

**CALIFORNIA STATE LANDS
COMMISSION**

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Established in 1938

JENNIFER LUCCHESI, Executive Officer

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July 31, 2023

File Ref.: G02-04

Lina Velasco
Director of Community Development
City of Richmond
450 Civic Venter Plaza
Richmond, CA 94804
Lina_Velasco@ci.richmond.ca.us

Sent via electronic mail

Subject: Craneway Pickleball Pavilion

Dear Lina,

Thank you for providing Commission staff with the permit application for the proposed pickleball facility, retail pro shop and fitness/wellness lounge at Craneway Pavilion in the City of Richmond (City). It is our understanding that the City is determining whether the proposed pickle ball facility, including courts, a pro shop, and associated fitness and wellness facilities, can be considered visitor-serving retail, and therefore consistent with a 2004 Title Settlement Agreement between the City and State.

The City is trustee of sovereign tide and submerged lands granted to it by the Legislature in 1913 ([Chapter 317, Statutes of 1913](#) and as amended.) In 2004, the State and the City, acting as a trustee of legislatively granted Public Trust Lands, entered into a Title Settlement Agreement to resolve legal disputes of ownership in and around the Ford Motor Plant located adjacent to San Francisco Bay. The Legislature authorized the settlement in 2000 through [Chapter 527, Statutes of 2000](#). The Agreement encumbered the Craneway Pavilion (Parcel F2) with a public trust easement, restricting uses of the parcel to public access, the use and enjoyment of water-related activities, and uses incidental to such activities

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including overnight accommodation, restaurants and cafes, water-related industry, museums regarding waterfront history, visitor-serving retail, boating, and ferry service. This easement is now held and managed by the City.

The Agreement was a settlement related to the common law and statutory Public Trust Doctrine. Although the Agreement did not define "visitor-serving retail," the phrase was used in that context. The City, as legislative grantee of the easement, bears primary responsibility to decide what uses are appropriate within its granted public trust lands. Commission staff often consult with public agencies and private developers about the bounds of visitor-serving retail in the public trust context.

Two core concepts of the public trust help define the bounds of permissible visitor-serving retail. First, the Public Trust Doctrine arises from the idea that waterways and water-related activity should be open to all, rather than be controlled by private parties. Second, that the land will serve a statewide public interest, rather than purely local or municipal interests. Thus, visitor-serving retail should have some connection to the water or increase the public's enjoyment of the waterfront. Visitor-serving retail should also serve regional or statewide visitors to the waterfront rather than be targeted at local residents.

The primary difference between trust consistent visitor-serving retail and general retail is whether the use seeks to enhance other Public Trust-consistent uses, such as enjoyment of and access to the waterfront, or whether the use caters primarily to local users. Examples of visitor-serving retail include souvenir shops, paddleboard or kayak rentals, boat rentals, bait shops, food and beverage establishments, and overnight accommodations. But, for instance, a "big-box" sporting goods store may not qualify as visitor-serving retail because it is not aimed at waterfront visitors, even though the store sells kayaks and fishing gear among its other wares.

Based on information provided to staff, the proposed pickleball facility is a members only facility that would primarily provide a benefit to members, is not water dependent, and does not have a connection to the waterfront. Gyms, dance studios, indoor cycling studios, and other types of indoor recreation are examples of uses that cater primarily to a local clientele and provide little or no enhancement for the statewide public's enjoyment of the waterfront. Without additional facts or justification, staff believes the proposed pickleball facility does not fit within the meaning of visitor-serving retail as used in the Agreement.

We appreciate the opportunity to consult with City staff on the proposed use. Appropriate visitor-serving uses must consider the overarching principle of the

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Public Trust Doctrine, including that Public Trust lands belong to the statewide public and are to be used for water dependent or water related statewide public purposes rather than local or municipal purposes. If you have any questions, please do not hesitate to contact me at 916-574-1450 or via email at reidboggiano@slc.ca.gov. Thank you.

Sincerely,



Reid Boggiano
Granted Lands Program Manager

cc: Sheri Pemberton, Chief, External Affairs Division
Andrew Kershen, Staff Counsel