

STAFF REPORT

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A. Franzoia

GENERAL LEASE – DREDGING

APPLICANT:

Westpoint Harbor, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Westpoint Slough, near the entrance to the Westpoint Harbor Marina, City of Redwood City, San Mateo County.

AUTHORIZED USE:

Maintenance dredge a maximum of 15,000 cubic yards of sediment from Westpoint Slough during the 10-year lease term to maintain navigable depths. Dredged material shall be disposed at a U.S. Army Corps of Engineers-approved in-bay disposal or upland reuse site and may not be sold.

LEASE TERM:

10 years, beginning June 28, 2019.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission, at its discretion, determines such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

The Westpoint Harbor Marina was originally developed in the 1960s on engineered landfill in the marshes of the San Francisco Bay, on the east edge of San Mateo County, as part of the original development of Redwood City. The Applicant owns the adjoining upland marina. Due to increased sedimentation in recent years, navigation in and out of the marina for large vessels has been limited to high tides only.

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The proposed lease is for maintenance dredging of a maximum 15,000 cubic yards of material during the 10-year lease term from Westpoint Slough at the entrance to the marina to improve the navigability of the waterway and facilitate water-oriented recreational uses. The lease restricts the lessee from selling or using the dredged material for commercial purposes.

Dredging that maintains the navigability of waterways and uses that promote or facilitate water-oriented recreational use are generally consistent with the common law Public Trust Doctrine.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in San Francisco Bay, which is a tidally influenced site vulnerable to flooding at current sea levels; therefore, this area will likely be at a higher risk of flood exposure given future projection scenarios of sea-level rise. The San Francisco tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea-Level Rise for San Francisco¹

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: ¹ Projections are with respect to a 1991 to 2009 baseline.

Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

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Regular maintenance dredging of the Westpoint Marina will decrease the occurrences of elevated wave crests in the event of a severe storm. Improvements to the lease area include dredging to a designed depth of -7.5 feet mean lower low water (MLLW), plus an over-depth allowance of 2 feet, except in the proposed 0.9-acre sediment trap, which would be dredged to a depth of -10 feet MLLW plus an over-depth allowance of 2 feet. Regular maintenance and upkeep of the marina will reduce the likelihood of severe structural degradation or dislodgement in the event of a severe storm. The lease includes an acknowledgment that the lease premises may be subject to the effects of sea-level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

Conclusion:

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the land and resources under the Commission's jurisdiction and Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (g).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

STAFF REPORT NO. 46 (CONT'D)

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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (g).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with Public Trust needs and values at this location, at this time, and the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize the issuance of a General Lease – Dredging to the Applicant beginning June 28, 2019, for a term of 10 years, to maintenance dredge a maximum of 15,000 cubic yards of sediment during the lease term from Westpoint Slough, as described in Exhibit A and shown in Exhibit B (for reference purposes only); consideration: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission, at its discretion, determines such action to be in the State's best interests; such permitted activity is contingent upon Applicant's compliance with applicable permits, recommendations, and limitations issued by federal, state, and local governments; dredged material shall be disposed of at a U.S. Army Corps of Engineers-approved in-bay disposal or upland reuse site and may not be sold.

EXHIBIT A

W 27126

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of Westpoint Slough, City of Redwood City, County of San Mateo, State of California, lying adjacent to parcel SM-4 of Sovereign Land Location 43 as recorded February 1, 1968 in Volume 5426, of Official Deeds, Page 126, San Mateo County Records more particularly as follows:

COMMENCING at the north corner of Parcel A on that certain Parcel Map entitled "Parcel Map 2003-04" filed December 8, 2003 in Book 75 of Parcel Maps, Pages 37-38, records of San Mateo County thence South $87^{\circ}51'59''$ East 406.76 feet to the POINT OF BEGINNING thence along the following five (5) courses:

- 1) North $28^{\circ}04'21''$ West 346.60 feet;
- 2) South $89^{\circ}52'14''$ East 496.37 feet;
- 3) South $00^{\circ}00'00''$ East 337.87 feet;
- 4) North $87^{\circ}26'32''$ West 323.60 feet;
- 5) North $28^{\circ}04'21''$ West 21.22 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within parcel SM-4 of Sovereign Land Location 43, dated January 29, 1968 and recorded February 1, 1968 in the office of the Recorder of San Mateo County in Volume 5426, of Official Deeds, Page 126.

