

MINUTE ITEM

This Calendar Item No. 266
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 2
to 0 at its 11/29/84
meeting.

CALENDAR ITEM

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11/29/84
WP 1809 PRC 1809
Reese

TERMINATION OF PRC 1609.1 EFFECTIVE
SEPTEMBER 30, 1984 AND ISSUANCE OF
A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Cannery Cove Marina, Inc.
555 Main Street, Suite 200
Martinez, California 94553

AREA, TYPE LAND AND LOCATION:
5.256 acre parcel of tide and submerged land,
San Joaquin River, Antioch, Contra Costa County.

LAND USE: Construction and maintenance of a Commercial
Marina.

TERMS OF ORIGINAL LEASE:

Initial period: 30 years beginning October 1,
1981.

Surety bond: \$10,000.

Public liability insurance: Combined single
limit coverage of \$500,000.

Consideration: For the period of October 1,
1981 through September 30,
1982:

Three percent of the gross
income derived from the
rental of boat docks and
moorings with a minimum of
\$1,000 paid in advance on
October 1, 1981;

For the period of October 1,
1982 through September 30,
1983:

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CALENDAR ITEM NO. 075 (CONT'D)

Four percent of the gross income derived from the rental of boat docks and moorings with a minimum of \$1,500 paid in advance on October 1, 1982;

For the period of October 1, 1983 through the remainder of the term of the lease, notwithstanding Paragraph 2(b) of Section 4;

Five percent of the gross income derived from the rental of boat docks and moorings with a minimum of \$2,000 paid in advance on October 1, 1983 and on October 1, of every year thereafter.

TERMS OF PROPOSED LEASE:

Initial period: 30 years beginning April 1, 1985.

Surety bond: \$10,000.

Public liability insurance: Combined single limit coverage of \$1,000,000.

Special: \$.25 per cubic yard of material; sand, silt, clay, and gravel dredged from the leased premises and placed on private property or used for any private or commercial benefit.

CONSIDERATION:

(1) 6% of the Gross Income derived from the rental of boat docks and moorings. (2) 5% of the Gross Income derived from the operation of bait shop and ship chandlery. (3) 25% of the Gross Income derived from the operation of coin operated vending and electronic game machines. (4) 10% of the Gross Income derived from sources exclusive of those described in (1) through (3). (5) A minimum annual rental of \$5,000 for the period April 1, 1985 through

CALENDAR ITEM NO. 005 (CONT'D)

March 31, 1986, and a minimum annual rental of \$10,000 thereafter; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

11/21/84.

OTHER PERTINENT INFORMATION:

1. The proposed commercial marina will be located in the San Joaquin River (mile 5.5) at the site of the Roger's Point Marina in Antioch, Contra Costa County. The existing marina, the wreck of the old Solano Ferry and two sunken barges, will be completely removed to accommodate construction of the new marina.
2. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.
3. An EIR was prepared and adopted for this project by the City of Antioch. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of CEQA.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

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PROJECT FILE	2556

CALENDAR ITEM NO. C 0 6 (CONT'D)

APPROVALS OBTAINED:

City of Antioch (Use Permit), U. S. Army Corps of Engineer, Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

City of Antioch (Building Permit).

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Environmental Summary and Impact Overview

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF ANTIOCH AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE TERMINATION OF LEASE PRC 1809.1 DATED APRIL 13, 1982, EFFECTIVE MARCH 31, 1985 AND AUTHORIZE ISSUANCE TO CANNERY COVE MARINA, INC. OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING APRIL 1, 1985 IN CONSIDERATION OF (1) 6% OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS (2) 5% OF THE GROSS INCOME DERIVED FROM THE OPERATION OF BAIT SHOP AND SHIP CHANDLERY. (3) 25% OF THE GROSS INCOME DERIVED FROM THE OPERATION OF COIN OPERATED VENDING AND ELECTRONIC GAME MACHINES. (4) 10% OF THE GROSS INCOME DERIVED FROM SOURCES EXCLUSIVE OF THOSE DESCRIBED IN (1) THROUGH (3). (5) A MINIMUM ANNUAL RENTAL OF \$5,000 FOR THE PERIOD APRIL 1, 1985 THROUGH MARCH 31, 1986 AND A MINIMUM ANNUAL RENTAL OF \$10,000 THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; \$.25 PER CUBIC YARD OF MATERIAL DREDGED FROM THE LEASED PREMISES AND PLACED ON PRIVATE PROPERTY OR USED FOR ANY PRIVATE OR COMMERCIAL BENEFIT. FOR CONSTRUCTION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 1809

