

MINUTE ITEM
This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
to 0 at its 6-30-92
meeting.

CALENDAR ITEM

A 19
S 11

C 1 5

06/30/92
PRC 7593
Plummer

AMEND GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

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

AREA, TYPE LAND AND LOCATION:

Two parcels, 7235 square feet and 5,878 square feet,
respectively, filled and unfilled 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 ORIGINAL LEASE:

Lease period:
Forty-nine (49) years beginning October 1, 1991.

PROPOSED LEASE AMENDMENT:

Amend the lease by including an additional 1.11-acre parcel
within the lease area.

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.

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CALENDAR ITEM NO C 1 5 (CONT'D)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees have been received.

STATUTORY AND OTHER REFERENCES:

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

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. At the time of the original application for the above-referenced lease, the City of Foster City inadvertently omitted a 1.11-acre parcel of State sovereign land from their request of parcels to be leased. This parcel is a key part of the City's overall levee improvement and pathway system. The City now requests that the original lease be amended to include this parcel.
2. 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.
3. 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.

APPROVALS OBTAINED:

City of Foster City, Regional Water Quality Control Board, and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission (SFBCDC)

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Determination
- D. City Resolution P-92-72

CALENDAR ITEM NO. 015 (CONT'D)

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, SCH NO. 92043064, WAS PREPARED AND ADOPTED FOR THIS PROJECT BY CITY OF FOSTER CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. AMEND THE DESCRIPTION OF THE LEASE PREMISES IN LEASE PRC 7593 TO INCLUDE THE 1.11-ACRE PARCEL OF LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. ALL OTHER TERMS AND CONDITIONS OF THE LEASE REMAIN IN FULL FORCE AND EFFECT.

EXHIBIT "A"

PRC 7593

LAND DESCRIPTION

Portions of that Parcel 14881 and Parcel 14882 of land described in the deeds to the California State Lands Commission recorded March 27, 1972 in Volume 6116, page 528, and recorded February 7, 1973 in Volume 6320, page 528, Official Records of San Mateo County, said portion being more particularly described as follows:

COMMENCING at a brass cap monument set in concrete at the northeast corner of the subdivision shown on that subdivision map entitled Mariner's Island Unit No. 2, recorded in Volume 64 of Maps, at pages 31-35, San Mateo County Records; thence S 88°30'55" E 1133.78; thence along a tangent curve concave to the right, with a radius of 1282.70 feet, through a central angle of 06°25'10"; and arc distance of 143.71 feet; thence S 82°05'45" E, 1011.99 feet; thence N 07°54'15" E, 122.00 feet; thence S 82°05'45" E, 650.00 feet; N 07°54'15" E, 78.00 feet; thence along a curve concave to the left from a tangent that bears S 82°05'45" E, with a radius of 1382.61 feet, through a central angle of 5°46'56", and arc distance of 139.53 feet to the TRUE POINT OF BEGINNING, thence along the following courses:

1. Continuing along last said curve, with a radius of 1382.61 feet, through a central angle of 21°21'34", and arc distance of 515.43 feet; thence
 2. N 37°22'25" W, 16.04 feet to a point on the agreed mean high tide line on the bayward slope of the levee; as said agreed mean high tide line is established, defined and described in Exhibits A and B of the "Boundary Agreement and Quitclaims" Agreement (1) recorded March 27, 1972, in Volume 6116, Page 528, Agreement (2) recorded February 7, 1973, in Volume 6320, Page 528: thence along mean high tide line, the following 36 courses:

