

MINUTE ITEM

This Calendar Item No. C29 was approved as
Minute Item No. 29 by the California State Lands
Commission by a vote of 3 to 0 at its
11/07/97 meeting.

**CALENDAR ITEM
C29**

A 19
S 8

11/07/97
PRC7593 WP 7593.9
J. Lam

AMENDMENT OF LEASE

LESSEE:

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

AREA, LAND TYPE, AND LOCATION:

Three parcels totaling 1.41 acres, more or less, of filled and unfilled sovereign lands, along Belmont Slough and San Francisco Bay, city of Foster City, San Mateo County.

AUTHORIZED USE:

Levee improvements and recreational pathway system for the city of Foster City, Estero Municipal Improvement District.

LEASE TERM:

49 years, beginning October 1, 1991.

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.

PROPOSED AMENDMENT:

Amend the authorized improvements to include the placement of fill material for the widening of East Third Avenue. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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CALENDAR ITEM NO. C29 (CONT'D)

2. Lease No. PRC 7593 was originally granted to the city of Foster City on September 23, 1991, to provide for levee improvements and a bicycle/pedestrian pathway system for flood protection and recreational purposes within two parcels of State sovereign land along Belmont Slough. On June 30, 1992, the Lease was amended to include an additional 1.11-acre parcel of State sovereign land along San Francisco Bay to the lease area. At the present time, the City requests another amendment to the Lease for the East Third Avenue Traffic Improvement Project. The City plans to widen the existing roadway which will involve the placement of fill material within the lease area. The road widening project will also allow spaces for vehicle parking along the roadway, and to provide pedestrian sidewalks.
3. An EIR was prepared and certified for this project by the city of Foster City. The California State Lands Commission staff has reviewed the EIR and the Mitigation Monitoring Program adopted by the lead agency.
4. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit D, attached hereto.
5. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained in Exhibit D, attached hereto.
6. 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 Department of Transportation.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission, Regional Water Quality Control Board, United States Army Corps of Engineers and California State Lands Commission.

CALENDAR ITEM NO. **C29** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Determination
- D. City Resolution No. 91-101

PERMIT STREAMLINING ACT DEADLINE:

February 17, 1998

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF FOSTER CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7593.1 EFFECTIVE SEPTEMBER 1, 1997, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, TO AMEND THE AUTHORIZED IMPROVEMENTS TO INCLUDE THE PLACEMENT OF FILL MATERIAL FOR THE WIDENING OF EAST THIRD AVENUE; ALL

CALENDAR ITEM NO. C29 (CONT'D)

OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

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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

