

**CALENDAR ITEM
C38**

A 22
S 13

10/16/15
PRC 4348.9
W. Hall

**TERMINATION OF PUBLIC AGENCY PERMIT AND ISSUANCE OF GENERAL
LEASE – PUBLIC AGENCY USE**

PERMITTEE:

Joint Powers Authority for Strategic Consolidation Sewerage Plan

APPLICANT:

Silicon Valley Clean Water

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Francisco Bay and Steinberger Slough, adjacent to 1400 Radio Road, Redwood City, San Mateo County.

AUTHORIZED USE:

Continued use and maintenance of an existing sewer outfall previously authorized by the Commission, and an existing stormwater basin and pipeline access right-of-way not previously authorized by the Commission.

LEASE TERM:

20 years, beginning October 16, 2015.

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 interests.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On March 9, 1970, the Commission authorized a 49-year Public Agency Permit to the city of Redwood City, beginning October 1, 1969, for the construction, operation and maintenance of a sewer outfall in the San Francisco Bay at Steinberger Slough. The permit expires September 30, 2018.

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3. Ownership of the facility has changed multiple times during the past 45 years. In 1974, the permit was assigned to the Joint Powers Authority for Strategic Consolidation Sewerage Plan. The facility is currently owned and operated by Silicon Valley Clean Water. Four entities own Silicon Valley Clean Water: the cities of Belmont, Redwood City, and San Carlos, and the West Bay Sanitary District.
4. The sewer outfall was inspected in August 2010 by Power Engineering Contractors, Inc. The diffusers, stop gate and pile supports were inspected by divers and determined to be in good condition. There were no major leaks, alignment problems, or flow restrictions.
5. A stormwater basin was constructed approximately 30 years ago, but was never authorized by the Commission. A sewer pipeline was constructed within a 20-foot permanent right-of-way easement granted to the Applicant's predecessors in interest prior to the State acquiring that portion of land from Mobile Oil Estates in Boundary Line Agreement 141, dated December 3, 1973, and therefore, not subject to a lease. The Applicant has indicated the existing 20-foot permanent easement width provides insufficient access to inspect and maintain the pipeline due to physical constraints, and requests including portions of both the stormwater basin and the pipeline access right-of-way areas located on sovereign land in a new lease. Therefore, the Applicant is now applying for a General Lease – Public Agency Use. Staff recommends the termination of the existing permit and issuance of a new lease.
6. The staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (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.

7. 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

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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:

Find that the activity 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 termination effective October 15, 2015, of Permit No. PRC 4348.9, Public Agency Permit to the Joint Powers Authority for Strategic Consolidation Sewerage Plan.
2. Authorize issuance of a General Lease – Public Agency Use to Silicon Valley Clean Water beginning October 16, 2015, for a term of 20 years, for the continued use and maintenance of sewer outfall previously authorized by the Commission, and an existing stormwater basin and pipeline access right-of-way not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be 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 interests.

**EXHIBIT A
LAND DESCRIPTION**

Four parcels of state owned land situated in the City of Redwood City, County of San Mateo, State of California, described as follows:

AREA 1

Being a portion of Parcel S-1 as described in that certain Grant Deed recorded on February 22, 1974 in Book 6557 Page 718 of Official Records as Instrument No. 18010-AH, Records of San Mateo County, State of California, and being more particularly described as follows:

COMMENCING at the northeasterly terminus of that certain course described as "North 56°13'30" East 321.29 feet" along the northwesterly line of said parcel; thence along said northwesterly line North 49°12'02" East 10.47 feet to the **TRUE POINT OF BEGINNING**; thence, proceeding clockwise the following courses and distances:

1. Along said northwesterly line North 49°12'2" East 735.59 feet,
2. North 26°15'30" East 359.25 feet,
3. North 15°47'05" West 1064.67 feet,
4. Along said northwesterly line and its northeasterly projection North 46°27'18" East 3225.29 feet,
5. Leaving said northeasterly projection South 06°16'12" West 123.57 feet,
6. South 23°01'57" West 53.05 feet,
7. South 49°29'46" West 151.64 feet,
8. South 48°18'34" West 404.01 feet,
9. South 47°03'03" West 306.78 feet,
10. South 43°46'21" West 121.35 feet,
11. South 31°15'17" West 127.56 feet,
12. South 29°19'54" West 136.12 feet,
13. South 44°38'53" West 231.95 feet,