A parcel of tide and submerged land in the bed of the San Joaquin River, Contra Costa County, State of California, more particularly described as follows:

BEGINNING at the northwest corner of that certain parcel of land described in that deed recorded October 29, 1925, in Volume 8, Page 185, of Official Records, in the Office of the County Recorder of Contra Costa County; thence along the northerly boundary of said parcel the following two courses:

1. N 72° 45' E 223.60 feet;
2. S 82° 15' E 355.00 feet; thence the following five courses;
3. North 425.48 feet;
4. West 671.45 feet;
5. South 445.07 feet;
6. S 74° 48' E 110.00 feet;
7. North 30.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the San Joaquin River.

ALSO EXCEPTING THEREFROM any portion thereof lying within the Grant to the City of Antioch, Chapter 1939 Statutes of 1955 (Amended - Chapter 1430 Statutes of 1957).

END OF DESCRIPTION

REVISED MAY 23, 1984, BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

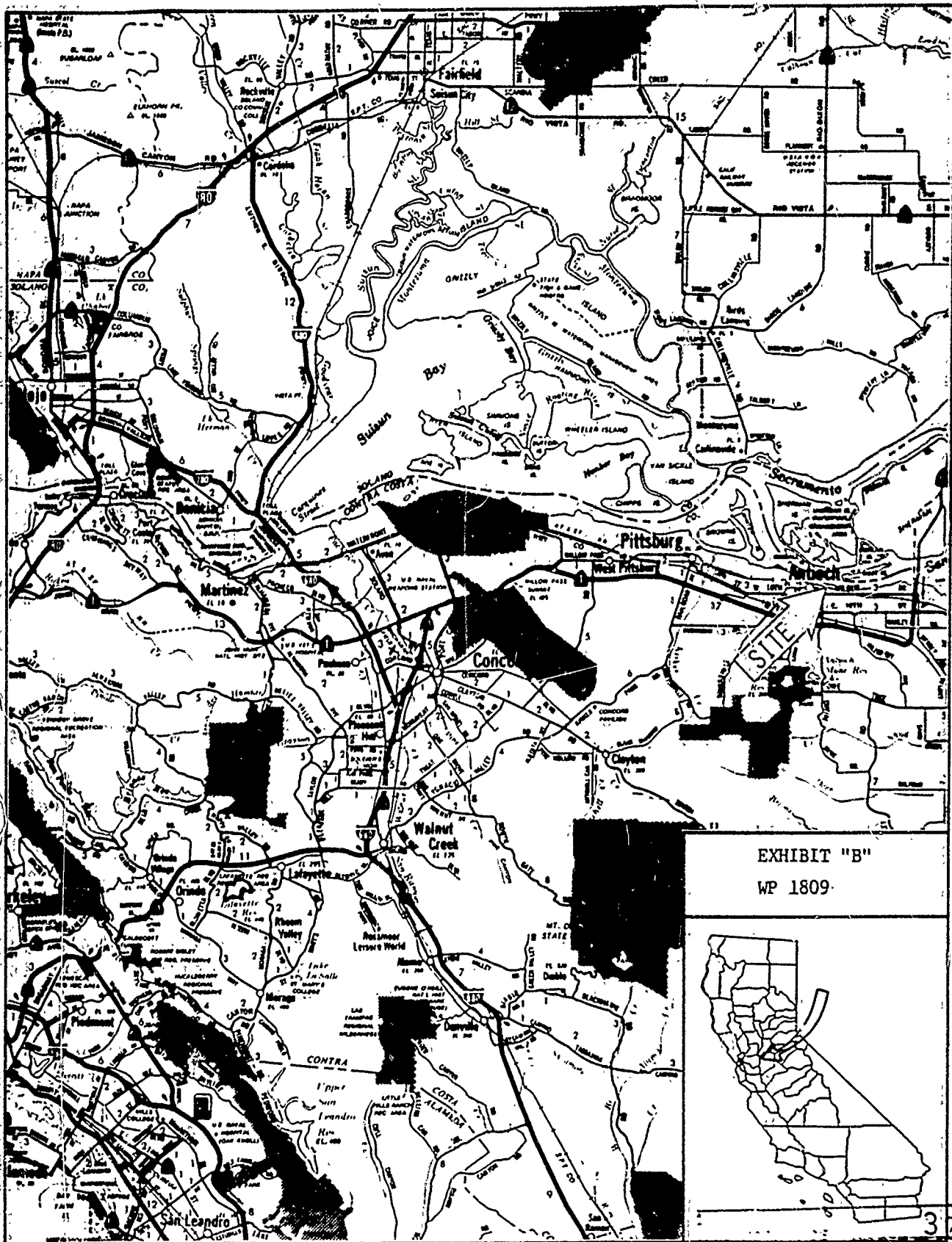


EXHIBIT "B"

WP 1809



2559

EXHIBIT "C"
SUMMARY AND IMPACT OVERVIEW

WP 1809

PROJECT DESCRIPTION

A condominium residential development of 51 units and redevelopment of the existing Rodgers Point Marina is proposed for a 3.6 acres waterfront site in the City of Antioch. The property is located about 150 feet north of Wilbur Avenue and is served by Fulton Shipyard Road. It is bordered on the north by the San Joaquin River and on the south by the Atchison - Topeka and Santa Fe Railway line. Present use of the site is a run-down marina with space for about 125 boats, some substandard covered berthing, a Restaurant-snack bar with a semi-paved but otherwise unimproved parking lot, and two single family residences.

IMPACTS AND MITIGATIONS OF THE PROPOSED PROJECT

The following summary highlights significant environmental impacts which would result from project implementation. Mitigation measures which have been recommended to reduce or eliminate significant impacts are also summarized.

IMPACTS

Hydrology

