

Resolution No. 47
as Minute Item
47 of the State Lands
Commission by a vote of 2
to 0 at its 6/26/85
meeting.

MINUTE ITEM

47

06/26/85
W 23513
PRC 6858
G01-02
Valentine

CONSIDERATION OF MOST APPROPRIATE PUBLIC TRUST NEEDS
AND USES OF CERTAIN TIDE AND SUBMERGED LAND IN
THE CITY OF ALBANY, ALAMEDA COUNTY

During consideration of Calendar Item 47 attached, Chairman Cory stated that it was his understanding that Santa Fe Southern Pacific, the owner of the underlying fee would prefer not to have the public trust easement exercised over the study parcel. Executive Officer Detrick stated that Santa Fe Southern Pacific, although not in favor of the trust exercise, would not object to it. No presentation or appearance was made by Santa Fe Southern Pacific.

Mr. Barry Nelson, Save San Francisco Bay Association, urged the Commission to approve trust uses which would be consistent with future park use, and thus supported the staff recommendation.

Executive Officer Detrick stated the City of Albany also supported staff's recommendation.

Upon motion duly made and carried, the Resolution in Calendar Item 47 was approved as presented by a vote of 2-0.

Attachment: Calendar Item 47.

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06/26/85
W 23513 PRC 6858
G 01-02
Valentine

CONSIDERATION OF MOST APPROPRIATE PUBLIC TRUST NEEDS
AND USES OF CERTAIN TIDE AND SUBMERGED LAND IN
THE CITY OF ALBANY, ALAMEDA COUNTY

Pursuant to a request by the City of Albany, the State Lands Commission at its November 29, 1984 meeting, authorized staff to conduct a public meeting on Public Trust needs and uses of tide and submerged lands in the City of Albany. The public meeting was held, as authorized, on December 12, 1984 at the Albany City Council Chambers. (The Bay lands subject to the study are depicted on the attached Exhibit "A" and described on Exhibit "B".) The public meeting was transcribed by a certified shorthand reporter. A copy of this transcript is on file in the offices of the State Lands Commission. Commission staff has completed its study, and has prepared a preliminary report on appropriate Public Trust needs and uses of these tide and submerged lands. The Commission staff has distributed the preliminary report for public review and comment.

Staff has received and reviewed the public comments on the preliminary report and has prepared its final report on the Public Trust needs and uses in Albany's ungranted tide and submerged lands. This final report has been distributed to the members of the Commission under separate cover and is incorporated into this Calendar Item by this reference.

A summary of the written comments concerning the Albany tide and submerged lands and their needs, along with extracts from the transcript of the public meeting, are in the staff report.

In general, the staff's study reveals that the Albany study area is an important resource in the San Francisco Bay estuarine system. This valuable asset is threatened by actions which are incompatible with recognized Public Trust needs and is in need of protection due to competing trust uses.

(REVISED 06/21/85)

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According to the members of the public and representatives of governmental bodies participating in the staff analysis, the most pressing public needs for these lands, at the present time, are preservation and enhancement of the Bay's recreational and ecological values.

Staff has concluded that an exercise of the Public Trust interest, in those portions of the study parcel lying outside the legislative trust grant to the City of Albany, is necessary to preserve and enhance identified Public Trust needs.

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.

AB 884: N/A.

- EXHIBITS:
- A. Plat of Study Parcel.
 - B. Land Description Trust Exercise Parcel.

