

MINUTE ITEM

This Calendar Item No. 19.
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 3
to 0 at its 11-20-79
meeting.

CALENDAR ITEM
19.

11/79
W 21864
Cook

APPROVAL OF CITY OF BURLINGAME LEASE
TO THE SHERATON

The City of Burlingame wishes to lease a parcel of filled real property (called the "Proposed Lease Parcel"), to the San Francisco Airport Motel Company, a partnership, (called "Sheraton"), for a term of 50 years for a parking lot to jointly serve the Sheraton Hotel and City Park, both adjoining the lease parcel. Sheraton is to construct and maintain the lot and will pay a rental of \$2,500 per month to the City of Burlingame.

The lease parcel was included within the perimeter description of State Swamp and Overflowed Lands and Tidelands Patents (Swamp and Overflowed 12 and Tide Lands Survey 16). The United States did not issue a Swamp and Overflowed Lands Patent to the State.

The lease parcel has been filled; is located bayward of the Bayshore Freeway, south of the San Francisco International Airport, and west of the Anza Pacific area, San Mateo County. The lease parcel is well landward of the existing tidelands of the Bay. The waterward area has been used as a dump site.

Staff has reviewed the title evidence and is of the opinion that the lease parcel historically included tidelands of San Francisco Bay, and that there is a strong probability of the existence of the public trust over all, or a substantial portion of the lease parcel, as well as the adjoining hotel and park parcels.

However, there are substantial, bona fide and disputed issues of law and fact respecting the establishment of the public trust. It is likely that the public would be barred from taking possession, even if the trust were established, without first paying the value of improvements, as set forth in Section 6312 of the Public Resources Code.

The City wishes to proceed with the lease which, among other things, will improve the parking for the public park, a trust purpose. Resolution of the title questions by litigation or, by a settlement in lieu of litigation would result in substantial delays and costs to all parties, and construction of the parking lot could be jeopardized.

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CALENDAR ITEM NO. 19. (CONTD)

Due to the title questions, the City has requested that the Commission approve the lease to permit the project, while reserving all questions of title for future assertions and determination.

The staff is of the opinion that there are benefits to the public trust from the lease and that so long as the State is not barred from future assertions of title to the lease parcel or adjoining parcels the lease should be approved.

The approval of this lease by the Commission does not constitute a project within the meaning of CEQA and the State EIR Guidelines.

- EXHIBITS:
- A. Description of proposed lease parcel.
 - B. Plot of proposed lease parcel and Hotel parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THIS ACTIVITY IS EXEMPT FROM THE EIR/ND REQUIREMENTS OF CEQA AS SUCH DOCUMENTS ARE NOT REQUIRED PURSUANT TO P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 2 CAL. ADM. CODE 2903(d).
2. APPROVE THE CITY LEASE TO SAN FRANCISCO AIRPORT MOTEL COMPANY (CALLED "SHERATON") OF THE PARCEL DESCRIBED IN THE ATTACHED EXHIBIT "A", AND DEPICTED ON THE ATTACHED PLAT MARKED EXHIBIT "B", WHILE RESERVING THE RIGHT OF FUTURE ASSERTION OF ANY RIGHT TITLE OR INTEREST OF THE STATE IN THE LEASED PREMISES OR ADJOINING PARCELS.