Refuse from the Drainage Area 56 basins may enter the marina as floating debris.

Boats in the marina may be subject to damage from flood flows from the East Antioch Creek watershed.

Water Quality

The enclosed design of the marina may collect discharge waters from the drainage area, causing collection of street runoff contaminants in marina sediments.

Dredging and marina construction operations will result in temporary adverse effects on the quality of marina waters.

Opportunity for spills of toxic materials and runoff from

surrounding streets and parking lots into marina waters will continue as at present with the existing marina.

Fish and Wildlife

Clearing of the land for development will result in loss of bird feeding, perching, refuge, and nesting areas. Species not tolerant of intense human use of areas will be forced to relocate.

Riparian habitat providing shading, cover, and food for aquatic organisms would be eliminated.

Increased human use of the waterfront area would result in a greater degree of chronic long-term disturbance of the areas of tule marsh and sandy beach on the project site.

Revisions to the existing retaining wall along the waterfront would result in long-term adverse impacts on the adjacent tule marsh habitats.

Degraded water quality would adversely effect fish and aquatic vegetation at the site area.

Geotechnical

Proximity to the Antioch fault results in a high probability of strong earthquake generated ground shaking.

Slopes of the property adjacent to the river are stable and the possibility of slope instability is small.

The site is within potential flooding areas.

Buildings in the marina area would be subject to settlement unless properly engineered.

Archaeological and Historical

Cultural resources were found on the site during a hand augering program which was conducted following a preliminary archaeological reconnaissance. The extent of these resources is expected to be limited, but is presently unknown.

Traffic and Circulation

Major operational and traffic safety reductions will result on Fulton Shipyard Road.

