

**CALENDAR ITEM
C40**

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04/06/10
WP 8454.9
N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

AREA, LAND TYPE, AND LOCATION:

0.56 acre, more or less, of sovereign lands in the historic bed of Guadalupe River, city of San Jose, Santa Clara County.

AUTHORIZED USE:

Construction use, and maintenance of the Gold Street Educational Center, consisting of a parking lot with 10-12 parking stalls, decomposed granite trails, interpretive signage, a gazebo, a restroom, rope fencing, and landscaping with a mixture of native shrubs and trees.

LEASE TERM:

20 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.

SPECIFIC LEASE PROVISIONS:

Insurance: Combined single limit coverage of not less than \$1,000,000, or equivalent staff approved self insurance program.

Bond: \$100,000 construction bond

Other: Lessee shall provide as-built engineered drawings of the improvements within 180 days of completion of the project.

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OTHER PERTINENT INFORMATION:

1. The Applicant has access to the uplands adjoining the lease premises, as the parcel is surrounded by city streets; however, prior to construction, the Applicant will be required to obtain approval from the city of San Jose for authorization to construct a portion of the parking area within the City's easement.
2. On April 7, 2003, the Commission authorized a General Lease – Public Agency Use PRC No. 8454.9, to the District for five years for a construction staging area in connection with a levee restoration project on the Guadalupe River. The lease expired on April 6, 2008
3. On July 8, 2003, the District's Board of Directors authorized planning for an educational center adjacent to the Guadalupe River as an enhancement to the Lower Guadalupe River Flood Protection Project. The purpose of the educational center is to highlight Alviso's history and close association with the Guadalupe River and South San Francisco Bay, and provide a link to recreational trails in the vicinity.
4. The proposed educational center would be located on a 0.56-acre parcel on Gold Street, adjacent to the Guadalupe River. The site would be developed with 10-12 parking stalls, decomposed granite trails, interpretive signage, a gazebo, a restroom, rope fencing, and landscaping with a mixture of native shrubs and trees.
5. A Mitigated Negative Declaration SCH#2009032058 was prepared by the Santa Clara Valley Water District and adopted on October 27, 2009 for this project. The California State Lands Commission's staff has reviewed this document.

A Mitigation Monitoring Program was adopted by the Santa Clara Valley Water District.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Santa Clara Valley Water District

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FURTHER APPROVALS REQUIRED:

City of San Jose

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

April 25, 2010

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH#2009032058 and a Mitigation Monitoring Program were prepared and adopted for this project by the Santa Clara Valley Water District and that the Commission has reviewed and considered the information contained therein.

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

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Santa Clara Valley Water District beginning April 6, 2010, for a term of 20 years, for construction, use, and maintenance of the Gold Street Educational Center on State Lands shown on Exhibit A (for reference purposes only) and described as 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, and liability insurance for combined single limit coverage of no less than \$1,000,000 or an equivalent self-insurance program upon approval of Commission staff to satisfy insurance requirements; and construction bond in the amount of \$100,000.