CALENDAR ITEM

C31

A	19	08/11/09
		W 26340
S	8	J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Belmont
1365 Fifth Avenue
Belmont, CA 94002

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in O'Neill Slough, city of Belmont, San Mateo County.

AUTHORIZED USE:

Construction, use and maintenance of a pedestrian/bicycle bridge; and continued use and maintenance of an existing pedestrian/bicycle bridge, the Island Parkway vehicular bridge, and various public utilities.

LEASE TERM:

25 years, beginning August 11, 2009.

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. Applicant owns the uplands adjoining the lease premises.

2. The city of Belmont (City) is proposing to construct a Class I pedestrian/bicycle bridge across sovereign lands located in O'Neill Slough in San Mateo County. The proposed pedestrian/bicycle bridge is a component of the U.S. 101 Bike Pedestrian Overcrossing Project. The bridge is intended to link residential neighborhoods located west of Route 101 with the Belmont Sports Complex and connect the bikeway with the existing Bay Trail on the north side of O'Neill Slough. The City is seeking $4.6 million in Federal funding from the Federal American Recovery and Reinvestment Act of 2009 to assist in construction. To secure this

funding, an expedited timeline for approval must be met, and the City needs to obligate the funds with the California Department of Transportation and the Federal Highway Administration (FHWA) by June 30, 2009 and award a construction contract by December 30, 2009. As such, on May 29, 2009, staff sent a letter to the city advising that CSLC staff did not object to the City proceeding with the bid process and did not object to the City entering upon State sovereign lands to conduct pre-construction activities (site inspections, surveying, etc.), should such activities be necessary prior to the Commission's consideration of the pending application.

The project includes the construction of abutments and the placement of a ten-foot wide, 140-foot long pre-fabricated truss pedestrian/bicycle bridge which will free-span O'Neill Slough. The south bridge abutment will be aproximately 50 feet from the top of the bank and the north abutment will be constructed approximately 15 feet from the top of the bank. The bridge abutments will be constructed on City-owned lands.

3. During Commission staff's review of the City's application, it was discovered that the City already maintains an existing pedestrian/bicycle bridge, Island Parkway and public utilities across O'Neill Slough. The existing pedestrian/bicycle bridge is an approximately nine-foot wide steel truss bridge with a total span of approximately 154 feet. Island Parkway is an approximately 82-foot wide concrete slab roadway bridge. The utilities, all of which are attached to the Island Parkway bridge, include electrical, telecommunication, sewer, gas, and lighting. The bridge structures and utilities were built by the City in 1991.

4. On February 23, 1978, the Commission authorized a Compromise Title Settlement and Boundary Line Agreement between the Commission and the City in an effort to resolve title interests in Belmont and O'Neill Sloughs. As part of the Agreement, the Commission issued a 49-year Public Agency Permit (PRC 5451.9) to the City for a roadway and public utilities to be located within an undefined 100-foot wide strip across O'Neill Slough. The City was required to amend the Permit within ten years of the beginning date of the permit, March 1, 1978, once the precise location of the roadway was determined. If such notification did not occur, the permit would terminate effective March 1, 1988.

5. On September 28,1983, the Commission authorized a second Compromise Title Settlement Agreement (SLL 109) between the State Lands Commission and the City concerning a title dispute over a 20-acre parcel of land in the city of Belmont, which included O'Neill Slough.

Commission staff asserted that approximately six acres of the 20-acre parcel were owned in fee by the State of California, with the public trust easement existing over other portions of the parcel. Pursuant to the Agreement, the State received fee title to a portion of the 20-acre parcel, which was subsequently leased back to the City for public park purposes contemplated in the 1982 Island Park Mixed Use Development (Lease PRC 7207.9).

SLL 109 also required that the Commission amend PRC 5451.9 or issue a new Public Agency Permit to authorize the 100-foot right of way across O'Neill Slough, at the location described in Exhibit B, as Parcel 3, of SLL109.

6. Staff is recommending that the Commission authorize a Public Agency Lease to the City for the retention of the existing pedestrian/bicycle bridge, Island Parkway bridge, and various public utilities, and for the construction, use, and maintenance of a pedestrian/bicycle bridge crossing O'Neill Slough.

7. **New Pedestrian/Bicycle Bridge:** On August 6, 2009, the San Francisco Bay Conservation and Development Commission (BCDC) granted Administrative Permit #M09-18 under its certified program. (Title 14, California Code of Regulations, section 15251 (h)). Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b) have been met for the Commission to use the environmental analysis document certified by the BCDC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

   Existing Pedestrian/Bicycle Bridge, Roadway and Utilities: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, existing facilities, Title 14, California Code of Regulations, Section 15301(c). Authority: Public Resources Code Section 21084 and Title 14, California Code of Regulations, Section 15300.

8. 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:

U.S. Army Corps of Engineers; California Department of Transportation; and the San Francisco Bay Conservation and Development Commission

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board

EXHIBITS:

A. Location and Site Map
B. Land Descriptions

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

NEW PEDESTRIAN/BICYCLE BRIDGE: FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SF BCDC ADMINISTRATIVE PERMIT #M09-18), WAS ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (h)), AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN BCDC'S DETERMINATION.

EXISTING PEDESTRIAN/BICYCLE BRIDGE, ROADWAY, AND UTILITIES: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15301(c).