Traffic safety problems will occur at the Wilbur/Fulton Shipyard/Cavallio intersection.

Emergency vehicle access to the project site would be limited to a single site, which can be blocked by a stopped train.

If secondary access to the site were available, traffic on Downtown streets may increase from persons bound for the project site and its adjacent municipal boat ramp.

An increase pedestrian traffic hazard will result at the crossing of the railroad tracks.

An emergency vehicle crossing would be located within the County Flood Control District property under locked gates leading to the levees and an at-grade crossing.

Flashing signals and a crossing gate at Fulton Shipyard Road would be required to warn of approaching trains.

The existing project site plan shows 200 on-site parking spaces. This is deficient 11 spaces when compared to City of Antioch standards.

No recreational vehicle parking is shown on the project site plan.

The project site plan does not include any bicycle pathways within the project.

A two-way circulation system in the marina/restaurant parking area would cause traffic safety problems for drivers, pedestrians, and bicycle riders.

Potential impacts of realignment of Fulton Shipyard Road to the north of the railroad would include: sharp curves in the road, a bridge or culvert to cross East Antioch Creek

flood control channel, a new access road to the condominiums, a changed access to the marina area, and a changed parking lot layout.

Noise

Noise levels inside of some project buildings would reach levels in excess of state standards.

Noise from the adjacent municipal boat ramp area may cause complaints by project residents.

Visual

Increased public accessibility to the deteriorating ferry may cause increase public hazard.

Visual disturbance of new proposed facilities may result from the adjacent deteriorating ferry superstructure.

Public Services

The length of the marina docks may cause delays and hazards in fire fighting because city equipment is not designed for such distances.

The fuel dock creates a potentially hazardous condition for surrounding area uses.

Access to the rear of buildings and to all marina facilities must be available to fire fighting equipment.

The demand for police services will be increased by the additional residents, and accompanying traffic.

The location of residential buildings and marina facilities may cause special police protection requirements to prevent theft and loitering.

Planning and Zoning

The proposed plan does not enhance public access or enjoyment of the waterfront.

A limited number of waterfront residences would be created in an area somewhat removed from concentrated city services.

Marina redevelopment may attract additional boat owners to the Antioch area, but proposed commercial facilities within the project are limited.

The project in total is not consistent with the City General Plan Special Use Facility designation. There is presently no land use designation in the General Plan which is appropriate for the entire development proposal.

The proposed project would provide increased recreational opportunity on the waterfront and possibly provide impetus for additional waterfront improvement.

Unless appropriately landscaped, the trapezoidal channel of the East Antioch Creek Drainage Area could detract aesthetically from the marina.

The project proposes expansion of the marina into tidelands under the jurisdiction of the State Lands Commission.

The proposed project is in conformance with the Delta Action Plan, the Delta Master Recreation Plan, and the Waterways Use Program if public access is provided as recommended in mitigation measures of this report.

MITIGATIONS

Hydrology

Fencing and regular scheduled debris clean up may be necessary in the East Antioch Creek detention basin which discharges to the marina.

The marina should be designed to minimize damage to boats from flood flows possibly by (1) widening of the discharge point of the flood control channel or (2) relocating berths.

Water Quality

Circulation within the marina should be such that a complete flushing of water would take place.

An erosion and sediment control plan should be prepared specific to the development site and implemented by the developer.

The marina area should be properly signed to prohibit littering, spills of chemicals, and fish cleaning in undesignated areas. Fish cleaning areas should be provided and connected to the city sewerage system.

Sewage pumpout facilities should be added to the redeveloped marina per the Harbors and Navigation Code requirements.

Fish and Wildlife

Retention of some existing mature vegetation and revegetation with native and selected cultivated plants will provide habitat for more human-tolerant bird species. Replacement of habitat by vegetation restoration on the island created by the sunken Solano Ferry is a possible compensation measure which should be investigated further.

A berm planted with native riparian vegetation would provide habitat for wildlife and a visual amenity for marina users and condominium residents.