1. N. 43°18'13" E., 26.25 feet, thence
2. N. 60°28'27" E., 100.00 feet, thence
3. N. 69°01'02" E., 50.48 feet, thence
4. N. 64°42'34" E., 125.26 feet, thence
5. N. 56°01'08" E., 125.48 feet, thence
6. N. 65°01'37" E., 327.68 feet, thence
7. N. 68°38'34" E., 175.01 feet, thence
8. N. 71°48'08" E., 150.33 feet, thence
9. N. 67°04'17" E., 250.03 feet, thence
10. N. 71°11'36" E., 125.20 feet, thence
11. N. 64°56'06" E., 150.21 feet, thence
12. N. 61°08'44" E., 151.08 feet, thence
13. N. 63°10'54" E., 85.80 feet, thence
14. N. 68°22'52" E., 89.74 feet, thence
15. N. 40°51'20" E., 165.28 feet, thence
16. N. 63°26'25" E., 61.14 feet, thence
17. N. 53°35'28" E., 49.71 feet, thence
18. N. 24°46'31" E., 28.64 feet, thence
19. N. 53°07'48" E., 25.00 feet, thence
20. N. 71°33'54" E., 26.88 feet, thence
21. N. 48°39'08" E., 49.95 feet, thence
22. N. 66°56'55" E., 25.54 feet, thence
23. N. 79°52'31" E., 42.66 feet, thence
24. East 50.50 feet, thence
25. S. 77°14'33" E., 27.17 feet, thence
26. N. 89°37'14" E., 75.50 feet, thence

27. S. 77°35'33" E., 25.60 feet, thence
28. S. 83°44'11" E., 41.25 feet, thence
29. N. 64°06'47" E., 75.58 feet, thence
30. N. 75°39'02" E., 22.19 feet, thence
31. N. 69°18'57" E., 52.38 feet, thence
32. N. 61°51'30" E., 48.77 feet, thence
33. N. 46°28'08" E., 27.59 feet, thence
34. N. 56°53'19" E., 27.46 feet, thence
35. N. 65°33'22" E., 24.17 feet, thence
36. N. 71°00'00" E., 0.52 feet

to a point on the northwesterly right of way line of State Route 92; thence along said northwesterly line N 42°27'02" E., 20.92 feet to a point 10 feet bayward of said mean high tide line; thence along last said line the following 35 courses:

1. S. 71°00'00" W., 19.38 feet, thence
2. S. 65°33'22" W., 25.40 feet, thence
3. S. 56°53'19" W., 29.13 feet, thence
4. S. 46°28'08" W., 27.15 feet, thence
5. S. 61°51'30" W., 46.77 feet, thence
6. S. 69°18'57" W., 51.17 feet, thence
7. S. 75°39'02" W., 22.65 feet, thence
8. S. 64°06'47" W., 73.71 feet, thence
9. N. 83°44'11" W., 37.83 feet, thence
10. N 77°35'33" W., 26.18 feet, thence
11. S. 89°37'14" W., 75.47 feet, thence
12. N. 77°14'33" W., 27.14 feet, thence
13. West 52.50 feet, thence
14. S. 79°52'31" W., 44.68 feet, thence
15. S. 66°56'55" W., 28.28 feet, thence
16. S. 48°39'08" W., 49.53 feet, thence
17. S. 71°33'54" W., 26.48 feet, thence
18. S. 53°07'48" W., 29.15 feet, thence
19. S. 24°46'31" W., 28.60 feet, thence
20. S. 53°35'28" W., 46.28 feet, thence
21. S. 63°26'25" W., 62.28 feet, thence
22. S. 40°51'20" W., 164.83 feet, thence
23. S. 68°22'52" W., 87.74 feet, thence
24. S. 63°10'54" W., 86.43 feet, thence
25. S. 61°08'44" W., 150.93 feet, thence
26. S. 64°56'06" W., 149.33 feet, thence
27. S. 71°11'36" W., 125.01 feet, thence
28. S. 67°04'17" W., 249.98 feet, thence
29. S. 71°48'08" W., 150.19 feet, thence
30. S. 68°38'34" W., 175.60 feet, thence
31. S. 65°01'37" W., 328.78 feet, thence
32. S. 56°01'08" W., 125.51 feet, thence
33. S. 64°42'34" W., 124.12 feet, thence
34. S. 69°01'02" W., 50.85 feet, thence
35. S. 60°28'27" W., 102.26 feet, thence

leaving last said line, the following 6 courses:

1. S. 71°33'55" W., 177.97 feet, thence
2. S. 81°47'01" W., 149.57 feet, thence
3. S. 85°31'11" W., 123.26 feet, thence

4. N. 78°22'46" W., 47.70 feet, thence
5. N. 47°02'39" W., 116.90 feet, thence
6. S. 28°11'21" E., 133.93 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the abovementioned agreed line.