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- 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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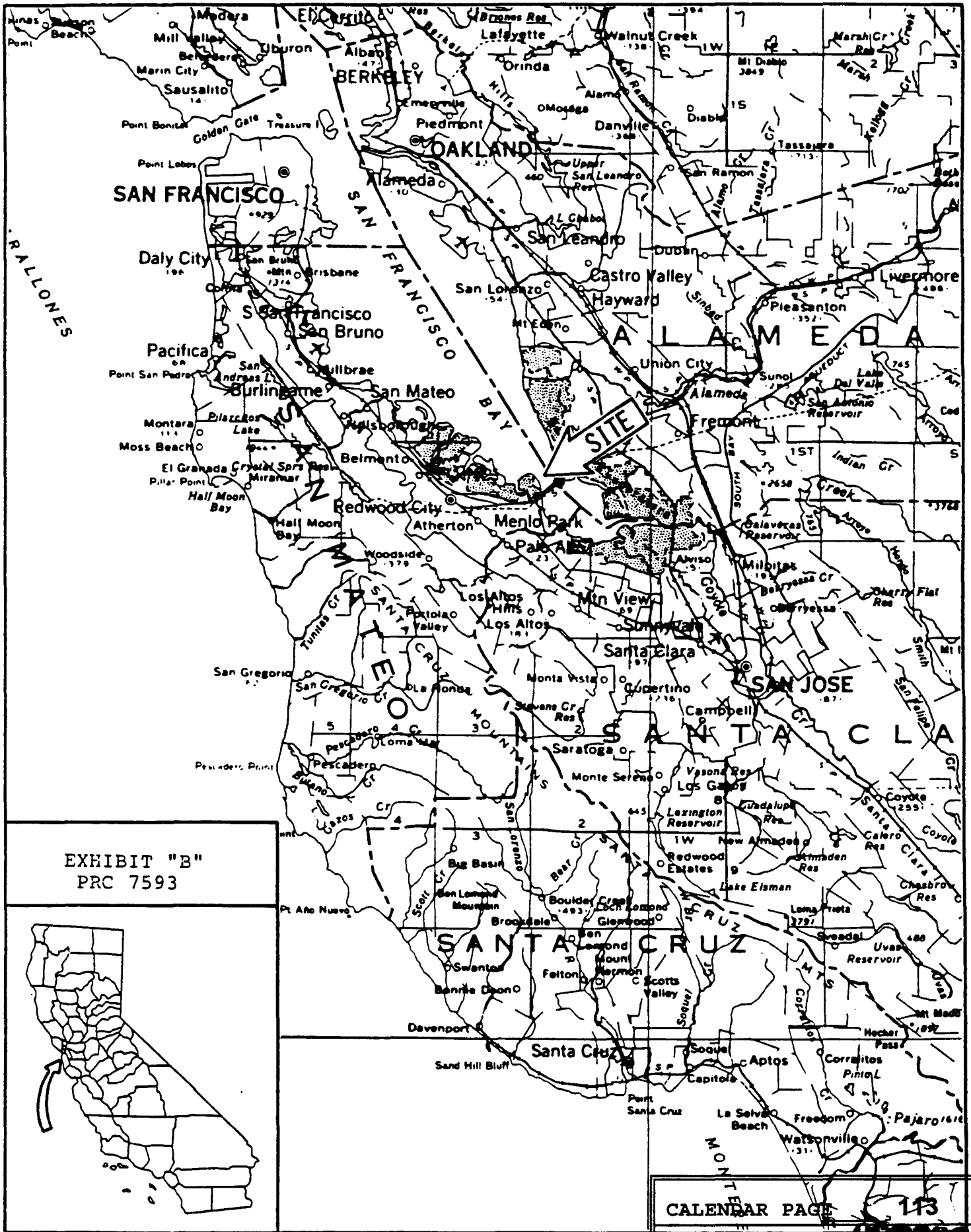


EXHIBIT "B"
 PRC 7593



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FILED

JUL 11 1991

EXHIBIT C

9916

WARREN SLOCUM, County Clerk
PATRICIA FISCHBACH
DEPUTY CLERK

NOTICE OF DETERMINATION

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

FROM: City of Foster City
610 Foster City Blvd.
Foster City, CA 94404

XX County Clerk
County of San Mateo

File: EA- 10-86

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

Project Title: EAST THIRD AVENUE EXTENSION AND EAST THIRD AVENUE/S.R. 92 INTERCHANGE

State Clearinghouse Number: 89070419
(If submitted to Clearinghouse)

Contact Person: Leslie Carmichael, Senior Planner
Telephone No.: 415/349-1200

Project Location: 54.2 acres in northern Foster City on both sides of S.R. 92 where S.R. 92 ascends from ground level to become the San Mateo/Hayward Bridge.

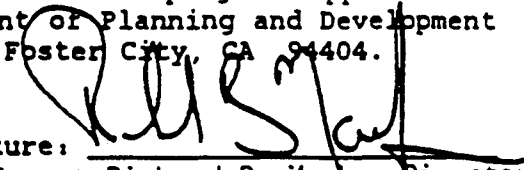
Project Description: Improvement and extension of East Third Ave. to Beach Park Blvd. construction of a freeway interchange on S.R. 92, and extension of a water supply line along East Third Avenue.

This is to advise that the City of Foster City has approved the above-described project on July 1, 1991 and has made the following determinations:

1. The project XX will / will not have a significant effect on the environment.
2. XX An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared and approved for this project pursuant to the provisions of CEQA.
3. XX Mitigation measures XX were / were not made a condition of the approval of the project.
4. Findings XX were / were not made pursuant to Section 15091 of the State CEQA Guidelines.
5. A Statement of Overriding Considerations XX was / was not adopted for this project.

The Negative Declaration OF Final EIR and record of 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.

