

MINUTE ITEM

This Calendar Item No. 43
was approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 2
to 0 at its 11/29/84
meeting.

CALENDAR ITEM

A 12
S 9

43

11/29/84
W 23513
Valentine
G 01-02

AUTHORIZE STAFF TO CONDUCT A PUBLIC MEETING
CONCERNING THE EXTENT AND NEEDS OF THE
PUBLIC TRUST OWNERSHIP IN THE
CITY OF ALBANY, ALAMEDA COUNTY

The real property referred to in this Calendar Item is located wholly within the City of Albany and generally depicted on the attached plat of title study parcel. The property is covered by the ordinary high tides of San Francisco Bay. It is bounded on the east by filled lands, including lands occupied by Golden Gate Fields, on the north by the Albany/Richmond city limits, and the legislative trust grant to the City of Albany, on the west by the Alameda County boundary, and on the south by the Albany/Berkeley city limit line. It consists of the existing tide and submerged lands within the City of Albany, except those granted to the City pursuant to Chapter 1223, Statutes of 1977, and those subject to a trust exercise by the Commission by Calendar Item 23 at its October 28, 1982 meeting.

The tide and submerged lands are a part of the area known as the East Bay Shoreline which has been included within the Draft East Bay Shoreline Report by CHNMB Associates for the State Coastal Conservancy, and the East Bay Shoreline Feasibility Study of the State Department of Parks and Recreation. The Report and the Study define the East Bay Shoreline as the entire San Francisco Bay portion of Alameda County from the Bay Bridge north to the Contra Costa County line. The studies have included public participation at workshops and meetings. Private owners were also invited to participate.

The City of Albany has, by formal resolution of its City Council, requested that the State Lands Commission study the extent and needs of the Public Trust Ownership in the tidelands and submerged lands in the City of Albany.

CALENDAR ITEM NO. 43 (CONT'D)

The California Supreme Court in City of Berkeley v. Superior Court held that those filled and reclaimed portions of San Francisco Bay included within Board of Tide Lands Commissioners (BTLC) deeds were free of public trust ownership, and that the State was the owner of the public trust easement over all those portions which had not been filled and reclaimed.

Due to the many difficult and diverse factual and legal issues bearing on public trust ownership along the East Bay Shoreline, staff has felt that its title studies must be kept manageable by limiting its review to a specific portion or portions of the East Bay Shoreline, with studies of the other portions to follow.

Due to the public concern with the future of the Albany tide and submerged lands, as reflected by the Resolution of the Albany City Council. Staff recommends that the Commission authorize it to conduct an investigation to determine the extent of the public trust in the Albany tide and submerged lands, and the course of action necessary to insure its use in a manner consistent with the public trust.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS: Plat of Title Study Parcel.

CALENDAR ITEM NO. 43 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE STAFF TO CONDUCT A PUBLIC MEETING OR MEETINGS IN THE CITY OF ALBANY FOR THE PURPOSE OF INQUIRING INTO ALL ASPECTS OF ANY PUBLIC TRUST OWNERSHIP WHICH MAY BE SHOWN TO EXIST IN THE TIDE AND SUBMERGED LANDS DEPICTED ON THE ATTACHED PLAT; AND TO REPORT THE RESULTS OF ITS INQUIRY TO THE COMMISSION WITH A RECOMMENDED COURSE OF ACTION FOR CONSIDERATION BY THE COMMISSION AT A FUTURE PUBLIC MEETING
2. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

