

**CALENDAR ITEM  
C37**

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08/20/10  
W 26403  
D. Simpkin

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Foster City  
Public Works Engineering Department  
610 Foster City Boulevard  
Foster City, CA 94404

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land adjacent to Assessor's Parcel Number (APN) 094-130-030, city of Foster City, San Mateo County.

**AUTHORIZED USE:**

The retention, use, and maintenance of an existing public recreational asphalt pedway.

**LEASE TERM:**

25 years, beginning August 20, 2010.

**CONSIDERATION:**

The public use and benefit; 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.

**OTHER PERTINENT INFORMATION:**

1. On August 25, 1983, the Commission approved Compromise Title Settlement Agreement SLL 78, which settled a title dispute between the California Department of Transportation (CalTrans) and the Commission. Pursuant to the SLL 78, CalTrans conveyed three parcels to the Commission. The city of Foster City maintains an existing, approximately eight-foot wide, recreational asphalt pedway which intersects one of the parcels of land conveyed to the Commission by Caltrans (APN 094-130-030). An Environmental Impact Report was prepared for the recreational pedway, which was constructed in the early 1980's. Approximately 700 feet of the pedway crosses the Commission parcel.
  
2. That portion of the pedway that crosses APN 094-130-030 was built without prior authorization from the Commission. The city of Foster City is now applying for a General Lease – Public Agency Use for the continued use and maintenance of the public recreational pedway.

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3. **Existing Asphalt Pedway:** 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 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (c).

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

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**EXHIBITS:**

- A. Location and Site Map
- B. Land Description

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

Existing Asphalt Pedway: 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 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (c).

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the city of Foster City beginning August 20, 2010, for a term of 25 years, for the retention, use, and maintenance of an existing public recreational asphalt pedway as shown on Exhibit A (for references purposes only) and described on Exhibit B attached and by this reference made a part hereto; consideration is the public use and benefit, with the State reserving the

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right at any time to set a monetary rent if the Commission finds such action to be in the best interest of the State.