14. South 44°40'06" West 126.36'
15. South 65°51'05" West 118.06'
16. South 44°40'22" West 158.83'
17. South 31°47'35" West 124.66'
18. South 32°22'09" West 209.35'
19. South 19°14'10" West 166.57'
20. South 53°51'59" West 84.84'
21. South 74°01'26" West 256.48'
22. South 49°29'49" West 112.95'
23. South 71°33'38" West 125.44'
24. South 43°51'17" West 89.96'
25. South 00°25'53" East 84.50'
26. South 13°49'20" East 205.99'
27. South 11°50'04" East 348.83'
28. South 20°53'06" East 383.07'
29. South 20°17'37" West 178.69'
30. South 30°30'00" West 384.98'
31. South 51°23'46" West 671.49' and
32. North 40°47'58" West 93.39' to the **TRUE POINT OF BEGINNING.**

Excepting therefrom the 20 feet wide easement area described as Parcel SC-7 in that Judgment and Stipulation entered in Action No. 151819 recorded on February 22, 1964 in Book 6557 Page 485 of Official Records as Instrument No. 17911-AH, Records of said county.

Area 1 Containing 587,517.8 square feet (13.49 acres) more or less.

AREA 2

Being a portion of Parcel S-1 as described in that certain Grant Deed recorded on February 22, 1974 in Book 6557 Page 718 of Official Records as Instrument No. 18010-AH, Records of San Mateo County, State of California, and being more particularly described as follows:

BEGINNING at the southwesterly terminus of that certain course described as "North 81°15'00" East 760.00 feet"; thence, proceeding clockwise the following courses and distances:

1. Along said northwesterly line of said parcel North 81°15'00" East 69.53 feet,
2. Leaving said northwesterly line South 60°38'05" East 142.74'
3. South 55°56'12" East 405.29 feet,
4. South 55°55'23" East 165.87 feet,
5. South 53°25'49" East 133.16 feet,
6. South 46°27'18" West 113.73 feet,
7. North 04°33'43" East 96.74 feet,
8. North 53°25'49" West 61.71 feet,
9. North 55°55'23" West 165.22 feet,
10. North 55°56'12" West 404.05 feet,
11. North 60°38'05" West 141.51 feet,
12. South 65°11'59" West 48.34 feet to the southwesterly line of said parcel and
13. Along said southwesterly line North 15°47'05" West 37.25 feet to the **POINT OF BEGINNING**.

Area 2 Containing 29,676 square feet (0.68 acres) more or less.

AREA 3

Being a portion of Parcel S-1 as described in that certain Grant Deed recorded on February 22, 1974 in Book 6557 Page 718 of Official Records as Instrument No. 18010-AH, Records of San Mateo County, State of California, and being more particularly described as follows:

COMMENCING at the southeasterly terminus of that certain course described as "North 83°31'52" West 1298.59 feet" along the southwesterly line of said parcel; thence along said southwesterly line North 83°31'52" West 366.44 feet to the **TRUE POINT OF BEGINNING**; thence, proceeding clockwise the following courses and distances:

1. North 04°52'43" East 109.12 feet,
2. South 85°07'17" East 280.23 feet,
3. South 84°39'31" East 78.24 feet,
4. South 77°10'02" East 95.76 feet,
5. South 68°31'26" East 36.52 feet,
6. South 53°17'05" East 237.70 feet,
7. South 46°43'01" East 416.50 feet,
8. South 41°05'44" East 203.10 feet,
9. South 45°24'07" East 331.88 feet,
10. South 39°46'14" East 22.97 feet,
11. South 36°13'53" East 30.30 feet,
12. South 27°07'15" East 26.05 feet,
13. South 23°16'01" East 27.78 feet,
14. South 12°17'54" East 30.76 feet,
15. South 43°22'21" West 119.85 feet to the southwesterly line of said parcel,
16. Along said southwesterly line North 04°35'00" West 117.70 feet,
17. North 45°46'10" West 993.56 feet,
18. South 47°44'08" West 65.00 feet,
19. North 46°20'52" West 185.34 feet,
20. North 58°21'12" West 81.50 feet and
21. North 83°31'52" West 366.44 feet to the **TRUE POINT OF BEGINNING**.