· END OF DESCRIPTION

SCANNED AND REVISED APRIL 1992, BY LLB.

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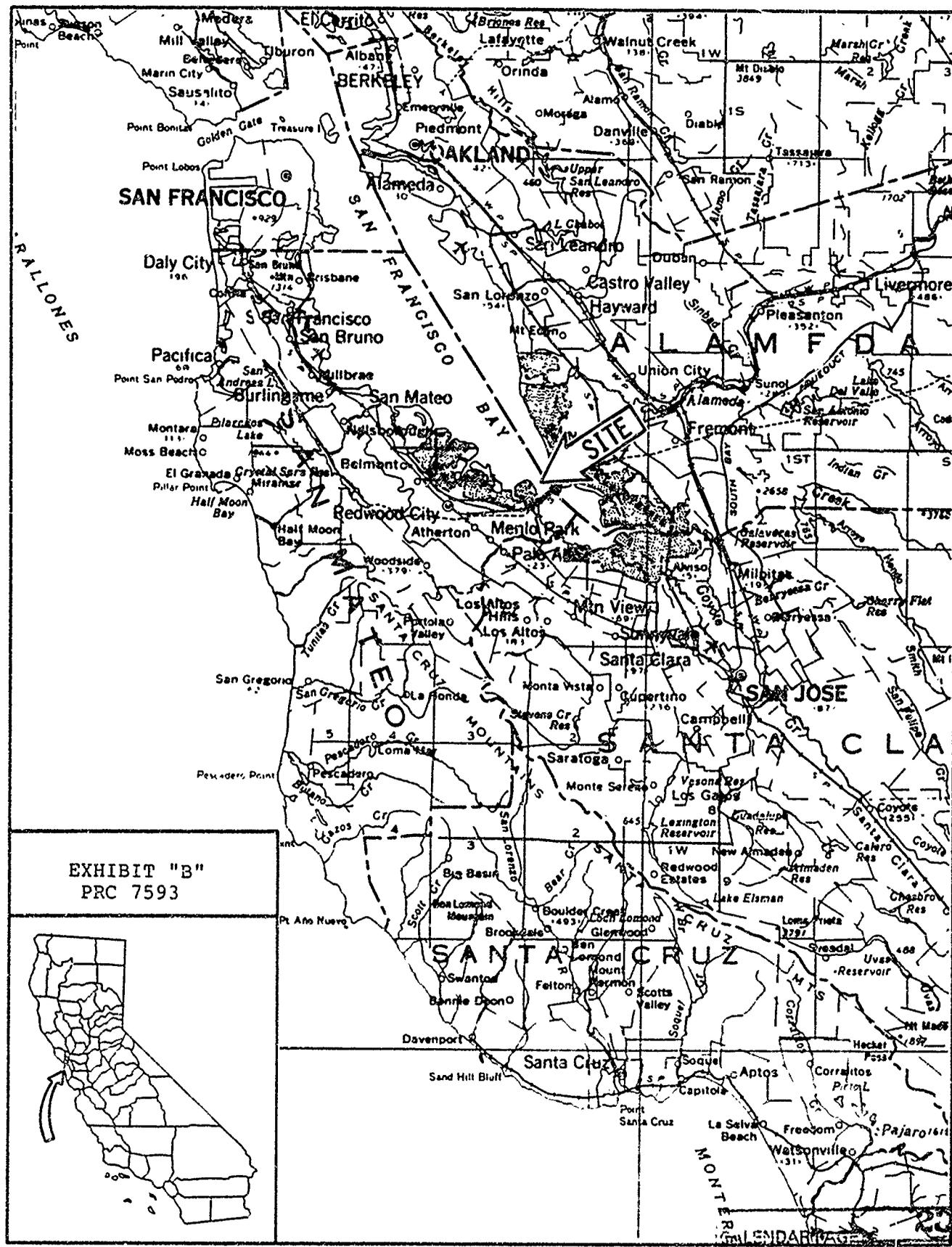