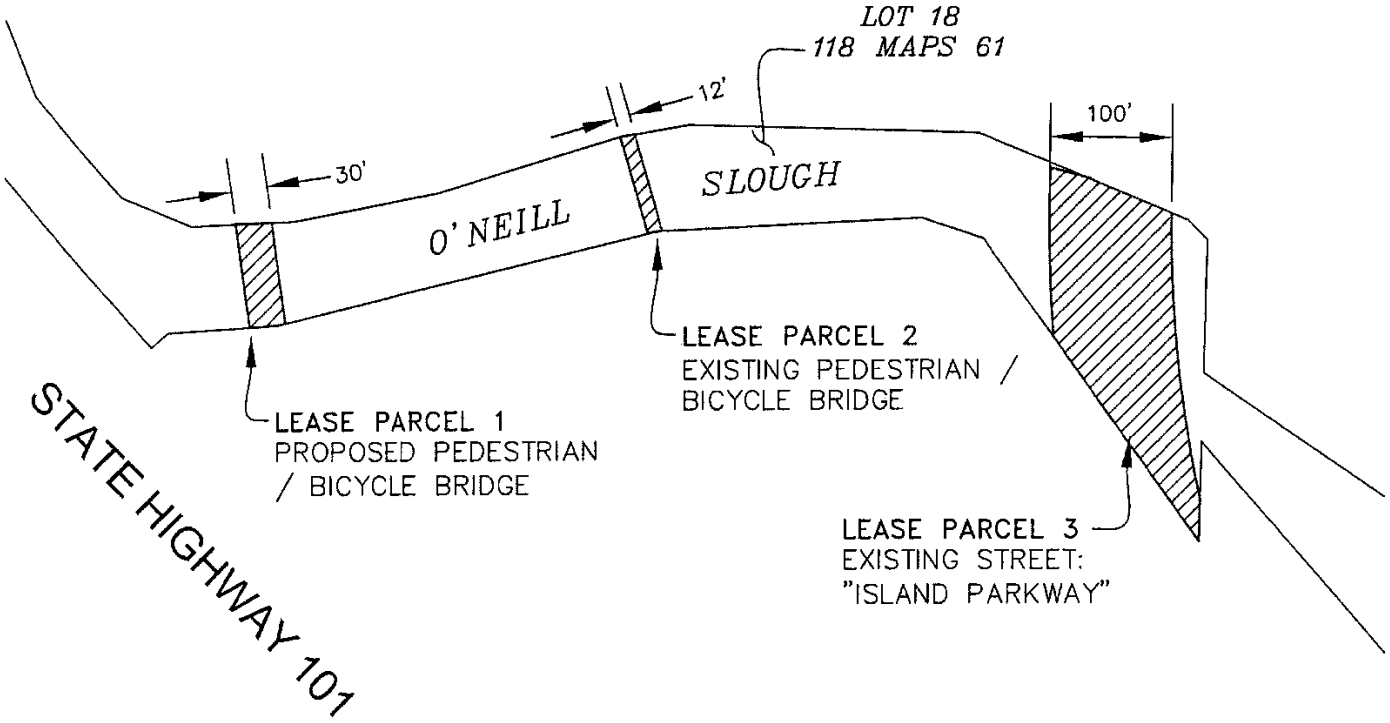
AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE TO CITY OF BELMONT BEGINNING AUGUST 11, 2009, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION, USE, AND

MAINTENANCE OF A PEDESTRIAN/BICYCLE BRIDGE; AND CONTINUED USE AND MAINTENANCE OF AN EXISTING PEDESTRIAN/BICYCLE BRIDGE, ISLAND PARKWAY ROADWAY BRIDGE, AND PUBLIC UTILITIES, 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.

NO SCALE

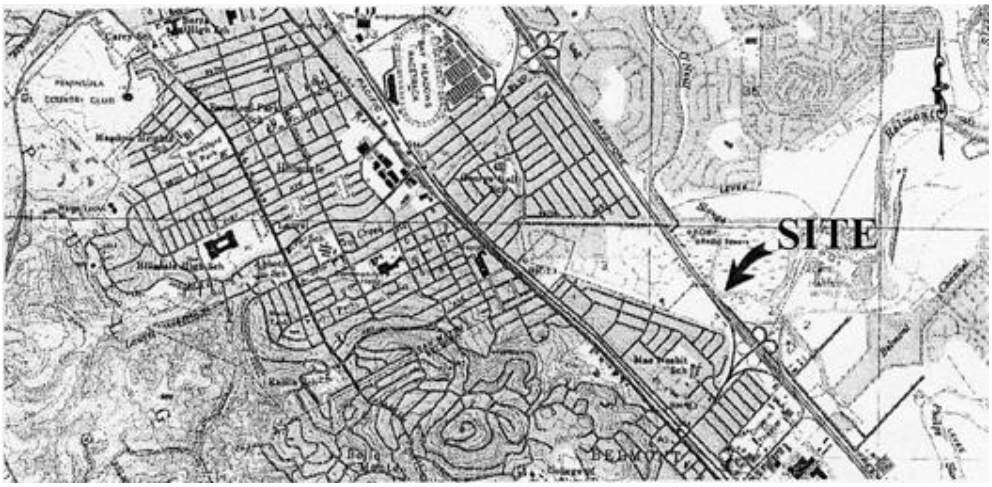
SITE



CITY OF BELMONT - PEDESTRIAN BRIDGES & ISLAND PARKWAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

W 26340
CITY OF BELMONT
APN 040-360-440
GENERAL LEASE -
PUBLIC AGENCY USE
SAN MATEO COUNTY

DJF 07/09