

**CALENDAR ITEM
C47**

A	24	08/15/14 W 26771 PRC 4598.9 PRC 7826.9
S	13	D. Simpkin

**AUTHORIZE ACCEPTANCE OF A LEASE QUITCLAIM DEED, TERMINATION OF
LEASE AND ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE**

LESSEES:

County of Santa Clara
City of Palo Alto

APPLICANT:

City of Palo Alto

AREA, LAND TYPE, AND LOCATION:

Sovereign land near the Palo Alto Airport, city of Palo Alto, Santa Clara County.

AUTHORIZED USE:

PRC 4598.9: Palo Alto Yacht Harbor and Palo Alto Airport.
PRC 7826.9: Storm water pump station and 60-inch diameter steel outfall pipeline.

LEASE TERM:

45 years, beginning August 15, 2014.

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 June 23, 1971, the Commission authorized the issuance of Lease No. PRC 4598.9, a General Lease – Public Agency Permit, to the County of Santa Clara (County) for the development of the Palo Alto Yacht Harbor and Palo Alto Airport (Airport). The Palo Alto Yacht Harbor was officially closed by 1986 and all improvements were removed. The County operates the Airport, but management and control will transfer to the City

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of Palo Alto (City). The City is now applying for a new General Lease – Public Agency Use for the continued use and operation of the Airport. The County has prepared a Quitclaim Deed and staff is recommending acceptance of it.

2. The City, acting as the airport sponsor, is subject to the Federal Aviation Administration's (FAA) Federal Grant Assurances for the duration of the grant. Federal Grant Assurances include requirements such as, but not limited to, the sponsor having good title to the landing area of the airport or site thereof; consistency with local land use plans; pavement preventive maintenance; construction inspection and approval; and hazard removal and mitigation.
3. On May 3, 1995, the Commission authorized the issuance of Lease No. PRC 7826.9, a General Lease – Public Agency Use, to the City for the construction of a storm water pump station and a 60-inch diameter steel outfall pipeline. The lease will expire on March 31, 2020. The City is now requesting that the existing lease be terminated and the storm water pump station and pipeline be included in the proposed new lease.
4. In addition, an existing public pier and boat dock have existed at the site for many years but have never been under lease. The City also maintains a small cottage on the lease premises to support City Park Rangers. A portion of the lease premises also includes Palo Alto Baylands, a 1,940-acre marshland preserve in the San Francisco Bay. The pier, boat dock, cottage, and Baylands will be included in the proposed new lease.
5. **Acceptance of Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Lease Termination:** The staff recommends the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the

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environment, and is, therefore, not a project in accordance with CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

7. **Issuance of Lease:** The staff recommends that the Commission find that the subject lease issuance is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all 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 section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Quitclaim Deed: Find that the subject acceptance of quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

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Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find that the subject lease issuance is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

AUTHORIZATION:

1. Authorize acceptance of a lease quitclaim deed, effective August 15, 2014, for Lease No. PRC 4598.9, a General Lease - Public Agency Use, issued to the County of Santa Clara.
2. Authorize termination, effective August 15, 2014, of Lease No. PRC 7826.9, a General Lease – Public Agency Permit, issued to the City of Palo Alto.
3. Authorize issuance of a General Lease – Public Agency Use to the City of Palo Alto, for a term of 45 years beginning August 15, 2014, for the continued use and maintenance of the Palo Alto Airport, an existing storm water pump station and 60-inch diameter steel outfall pipeline, an existing pier and boat dock, an existing Ranger cottage, and marshlands and open space as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interest.

EXHIBIT A

W 26771

LAND DESCRIPTION

A parcel of land situate in the City of Palo Alto, Santa Clara County, State of California, described as follows:

COMMENCING at a 2 inch iron pipe marking the intersection of the centerline of Embarcadero Road and the previous common boundary between San Mateo County and Santa Clara County as referred to in Book 449, Official Records, page 537, Santa Clara County records; thence North 63°15'00" West 47.40 feet to a point on the northwesterly line of Embarcadero Road, said point being the POINT OF BEGINNING, and said point also hereinafter referred to as Point "A";

thence from said point of beginning, along said northwesterly line of Embarcadero Road North 51°37'00" East 25.33 feet; thence leaving said northwesterly line the following forty-one (41) courses:

- (1) East 1043.36 feet,
- (2) South 14°00'00" East 477.84 feet,
- (3) North 76°00'00" East 886.83 feet,
- (4) North 14°00'00" West 598.83 feet,
- (5) Along a 100 foot radius curve to the right having a central angle of 100°54'30" and an arc length of 176.12 feet,
- (6) North 86°54'30" East 617.27 feet,
- (7) Along a 1000 foot radius curve to the left having a central angle of 66°54'30" and an arc length of 1167.77 feet,
- (8) North 20°00'00" East 4492.81 feet,
- (9) North 70°00'00" West 350.00 feet,
- (10) South 20°00'00" West 3500.00 feet,
- (11) South 07°00'00" East 275.34 feet,
- (12) South 20°00'00" West 380.00 feet,
- (13) North 54°40'00" West 280.00 feet,
- (14) South 35°20'00" West 255.00 feet,
- (15) North 54°40'00" West 470.00 feet,
- (16) South 35°20'00" West 55.00 feet,
- (17) North 54°40'00" West 405.00 feet,
- (18) South 62°28'23" West 136.80 feet,
- (19) North 61°36'53" West 189.07 feet,
- (20) North 73°26'41" West 209.26 feet,
- (21) North 71°08'27" West 337.77 feet,
- (22) South 83°18'30" West 192.17 feet,
- (23) South 60°31'07" West 175.00 feet,
- (24) South 68°15'59" West 342.35 feet,
- (25) South 57°47'01" West 102.34 feet,
- (26) North 53°14'29" West 68.88 feet,

- (27) South 51°35'00" West 81.71 feet,
- (28) North 38°25'00" West 2763.75 feet,
- (29) South 50°57'00" West 711.04 feet,
- (30) South 38°25'00" East 1770.17 feet,
- (31) South 906.82 feet,
- (32) East 60.00 feet,
- (33) South 150.00 feet,
- (34) East 42.00 feet,
- (35) South 80.00 feet,
- (36) West 232.00 feet,
- (37) South 720.70 feet,
- (38) South 17°08'00" East 314.60 feet,
- (39) East 134.50 feet,
- (40) South 38°23'00" East 342.33 feet, and
- (41) North 51°37'00" East 323.76 feet to the point of beginning.

