

CALENDAR ITEM

C44

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10/22/09

W 26342

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J. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of San Jose
200 East Santa Clara Street, 6th Floor
San Jose, California 95113-1905

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Guadalupe River, between the Montague Expressway and the Gold Street Bridge, city of San Jose, Santa Clara County.

AUTHORIZED USE:

Construction, use, and maintenance of the Lower Guadalupe River Trail Project, consisting of a two-way pedestrian and bicycle trail on existing levee maintenance roads.

LEASE TERM:

25 years, beginning November 1, 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 and has a right to use the lands adjoining the lease premises.
2. The city of San Jose (City) is proposing to construct the Lower Guadalupe River Trail Project (Project), a pedestrian and bicycle trail along the Lower Guadalupe River Flood Control Channel in the city of San Jose, Santa Clara County. The State's sovereign interest in the Guadalupe River was confirmed pursuant to a 1969 Boundary and Exchange Agreement (BLA 109 and SLL 48). While the Project will extend from I-880 to the Gold Street Bridge, the State's sovereign interest extends only to scattered

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portions of the trail between the Montague Expressway and the Gold Street Bridge.

The Project will involve the construction of a Class 1 trail, approximately 12-feet wide with two-foot wide shoulders, and include trail signage and pavement markings. The trail will connect downtown San Jose and the Guadalupe River Park to industrial and residential areas in the northern part of the City. The paved trail will be located on existing levee maintenance roads owned by the Santa Clara Valley Water District (District). The District has a 49-year lease from the Commission, which began May 23, 1968, for the portion of the flood control channel between the Montague Expressway and the Gold Street Bridge (Lease No. PRC 3949.9).

The City has received a federal funding grant to construct and design the permanent trail. The Federal Highway Administration will contribute funding to the Project, and the California Department of Transportation (Caltrans) will act as the lead agency for completion of the National Environmental Policy Act (NEPA) process. In conjunction with Caltrans requirements to obtain landowner approvals, at the request of the City, a letter of support for the Project was sent by Commission staff on June 3, 2009.

3. Staff recommends that the Commission authorize a Public Agency Lease to the City for the construction, use, and maintenance of a pedestrian and bicycle trail along the Lower Guadalupe River Flood Control Channel between the Montague Expressway and the Gold Street Bridge, in the city of San Jose, Santa Clara County.
4. A Mitigated Negative Declaration was prepared and adopted for this project by the city of San Jose (SCH #2005022117) on June 21, 2005. Commission staff reviewed this document. A Mitigation Monitoring Program was adopted by the City of San Jose.
5. 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 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

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use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers, California Department of Transportation, California Department of Fish and Game, Regional Water Quality Control Board, Santa Clara County, San Francisco Public Utilities Commission, Santa Clara Valley Water District

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAN JOSE (SCH #2005022117) ON JUNE 21, 2005, AND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

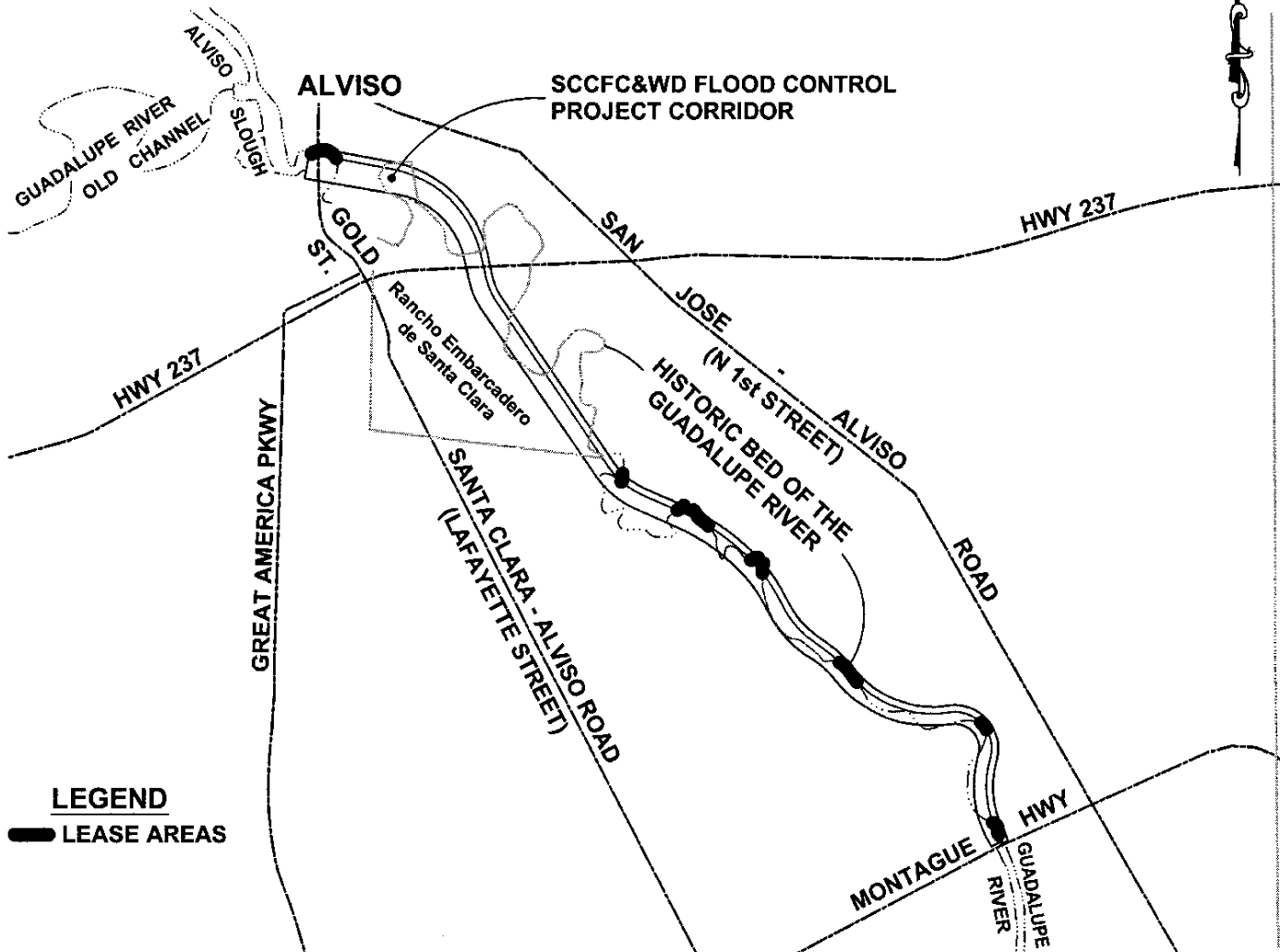
ADOPT THE MITIGATION MONITORING PROGRAM AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE CITY OF SAN JOSE BEGINNING NOVEMBER 1, 2009, FOR A TERM OF 25 YEARS, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF THE LOWER GUADALUPE RIVER TRAIL PROJECT, CONSISTING OF A TWO-WAY PEDESTRIAN AND BICYCLE TRAIL, ON EXISTING LEVEE MAINTENANCE ROADS BETWEEN THE MONTAGUE EXPRESSWAY AND THE GOLD STREET BRIDGE, AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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



LOWER GUADALUPE RIVER TRAIL

LEGEND
 — LEASE AREAS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26342
 CITY OF SAN JOSE
 GENERAL LEASE
 PUBLIC AGENCY USE
 SANTA CLARA 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.