

MINUTE ITEM

This Calendar Item No. 30
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 3
to 0 at its 3/26/87
meeting,

CALENDAR ITEM

30

03/26/87
W 23649 PRC 7063
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APPROVAL OF A GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT: City of Pittsburg
2020 Railroad Avenue
Pittsburg, California 94565

AREA, TYPE LAND AND LOCATION:
Two parcels totalling 8.281 acres of tide and
submerged land, located in the Sacramento River
near New York Slough at Pittsburg, Contra Costa
County.

LAND USE: Construction of an earthen breakwater over laid
with a fishing pier, riprap placement and
marina expansion. Dredge a maximum of
35,000 cubic yards of minerals other than oil,
gas and geothermal and dispose of on public
land.

TERMS OF PROPOSED PERMIT:
Initial period: 20 years beginning April 1,
1987.

CONSIDERATION: The 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
and/or if revenue exceeds costs.

Royalty: No royalty shall be charged
for material placed on lands
held for public use and
benefit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

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(ADDED 03/20/87)

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CALENDAR ITEM NO. 30 (CONT'D)

APPLICANT STATUS:

Applicant is owner and permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have 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:

07/14/87.

OTHER PERTINENT INFORMATION:

1. Marina expansion and a breakwater super imposed with a fishing pier to be constructed on ungranted tide and submerged lands is proposed by the City of Pittsburg as part of a project to redevelop the City. An existing public marina is situated within lands granted to Pittsburg by Statutes of 1937, Chapter 214. The City is negotiating a lease for use of 1.895 acre of State-owned land leased to Pacific Gas and Electric Company (P.G.&E.) under PRC 4444 upon which the project will infringe. The City holds a letter of permission but is attempting to resolve details relative to mitigation for presumed killing of fish released by P.G.&E. at the site. The terms of the State lease require the applicant to complete negotiations and submit the executed contract to the Commission for approval as a condition of lease continuance.

Project financing is a \$7 million long term loan from Cal Boating.

Stringent conditions were placed on the United States Army Corps of Engineers' permit to minimize disturbance of the environment during construction of the breakwater. Materials used in constructing it will consist of 200,000 cubic yards of earthen fill dredged from the Marina basin

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to attain -9.0 feet MLLW and 30,000 cubic yards of riprap placed inboard and outboard of the embankment. Thirty days preceding placement, the applicant shall submit and receive written authorization from the Executive Officer for the proposed riprap plan. Upon completion, the City shall plant native vegetation, monitor growth for five years and replace any failures.

Of the 300 berths planned for the total project, 75 open berths will lie within the proposed lease area.

The annual rental value of the site is estimated to be \$18,632.

2. A Negative Declaration was prepared and adopted for this project by the City of Pittsburg. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
3. 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. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 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 2 Cal. Adm. Code 2954 is not applicable.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
Department of Boating and Waterways,
United States Fish and Wildlife Service,
Regional Water Quality Control Board,
City of Pittsburg Planning Commission, and
United States Environmental Protection Agency.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PITTSBURG 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 THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
4. AUTHORIZE DELEGATION OF AUTHORITY TO THE EXECUTIVE OFFICER TO ACCEPT AND APPROVE A PROJECT RIPRAP PLACEMENT PLAN.
5. DETERMINE THAT APPROVAL OF THE LEASE IS SUBJECT TO THE COMMISSION'S APPROVAL OF A LEASE BETWEEN PACIFIC GAS AND ELECTRIC COMPANY (PRC 4444) AND CITY OF PITTSBURG WITHIN SIX MONTHS OF APRIL 1, 1987 FOR LANDS ENCUMBERED BY SAID LEASE.
6. AUTHORIZE ISSUANCE TO CITY OF PITTSBURG OF A 20-YEAR GENERAL LEASE - PUBLIC AGENCY USE BEGINNING APRIL 1, 1987; IN CONSIDERATION OF THE 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; AND/OR IF REVENUE EXCEEDS COSTS; FOR CONSTRUCTION AND MAINTENANCE OF A COMBINATION BREAKWATER AND FISHING PIER AND MARINA EXPANSION; DREDGE A MAXIMUM VOLUME OF 35,000 CUBIC YARDS OF MATERIAL (TO BE DISPOSED ON PUBLIC LANDS) ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 23649

Two parcels of tide and submerged land in the Sacramento River, vicinity of Pittsburg, Contra Costa County, California, described as follows:

PARCEL 1

BEGINNING at Station 6 as shown on the map entitled "Plat of the North Property Line of P.G.&E.", filed for record in Book 19, Page 33, Licensed Land Surveys, Contra Costa County Records, thence from said point of beginning along said property line N 72°22'01" W, 473.90 feet; thence leaving said line N 17°37'28" E, 319.06 feet; thence N 38°25'11" W 129.99 feet, thence N 45°56'11" E 137.31 feet; thence S 72°22'01" E, 566.65 feet; thence S 17°37'58" W, 141.29 feet; thence S 89°47'57" W, 52.50 feet; thence S 17°37'58" W, 355.18 feet to the point of beginning.

