

**CALENDAR ITEM
C70**

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**CONSIDER A CONSISTENCY DETERMINATION WITH PUBLIC TRUST EXERCISE
5 FOR THE ALBANY BEACH RESTORATION AND PUBLIC ACCESS PROJECT,
LOCATED WITHIN EASTSHORE STATE PARK, CITY OF ALBANY**

PARTIES:

California State Lands Commission (Commission)

East Bay Regional Park District (EBRPD)

BACKGROUND:

Pursuant to a request by the City of Albany, the Commission authorized staff at its May 27, 1982 meeting to conduct a public meeting on Public Trust needs and uses of tide and submerged lands in the City of Albany. A public meeting was held by Commission staff at the Albany City Council Chambers on December 12, 1984. On June 26, 1985, the Commission exercised the State's Public Trust easement for public water-dependent recreational and ecological purposes in order to preserve and enhance the lands for such trust uses. As part of this action, the Commission further required that future development activities within the Public Trust Exercise parcel must be reviewed for consistency with the uses authorized by the Commission's exercise of its easement interests prior to the commencement of development (hereinafter referred to as Public Trust Exercise 5).

PUBLIC TRUST EVALUATION:

The EBRPD is proposing a development project, the Albany Beach Restoration and Public Access Project (Project), which is located in Eastshore State Park at the western terminus of Buchanan Street in the City of Albany. Portions of the proposed Project are located within lands granted to the city of Albany, pursuant to Chapter 211, Statutes of 1919, as amended, and within Public Trust Exercise 5.

The Project consists of the following:

1. Shoreline repair and reconstruction, including habitat enhancement and accessibility improvements to 2,000 feet of existing trail (San Francisco Bay Trail Spur) along the Albany Neck shoreline and northern beach access;
2. Beneficial reuse of Albany Neck shoreline material to repair voids on the Albany Plateau; and

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3. Beach and dune enhancement, recreation improvements, installation of pre-engineered, self-contained two-stall vault-type restroom, construction of a 20-stall parking lot, and construction of approximately 800 feet of new San Francisco Bay Trail at Albany Beach and 4,200 feet between Albany Beach and Gilman Street.

Public Trust Exercise 5 requires that all proposed projects located within the State Public Trust easement at this location must reviewed by the Commission for consistency with the following uses: water-dependent recreation and ecological purposes in order to preserve and enhance these lands. Based on the information provided, Commission staff recommends that the Commission find that the proposed Project is consistent with the terms of Public Trust Exercise 5.

OTHER PERTINENT INFORMATION:

1. EBRPD, as the Lead Agency under the California Environmental Quality Act (CEQA), has completed the Final Environmental Impact Report (EIR) (SCH No. 2012032072) for the Albany Beach Restoration and Public Access Project. The EBRPD Board of Directors certified the EIR and approved the Project at its November 20, 2012, meeting.
2. EBRPD is currently involved in an eminent domain action against Golden Gate Fields involving the lands at Golden Gate Fields (the horse racing facility). EBRPD and Golden Gate Fields are in ongoing discussions towards a resolution. Both parties to the eminent domain action are aware of Public Trust Exercise 5. It is staff's understanding, based on conversations with both parties, that neither party objects to the public trust consistency determination the Commission is considering, and recognize the easement area will be utilized for public access.
3. The staff recommends that the Commission find that the subject Public Trust consistency finding as determined by Commission staff does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject Public Trust consistency finding as determined by Commission staff is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

FINDINGS:

Find that the Albany Beach Restoration and Public Access Project is consistent with the terms of Public Trust Exercise 5 for public water-dependent recreational and ecological purposes in order to preserve and enhance the lands for such uses.

