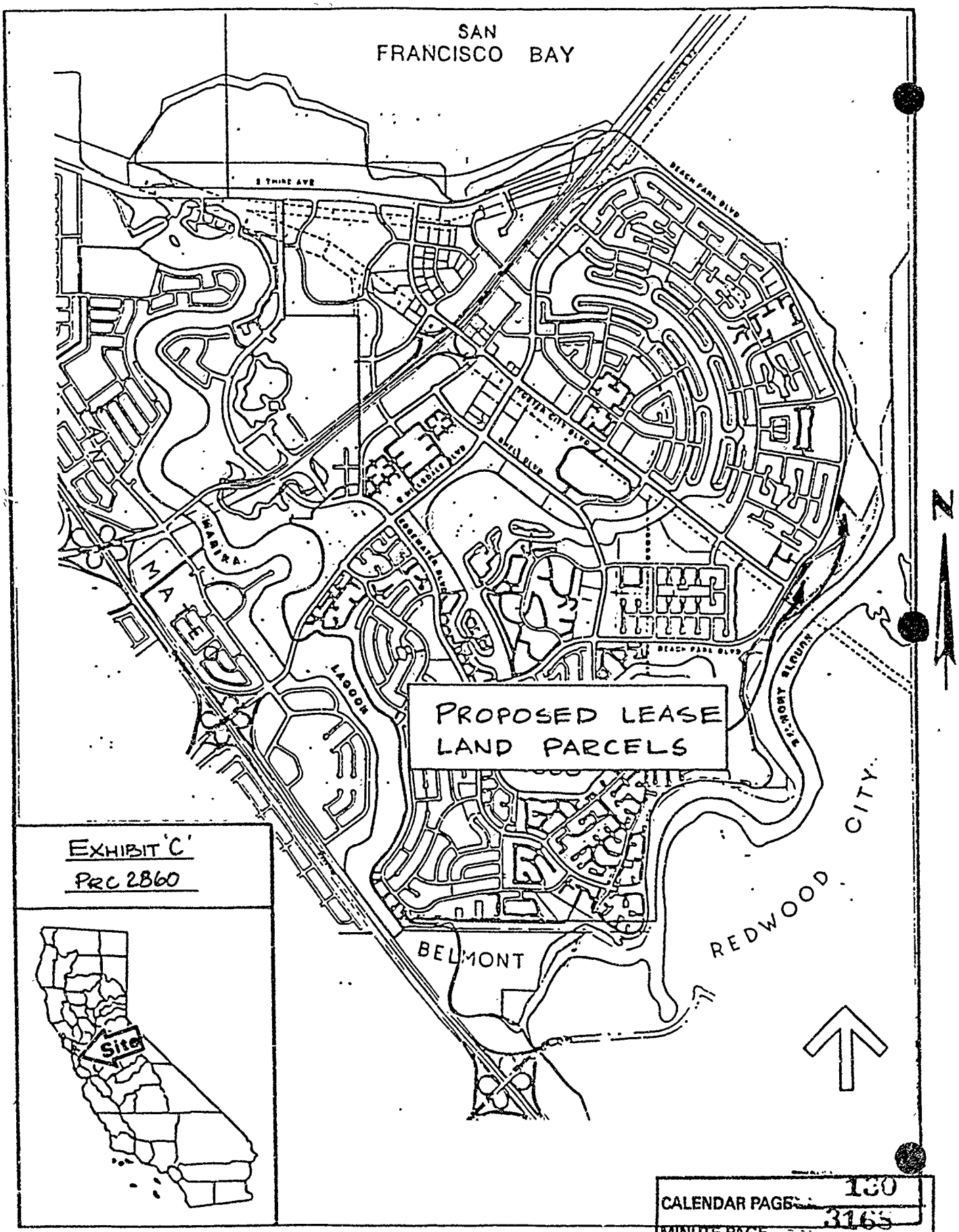

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EXHIBIT "D"

NOTICE OF DETERMINATION

TO: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County Clerk
County of San Mateo

FROM: City of Foster City
610 Foster City Blvd.
Foster City, CA 94404

File: EA- 91-002

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Levee Improvements & Pathway System for the City of Foster City

State Clearinghouse Number: 91043011
(If submitted to Clearinghouse)

FILED
AUG 9 1991
WARREN SLOCUM, County Clerk
By [signature]
Deputy Clerk

Contact Person: Leslie Carmichael
Telephone No.: 415/349-1200

Project Location: City of Foster City

Project Description: Improvements to the existing levee system to meet FEMA's minimum flood control criteria & improvements to the pedestrian/bikeway system.

This is to advise that the City of Foster City has approved the above-described project on August 5, 1991 and has made the following determinations:

1. The project ____ will / X will not have a significant effect on the environment.
2. ____ An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.

   X A Negative Declaration was prepared and approved for this project pursuant to the provisions of CEQA.
3. ____ Mitigation measures ____ were / X were not made a condition of the approval of the project.
4. Findings ____ were / X were not made pursuant to Section 15091 of the State CEQA Guidelines.
5. A Statement of Overriding Considerations ____ was / X was not adopted for this project.

The Negative Declaration on Final EIR and record of project approval is available to the General Public at the Department of Planning and Development Services, City Hall, 610 Foster City Boulevard, Foster City, CA 94404.

