

**CALENDAR ITEM  
C38**

A 67  
S 35

01/26/12  
WP 8437.9  
S. Paschall

**TERMINATION AND ISSUANCE OF  
GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Daly City

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean, adjacent to Mussel Rock Landfill Site, in Daly City, San Mateo County.

**AUTHORIZED USE:**

Use and maintenance of a 2,600 foot long riprap seawall and appurtenant drains.

**LEASE TERM:**

49 years, beginning January 26, 2012.

**CONSIDERATION:**

Statewide public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the Lease Premises.
2. On December 16, 2002, the Commission authorized issuance of a General Lease – Public Agency Use to the City of Daly City, for a 10-year term beginning November 25, 2002, authorizing the use and maintenance of the existing seawall. Rather than amend the current lease, which is set to expire on November 24, 2012 the Applicant has requested the termination of the existing lease and issuance of a new lease for a term of 49 years.
3. The upland property adjoining the Lease Premises is the now closed Mussel Rock Landfill Site maintained by the City of Daly City, the revetment is believed to have been built at least 40 years ago to protect

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the landfill from the Pacific Ocean. The landfill was closed in 1978. The Applicant is applying for a lease to accomplish the 'Mussel Rock Landfill site Maintenance 2011' (Project), dated April 2, 2011. The Project is necessitated by a loss of land to erosion, compromising the integrity of the seawall that retains and prevents the landfill from entering into the Pacific Ocean.

4. The primary purpose of the Project is to stabilize up to 450-feet of eroded seawall along the southern portion of the landfill. Stabilizing the seawall will prevent landfill material from entering the ocean and will provide addition protection from sea level rise. The Project will consist of placing geotextile fabric, 4-ton stone riprap, and backing stone along the seawall for a total height of 34 feet.
5. The United States Army, Corps of Engineers inspected the project site on June 29, 2011, and subsequently issued a Nationwide Permit 13 – Bank Stabilization for the project.
6. **Lease Termination:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15060, subd. (c)(3)), the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

7. **Existing Riprap Seawall:**  
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. **Repairs to Riprap**  
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a

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categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

9. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 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 section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Lease Termination:**

Find that the activity is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**Existing Riprap Seawall:**

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 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**Repairs to Riprap Seawall:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a

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categorically exempt project, Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(2).

**AUTHORIZATION:**

1. Authorize termination, effective January 25, 2012, of Lease No. PRC 8437.9, a General Lease – Public Agency Use, issued to the City of Daly City.
  
2. Authorize issuance of a General Lease – Public Agency Use to the City of Daly City, commencing January 26, 2012, for a term of 49 years, for the use and maintenance of an existing 2,600-foot long riprap seawall, and appurtenant drain as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be the Statewide 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.

**EXHIBIT A  
LAND DESCRIPTION**

WP 8437.9

A parcel of tide and submerged land in the Pacific Ocean situate in the City of Daly City, San Mateo County, California being a portion Lots 1 and 2 of Section 14, T.3S, R.6W, M.D.B.M. per the Official Government Plat and adjacent to that parcel of land granted to the City of Daly City by the Daly City Scavenger Company as described in that certain deed recorded in Volume 3621 Official Record Page 480, San Mateo County recorders office, said parcel being more particularly described as follows:

Said parcel being bounded on the south by a line beginning at a point having CCS 83, zone 3 coordinates North = 2071140 feet and East = 5984062 feet said line bears West from said point; bounded on the west by the most westerly line of the existing toe of rock revetment seawall; bounded on the north by a line lying 2600 feet northerly and parallel to said south line; bounded on the east by the Ordinary High Water Mark of the Pacific Ocean