Date Mailed: July 10, 1991

Signature: 
Name: Richard B. Marks, Director
Title: Planning and Development Service

Date Received for Filing: _____

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RESOLUTION NO. 91-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING AN AMENDMENT TO THE LAND USE AND CIRCULATION ELEMENT OF THE FOSTER CITY GENERAL PLAN TO MODIFY THE CONFIGURATION OF THE EAST THIRD AVENUE EXTENSION AND EAST THIRD AVENUE/STATE ROUTE 92 INTERCHANGE (INCLUDING A CONNECTION TO BEACH PARK BOULEVARD) AND MAKING FINDINGS PURSUANT TO SECTIONS 15091-15093 OF THE STATE CEQA GUIDELINES INCLUDING A STATEMENT OF OVERRIDING CONSIDERATIONS-- CITY OF FOSTER CITY -- GP-91-002

CITY OF FOSTER CITY

WHEREAS, the City of Foster City desires to plan for future traffic improvements that will be needed to accommodate projected traffic volumes; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines adopted by the Secretary for Resources, and the City of Foster City Environmental Review Guidelines, has caused to be prepared an Environmental Impact Report which analyzes the impacts of the proposed project (SCH #89070419, EA-10-86); and

WHEREAS, the Planning Commission reviewed and considered the Final EIR on June 20, 1991 and recommended certification by the City Council by adoption of Resolution P-34-91; and

WHEREAS, the Final EIR identified significant environmental impacts of the proposed East Third Avenue Extension/East Third Avenue/State Route 92 Interchange project; and

WHEREAS, in response to the impacts identified in the Final EIR, mitigation measures have been incorporated into the project, as described herein; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Final EIR and General Plan Amendment at the Planning Commission meeting of June 20, 1991, on said date the Public Hearing was opened, held and closed and the Planning Commission recommended approval of the General Plan Amendment by adoption of Planning Commission Resolution No. P-35-91; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Final EIR and General Plan Amendment at the City Council meeting of July 1, 1991, and on said date the Public Hearing was opened, held and closed and on said date the City Council certified the Final EIR; and

WHEREAS, it is the policy of the State of California and the City of Foster City, as provided in CEQA, the State CEQA Guidelines, and the City of Foster City Environmental Review Guidelines that the City shall not approve a project if it would result in significant environmental impacts if it is feasible to avoid or substantially lessen these impacts; and

WHEREAS, Section 15091 of the State CEQA Guidelines requires that the City Council make one or more of the following findings when approving a project for which a Final EIR has been completed, and which identifies one or more significant adverse environmental effects of the project, along with statements of facts supporting each finding:

FINDING 1 - Changes or alterations are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR.

FINDING 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can, and should be adopted by such other agency.

FINDING 3 - Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

WHEREAS, the City Council of the City of Foster City has reviewed the Final EIR and considered the information contained therein and hereby finds that the project, as proposed, would have those significant environmental impacts summarized in the Final EIR. Those significant impacts which are adverse are listed in the following section of this Resolution.

The following section sets forth all adverse affects found to be significant for the East Third Avenue Extension and East Third Avenue/State Route 92 Interchange as identified in the Final EIR, and with respect to each effect makes one or more of the findings set forth above, and states mitigation measures included as facts in support of such findings. (Also noted below are adverse effects which were not found to be significant and any mitigation measures related to them that will be included in the project. The mitigation measures which are not related to significant impacts are marked with an asterisk, "*")

A. SIGNIFICANT TRAFFIC IMPACTS

A.1. Impact: The Norfolk Street/East Third Avenue intersection would have Level of Service E in the PM peak hour.

Finding: The City Council hereby makes Findings 2 and 3, as noted above.

Mitigation: This intersection could be mitigated to LOS D via implementation of a separate left-turn lane from southbound Norfolk Street onto East Third Avenue. This mitigation measure has been recommended in conjunction with the San Mateo General Plan. At such time as the City of San Mateo decides to construct improvements to the East Third Avenue and Norfolk Street intersection, the City of Foster City will participate in discussions to address potential cost sharing of improvements needed to address the impacts of the proposed extension and interchange.

A.2. Impact: The Edgewater Boulevard/East Hillside Boulevard intersection would have LOS E in the PM peak hour.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: Implementation of a second left-turn lane from East Hillsdale Boulevard eastbound onto Edgewater Boulevard will improve PM peak operations from LOS E to LOS D. These improvements are part of planned improvements for this intersection. In addition to these improvements, separate southbound and westbound right turn lanes will be added by developers of adjacent properties.

A.3. Impact: If not properly controlled, the intersection of Teal Street and Beach Park Boulevard could pose a safety hazard if East Third Avenue is extended to Beach Park Boulevard.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: a. A traffic signal will be installed at the intersection of Teal Street and Beach Park Boulevard if East Third Avenue is extended to Beach Park Boulevard.

b. A traffic diverter will be placed at the intersection of Teal Street and Beach Park Boulevard which would prohibit through movements between East Third Avenue and Teal Street.

