

CITY OF ALAMEDA RESOLUTION NO. _____

DECLARING APPROXIMATELY 268 ACRES OF CITY TIDELANDS PROPERTY, INCLUDING AREAS AT ALAMEDA POINT, FORTMAN MARINA, BALLENA ISLE MARINA AND GRAND MARINA, TO BE EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT

WHEREAS, the City of Alameda ("City") was granted "all the right, title and interest of the State of California" to the "salt marsh, tide, and submerged lands, whether filled or unfilled" tidelands and submerged lands" ("City Tidelands Property") as set forth in Section 1 of Chapter 594, Statutes of 1917 as amended by Section 1 of Chapter 734, Statutes of 2000 ("Tidelands Grant Statutes"); and

WHEREAS, pursuant to the Tidelands Grant Statutes, the use of the City Tidelands Property is specifically restricted and "shall be used by [the City] and its successors solely for the establishment, improvement and conduct of a harbor and for the construction, maintenance, and operation thereon of wharves, docks, piers, slips, quays, warehouses, factories, storehouses, equipment, parking areas, streets, highways, bridges, pedestrian ways, landscaped areas, public buildings, public assembly and meeting places, convention centers, parks, museums, playgrounds, public recreation facilities . . . , and any other utilities, structures, and appliances, provided the facilities are incidental to, or necessary or convenient for, the promotion, benefit, and accommodation of the purposes of the public trust" ; and

WHEREAS, the Tidelands Grant Statutes authorize the City to "grant permits, privileges, licenses, easements, or leasehold interests . . . for limited periods, for purposes consistent with the trusts upon which the lands are held . . . for a term not exceeding 66 years; and

WHEREAS, a portion of the City Tidelands Property as depicted in Exhibit A, attached hereto and incorporated by this reference, is located within the area subject to the Tidelands Grant Statutes and the City desires to lease it for the purposes authorized by, and subject to, the Tidelands Grant Statutes; and

WHEREAS, the City Tidelands Property depicted in Exhibit A is not required for City use, is surplus to the City's purposes, and available for leasing pursuant and subject to the restrictions and requirements of the Tidelands Grant Statutes; and

WHEREAS, prior to taking any action to dispose of (i.e., sell, or lease for a term of five years or more) land owned by a local agency, the Surplus Land Act (Government Code Section 54220 - 54234) ("SLA"), requires the local agency to follow prescribed notification and negotiation procedures intended to encourage housing development, including affordable housing; and

WHEREAS, the SLA's notification and negotiation procedures do not apply to the local agency's disposal of land that qualifies as "exempt surplus land" as set forth in the SLA; and

WHEREAS, prior to taking any action to dispose of land, Government Code Section 54221(b)(1) requires the local agency to declare the land "surplus land" or "exempt surplus land" as supported by written findings; and

WHEREAS, Government Code Section 54221(b)(1) defines "surplus land" as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use"; and

WHEREAS, Government Code Section 54221(f)(1)(K) sets forth an SLA exemption which defines "exempt surplus land" as "Surplus land that was granted by the state in trust to a local agency or that was acquired by the local agency for trust purposes by purchase or exchange, and for which disposal of the land is authorized or required subject to conditions established by statute"; and

WHEREAS, the City Tidelands Property depicted in Exhibit A satisfies all the requirements set forth in Government Code Section 54221(K) because, as noted above, it is land owned in fee simple by the City that was granted by the state in trust to the City, and any disposal of the property of said land by the City in the form of a long-term lease will be authorized by and subject to the restrictions of the Tidelands Grant Statutes.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND FOUND, by the Council of the City of Alameda that the foregoing recitals are true and correct, together with information provided by City staff and the public, if any, form the basis for approvals, findings, resolutions and determinations set forth below; and

BE IT FURTHER RESOLVED, DETERMINED AND FOUND that the City Tidelands Property depicted in Exhibit A is hereby declared "exempt surplus land" based on the findings that all the conditions set forth in Government Code Section 54221(K) have been satisfied; and

BE IT FURTHER RESOLVED, DETERMINED AND FOUND City staff and consultants are authorized and directed to proceed with the steps necessary or appropriate to effect the disposition of these City Tidelands Property depicted in Exhibit A in accordance with law, including but not limited to the Tidelands Grant Statutes and the terms of this Resolution. The City Council shall be responsible for approval or disapproval of the disposition under a separate Ordinance; and

BE IT FURTHER RESOLVED that the City Council directs the Interim City Manager to submit a copy of this Resolution to HCD for review and approval in accordance with the Section 400(e) of the SLA Guidelines and HCD's Guide to Exemptions for the Standard Surplus Land Act Process. Final disposition of any of the

