



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
May 7, 2008**

**TO: Mayor and City Council**  
**FROM: Albert Lopez, Deputy Director**  
**SUBJECT: Agreement with State Lands Commission and  
Approval of Environmental Document**  
**DATE: April 22, 2008**

**RECOMMENDATION:**

Adopt attached resolution approving Negative Declaration and directing staff to continue the State Lands Commission lease renewal process.

**BACKGROUND**

The Martinez Marina is a 70 acre site that is currently owned by the State Lands Commission and leased to the City for 50 years. As the lessee, the City can operate, maintain and make improvements to the Marina as part of the State Lands Commission lease agreement. The purpose of this report is to demonstrate that the City intends to seek another 50 year lease with the State Lands Commission, and to make significant improvements to the Marina over the next 5 years.

The revitalization of the Marina and improvement to the facilities has been a long term goal of the City Council, and the proposed project will improve the Marina and return it to an economically functioning arm of the City under the management of a third party, Martinez Marina LLP. Currently the waterside portion of the Marina is used mostly for recreational boating and is a significant component of the City's recreational and open space facilities.

For years the Marina has not functioned at a level necessary to attract boaters and slip rentals which has made major investments difficult. Deferred maintenance to all aspects of the Marina has also made it difficult for the City to compete with other nearby marinas. The City Council realizes the importance of the Marina as an economic development strategy. The Downtown Specific Plan includes attracting visitors to Downtown and the Shoreline as one of its goals, and the revitalization of the marina is critical to meeting this goal.

As the City considers an extension of the State Lands lease, one of requirements for the City to fulfill prior to executing a new lease is that all proposed improvements to the Marina must be reviewed pursuant to the California Environmental Quality Act (CEQA).

In particular, the City's proposed "project" of making considerable waterside improvements to the Marina (new breakwater, dredging, and new docking system) must be reviewed for compliance with CEQA prior to State Lands Commission review and approval. To that end, this report demonstrates that: 1) the proposed project has been reviewed pursuant to CEQA, 2) that no significant environmental impacts will result from the project, and 3) a Negative Declaration has been prepared for City Council consideration.

This project did not go before the Planning Commission since it is not a land use entitlement project, and therefore in this instance the Planning Commission does not serve as an advisory body to the City Council (the decision-making body). However, it has been reviewed by the Marina Commission.

### **The Marina Waterside Improvement Project**

The "project" for CEQA purposes includes three main elements; (1) breakwater improvements, (2) dock system replacement, and (3) dredging. (*See figure 4.3 –Proposed Phasing Plan*) The recent demolition of the abandoned pier, although mentioned in the CEQA document, has already taken place as an "exempt" project under CEQA and will not be further analyzed here. Also included as part of the waterside improvements is the disposal of dredged material at the Martinez Marina and at other open-water sites.

