

MINUTE ITEM

This Calendar Item No. 38
was approved as Minute Item
38 by the State Lands
Commission by a vote of 7
to 0 at its 8/28/86
meeting.

CALENDAR ITEM

A 13
S 9

38

08/28/86
W 23162
Valentine

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

The real property referred to in this Calendar Item is located wholly within the City of Emeryville and generally depicted on the attached plat of study parcel. It is bounded on the east by filled lands along Highway 80, on the south by the Emeryville-Oakland city limit line and on the north by the Berkeley-Emeryville city limit line. It consists primarily of existing tide and submerged lands within the City of Emeryville. The sovereign interest of the State in these lands has been granted to the City pursuant to Chapter 415, Statutes of 1963.

The City has requested the assistance of the State Lands Commission in determining the extent and nature of the public trust ownership in Emeryville and in studying public trust needs there. Once the study, including public meetings and solicitation of written comment is complete, recommendations will be made to the City Council and/or the State Lands Commission for future action.

The 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 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.

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CALENDAR ITEM NO. 3.2 (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 public was the owner of the public trust easement over all those portions which had not been filled and reclaimed. Portions of the study area are filled BTLC lots, parts are unfilled BTLC lots, and portions are unconveyed sovereign lands held in trust by the City.

Staff recommends that the Commission authorize it to conduct an investigation in conjunction with the City of Emeryville to determine the extent of the public trust in the Emeryville study parcel, and the course of action necessary to insure its use in a manner most consistent with public trust needs.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

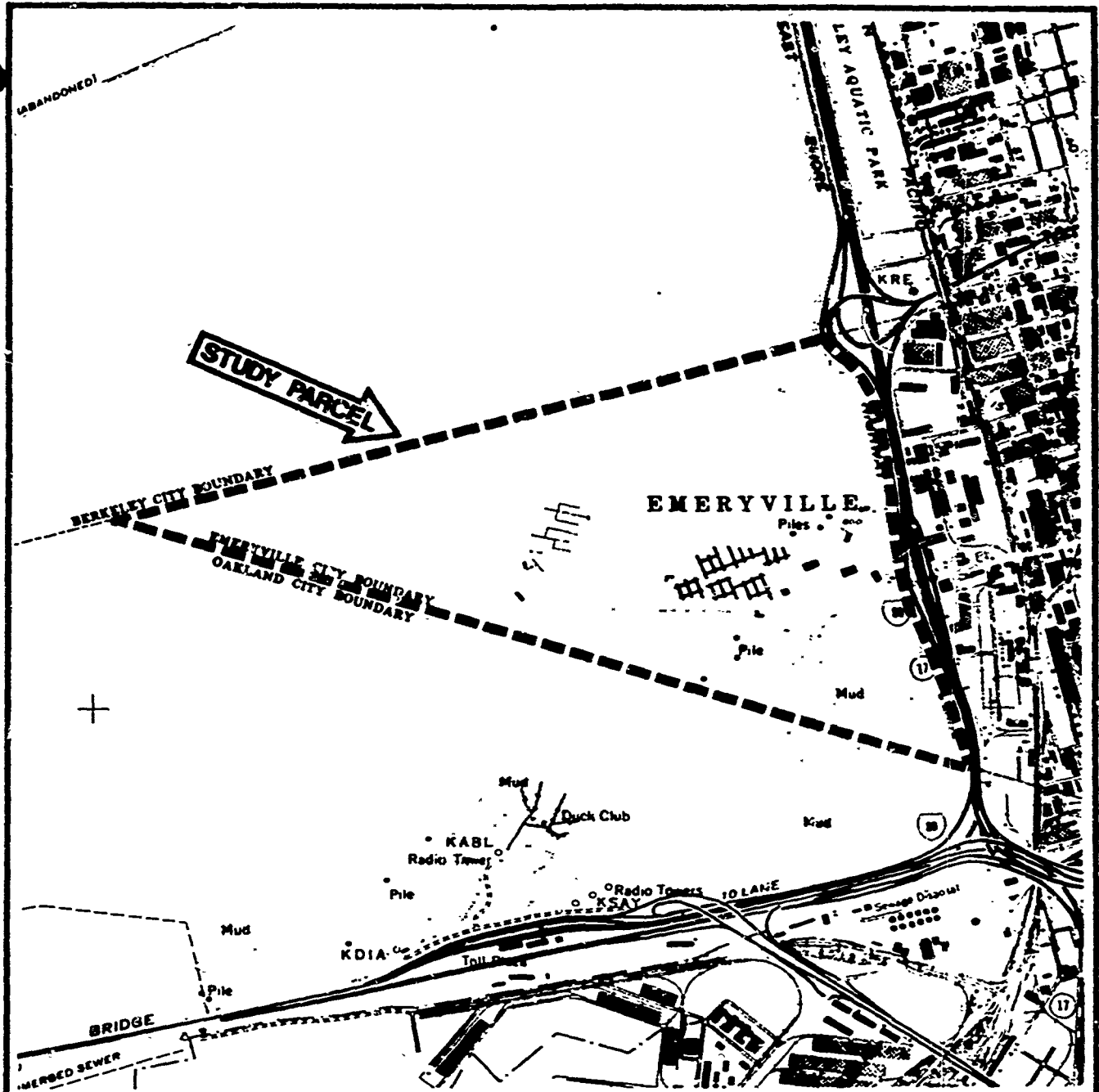
1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

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

EXHIBIT: A. Plat of Study 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. AUTHORIZE STAFF IN COOPERATION WITH THE CITY OF EMERYVILLE TO CONDUCT A PUBLIC MEETING OR MEETINGS IN THE CITY OF EMERYVILLE FOR THE PURPOSE OF INQUIRING INTO ALL ASPECTS OF ANY PUBLIC TRUST OWNERSHIP WHICH MAY BE SHOWN TO EXIST IN THE LANDS DEPICTED ON THE ATTACHED PLAT; TO ASSIST CITY STAFF IN STUDYING PUBLIC TRUST NEEDS IN THESE LANDS; AND TO REPORT THE RESULTS OF ITS INQUIRY TO THE CITY AND THE COMMISSION WITH A RECOMMENDED COURSE OF ACTION FOR CONSIDERATION AT A FUTURE PUBLIC MEETING.



STATE LANDS COMMISSION

PUBLIC TRUST STUDY PARCEL



Prepared by: R.L. Bell Aug. 13, 1986 A:13 S: 9

EXHIBIT

Title Study: Emeryville Crescent W 23162

Z3 - N48 E148
N49 E147:148

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