PARCEL 2

BEGINNING at Station 5 as shown on the map entitled "Plat of the North Property Line of P.G.&E.", filed for record in Book 19, Page 33, Licensed Land Surveys, Contra Costa County Records; thence from said point of beginning along said property line S 72°22'01" E, 189.88 feet; thence leaving said property line N 17°37'28" E 319.06 feet; thence N 38°25'11" W, 129.99 feet; thence S 45°56'11" W 496.47 feet to a point on said property line; thence along said property line S 88°52'32" E, 159.99 feet to the point of beginning.

This description is based on the California Coordinate System of 1927, Zone 3.

END OF DESCRIPTION

PREPARED MARCH 9, 1987, BY BOUNDARY SERVICES UNIT, M. L. SNAFER, SUPERVISOR.

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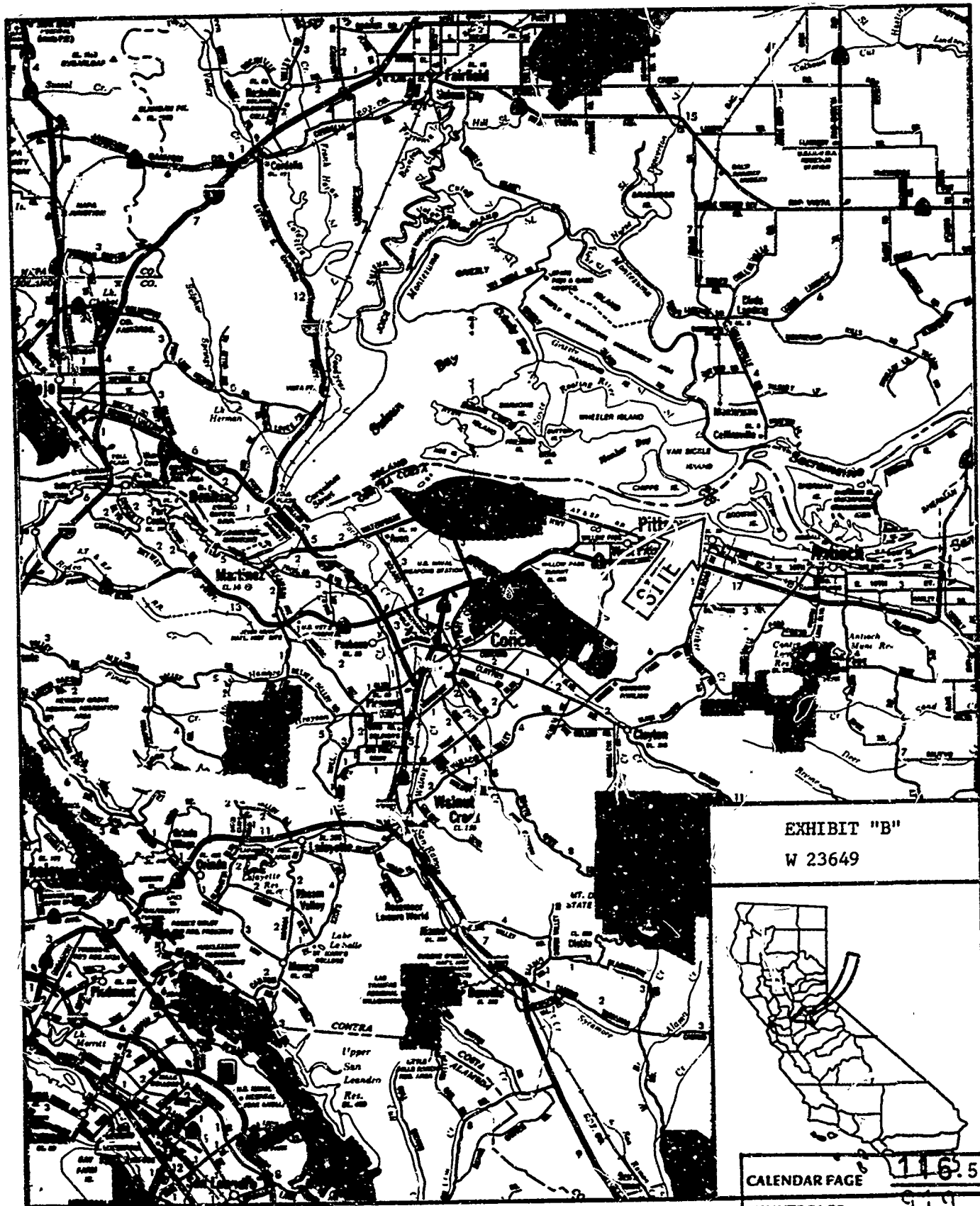