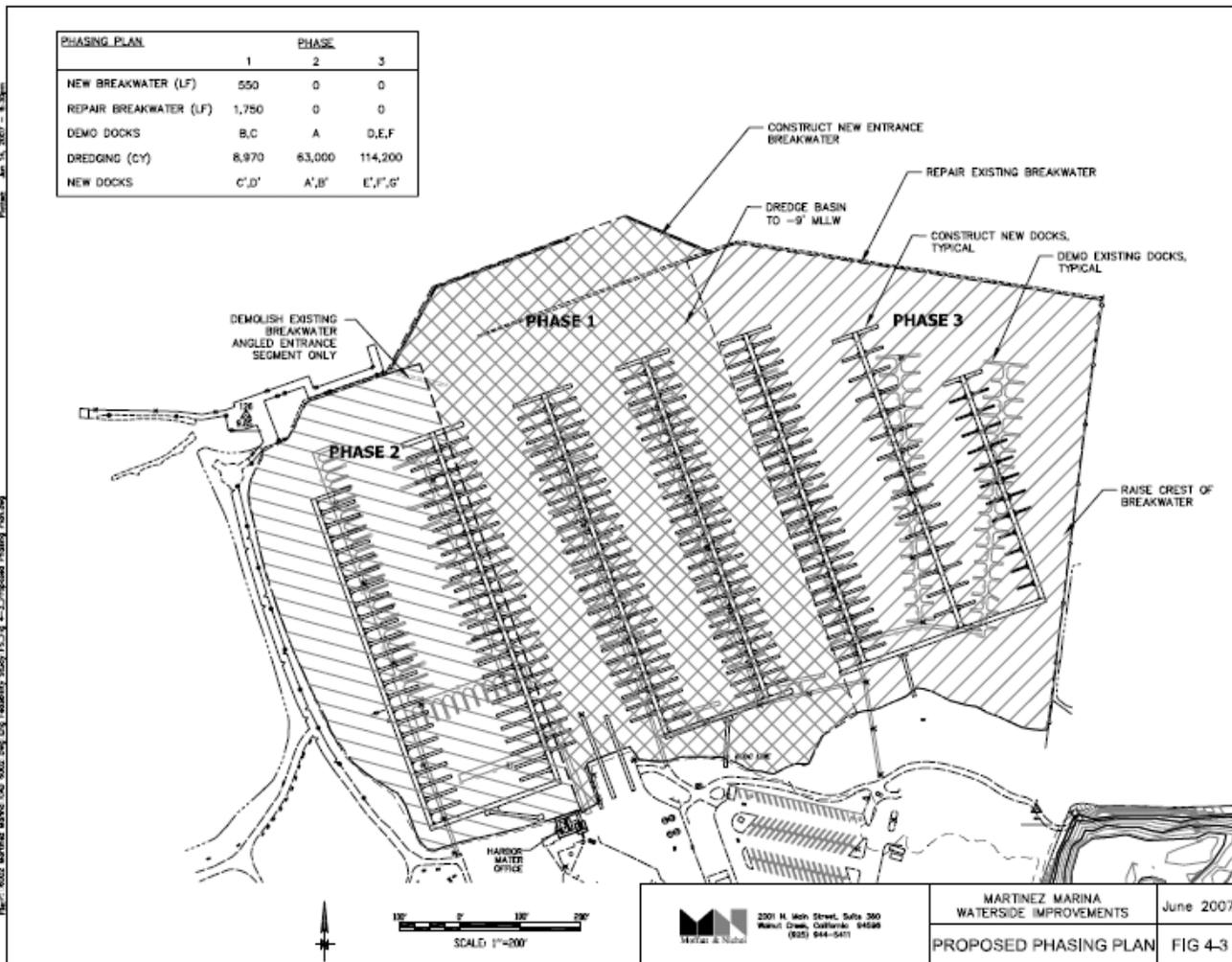
The existing breakwater, constructed of creosote-coated timber piles, does not provide adequate protection to the Marina. Sections of the breakwater have deteriorated over time, leaving gaps in the structure and resulting in missing and damaged support members. Other portions of the breakwater are too low and are frequently overtopped by waves. In addition, the existing configuration and orientation of the entrance channel allows peak waves to enter the marina basin un-attenuated. As a result, the dock system receives an excessive battering from wind-waves. Damaged dock sections have been removed resulting in a loss of boat slip capacity. The existing dock system is beyond its life expectancy and needs to be replaced. Breakwater improvements would include repairing, stabilizing and reconfiguring the existing structure; raising the height in low areas; and extending the breakwater for enhanced wave protection and to control the siltation into the marina basin.

In addition, the existing condition and orientation of the breakwater allows excessive shoaling in portions of the basin. Currently, frequent maintenance dredging is required at great expense to the Marina and inconvenience to slip holders who are displaced during dredging episodes. Maintenance dredging requirements have become costly such that portions of the basin are not dredged and the boat slips are left vacant. The proposed dredging of the marina basin would be the first time the entire marina will have been entirely dredged since the original construction of the basin. Routine maintenance dredging will continue to be required in the future, even with this basin-wide dredging. However, the proposed improvements to the breakwater would require less frequent maintenance dredging.

Proposed marina improvements are expected to enhance the desirability of the marina and increase the slip capacity. The aging and damaged dock system will be replaced with a "State of the Art" concrete dock system that reflects the current market demand for moorages. The sizing

ranges between thirty and sixty feet in length and the larger slips over forty feet are single loaded. Each dock will include utilities (electrical and water) designed for the boat demands; individual dock boxes for storage; cable and TV outlets; and internet access. The marina will also have a fuel dock and pump-out facility.

The proposed improvements will enhance the Marina’s desirability, increase occupancy and provide an increase in the number of usable slips.



**Environmental Review**

The proposed improvements to the Martinez Marina will take place in a sensitive aquatic environment given its adjacency to the Carquinez Strait. It is anticipated that the construction of project improvements will occur with utmost concern for biological resources and within the necessary “fish windows” to minimize disruption to wildlife.