Soils analysis of dredged material and review of the environmental impacts of disposal must be performed at a later date.

Public access to the tule marsh areas should be limited to reduce disturbance and allow restoration of riparian vegetation. Only passive use of the areas should be allowed. Public use of the sandy beach should be continued as at present.

Further engineering analysis of the existing retaining wall must be completed prior to processing of the tentative subdivision map. Appropriate mitigation must be determined following that analysis.

An erosion and sediment control plan should be implemented to reduce possible adverse effects on water quality and fish and aquatic plant communities.

Geotechnical

Structures should not be constructed directly adjacent to the slopes at the rivers edge unless retaining walls are constructed or other protection methods taken.

All structures must be located above anticipated flood levels.

Foundations of buildings in the marina area should be properly engineered and located to withstand settlement potential.

Archaeological and Historical

Further definition of the site cultural resources requires either a Phase II Program of site investigation or surveillance of the site during project grading.

Traffic and Circulation

Fulton Shipyard Road should be widened to at least 24 feet as an interim improvement.

A 4-way stop should be installed at the Wilbur/Fulton Shipyard Road/ Cavallo intersection.

Emergency vehicle access should be provided via an at-grade crossing.

Fencing or a wall to prevent pedestrian movement across the railroad tracks should be installed.

A pedestrian underpass connecting the Rodgers Point Marina Development and the Hickmott Cannery project could be constructed.

Crossing gates should be installed at the Fulton Shipyard Road/Santa Fe Railroad crossing.

A Final Development containing a complete parking scheme as required by the City must be submitted for evaluation.

A public bicycle/pedestrian path should be provided near the

water to the maximum extent possible.

A one-way counterclockwise vehicle circulation system should be provided in the marina/restaurant parking area.

A gradual curving alignment for Fulton Shipyard Road should be designed for the new right-of-way north of the railroad.

Negotiations with the railroad concerning long-term realignment of Fulton Shipyard Road should take place.

Noise

Buildings should be air conditioned so that windows can remain closed to reduce maximum noise levels. Buildings closest to the railroad would require sound-rated glass at least in bedrooms.

Police patrols and an 8-foot solid fence along the easterly property line of the project could be used to reduce noise from the adjacent property if the noise is the cause for complaints.

Visual

Public access to the ferry should be prohibited.

The need for mitigation for visual disturbance from the existing condition of the ferry should be determined at the City's discretion.

Public Services

Hydrants and hose cabinets should be installed along the marina docks. Availability of a marina berth for the Riverview Fire District fire boat would maximize fire fighting conditions on the water.

The fuel dock should be relocated away from the commercial area.

Condominiums and marina buildings should be designed to provide fire fighting access to all areas.

Emergency access to the project site is required for police services.

Project design should be reviewed by the Police Department for conditions which would reduce policing problems.

Planning and Zoning

Public access should be provided along the western most breakwater of the project and along the waterfront perimeter of the condominium area of the project. These should be included in revised development plans and made a condition of development approval.

Parking in the marina lot should be available to the general public and not restricted to boat owners only.

Pedestrian access to the future commercial development at the Hickmott Cannery property could be provided.

A waterfront walkway would provide passive recreation along the City riverfront.

A new Land Use Element designation for the downtown/waterfront should be prepared and considered for the subject property. The development should be processed pursuant to the Planned Development District (PD) to assure an integrated project.

Revegetation of the flood control channel should follow the same plan as that recommended as mitigation for riparian vegetation removal along the eastern parcel perimeter.

A lease amendment must be negotiated with the State Lands Commission.

Harbor Layout

A preliminary analysis of the existing site conditions and a review of the proposed harbor plan resulted in the following recommendations for changes to the harbor plan:

The entrance should be increased to 75 feet at the design depth.

The width of the main channel adjacent to the Solano Ferry should be increased to 75 feet.

The width of the fairways should be increased to 1.75 times the length of the longest berth.