EXHIBIT "B"

W 23649



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EXHIBIT "C"
W 23649

Marina Expansion-Phase III
Contract 85-01
March 8, 1985
SCH #84112006

1. Project Description and Location:

This is a City initiated proposal to construct a new basin for 300 new, open and/or covered boat berths for recreational boats located on approximately 20 acres on the shoreline of Suisun Bay where the Sacramento River and New York Slough merge. The majority of the proposal will be located on the former Montezuma Sewage Treatment Plant.

The proposal includes excavation to a depth of -11 feet sea level, creating 245,000 cubic yards of material. Suitable disposal sites in the Pittsburg area have been found for all excavation material.

Other aspects of the project include: 1) Construction of \approx 400 foot combination fishing pier and breakwater, 2) Construction of a 400 space drydock and boat repair facility, 3) Provision for 86 parking spaces, 4) Construction of public walkways around the basin, 5) Construction of restrooms, 6) Relocation of a portion of Riverview Park.

- 2. Finding:** The Community Development Director has determined that the project described above will not have a significant effect on the environment for the following reasons:

3. Statement of Reasons to Support the Finding (Mitigation Measures)

A. General Plan/Land Use Compatibility: The project is consistent with the General Plan designation of recreational commercial and the surrounding land is vacant residential which is proposed to be developed with water oriented residential developments.

B. Traffic/Circulation: The project is not expected to generate a significant amount of traffic. The existing downtown circulation provides access from Railroad Avenue and Harbor Street. Plans for railroad grade separation projects on these roads have been approved and will improve accessibility of the project.

C. Noise Impacts: The project will increase noise levels in the area on a temporary basis during construction. This can be mitigated by requiring trucks carrying materials at the fill site to operate between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

D. Water Impacts: The water discharge from the project is not expected to impact the quality of water because the suspended particles and silt will be contained in settling ponds. The City intends to file a report of waste discharge with the Regional Water Quality Control Board, as required, for the disposal of surplus water contained in the settling ponds.

E. Impacts on Natural Resources: The project is proposed on the former Montezuma Sewage Treatment Plant site so there is no natural vegetation or unique physical features on the site.

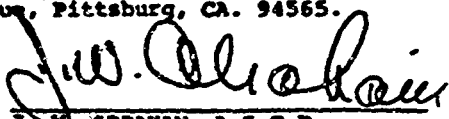
F. Other Impacts: Air quality, seismic, hydrologic and other impacts are not considered significant for this proposal.

4. Initial Study:

A precise description of the project and an environmental analysis of the potential effects of the subject proposal may be reviewed at the Pittsburg Community Development Department-Planning Division, 65 Civic Avenue, Pittsburg, CA. 94565.

5. Appeal Procedure:

The determination of the Community Development Director may be appealed, by any person, not later than the tenth (10th) day following the above date. The appeal shall be filed with the City Clerk, 2020 Railroad Avenue, Pittsburg, CA. 94565.


J. W. ABRAHAM, A.I.C.F.
Community Development Director
CDP 012

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**CITY OF PITTSBURG
COMMUNITY DEVELOPMENT DEPARTMENT
INITIAL STUDY CHECKLIST**

I. Background

1. Name of Proponent City of Pittsburg
2. Address and Phone Number of Proponent (415) 439-4920
65 Civic Avenue, Post Office Box 1518, Pittsburg, CA
94565-1518
3. Date of Checklist Submission February 13, 1985
4. Agency Requiring Checklist City of Pittsburg
5. Name of Proposal, if applicable Marina Expansion Phase III
6. Brief Description of Proposal (see attached)

II. Environmental Impacts
(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	YES	MAYBE	NO
1. <u>Earth</u> — Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	—	—	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	<u>X</u>	—	—
c. Change in topography or ground surface relief features?	<u>X</u>	—	—
d. The destruction, covering or modification of any unique geologic or physical features?	—	—	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>