A.4. Impact: If East Third Avenue is extended to Beach Park Boulevard, it would be more difficult for cars to back out of driveways on Beach Park Boulevard.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: If East Third Avenue is extended to Beach Park Boulevard, the City of Foster City will restripe Beach Park Boulevard to the southeast of Teal Street from the present two lanes in each direction to one travel lane in each direction plus a median lane for traffic turning into and out of fronting properties.

B. NOISE

B.1 Impact: Short-term construction period noise impacts would be noticeable to nearby residents and businesses, but would be capable of being mitigated.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: a. Where possible, construction noise will be mitigated by requiring that trucks going to the north side of the interchange project site use Foster City Boulevard and East Third Avenue as their haul route.

b. Where possible, access for trucks will be provided from the north side to the south side under S.R. 92 to eliminate the need for construction truck traffic on residential streets.

c. Construction equipment will be monitored and inspected at periodic intervals to insure that the equipment is properly maintained and equipped with manufacturer's standard noise abatement devices, such as mufflers and engine covers.

d. If acceptable to Caltrans, access for construction trucks will be provided via the existing Caltrans access ramps from S.R. 92, eliminating the need for City streets to be used for access to the construction site.

C. AIR QUALITY

C.1 Impact: Construction air quality impacts would be due to dust generated by equipment and vehicles (not a significant impact).

Mitigation: a. Exposed or disturbed earth surfaces shall be watered to reduce dust.*

b. Stockpiles of debris, soil, sand or other materials that can be blown by the wind shall be covered.*

c. The construction area and adjacent streets shall be swept of mud and dust as needed.*

D. LAND USE

D.1. Impact: The project would affect the Caltrans Maintenance Facility.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: The City will relocate the affected Caltrans facilities including the indoor storage area, parking lot and outdoor storage area to Caltrans property south of S.R. 92.

D.2. Impact: Property transfers would be necessary.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: The City will negotiate with property owners for the acquisition of the properties necessary to construct the project. If necessary, the City may also exercise its power of eminent domain to obtain property required for the project.

D.3. Impact: The project would affect the Werder Pier parking area.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: The City will coordinate with the County of San Mateo (Parks and Recreation Department) to refine the details of how the proposed extension/interchange project and the renovation of the fishing pier and parking area would fit together physically and operationally.

D.4. Impact: The widening of East Third Avenue could disrupt pedestrian and bicycle traffic on the levee.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: The final design of the extension and widening of East Third Avenue will insure that the levee pathway remains open and fully functional during the construction and operations period.

E. SOCIOECONOMICS

NO SIGNIFICANT ADVERSE IMPACTS

F. PUBLIC SERVICES

NO SIGNIFICANT ADVERSE IMPACTS

G. RISKS RELATED TO ACCIDENTS AND EMERGENCIES

NO SIGNIFICANT ADVERSE IMPACTS

H. NEIGHBORHOOD CRIME

NO SIGNIFICANT ADVERSE IMPACTS

Mitigation: The City will assist in the implementation of a "neighborhood watch" program for Neighborhoods 2 and 3 and will coordinate a meeting between residents of the area and the Foster City Police Department's crime prevention staff.*

Mitigation: The Department of Public Works will seek the input of representatives of the Police Department when the design of the project reaches the stage where landscaping and lighting are under consideration, as these characteristics of the site plan (both with and without a connection of East Third Avenue to Beach Park Boulevard) affect lines of sight during routine patrols.*

I. RESIDENTIAL PROPERTY VALUE EFFECTS

NO SIGNIFICANT ADVERSE IMPACTS

J. UTILITIES

NO SIGNIFICANT ADVERSE IMPACTS

Mitigation: The Department of Public Works will supply PG & E engineering staff with plans of the proposed project once more refined drawings are available and will collaborate with the utility to relocate the pad mounted switch if relocation proves necessary.*

K. GEOLOGY, SOILS AND SEISMICITY

K.1. Impact: Not enough data exists at present to evaluate the seismic stability of the levee, specifically the permanent deformations produced by an earthquake.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: A seismic deformation analysis could be performed as part of the final design of the project in order to better determine the stability of the levee in the vicinity of the site. The stability of the levee is a citywide issue which is being addressed by another consultant as part of the Levee Improvements project (CIP 14-457).

