MINUTE ITEM
This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-02 meeting.

CALENDAR ITEM
C37

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PRC8437

12/16/02
W 25864
N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

City of Daly City
Attn: Mr. Joseph Brunner
333 90th Street
Daly City, California 94015-1895

AREA, LAND TYPE, AND LOCATION:

Sovereign lands along the Pacific Ocean just north of Mussel Rock, Daly City, San Mateo County.

AUTHORIZED USE:

Existing rock revetment seawall approximately 1,500 feet long.

LEASE TERM:

Ten years, beginning November 25, 2002.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance: Combined single limit coverage of $5,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. The revetment was originally built at least thirty years ago and protects a sanitary landfill, which was closed in 1978. The landfill site is under the

regulatory oversight of the Regional Water Quality Control Board, which requires the City to maintain the soil cap and landfill containment. The closed landfill is located some 50 to 60 feet from the shoreline and is sealed with a soil cap with a minimum thickness of 3 to 4 feet. The site is owned by the City and managed as open space, with unrestricted public access along the shoreline. Pedestrian access to the site is available from a public parking lot located at the south end of the site at the end of Westline Drive and from Fort Funston, approximately ½-mile to the north at Avalon Drive.

3. On July 12, 2002, the California Coastal Commission (CCC) granted Permit # 2-02-011 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).

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.

APPROVALS OBTAINED:

California Coastal Commission and US Army Corps of Engineers.

EXHIBITS:

A. Land Description
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

02/04/2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 2-02-011, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE

INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

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.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF DALY CITY OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING NOVEMBER 25, 2002, FOR A TERM OF TEN YEARS, FOR EXISTING ROCK REVETMENT APPROXIMATELY 1,500 FEET LONG ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION SHALL BE THE PUBLIC HEALTH AND SAFETY WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $5,000,000.

W25864
September 23, 2002

EXHIBIT A

A parcel of tide and submerged land in the Pacific Ocean situated in the City of Daly City, San Mateo County, California being a portion Lot 2 of Section 14, T.3S, R.6W, M.D.B.M. per the Official Government Plat and adjacent to that parcel of land granted to the City of Daly City by the Daly City Scavenger Company as described in that certain deed recorded in Volume 3621 Official Record Page 480, San Mateo County recorders office, said parcel being more particularly described as follows:

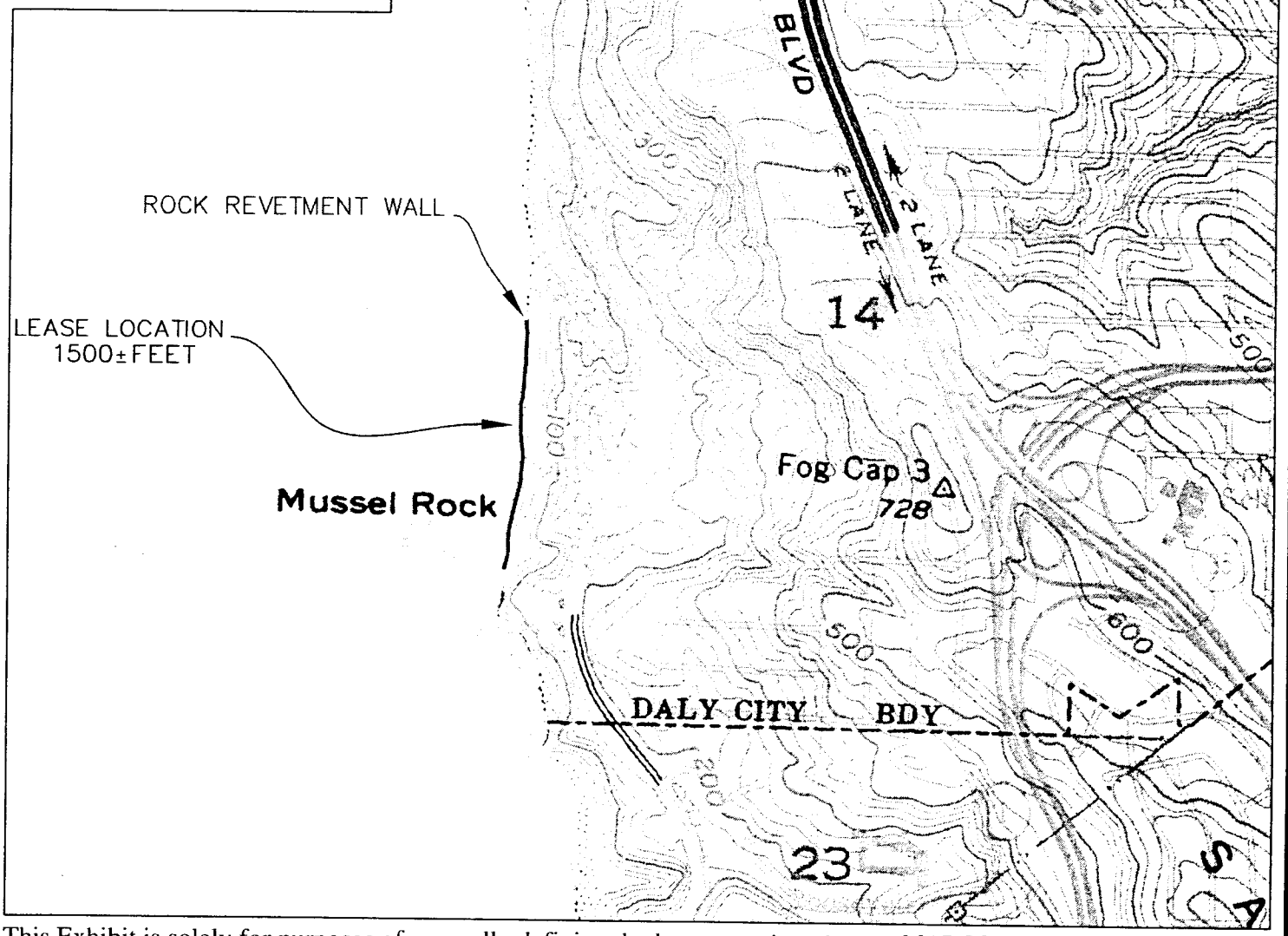
Said parcel being bounded on the south by the southerly line of the rock revetment seawall as shown on the City of Daly City project plans "Mussel Rock Site Maintenance 2002" dated May 2002, said line is easterly of Mussel Rock; bounded on the west by the most westerly line of said seawall; bounded on the north by the most northerly line of said seawall, said northerly lying 1,500 feet more or less from said southerly line; bounded on the east by the Ordinary High Water Mark of the Pacific Ocean

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean

END OF DESCRIPTION

Exhibit B

W 25864
GENERAL LEASE
PUBLIC AGENCY USE
CITY OF DALY CITY
SAN MATEO COUNTY



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.

MAP SOURCE: USGS QUAD