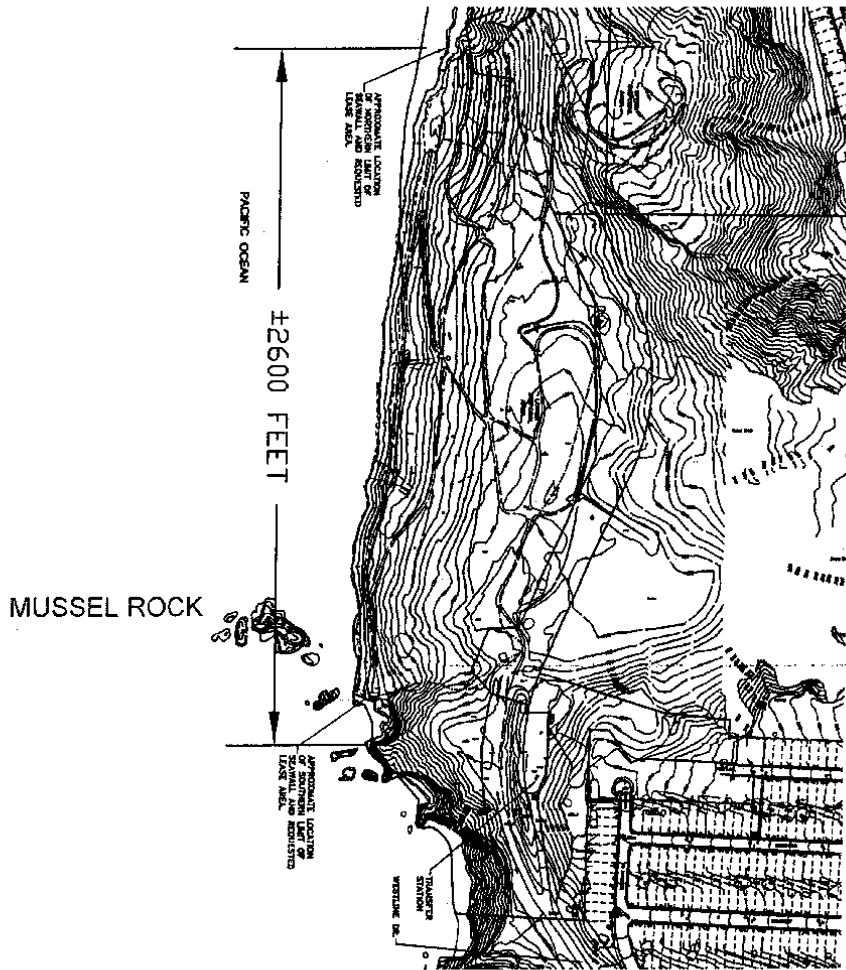
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean

**END OF DESCRIPTION**



NO SCALE

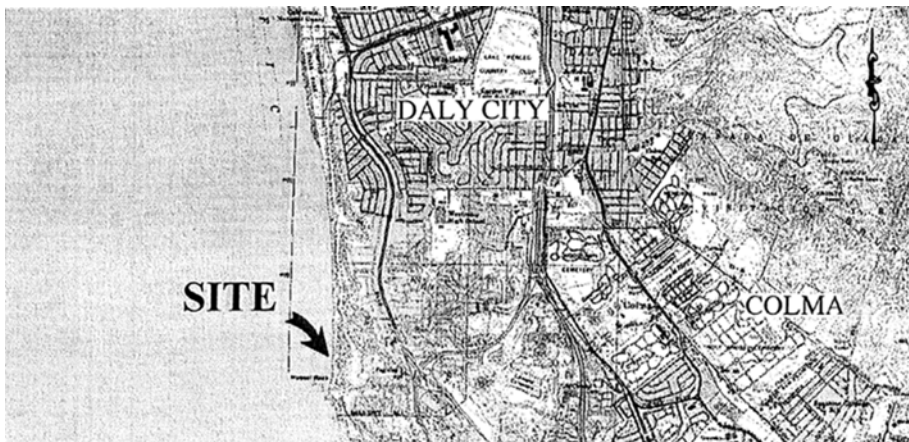
### SITE



DALY CITY, VICINITY OF MUSSEL ROCK

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

WP 8437.9  
 DALY CITY  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 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.