K.2. Impact: a. Because the existing fill may not be uniformly compacted, the settlement caused by the compression of the fill may be uneven.

b. The consolidation settlement of the bay mud would be up to three inches for every foot of new fill placed on the site.

c. Because of low permeability of bay mud, the consolidation settlement would occur very slowly. It's estimated that 50 percent of the total settlement would occur within ten years and 90 percent would occur within 50 years.

d. Differential settlement would occur because of the difference in fill thicknesses and bay mud characteristics. The greatest differential settlement is expected to occur at the boundary between the old and new road. Therefore periodic asphalt overlays would probably be required to even out the differential settlement.

e. On the basis of the topography of the area, it has been assumed that the new fill thickness for the road embankment would not be more than about two feet thick. In this case, the road embankment would be stable under normal conditions.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: a. The possibility of pavement damage caused by ground shaking and consequent lurching and differential ground settlement during a seismic event shall be investigated in the final design of the project.

b. In order to prevent uneven potential ground settlement due to unevenly compacted onsite fill, the existing fill will be excavated to about two feet above the groundwater level, backfilled and recompacted.

c. To reduce the settlement of the new road, its elevations will be kept as low as possible.

d. In order to accelerate the consolidation settlement of the bay mud, preloading with wick drains could be used.

e. Because the elevation of the roadway section located under the San Mateo-Hayward Bridge would be close to high tide elevation, and because rain water would tend to pond on this section, subsurface drainage will be provided with sumps and pumps to collect the water where it can be removed out of the area.

L. HYDROLOGY AND WATER QUALITY

NO SIGNIFICANT ADVERSE IMPACTS

M. HAZARDOUS MATERIALS

NO SIGNIFICANT ADVERSE IMPACTS

Mitigation: The excavation phase of this construction project shall include periodic inspections of subsurface excavations to ensure that potential unforeseen area of soil contamination are properly handled. During excavation, the contractor shall inspect subsurface soil for any obvious indications of contamination such as abnormal odors or soil staining. If contaminated soil is encountered, the construction supervisor shall notify the project management and representatives of the Foster City Fire Department.*

N. VISUAL/AESTHETIC IMPACTS

N. 1. Impact: If a connection to Beach Park Boulevard is constructed, it is possible that vehicles traveling south on the connection would illuminate the corner lot homes on each side of the intersection, as the vehicles reach the intersection and turn either left or right.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: a. If the connection to Beach Park Boulevard is constructed, the proposed traffic diverter at the intersection shall be landscaped in such a way that it will block some of the light and glare of vehicles making left or right turns from the extension onto Beach Park Boulevard.

b. If necessary, the City of Foster City will design landscaping or fencing for placement around the corner edges of the two homes nearest the intersection.

O. PLANT AND ANIMAL LIFE

O.1. Impact: The preferred alternative (inboard alignment) would cross approximately 1.6 acres of palustrine emergent wetland and would encroach upon a slight amount of the habitat where the endangered salt march harvest mouse was located.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: a. The application for a permit from the U.S. Army Corps of Engineers will include a wetland mitigation plan that has, as one of its purposes, the replacement of habitat acreage and value that would otherwise be lost as a result of the proposed project (replacement areas are shown on page 159 of the Final EIR).

b. During the construction period, potential impacts on the plant and animal life will be lessened through the designation and use of the least harmful staging areas and haul routes.

c. Sensitive areas will be mapped on the construction drawings and staked during construction.

P. WETLANDS ISSUES

P.1. Impact: The preferred alternative (inboard alignment) would cross approximately 1.6 acres of palustrine emergent wetland and would encroach upon a slight amount of the habitat where the endangered salt march harvest mouse was located.

Finding: The City Council hereby makes Finding 1, as noted above.

Mitigation: The City has proposed a wetlands mitigation plan consisting of the following:

a. All wetland areas temporarily impacted during construction will be restored to their former condition at a 2:1 ratio of areas created to those temporarily impacted;

b. Permanently impacted wetlands will be replaced on-site at a 2:1 ratio of acres created to those lost on a per habitat basis;

c. Wetland creation sites will be located adjacent to existing wetland habitats of the same type and thus become an extension of the existing habitat type;

d. The wetlands would be created by excavating fill material to an elevation similar to that of the adjacent existing wetland so as to develop a similar soil and hydrology regime;

e. Mitigation and restoration sites will be allowed to revegetate naturally, but if natural revegetation were not successful within two years, the areas will be sprigged with the desired plant species;

f. The mitigation and restoration sites will be monitored for success for a five-year period.

BE IT FURTHER RESOLVED that City Council makes the following findings related to project alternatives:

1. Pursuant to CEQA Section 21081(c), the City Council finds that each of the alternatives to the Project described in the Final EIR is infeasible for the following reasons:

(a) "No Project" Alternative (continuation of existing conditions) - In the absence of the project, both traffic congestion and the consequent air pollution would continue to deteriorate at specific local intersections and along some roadway links in Foster City.