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- | | YES | MAYBE | NO |
|---|-----|-------|--------------|
| f. Alteration of the direction or rate of flow of ground waters? | ___ | ___ | <u> X </u> |
| g. Change in the quantity of ground waters, either through direct additions or through interception of an aquifer by cuts or excavations? | ___ | ___ | <u> X </u> |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | ___ | ___ | <u> X </u> |
| i. Exposure of people or property to water related hazards such as flooding or tidal waves? | ___ | ___ | <u> X </u> |
| j. Change in the quality of ground water. | ___ | ___ | <u> X </u> |
| 4. <u>Plant Life.</u> Will the proposal result in: | | | |
| a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | ___ | ___ | <u> X </u> |
| b. Reduction of the numbers of any unique, rare or endangered species of plants? | ___ | ___ | <u> X </u> |
| c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | ___ | ___ | <u> X </u> |
| d. Reduction in acreage of any agricultural crop? | ___ | ___ | <u> X </u> |
| 45. <u>Animal Life.</u> Will the proposal result in: | | | |
| a. Change in the diversity of species, or numbers of any species of animals (birds, land animals, including reptiles, fish and shellfish, benthic organisms, or insects)? | ___ | ___ | <u> X </u> |

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- | | YES | MAYBE | NO |
|--|----------|-------|----------|
| b. Reduction of the numbers of any unique, rare or endangered species of animals? | ___ | ___ | <u>X</u> |
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | ___ | ___ | <u>X</u> |
| d. Deterioration to existing fish or wildlife habitat? | ___ | ___ | <u>X</u> |
| 6. <u>Noise</u> . Will the proposal result in: | | | |
| a. Increases in existing noise levels? | <u>X</u> | ___ | ___ |
| b. Exposure of people to severe noise levels? | ___ | ___ | <u>X</u> |
| 7. <u>Light and Glare</u> . Will the proposal produce new light or glare? | ___ | ___ | <u>X</u> |
| 8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned land use of an area? | ___ | ___ | <u>X</u> |
| 9. <u>Natural Resources</u> . Will the proposal result in: | | | |
| a. Increase in the rate of use of any natural resources? | ___ | ___ | <u>X</u> |
| b. Substantial depletion of any non-renewable natural resource? | ___ | ___ | <u>X</u> |
| c. Contribute toward the depletion of prime class soils. | ___ | ___ | <u>X</u> |
| d. Contaminate or contribute toward the contamination of natural resources. | ___ | ___ | <u>X</u> |
| 10. <u>Risk of Upset</u> . Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? | ___ | ___ | <u>X</u> |

- | | | | |
|--|----------------|-------|----------------|
| 11. <u>Population.</u> Will the proposal alter the location, distribution, or create a demand for additional housing? | _____ | _____ | _____ <u>X</u> |
| 12. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing? | _____ | _____ | _____ <u>X</u> |
| 13. <u>Transportation/Circulation.</u> Will the proposal result in: | | | |
| a. Generation of substantial additional vehicular movement? | _____ | _____ | _____ <u>X</u> |
| b. Effect on existing parking facilities, or demand for new parking? | _____ | _____ | _____ <u>X</u> |
| c. Substantial impact upon existing transportation systems? | _____ | _____ | _____ <u>X</u> |
| d. Alterations to present patterns of circulation or movement of people and/or goods? | _____ | _____ | _____ <u>X</u> |
| e. Alterations to waterborne, rail or air traffic? | _____ | _____ | _____ <u>X</u> |
| f. Increase in traffic hazardous to motor vehicles, bicyclists or pedestrians? | _____ | _____ | _____ <u>X</u> |
| 14. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: | | | |
| a. Fire protection? | _____ | _____ | _____ <u>X</u> |
| b. Police protection? | _____ | _____ | _____ <u>X</u> |
| c. Schools? | _____ | _____ | _____ <u>X</u> |
| d. Parks or other recreational facilities? | _____ <u>X</u> | _____ | _____ |
| e. Maintenance of public facilities, including roads? | _____ | _____ | _____ <u>X</u> |
| f. Other governmental services? | _____ | _____ | _____ <u>X</u> |