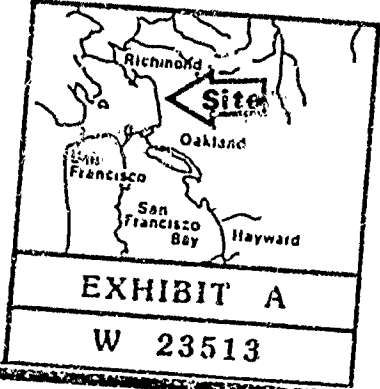
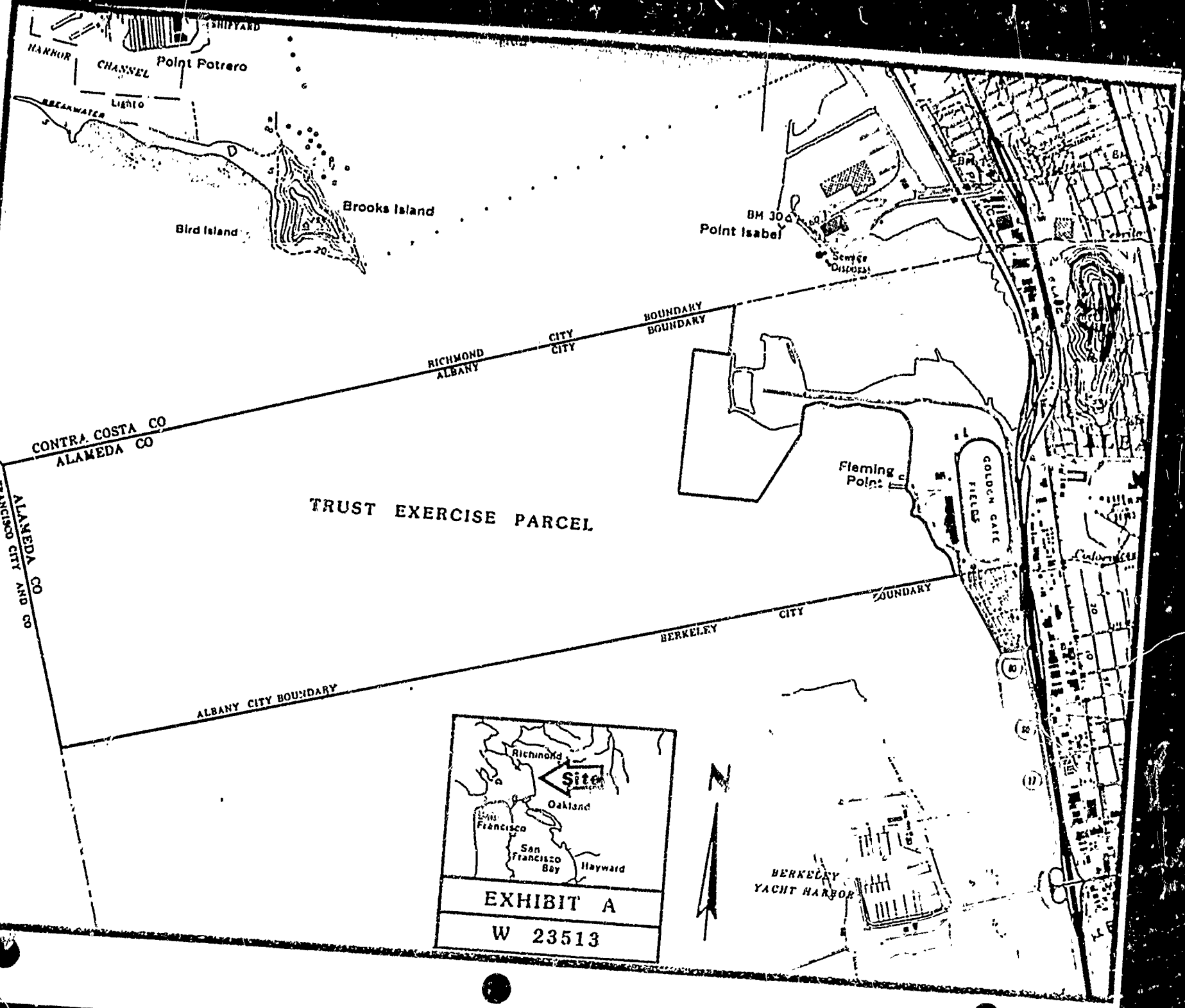
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE 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.
2. EXERCISE THE STATE'S PUBLIC TRUST INTEREST CONSISTING OF EITHER FEE OWNERSHIP OR AN EASEMENT IN THE PROPOSED TRUST EXERCISE PARCEL FOR PUBLIC WATER - DEPENDENT RECREATIONAL AND ECOLOGICAL PURPOSES IN ORDER TO PRESERVE AND ENHANCE THESE LANDS FOR THESE TRUST USES; AND THAT FUTURE DEVELOPMENT ACTIVITIES WITHIN THE TRUST EXERCISE PARCEL MUST BE REVIEWED FOR CONSISTENCY WITH THIS TRUST EXERCISE BY THE STATE LANDS COMMISSION PRIOR TO THE COMMENCEMENT OF SUCH DEVELOPMENT.
3. AUTHORIZE STAFF TO PREPARE, EXECUTE AND RECORD SUCH DOCUMENTS AS MAY BE NECESSARY TO GIVE PUBLIC NOTICE OF THIS COMMISSION ACTION.

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4. FIND THAT THIS EXERCISE OF THE STATE'S PUBLIC TRUST OWNERSHIP IS WITHOUT PREJUDICE TO FUTURE APPLICATIONS WHICH MAY BE NECESSARY TO STABILIZE THE SLOPES OF OR TO SEAL THE LANDFILL OR TO EXPAND THE PROPOSED MARINA INTO AN AREA OUTSIDE THE AREA GRANTED TO THE CITY OF ALBANY PURSUANT TO CHAPTER 1223, STATUTES OF 1977.



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EXHIBIT "B"
LAND DESCRIPTION, TRUST EXERCISE PARCEL

The real property in the City of Albany, Alameda County, California, being portions of Board of Tide Land Commissioners Lots 1, 2, 15 and 16, in Section 31; Board of Tide Land Commissioners Lots 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 29, 30, 31 and 32, in Section 32; Board of Tide Land Commissioners Lots 13, 23, 24, 25 and 26, in Section 33; all in T1N, R4W, MDM; and Board of Tide Land Commissioners Lot 8, in Section 3; Board of Tide Land Commissioners Lots 1 and 2 in Section 4; all in T1S, R4W, MDM; as shown on official "Map No. 4, Salt Marsh and Tide Lands Situate in the County of Alameda, State of California", together with that portion of San Francisco Bay, described as follows:

Bounded on the North by the boundary line common to Alameda and Contra Costa Counties as described in California Government Code Sections No. 23101 and No. 23107; bounded on the West by the boundary line common to Alameda and San Francisco Counties as described in California Government Code Sections No. 23101 and No. 23138; bounded on the South by the boundary line common to the Cities of Albany and Berkeley as described in the Legislative Trust Grant to the City of Berkeley, Chapter 347 Statutes of 1913; and bounded on the East by Parcel 1, Parcel 2, and Parcel 3 of the lands described in the California Legislative Trust Grant to the City of Albany, Chapter 1223 Statutes of 1977, and the Easterly boundary of Board of Tide Land Commissioners Lots 13, 23, 24, 25 and 26 of Section 33, T1N, R4W, MDM.

EXCEPTING THEREFROM those portions which have been filled and are not subject to tidal action.

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