The City, as the lead agency, has completed an Initial Study that found no significant impacts will result from the project. The Initial Study analyzed all aspects of the project with the potential to impact environmental resources. Upon finding that there were no significant impacts, the City prepared a Notice of Intent to Adopt a Negative Declaration. As required by CEQA for projects

of regional significance, various State Agencies were also asked to comment on the Initial Study; copies of the documents were sent to the State Clearinghouse for distribution.

The mandatory 30 day comment period on the Notice of Intent began on January 17<sup>th</sup>, 2008 and ended on February 15, 2008. During the 30 day comment period the City received two comment letters, one from Mr. Paul Wilson, a Martinez resident, and the other from the East Bay Regional Park District. Their comments and the response to their comments are attached as Exhibit A. The responders included no new information or challenged the adequacy of the environmental document that would require further analysis.

### **Outside Agency Review and Coordination**

This project will require coordination, review and permits from outside regional agencies such as the State Lands Commission, San Francisco Bay Conservation Development Commission (BCDC), the US Army Corps of Engineers (USACE), the Department of Fish and Game (DFG), and the San Francisco Regional Water Quality Control Board (RWQCB). These agencies have jurisdiction over adjacent waterways and their biological resources and were asked to comment. The fact they did not respond during the 30 day comment period indicates they are satisfied with the preparation of the Initial Study and its conclusions, or are relying on their permitting requirements to resolve any outstanding concerns they may have regarding potential impacts.

The attached Initial Study goes into detail on all aspects of the project as it pertains to environmental resources. Staff is familiar with both the construction methods to be employed as well as the measures to be taken to ensure minimizing impacts to those resources in the area. Given the high profile nature of this project at the State level, and the purview of other regulatory agencies with which the City must coordinate, City Staff is confident the project can proceed satisfactorily from an environmental perspective.

The attached resolution makes findings indicating the City Council has read through the documents and can draw the same reasonable conclusions as indicated in the documents that no significant impacts will result from this project. The staff recommendation is to adopt the resolution approving the Negative Declaration. Upon approval, Staff must file a Notice of Determination within 5 days of the approval date with the County Clerk.

### **ACTION:**

Adopt resolution approving the environmental document.

### **FISCAL IMPACT:**

No additional impact to General Fund accounts.

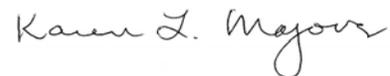
### **ATTACHMENTS:**

- Exhibit A – Response to comments
- Exhibit B – Draft Negative Declaration and Initial Study
- Exhibit C – Draft Resolution approving environmental document

**APPROVED BY:**

  
City Manager

**APPROVED BY:**

  
Assistant City Manager Community &  
Economic Development

**RESOLUTION NO. -08**

**RESOLUTION APPROVING A NEGATIVE DECLARATION FOR THE MARTINEZ MARINA WATERSIDE IMPROVEMENTS PROJECT, AS REQUIRED BY THE STATE LANDS COMMISSION PRIOR TO THEIR CONSIDERATION OF A NEW MARINA LEASE**

**WHEREAS**, the Martinez Marina is a 70 acre site owned by the State Lands Commission and leased to the City of Martinez in 50 year term increments; and,

**WHEREAS**, the City of Martinez will pursue making waterside improvements at the Marina to make it more economically viable including a new breakwater, dredging, and new docking system; and,

**WHEREAS**, prior to making such improvements and considering a new 50 year lease, the State Lands Commission requires the City to complete an environmental review of said improvements pursuant to the California Environmental Quality Act (CEQA); and,

**WHEREAS**, the City completed an Initial Study and prepared a Notice of Intent to adopt a Negative Declaration with a 30 day comment period starting on January 17<sup>th</sup>, 2008 and ending on February 15, 2008; and,

**WHEREAS**, two comments were received from the public, yet the responders included no new information or challenged the adequacy of the environmental document that would require further analysis; and,

**WHEREAS**, the City will coordinate with other regulatory agencies during the construction period to minimize disruption to sensitive biological and aquatic habitats, and

**WHEREAS**, the City of Martinez is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based, and the location of said documents is the Martinez Community Development Department at 525 Henrietta Street, Martinez CA 94553; and,

**WHEREAS**, the City Council finds there is no substantial evidence, in light of the whole record before it, that the project may have a significant effect on the environment, and the Negative Declaration reflects the lead agency's independent judgment and analysis.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Martinez hereby adopts the Negative Declaration for this project.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 7<sup>th</sup> day of May 2008, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