Date Mailed: August 6, 1991

Signature: [signature]
Name: Richard B. Marks
Title: Director of Planning and Development Services

Date Received for Filing: _____

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EXHIBIT "E"

RESOLUTION NO. P- 33 -91

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR REVISED IMPROVEMENTS TO THE PERIMETER LEVEE SYSTEM FROM THE SAN MATEO CITY BOUNDARY ON THE NORTH TO THE JUNCTION OF MARINA LAGOON AND BELMONT SLOUGH ON THE SOUTH TO MEET THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) MINIMUM FLOOD CONTROL CRITERIA -- CITY OF FOSTER CITY -- EA-91-002

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the Federal Emergency Management Agency (FEMA) notified the City that unless the perimeter levee system is raised to meet FEMA's minimum flood control criteria, Foster City would be considered to be in a 100 year flood zone which would result in economic hardship for property owners and require higher floor levels in new or modified buildings; and

WHEREAS, the City proposed a sea wall option to raise the levee system based on the September 21, 1990 report by Kleinfelder; and

WHEREAS, the Planning Commission recommended City Council approval of the Negative Declaration for a previous proposal for improvements to the levee system using the sea wall option and improvements to the pedestrian/bicycle pathway system on April 18, 1991; and

WHEREAS, staff revised the original proposal based on the June 10, 1991 report by Kleinfelder to address the concerns and comments of the San Francisco Bay Conservation and Development Commission and State Lands Commission; and

WHEREAS, the City of Foster City has requested a recommendation of City Council approval of Negative Declaration for the revised improvements to the levee system and pedestrian/bicycle pathway system for the City of Foster City; and

WHEREAS, the Planning Division has prepared an Initial Study (EA-91-002) in accordance with Sections 15063 and 15070 of the State CEQA Guidelines and the Foster City Environmental Review Guidelines; and

WHEREAS, the Director of Planning and Development Services has made a finding that there are no significant adverse environmental impacts due to the revised project and therefore prepared a Draft Negative Declaration consisting of the Initial Study documenting the finding of no significant impacts; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Draft Negative Declaration at the Planning Commission meeting of June 18, 1991, and on said date, the Public Hearing was opened, held and closed.

WHEREAS, the Planning Commission has reviewed and considered the Draft Negative Declaration of Environmental Impact prepared by the Planning Division; and

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Resolution No. P-33-91
EA-91-002

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds:

1. The request satisfies the requirements of State law and regulations in respect thereto; and

2. That after careful evaluation of the Initial Study and the June 10, 1991 report by Kleinfelder, the Planning Commission has determined that there would be no potential significant adverse environmental impacts due to the revised project.

3. The revised proposal would continue to provide public access to the Bay because the soil mound would have a slope which would be gentle enough for wildlife and people to negotiate; the public access to the levee would be improved by paving of the access paths and installation of handrails to provide for senior citizens and mobility restricted persons; the recreational use of the levee would be improved by the widening of the existing bike path and provision of jogging paths; the construction activities would not significantly impact the wetlands; the project will avoid placing new fill into the Bay as defined by the San Francisco Bay Conservation and Development Commission (BCDC).

BE IT FURTHER RESOLVED that the Planning Commission recommends City Council approval of the Negative Declaration of Environmental Impact (EA-91-002).

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on June 18, 1991, by the following vote:

AYES, COMMISSIONERS: YEE, DITTMAR AND CHAIRMAN DIERKES

NOES, COMMISSIONERS: NONE

ABSTAIN, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: McEWEN, KUNDUPOGLU

James P. Dierkes
JAMES P. DIERKES, CHAIRMAN

ATTEST:
RICHARD B. MARKS, SECRETARY

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EXHIBIT "F"

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF FISH AND GAME
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

July 2, 1991

Mr. Rick Navarro
City of Foster City
Estero Municipal Improvement District
610 Foster City Boulevard
Foster City, California 94404

Dear Mr. Navarro:

(CIP NO. 14-451) Levee Improvements Project in Foster City

Department of Fish and Game personnel have reviewed your letter of June 20, 1991, concerning lease of two parcels and land totalling 13,113 square feet from the State Lands Commission to facilitate improvements to the levees protecting Foster City from San Francisco Bay. The Department has also reviewed the Draft Negative Declaration (ND) for Revised Improvements for the Existing Levee System (SCH 91043011). The land is currently part of a larger parcel under permit to the Department. The area is identified as the Foster City Unit of the Redwood Shores Ecological Reserve.

Based on our review of the ND, the proposed project will not result in impacts to fish and wildlife resources. The current project confines levee raising activities to the top or upper slopes of the existing levee. Since these areas have little habitat value and no work is proposed in wetlands, the Department has no objection to the project as described in the ND.

With regard to the proposed lease, the Department would not object to the issuance of permits to the City for the two parcels described in exhibit 3 pages 1 and 2, and depicted in exhibit 2 pages 1-3.

If you have any questions concerning our comments, please contact Mr. Carl Wilcox, Associate Wildlife Biologist, at (707) 944-5525.

Sincerely,

for Brian Hunter
Regional Manager
Region 3

cc: Mr. Fred Grimmett, State Lands Commission

Ms. Judy Brown, " "

Mr. Laxmi Srinivas, City of Foster City

Mr. Jeff Jensen, BCDC

Mr. Marc Holmes, Save San Francisco Bay Association

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