



Public Trust Needs Assessment

410 AIRPORT BOULEVARD BURLINGAME, MATEO COUNTY

Burlingame, CA | March 22, 2018

CALIFORNIA STATE LANDS COMMISSION



California State
Lands Commission





Agenda

- Welcome
- Introductions
- Presentation by the State Lands Commission Staff and City of Burlingame Staff
- Questions and Answers
- Breakout Session
- Conclusion and Next Steps

Public Trust Needs Assessment

A Necessary Planning Tool to Determine Future Use

- Receive public comments from the community about state sovereign land in the City of Burlingame and its use.
- Use must be consistent with the Public Trust Doctrine and in alignment with City of Burlingame land use policies.

Anza Airport Park – 1956 - Current



410 Airport Boulevard



The Public Trust Doctrine

- Protects tide and submerged lands and navigable waterways for the benefit of the people of California
- The State's title to these lands is held in trust for the people to enjoy navigation, carry on commerce, and have liberty of fishing free from interference from private parties. (*Illinois Central R.R. Co. v. Illinois* (1892) 146 U.S. 387, 452.)

The Public Trust Doctrine

- Essential Public Trust purposes have always been, and remain, water related, and the State's obligation is to manage its Public Trust lands to facilitate trust purposes on behalf of the people.
- Filled Public Trust lands, while no longer underwater, retain their legal character as tide or submerged lands and are protected by the Public Trust Doctrine.

Commercial Uses that Directly Promote, Support, or Accommodate Public Trust uses and public access:

- Warehouses (*Oakland v. Williams* (1929) 206 Cal. 315)
- Container cargo storage
- Convention and Trade Facilities (*Haggerty v. Oakland* (1958) 161 Cal.App.2d 407)
- Boating facilities
- Ferries

Visitor-Serving Uses that Directly Promote, Support, or Accommodate Public Trust uses and public access:

- Hotels
- Restaurants
- Parking lots (*Martin v. Smith* (1960) 184 Cal.App.2d 571)
- These are allowed uses because as places of public accommodation, they facilitate broad public access to Public Trust lands, and therefore, enhance the public's enjoyment of these lands set apart for their benefit.

Uses Inconsistent with the Public Trust

- Uses that are generally not permitted on Public Trust lands are those that:
 - Are not water-dependent or water-related
 - Do not facilitate the statewide public's need for essential maritime services or the public's enjoyment of the state's waterways
 - Can be located on non-waterfront property

Uses Inconsistent with the Public Trust

- These would include commercial facilities that could easily be sited on uplands.
- It also includes strictly local or neighborhood-serving uses that confer no significant statewide benefit to all Californians.

Uses Inconsistent with the Public Trust

- Examples include public hospitals, public libraries, public schools, public municipal parks, supermarkets, local government buildings, office buildings, residential, general commercial, and non-visitor serving retail that serve general rather than specifically trust-related functions.

Public Municipal Parks

- Local, public municipal parks designed for primarily local use are inconsistent with the Public Trust. To be sited on sovereign Public Trust lands, such facilities must be incidental to water-related uses and should be designed to facilitate use by the statewide public rather than primarily local use.

Open Space and Public Park

Open Space and public parks may be permissible under the Public Trust if designed to benefit the statewide public and enhance its enjoyment of the shoreline. This can include open space for habitat preservation and/or public access. Public parks can include facilities designed to maximize water-related connectivity and use, and should encourage use by the statewide public rather than focusing on local use.

CITY PERMITTED USES (i.e. uses allowed without Planning Commission approval, though Design Review may still be required):

- Restaurants
- Motels and hotels
- Offices
- Accessory retail sales and personal service uses
- Publicly owned recreation facilities.

CITY CONDITIONALLY PERMITTED USES

(i.e. uses requiring Planning Commission approval, Design Review may also be required):

- Extended stay hotels
- Commercial recreation facilities; these facilities may include the sale of merchandise and items which are related to the principal use
- Trade, professional and art schools
- Drive-in services or take-out services associated with permitted and conditional uses
- Commercial parking lots, but only as an interim use as described in the Bayfront Specific Plan

Tonight's Process

- Questions & Answers
- Break Out Groups
- Report Out Groups

410 Airport Boulevard



Next Steps

- Analyze needs meeting Public Trust values and uses in alignment with the City of Burlingame Land Use plans, the State's Best Interests, sea-level rise projections, and environmental justice policies
- Present assessment to the Commission



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THANK YOU & QUESTIONS

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