The depth of the marina should be dredged to 10 feet deep at the entrance, 9 feet deep in the main channel, 6 feet deep under berths greater than or equal to 25 feet long, and 4 feet deep under berths less than 25 feet if sail boats are to be used.

Increase finger width to 3 feet for fingers 20 to 35 feet long.

Provide sewage pumpout facility adjacent to fuel dock.

Provide public restroom facilities.

Eliminate interference between berth area and fuel dock area.

Provide access from land for clean out of floating debris trapped in the back corners of the marina.

SUMMARY OF RESPONSIBILITY FOR IMPLEMENTATION OF MITIGATIONS

Responsible Agency or Person:

- 1 = Project Developer
- 2 = City of Antioch
- 3 = Contra Costa County Flood Control and Water Conservation District
- 4 = Other

RECOMMENDED MITIGATION MEASURE

RESPONSIBILITY

	1	2	3	4
<u>Hydrology</u>				
Fencing and debris clean up	X		X	
Marina design to minimize boat damage	X		X	
<u>Water Quality</u>				
Street and parking lot cleaning		X		
Marina Design for maximum circulation of waters	X			
Erosion and sediment control plan preparation and implementation	X			
Marina signing to prohibit waste discharge	X			
Sewage and other wastes pumpout facilities in marina	X			
<u>Fish and Wildlife</u>				
Compensation for vegetation/habitat removal	X			
Planted berm to replace removed riparian vegetation	X			
Analysis of dredge spoils and impacts of spoils disposal	X			
Limit public access to marsh areas and retain public access to sandy beach	X			
Engineering analysis of retaining wall and mitigation as appropriate	X			
Erosion and sediment control plan (same as for Water Quality)	X			

MITIGATION MEASURE

RESPONSIBILITY

1 2 3 4

Geotechnical

Facilities designed to resist
earthquake forces
Engineering analysis of retaining
wall and modifications to
project plan if appropriate
All structures above flood levels
Foundations engineered to
withstand settlement

X

X

X

X

Archaeological/Historical

Phase I augering program (completed)
Further study of site cultural
resources or on-site
surveillance during grading

X

X

Traffic/Circulation/Parking

Widening of Fulton Shipyard Road
to 24 ft on an interim basis

X

Installation of 4-way stop at
Wilbur/Fulton Shipyard Rd/
Cavallo intersection

X

Emergency vehicle access via
at-grade crossing

X

Pedestrian underpass of the
railroad

X

X

Fence along north side of
railroad

X

Crossing gates at Fulton Shipyard
Rd/Sante Fe Railroad crossing

X

X

Final Development Plan must

include a complete parking
plan per City requirements

X

A public bicycle/pedestrian path
provided near the waterfront

X

One-way circulation system in the
marina/restaurant parking lot

X

Provide gradual curving alignment
to new Fulton Shipyard Rd

X

X

Negotiation with the railroad

X

X

concerning realignment of road

Noise

Air conditioning of buildings and
specific construction materials

X

Fence along property line and
police patrols

X

X

MITIGATION MEASURE

RESPONSIBILITY

1 2 3 4

Visual

Gate and posting to prohibit public
access to the ferry
Need for visual mitigation at
the City's discretion

X

X

Public Services

Fire fighting equipment
installed on docks

X

Fire boat berth for

Riverview Fire District

X

Relocation of fuel dock

X

Fire fighting access to all
areas of development

X

Emergency access for police
services

X

Review of project design by
Police Department

X

Planning and Zoning

Public access along breakwater
and other waterfront

X

Public access parking allowed
in parking lot

X

Pedestrian access to Hickmott
Cannery commercial site

X

New General Plan Land Use
Element designation

X

Revegetation of flood control
channel at mouth of marina

X

Lease amendment with State
Lands Commission

X

X

Harbor Layout

Changes in width and depth of
entrance channel, main
channel, and fairways to meet
state guidelines

X

Changes in dock structure width
to meet guidelines

X

Provide sewage pumpout facilities
and public restrooms

X

Redesign fuel dock location

X

Provide easy clean out of debris
in back corners of marina

X