- | | YES | MAYBE | NO |
|--|-----|-------|----------|
| 15. Energy. Will the proposal result in: | | | |
| a. Use of substantial amounts of fuel or energy? | ___ | ___ | <u>X</u> |
| b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | ___ | ___ | <u>X</u> |
| 16. Utilities. Will the proposal result in substantial alterations to the following utilities: | | | |
| a. Power or natural gas? | ___ | ___ | <u>X</u> |
| b. Communications system? | ___ | ___ | <u>X</u> |
| c. Water? | ___ | ___ | <u>X</u> |
| d. Sewer or septic tanks? | ___ | ___ | <u>X</u> |
| e. Storm water drainage? | ___ | ___ | <u>X</u> |
| f. Solid waste and disposal? | ___ | ___ | <u>X</u> |
| 17. Human Health. Will the proposal result in: | | | |
| a. Creation of any health hazard or potential health hazard (excluding mental health)? | ___ | ___ | <u>X</u> |
| b. Exposure of people to potential health hazards? | ___ | ___ | <u>X</u> |
| 18. Energy Conservation. Will the proposal conserve energy, and contribute toward reduced levels of energy consumption, | | | |
| a. Does the project take advantage of such rotation? | ___ | ___ | <u>X</u> |
| b. Does the project cast a shadow that may interfere with solar access. | ___ | ___ | <u>X</u> |
| c. Does the project incorporate solar access provisions. | ___ | ___ | <u>X</u> |
| d. Does the project provide for energy audits. | ___ | ___ | <u>X</u> |
| e. Does the project provide for solar heating of pools, and hot | ___ | ___ | <u>X</u> |

19. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? _____ X
20. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? _____ X
21. Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building? _____ X
22. Mandatory Findings of Significance.
- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____ X
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief definitive period of time while long-term impacts will endure well into the future.) _____ X
- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant).

YES MAYBE NO

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

_____ _____ X

III. Determination
(To be completed by the Lead Agency)

On the basis of this initial evaluation:

 X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

_____ I find that although the proposed project could have a significant effect on the environment, there will not be significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

_____ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_____ I find that the proposed project may have a significant effect on the environment and it has been determined that the following previously prepared Environmental Impact Report(s) will adequately describe: (a) the general environmental setting of the project, (b) the significant environmental impacts of the project; and (c) alternatives and mitigation measures related to each significant effect.

 2-4-85
Date

 Cathy Nowicki
Signature CATHY NOWICKI
For The Planning Division

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CONTRACT 85-01
MARINA EXPANSION PHASE III

INITIAL STUDY CHECKLIST

EXPLANATION OF ALL
"YES" AND "MAYBE" ANSWERS

1. b. The project will displace approximately 260,000 cubic yards of material, which will be stored at the St. Peter Martyr Park site (which is currently undeveloped). The material will form a borrow site for City projects, and as a fill for the park.
1. c. The topography of the park site will change, but it is not expected to impact the site.
3. d. The Marina Basin will add approximately twenty acre feet of Inland Waterways.
6. a. The project will raise noise levels in the area on a temporary basis (during construction). Trucks carrying fill materials to the park site will use Montezuma Street.

Impacts are not expected to be significant, as properties to the east are vacant and belong to the Redevelopment Agency, which also has plans to acquire the properties to the west for road widening purposes under a separate contract.
13. b. The project will create a demand for more parking, but the plan will provide eighty-six (86) parking spaces.
14. d. & e. The project will increase recreational facilities for the region. Some maintenance will be required, which will be provided by the City, financed by berthing fees.

THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the matter of:
Certifying the Negative Declaration)
for the Pittsburg Marina Expansion) RESOLUTION NO. 85-6950
Phase III)

In accordance with Government Code Section 65402, the Pittsburg Planning Commission adopted Resolution No. 4032 finding that the proposed marina facility and fishing pier are consistent with the Land Use Element of the General Plan; and

On the basis of an initial study, a Negative Declaration has been prepared finding that the project will not have a significant effect on the environment; and

The Negative Declaration was sent through the State Clearinghouse for comments from responsible agencies; and

The review period ended on April 5, 1985 and the project has been revised in response to concerns and comments including possible impacts so that all impacts are mitigated; and

The Planning Commission recommended, in Resolution No. 4032, that the City Council certify the Negative Declaration.

THEREFORE, the City Council of the City of Pittsburg resolves:

That all of the information contained within the Negative Declaration has been reviewed and considered and therefore, the City Council certifies the Negative Declaration as being completed in compliance with CEQA, State and City Guidelines.

Passed and adopted by the City Council of the City of Pittsburg at a (a) regular meeting held on the 15th day of April, 1985 by the following vote:

AYES: Councilmembers Currie, Davis, Erickson, Rives & Mayor Parent.
NAYS: None.
ABSENT: None.
ABSTAINED: None.


MAYOR

ATTEST:


CITY CLERK

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