(b) "No Interchange" Alternative (East Third Avenue constructed to Lincoln Center Drive) - Anticipated growth in Foster City and San Mateo would result in unacceptable levels of service at seven key Foster City intersections.

(c) Interchange with Alternative Alignment of East Third Avenue Extension ("Outboard" Alignment) - This alternative would impact a substantially larger wetland area including areas inhabited by the endangered salt marsh harvest mouse.

(d) East Third Avenue Extension Without S.R. 92 Interchange - The presence of an extension without the traffic benefits of the freeway access would not alleviate more than a portion of future congestion or unacceptable service levels forecast to result from the No Interchange or No Project Alternatives. (Projected Levels of Service for this alternative are contained on page 43 of the Responses to Comments section of the Final EIR.)

(e) Construction of Water Supply Line Without Extension of East Third Avenue or S.R. 92 Interchange - This alternative would not address any of the projected unacceptable traffic service levels forecast to result from the No Interchange or No Project Alternatives.

(f) Interchange without a Connection to Beach Park Boulevard - This alternative would result in unacceptable Levels of Service at the Foster City Boulevard/Metro Center Boulevard/Triton Drive intersection, specifically, LOS E in the AM peak hour and LOS F in the PM peak hour.

2. There is no other feasible alternative site for the project. The practical requirements for distances between interchanges are such that the proposed site is the only possible site for additional access to S.R. 92.

BE IT FURTHER RESOLVED that the City Council has weighed the benefits of the proposed project against its unavoidable adverse environmental effects identified in the Final EIR and hereby determines that those benefits outweigh the risks and adverse environmental effects and therefore further determines that these adverse environmental effects are "acceptable." A written statement of such overriding considerations, identifying the specific reasons why the City has determined that the economic, social or other benefits of the project outweigh the unavoidable adverse environmental effects, is contained below:

A. Unavoidable Significant Adverse Impacts. The following unavoidable significant adverse impacts are associated with the proposed project as identified in the Final EIR. These impacts cannot be fully mitigated by changes or alterations to the basic project.

1. The Norfolk Street/East Third Avenue intersection would have Level of Service E in the PM peak hour. This intersection could be mitigated to LOS D via implementation of a separate left-turn lane from southbound Norfolk Street onto East Third Avenue. This mitigation measure has been recommended in conjunction with the San Mateo General Plan. At such time as the City of San Mateo decides to construct improvements to the East Third Avenue and Norfolk Street intersection, the City of Foster City will participate in discussions to address potential cost sharing of improvements needed to address the impacts of the proposed extension and interchange. It is not possible for the City of Foster City to mitigate this impact at the present time because the City of San Mateo does not have a timetable for construction of the left-turn lane at this intersection. If the interchange is constructed before the City of San Mateo is ready to have this improvement constructed and if the impacts of the East Third Avenue/S.R. 92 Interchange are as projected in the EIR, this could result in a significant adverse impact until the left-turn lane is constructed.

B. Substantial Public Benefits. The City Council has considered the public record of proceedings on the proposed project and does determine that adoption and implementation of the plan would result in the following substantial public benefits:

The project would result in a redistribution of traffic away from

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intersections that would otherwise operate at unacceptable levels of service, resulting in an improved and more efficient circulation system for the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Foster City does hereby approve the amendment to the Circulation of the Foster City General Plan as described in Exhibit A and depicted in Exhibit B attached hereto.

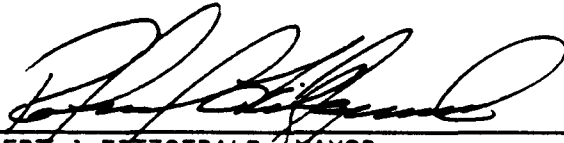
PASSED AND ADOPTED as a Resolution of the City Council of the City of Foster City at the Regular Meeting held on the 1st day of July, 1991, by the following vote:

AYES: Councilmen Battaglia, Martinson, Oliver and Mayor Fitzgerald

NOES: Councilman Chinn

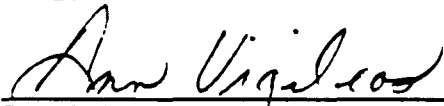
ABSENT: None

ABSTAIN: None



ROBERT J. FITZGERALD, MAYOR

ATTEST:



THERESE TYREE, CITY CLERK
BY ANN VIGILEOS, DEPUTY CITY CLERK