BASIS OF BEARINGS is that certain Parcel Map entitled "Parcel Map 2003-04" filed December 8, 2003 in Book 75 of Parcel Maps, Pages 37-38, records of San Mateo County.

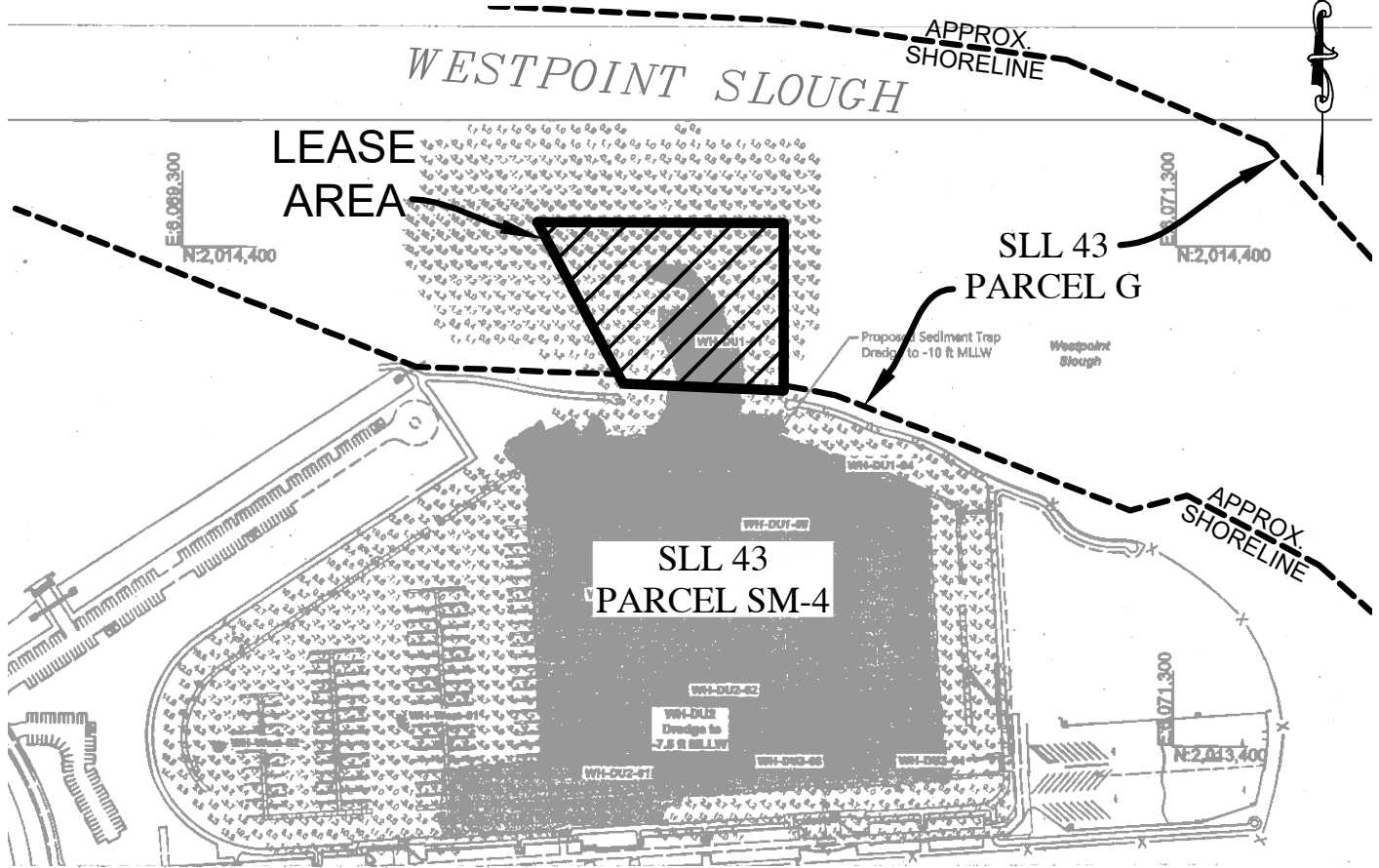
END OF DESCRIPTION

Prepared 11/8/2017 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



1529 SEAPORT BLVD., NEAR CITY OF REDWOOD CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 27126
 WESTPOINT HARBOR, LLC
 GENERAL LEASE -
 DREDGING
 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.