Area 3 Containing 189,382 square feet (4.35 acres) more or less.

AREA 4

Being Parcels SC-8 and SC-9 as described in that certain document entitled "Resolution No. 7110, Resolution Approving and Authorizing Execution of Amendment to State Lands Commission Permit #4348.9" recorded June 24, 1974 in Book 6642, Page 147 of Official Records as Instrument No. 56576-AH, Records of San Mateo County, State of California, and being more particularly described as follows:

Parcel SC-8

"A strip of land 20.00 feet in width, lying equally 10.00 feet on each side of the following described centerline:

Beginning at a point in the northeasterly boundary line of the land described as parcel SM-11 in that certain Patent from the State of California to Leslie Salt Co., a Delaware corporation, dated January 29, 1968, and recorded February 1, 1968, in Book 5426 of Official Records of San Mateo County at Page 126, from which point the northerly terminus of a course designated in said Parcel SM-11 as "North 08°16' West 440.4 feet" bears North 08°16' West 177.28 feet; thence, from said point of beginning, North 21°22'32" East 4,763.64 feet to a point in the northerly boundary line of the lands of Westbay Community Associates, from which last-named point the corner common to Sections 29, 30, 31 and 32, Township 4 South, Range 3 West, M.D.B. & M., bears West 1,305.43 feet and South 3,300.00 feet."

Parcel SC-8 of Area 4 containing 95,273 square feet (2.19 acres) more or less.

Parcel SC-9

"A strip of land 20.00 feet in width, lying equally ten feet on each side of the following described centerline:

Beginning at a point in the northerly boundary line of the lands of Ideal Cement Co. from which the corner common to Sections 29, 30, 31 and 32, Township 4 South, Range 3 West, M.D.B. & M., bears West 1,305.43 feet and South 3,300.00 feet; thence North 21 ° 22'32" East 2,632.70 feet to the end of said centerline."

Parcel SC-9 of Area 4 containing 52,654 square feet (1.21 acres) more or less.