EXHIBIT "B"
 PRC 7593



Notice of Determination

COPY

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

From: City of Foster City/EMID
610 Foster City Boulevard
Foster City, CA 94404

County Clerk
County of San Mateo

ENDORSED
FILED IN THE OFFICE OF THE
COUNTY CLERK RECORDER OF
SAN MATEO COUNTY, CALIF.

JUN 05 1992

By WARREN SLOCUM, County Clerk
PATRICIA FISCHBACH
DEPUTY CLERK

Subject:

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

Project Title: EA-91-002A Negative Declaration of Environmental Impact for Levee Improvements

SCH #92043064	Laxmi Srinivas	(415) 349-1200
State Clearinghouse Number (If applicable)	Lead Agency Contact Person	Telephone

Project Location (include county): City of Foster City, County of San Mateo

Project Description: Negative Declaration of Environmental Impact for improvement to approximately 500' of the perimeter levee system on the north side of East Third Avenue and Lincoln Centre Drive to meet FEMA's minimum flood control criteria.

This is to advise that the City of Foster City (Lead Agency) has approved the above described project on 6/1/92 and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A statement of Overriding Considerations was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration Final EIR with comments and responses and record or 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

Signature: Richard B. Marks

Date: 6/4/92

for Richard B. Marks
Director of Planning
and Development Services

RECEIVED

JUN 5 1992

Date received for filing at OPR: _____

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EXHIBIT D

RESOLUTION NO. 92-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR IMPROVEMENTS TO APPROXIMATELY 500' OF THE PERIMETER LEVEE SYSTEM ON THE NORTH SIDE OF EAST THIRD AVENUE BETWEEN FOSTER CITY BOULEVARD AND LINCOLN CENTRE DRIVE TO MEET THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) MINIMUM FLOOD CONTROL CRITERIA - CITY OF FOSTER CITY - EA-91-002A - SCH #92043064

CITY OF FOSTER CITY

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 reclassified to be in a 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 the necessary improvements for the subject site to meet FEMA's minimum flood control criteria; and

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

WHEREAS, the Planning Commission recommended approval of the Negative Declaration on May 21, 1992; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Negative Declaration at the City Council meeting of June 1, 1992 and on said date, the Public Hearing was opened, held and closed.

NOW, THEREFORE, BE IT RESOLVED that the City Council 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 and the letter dated July 15, 1991 by Kleinfelder Inc. to staff, the City Council has determined that there would be no potential significant adverse environmental impacts due to the revised project.

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Ann Vigileos, Deputy City Clerk of the City of Foster City, does hereby certify that the foregoing is a full, true and correct copy of the document it purports to be, which document is on file in the Office of the City Clerk.

Ann Vigileos
Ann Vigileos, Deputy City Clerk 6-9-92 Date

3. The revised proposal would continue to provide public access to the Bay and additional access points and other improvements would not be necessary at the subject site because the soil mound would have a slope which would be gentle enough for wildlife and people to negotiate; 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) and the recreational use of the levee would be maintained; access points, benches and public access signage are proposed in the vicinity of the subject site and will enhance public access to the Bay, eliminating the need for additional such improvements on the subject property.

BE IT FURTHER RESOLVED that the City Council of the City of Foster City hereby approves the Negative Declaration of Environmental Impact (EA-91-002A).

PASSED AND ADOPTED as a Resolution of the City Council of the City of Foster City at the Regular Meeting held on the 1st day of June, 1992, by the following vote:

AYES: Councilmen Battaglia, Bramlett, Field, Fitzgerald, and
Mayor Chinn
NOES: None
ABSENT: None
ABSTAIN: None



ROGER CHINN, MAYOR

ATTEST:



THERESE TYREE, CITY CLERK

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