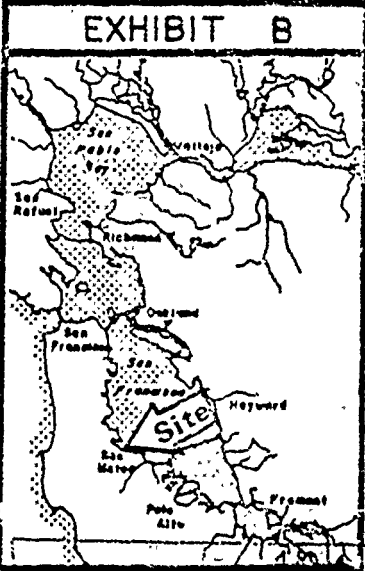
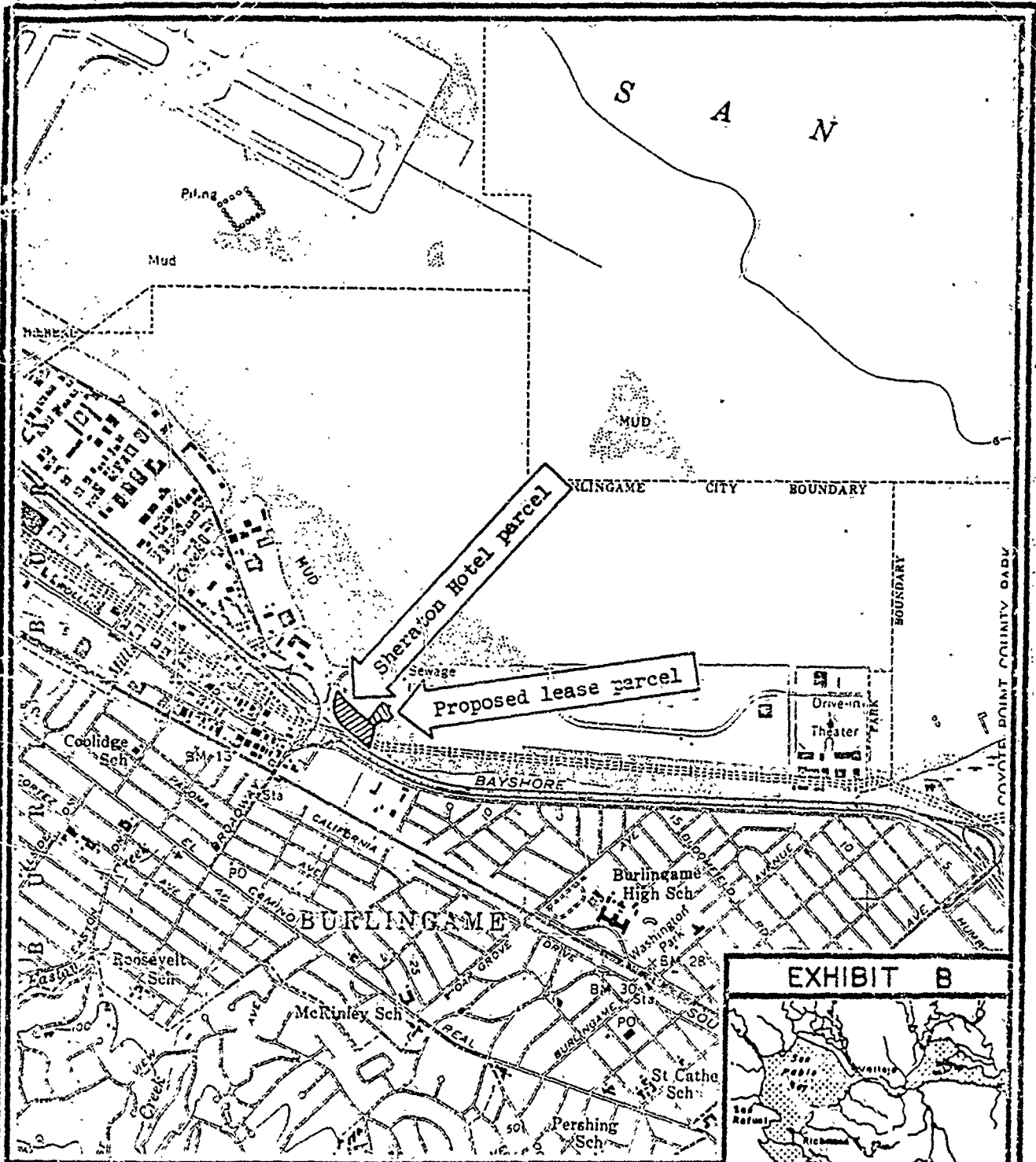
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LEASE PARCEL DESCRIPTION

A portion of lands of the City of Burlingame described in deed from Bay Counties Land Company recorded September 13, 1930, in Volume 498, Page 101 of Official Records of San Mateo County, and in deed from Standard Realty and Development Company recorded August 4, 1944, in Volume 1127, Page 414, Official Records of San Mateo County, and in Final Judgment of Condemnation, No. 118610, recorded August 4, 1966, in Volume 5199, Page 103, Official Records of San Mateo County (865092), and more particularly described as follows:

BEGINNING at a point on the northerly line of lands of San Francisco Sheraton Airport Corporation described in deed from Ernest A. Laks to San Francisco Sheraton Airport Corporation recorded June 29, 1973, in Volume 6421, Page 301, Official Records of San Mateo County, said point bearing with $48^{\circ} 09' 00''$ west 4 feet from the southerly most corner of lands of City of Burlingame described in deed from Burlingame Shore Land Company to City of Burlingame, deeded April 26, 1951, and recorded May 31, 1951, in Volume 2098 of Official Records at page 523 (10755B); thence from said point of beginning north $33^{\circ} 02' 56''$ east 210.22 feet; south $56^{\circ} 57' 04''$ east 262.045 feet; south $38^{\circ} 21'$ west 36.215 feet; south $74^{\circ} 43'$ west 127.00 feet; south $54^{\circ} 32' 35''$ west 107.65 feet to the most easterly corner of said lands of San Francisco Sheraton Airport Corporation; thence along the northeasterly line of said lands of San Francisco Sheraton Airport Corporation north $48^{\circ} 09' 00''$ west 136.43 feet more or less to the point of beginning. Parcel containing approximately 43,999.6 square feet.

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STATE LANDS COMMISSION

Exhibit plat showing proposed lease parcel from the City of Burlingame to the San Francisco Airport Motel Co. relative to a portion of USGS quadrangle San Mateo 1956, photorevised 1968 & 1973

Prepared by: jsf

Date: 10-12-79

Title Study: Sheraton Hotel - S.F. Airport

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