

17. CONSIDERATION OF SUBSTANTIAL COMPLIANCE, GRANT TO THE CITY OF RICHMOND, CHAPTER 1336, STATUTES OF 1959; CONTRA COSTA COUNTY - G 02-04.

After consideration of Calendar Item 16 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE CITY OF RICHMOND HAS SUBSTANTIALLY COMPLIED WITH CHAPTER 1336, STATUTES OF 1959, AS REQUIRED BY SECTION 1(h).
2. APPROVES THE GENERAL PLAN FOR THE FUTURE USE OF GRANTED LANDS AS REQUIRED BY SECTION 1(i) AND SECTION 1(c) OF THE AMENDED GRANT STATUTE.
3. AUTHORIZES THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF RICHMOND, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION OF SUBSTANTIAL COMPLIANCE AND HAS APPROVED THE GENERAL PLAN FOR FUTURE USE, AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY HAS COMPLIED WITH THE REQUIREMENTS OF SECTION 1(h), SECTION 1(i) AND SECTION 1(c) OF CHAPTER 1336, STATUTES OF 1959, AS AMENDED.

Attachment:

Calendar Item 16 (5 pages)

CALENDAR ITEM

16.

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G 02-04

CONSIDERATION OF SUBSTANTIAL COMPLIANCE,
GRANT TO THE CIT. OF RICHMOND,
CHAPTER 1336, STATUTES OF 1959

GRANTEE/TRUSTEE: City of Richmond.

LOCATION: Lands granted by Chapter 1336, Statutes of 1959, as said lands are shown on a "Map of the Grant to City of Richmond" prepared and approved by the State Lands Commission on July 28, 1961, and recorded in the office of the Recorder of Contra Costa County on September 11, 1961, in Map Book 19, pages 31 and 32.

PURPOSES: 1. Determine whether the City of Richmond, Contra Costa County, has substantially complied with the terms of the granting statute as amended by Chapter 233, Statutes of 1971, under the following section:

"Section 1(h) - The lands herein granted are held upon the express condition that on or before January 1, 1973, said lands shall be substantially improved, restored, preserved, or maintained by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve, restore, preserve, or maintain said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall rest and revert in the state."

2. Approve the plan submitted as required by Sections 1(c) and 1(i):

"The lands herein granted are held upon the express condition that the general plan which the city is required to submit to the State Lands Commission by January 1, 1973, pursuant to Section 6374 of the Public Resources Code is approved by the State Lands Commission. In the event that the city's general plan is disapproved by the State Lands Commission at a public hearing, all right, title and interest of the city in and to all lands granted by this act shall cease and said lands shall revert and rest in the state."

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Section 1(c) states, in part, that:

"The city shall submit any plan which includes a proposal for the restoration, preservation, or maintenance of the lands to the State Lands Commission for its approval, and no action may be taken to implement any such plan until the plan has been so approved."

REPORT OF INVESTIGATION:

An investigation of substantial compliance with requirements for lands granted under Chapter 1336, Statutes of 1959, was first reported at the State Lands Commission meeting in February, 1971. Commission action was deferred at that time. The city requested that the criteria for compliance be modified to reflect, among other things, current state and local governmental policies which recognize the value of open space, recreation areas, and preservation of San Francisco Bay. Subsequent to the enactment of Chapter 233, Statutes of 1971, the City of Richmond submitted two reports. One was "Richmond Tideland Grant Areas Use and Development Report", dated August 28, 1972. The second was "General Plan for Future Use of Granted Lands", dated August 31, 1972. On January 25, 1974, State Lands Division requested additional information, which was furnished by the city on March 7, 1974.

An on-site investigation of the granted lands was conducted on April 24, 1974. The question of substantial compliance was proposed to be placed on the calendar in August, 1974. However, public organizations and citizens requested an opportunity to study the question prior to action by the Commission. The City of Richmond then provided certified copies of a council resolution, showing that public hearings were held concerning a Richmond Coastline Plan including all tide and submerged lands granted by the state, that public organizations and citizens had participated, and that the city council had adopted the Richmond Coastline Plan March 12, 1973. This information was also sent to the San Francisco Bay Conservation and Development Commission by the City.

The San Francisco Bay Conservation and Development Commission reviewed the material and notified the Commission they had no objections to placing the matter on the calendar. All material gathered or submitted regarding this investigation is filed with the State Lands Division.

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FACTS SUPPORTING INVESTIGATION:

Section 1(a) of the amended grant statute requires, among other things, that granted lands be used for establishment, building and operating a harbor and other facilities necessary to enhance commerce, navigation, and public recreation. Section 1(b) adds provisions for protection or enhancement of environmentally unique portions of granted lands including preservation and maintenance of open space, biological reserves, and wildlife sanctuaries.