END OF DESCRIPTION

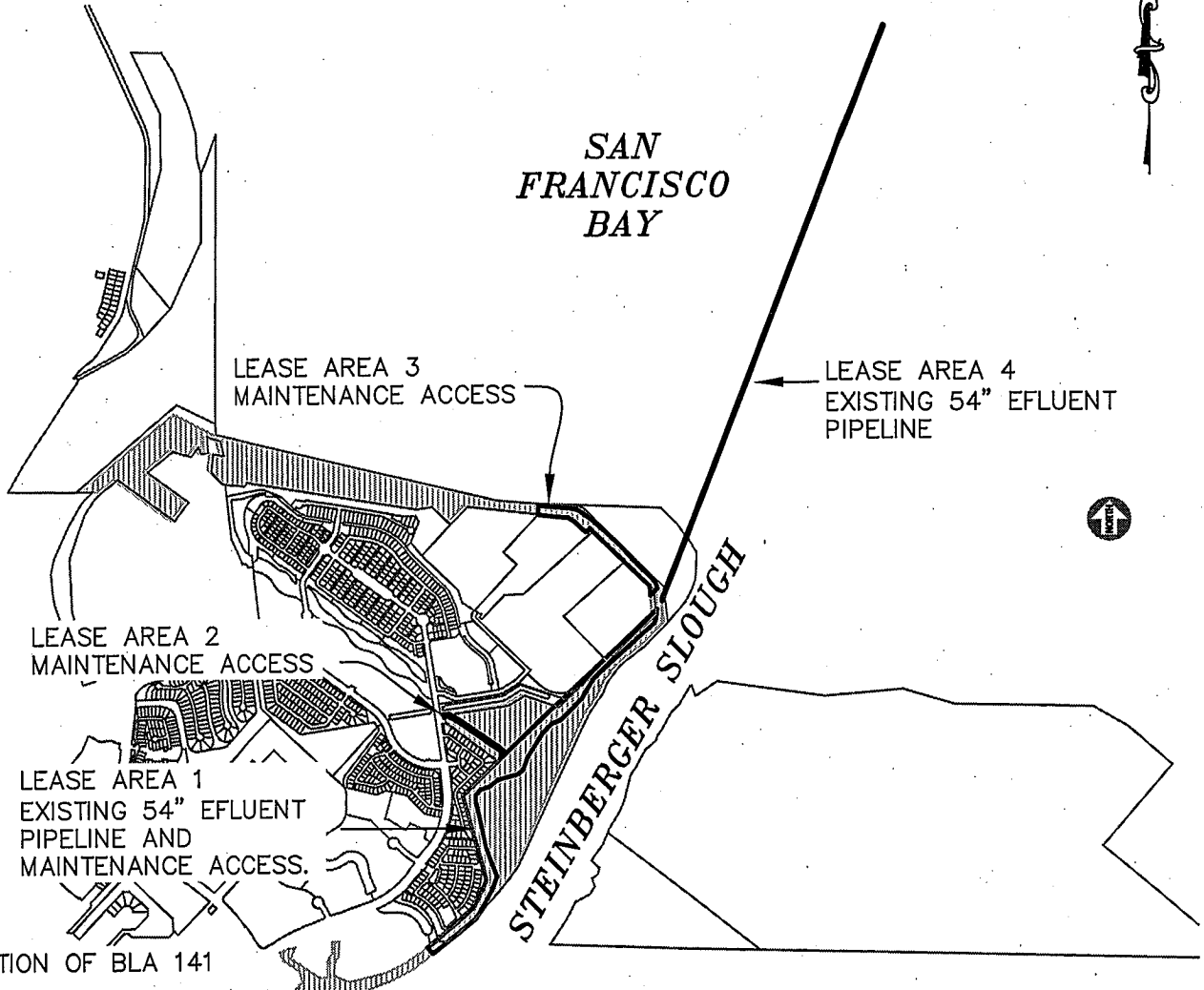


8/20/15

August 11, 2015

NO SCALE

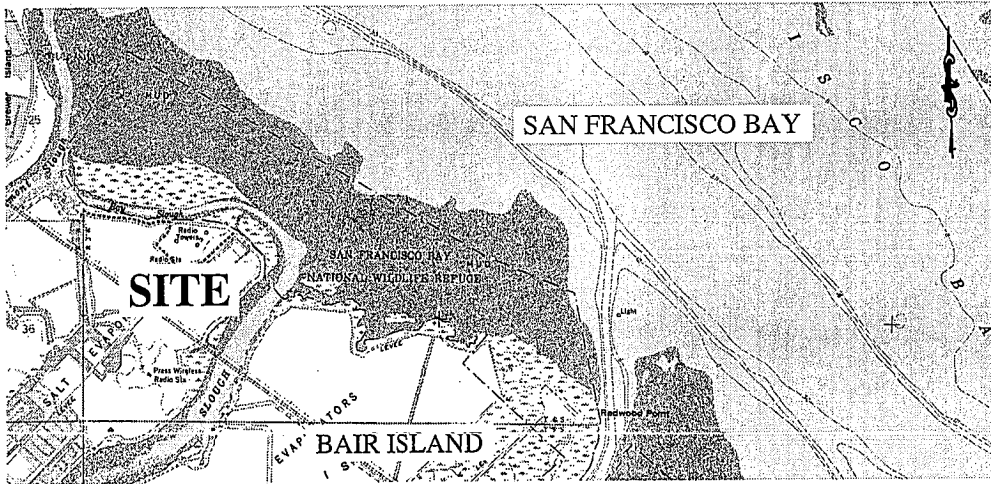
SITE



1400 RADIO RD., REDWOOD CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4348.9
 SILICON VALLEY
 CLEAN WATER
 GENERAL LEASE -
 PUBLIC AGENCY USE
 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.

DJF 08/18/2015