

**CALENDAR ITEM
C38**

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04/06/10
W 26355
J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of San Mateo
Department of Public Works
330 West 20th Avenue
San Mateo, California 94403-1388

AREA, LAND TYPE, AND LOCATION:

Sovereign land adjacent to San Francisco Bay, near the cities of San Mateo and Foster City, San Mateo County.

AUTHORIZED USE:

Construction and maintenance of a wetlands restoration project.

LEASE TERM:

49 years, beginning April 6, 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. The city of San Mateo (City) is proposing the construction, replacement, and/or improvements to the City's Bayfront levee system. The four project sites (San Mateo Creek, Detroit Drive, Seal Slough, and East End Levee) are located between San Mateo Creek and the Foster City limits. This work is needed to meet Federal Emergency Management Agency (FEMA) standards for 100-year flood protection. The four sites are owned by the City, either in its municipal capacity or in its capacity as a legislative grantee, and are therefore not included in the proposed lease.

The City is proposing to mitigate for the project's impacts to wetlands both on-site and off-site. The on-site mitigation is located at Seal Slough,

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which at this location has been legislatively granted to the City and is therefore not included in the proposed lease. The off-site mitigation parcel at East Third Avenue north of Mariners Island Boulevard is located within lands conveyed to the State Lands Commission as sovereign lands pursuant to a 1984 Compromise Title Settlement Agreement between the Commission and the California Department of Transportation (Cal Trans). The off-site mitigation parcel is located adjacent to an existing tidal salt marsh and will enhance regional ecologic values by restored tidal wetlands and creating a new tidal slough.

2. A Mitigated Negative Declaration SCH #2008092021 was prepared by the city of San Mateo and adopted on November 17, 2008, for this project. On March 1, 2010, the city of San Mateo adopted an Addendum to the Mitigated Negative Declaration to include the California State Lands Commission site as part of the project for use as a wetland restoration site. The California State Lands Commission's staff has reviewed such documents.

A Mitigation Monitoring Program was adopted by the city of San Mateo.

3. 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 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.

APPROVALS OBTAINED:

National Marine Fisheries Service, California Regional Water Quality Control Board, California Department of Fish and Game

FURTHER APPROVALS REQUIRED:

U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, San Francisco Bay Conservation and Development Commission.

EXHIBITS:

- A. Location and Site Map
- B. Land Description
- C. Mitigation Monitoring Program

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PERMIT STREAMLINING ACT DEADLINE:

September 7, 2010

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH #2008092021, an Addendum to the Mitigated Negative Declaration, and a Mitigation Monitoring Program were prepared by the city of San Mateo and adopted on November 17, 2008, and March 1, 2010 (Addendum), for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the City of San Mateo beginning April 6, 2010, for a term of 49 years, for construction and maintenance of a wetlands restoration project as shown on Exhibit A (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration is 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.