The following actions have been taken by the grantee:

1. The north portion of Parcel No. 1 is developed as a channel for large vessels.
2. The portion south of the breakwater accommodates small recreational boats.
3. The city obtained the assistance of the U. S. Army Corps of Engineers in dredging the Richmond Harbor Channel. Also, in 1967 the city was able to have the Corps repair a training wall along the channel. These actions have restored the proper functioning of the channel which crosses the grant. Richmond, acting as the trustee, furnished an easement across granted lands that made a major boat harbor possible.
4. The city has repaired and maintained its wharf and pier which was constructed in the 1920's at the bay end of Garrard Boulevard.
5. In 1959 the city constructed a sewer tank collecting major outfalls at the bay end of Garrard Boulevard and a sewage treatment plant to provide primary treatment to all effluent discharged by the city sewer system. This sewage system now meets water quality requirements established by the San Francisco Bay Regional Water Quality Control Board. Although not on granted lands, the quality of the grant areas is enhanced by this system.
6. Bird Island, within the grant just off Brooks Island, has been designated in the General Plan as a regional park facility and will be preserved as a bird sanctuary. In cooperation with other agencies, Richmond assisted the East Bay Regional Park District in acquiring Brooks Island as an island park. The surrounding water, much of it in the granted lands, will be open water to enhance recreational uses.

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7. A portion of Tidelot 31 next to Point Isabel was filled in as a step in developing a shoreline park around the bay.

With reference to the General Plan, the city established the following policy: to create a balance between development in the coastline area and conservation and enhancement of irreplaceable natural resources.

Several continuing policies include the improvement of Richmond's marine terminal and related cargo handling and distribution facilities. Roadway improvements will stimulate expansion of industry at inland locations and improve their access to the port. The waterfront will be reserved for water-related activities.

The shipping channel passing through the northwestern corner of Parcel 1 of the 1959 grant areas will continue to be dredged. A portion of the city's redevelopment area, around the Inner Harbor Basin, may be developed with new boat berths and related commercial activities (chandlery, bait shops, etc.). The uses proposed in grant areas will not generate unusual noise or air or water pollutants, and so will not pollute the grant area or adjacent Bay waters.

Preservation of the tideland grant areas as open water is important to the entire Bay. Should passage of water through the grant areas be obstructed, natural flushing of the waters along Richmond's coastline would be reduced. Stagnation, causing decreased oxygen and increased concentrations of pollutants, would result. This would have a very harmful effect on all flora and fauna in this portion of the Bay, for the capacity of this water to support all forms of life would markedly decrease.

First steps for a shoreline park have been taken. The designation of Brooks and Bird Islands as open space preserve and bird sanctuary will enhance the natural environment of the tideland grant areas by ensuring the preservation of Bay wildlife there. The plan considers additional areas granted in 1935 north and west of those granted in 1959. Passive and active uses compatible with specific sites are planned: fishing, bicycle riding, nature study and scenic views. Coordination with park districts and other governmental agencies in neighboring counties assures

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that residents of the entire region are represented in the planning and will receive the benefits of the scenic coastline and that there will be increased access by the statewide public. The goals are to be implemented by the elected Richmond City Council which holds weekly night meetings to permit full public participation in decision making. The nine member council is advised on coastline and water areas by a 22-member Mayor's Waterfront Development Committee. The goals for the tidelands will be implemented by the city and monitored with the cooperation primarily of the San Francisco Bay Conservation and Development Commission, the Regional Water Quality Control Board and the U. S. Army Corps of Engineers.

EXHIBITS:

- A. Site Map.
- B1. Map of the Grant under Chapter 1336, Statutes of 1959.
- B2. Map of the Grant under Chapter 1336, Statutes of 1959.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF RICHMOND HAS SUBSTANTIALLY COMPLIED WITH CHAPTER 1336, STATUTES OF 1959, AS REQUIRED BY SECTION 1(h).
2. APPROVE THE GENERAL PLAN FOR THE FUTURE USE OF GRANTED LANDS AS REQUIRED BY SECTION 1(i) AND SECTION 1(c) OF THE AMENDED GRANT STATUTE.
3. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF RICHMOND, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION OF SUBSTANTIAL COMPLIANCE AND HAS APPROVED THE GENERAL PLAN FOR FUTURE USE, AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY HAS COMPLIED WITH THE REQUIREMENTS OF SECTION 1(h), SECTION 1(i) AND SECTION 1(c) OF CHAPTER 1336, STATUTES OF 1959, AS AMENDED.