EXCEPTING THEREFROM that certain parcel of land described as follows:

COMMENCING at the point hereinabove referred to as Point "A"; thence from said point of commencement, along said northwesterly line of Embarcadero Road, North 51°37'00" East 25.33 feet; thence leaving said northwesterly line, North 54°56'52" East 1593.08 feet to the POINT OF BEGINNING; thence from said point of beginning, North 45°59'41" East 107.95 feet; thence South 44°58'04" East 78.14 feet; thence South 43°03'24" West 108.00 feet; thence North 44°58'04" West 83.68 feet to the point of beginning.

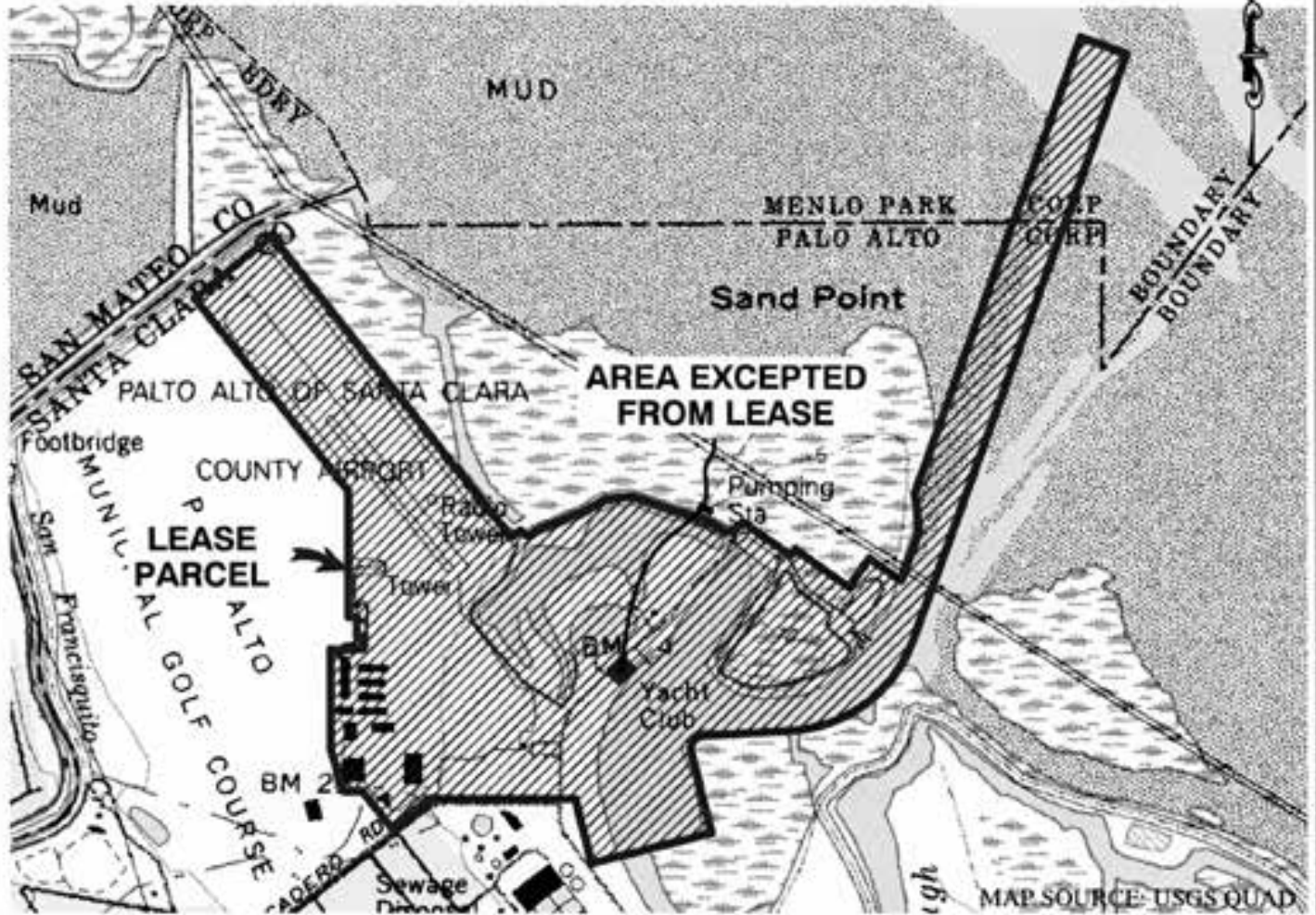
END OF DESCRIPTION

Prepared 06/03/2014 by the California State Lands Commission Boundary Unit.
Description based on that original description prepared by W.S. on 4/5/71, as found in
PRC 4598.9 file.



NO SCALE

SITE



PALO ALTO AIRPORT AND PALO ALTO YACHT HARBOR

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26771
 CITY OF PALO ALTO
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SANTA CLARA 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.