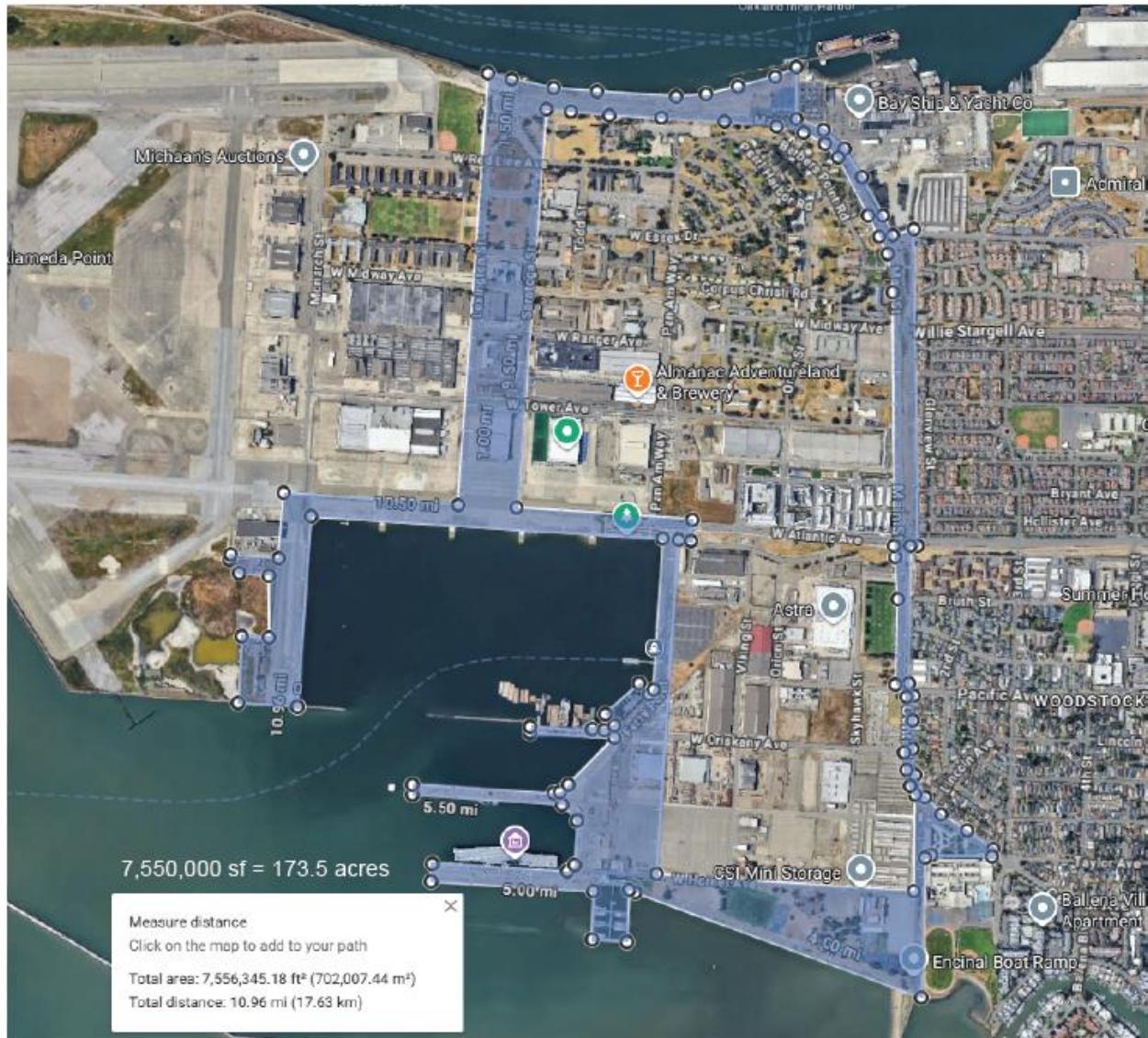
City Tidelands Property depicted in Exhibit A shall not occur until at least 30 days after City staff submit a copy of this Resolution to HCD; and

BE IT FURTHER RESOLVED that the City reserves the right to revise and enhance its SLA determinations, including but not limited to adoption of subsequent SLA resolutions by the City Council, with respect to any and all City Tidelands Property depicted in Exhibit A in advance of preliminary negotiations with prospective transferees of those specific Properties, actual disposition of those specific Properties, or any other actions with respect to those specific Properties; and

BE IT FURTHER RESOLVED that this Resolution has been reviewed in accordance with the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*, and Title 14 of the California Code of Regulations Section 15000 *et seq.* ("CEQA" and the "CEQA Guidelines" respectively)). The City has determined that the designation of the City Tidelands Property depicted in Exhibit A as "Exempt Surplus Land" does not have the potential for causing a significant effect on the environment and is, therefore, exempt from review under CEQA Section 21080 and CEQA Guidelines Section 15060(c)(3) because it is not a project as defined in CEQA section 21065 and CEQA Guidelines section 15378. Moreover, adoption of this Resolution by the City Council does not have the potential to result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. If or when the City Tidelands Property depicted in Exhibit A are disposed of, that future use and the associated discretionary permit(s) will be reviewed and analyzed in accordance with the requirements of CEQA and the CEQA Guidelines; and

BE IT FURTHER RESOLVED that the Interim City Manager is hereby authorized to take such further actions which they may deem reasonably necessary and proper to effectuate the purposes of this Resolution.

EXHIBIT A





Estimated Area: 31 Acres



Estimated Area: 59 Acres



Estimated Area: 4 Acres

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of January 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 21st day of January 2026.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda