

**CALENDAR ITEM
C41**

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08/11/09

WP 2413.9

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S.Young

ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

California Department of Parks and Recreation
One Capitol Mall, Suite 500
Sacramento, CA 95814

AREA, LAND TYPE, AND LOCATION:

17.82 acres, more or less, of sovereign lands in Ayala Cove, near Angel Island, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing 48 berth floating wood dock, one concrete pier, one concrete landing ramp, one floating steel dock, one metal gangway, existing rip rap and protective structures; and retention, maintenance, and use of 27 mooring buoys, two floating steel docks, and two metal gangways.

PROPOSED LEASE TERM:

49 Years, beginning August 17, 2008.

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.

LEASE PROVISIONS:

This lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories

CALENDAR ITEM NO. **C41** (CONT'D)

OTHER PERTINENT INFORMATION:

1. The Applicant owns the uplands, Angel Island State Park, adjoining the lease premises.

2. On July 25, 1959, the Commission authorized the issuance of a 49-year General Lease – Public Agency Use, to the California Department of Parks and Recreation (Parks) for construction, operation, and maintenance of a boating facility at Ayala Cove on Angel Island. Since that date, the Commission has approved a number of Lease Amendments for expansion of the facility, replacement of moorings, and replacement of piles and upgrades to the facility. The facilities within Ayala Cove, previously approved by the Commission, include 48 boating berths, a concrete pier, a concrete loading ramp, a floating steel dock, and one metal gangway. Facilities recently installed include 27 mooring buoys, two floating steel docks, and two metal gangways. The floating docks provide facilities for public carriers and for two State-operated vessels for Park operations. The ramp provides landing for Park vehicles and commercial deliveries. Parks has applied to the Commission to include the new facilities and to replace the existing lease which expired on August 16, 2008.

Access to Angel Island State Park is by private boat or public ferry from San Francisco, Tiburon, or Vallejo. Private boats can use the boat slips or the 27 new mooring buoys at Ayala Cove. Boat berths are open year-round from 8:00 a.m. to sunset and require payment of a \$10 day-use fee. Mooring fees are \$20 per night and can be used up to seven nights in a row. Slips and buoys are available on a first-come first-served basis. Dock areas and finger piers are closed at sunset. After sunset, private boats must anchor offshore or at the mooring buoys in Ayala Cove. Fees collected are used to maintain the park and boating facilities.

Angel Island State Park covers 740 acres and is the largest island in San Francisco Bay. For nearly 100 years the island housed a variety of military installations, including support of troops operating in the Pacific during WWI and WWII. The island also played a major role in the settlement of the West, serving both as a Public Health Service quarantine station and an immigration station.

Parks' concessionaires operate a café, tram tours, bike rentals, and other amenities to the public accessing the Island. Bikes can be brought to the Island on the ferry and used on the Island's main roads. Park volunteers provide public programs at the Island's historic sites during most

CALENDAR ITEM NO. **C41** (CONT'D)

weekends. In addition, a number of commercial boat tour operators offer day cruises and access to the Island.

3. **Existing Facilities:** As to the 48-berth floating wood dock, one concrete pier, one concrete landing ramp, one floating steel dock, one metal gangway, riprap, and existing protective structures: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities: Title 2, California Code of Regulations, section 2905 (a)(2).

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

4. **New Construction:** As to the installation of 27 mooring buoys, construction, and installation of two floating steel docks and two metal gangways: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures: Title 2, California Code of Regulations, section 2905(c)(1).

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

5. 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.

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR ITEM NO. **C41** (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING FACILITIES: INCLUDING A 48-BERTH FLOATING DOCK, ONE CONCRETE PIER, ONE CONCRETE LANDING RAMP, ONE FLOATING STEEL DOCK, ONE METAL GANGWAY, EXISTING RIP RAP AND PROTECTIVE STRUCTURES, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES: TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a) (2).

NEW CONSTRUCTION: INCLUDING INSTALLATION OF 27 MOORING BUOYS, TWO FLOATING STEEL DOCKS AND TWO METAL GANGWAYS, FIND THAT THE ACTIVITY IS EXEMPT FROM THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION BEGINNING AUGUST 17, 2008, FOR A TERM OF 49 YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING 48 BERTH FLOATING WOOD DOCK, ONE CONCRETE PIER, ONE CONCRETE LANDING RAMP, ONE FLOATING STEEL DOCK, ONE METAL GANGWAY, EXISTING RIP RAP, AND PROTECTIVE STRUCTURES; AND CONSTRUCTION, INSTALLATION, MAINTENANCE, AND USE OF 27 MOORING BUOYS, TWO FLOATING STEEL DOCKS, AND TWO METAL GANGWAYS ON THE LAND SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED ON 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

CALENDAR ITEM NO. **C41** (CONT'D)

TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.