

Archived: Thursday, April 2, 2026 12:18:25 PM

From: [Fair Harbor Access](#)

Sent: Thursday, March 12, 2026 11:14:52 AM

To: [mcohen](#); [Public, GrantedLands@SLC](#); [Sahar Durali](#); [Warren, Louise@Coastal](#); [Dumlao, Matthew@SLC](#); [CSLC CommissionMeetings](#)

Cc: [ExecutiveStaff@Coastal](#); [Schwing, Karl@Coastal](#); [Huckelbridge, Kate@Coastal](#); [Johnson, Benjamin@SLC](#); [Blackmon, Seth@SLC](#); [CommissionerMHarmon@coastal.ca.gov](#)

Subject: Subject: Urgent: Public Trust Review Requested – Newport Harbor Tidelands / Ticketed Boat Show

Sensitivity: Normal

Attachments:

[Newport Beach Boat Show.jpg](#); [Attachment A - Newport Beach Summer International Boat Show.pdf](#); [Attachment B - Boat Show Impact Area Apprx 310k sqf.png](#);

Attention: This email originated from outside of SLC and should be treated with extra caution.

Dear Controller Cohen and Staff,

I am requesting an urgent review of the **Newport Beach International Boat Show**, which occupies state-owned tidelands for a ticketed commercial event. These waters are held in trust for the public, and the current use may violate the State's **Public Trust obligations** while restricting navigation and recreation (see **Attachment A**).

Attached is a detailed letter outlining the legal and public trust concerns regarding this event, including potential impacts on navigation during peak summer weeks, recreation, and the City of Newport Beach's obligations as a trustee of state tidelands. I respectfully request that your office review this matter and consider any action necessary to ensure public trust resources are protected.

Thank you for your attention to this important public trust matter.

Respectfully,

Fair Harbor Access

March 12, 2026

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

**Re: Request for Public Trust Compliance Investigation – Newport Harbor Tidelands
Newport Beach International Boat Show
Coastal Development Permit Application No. 5-25-0608**

Dear Commissioners,

I respectfully request that the California State Lands Commission initiate a **Public Trust compliance investigation** regarding the proposed **Newport Beach International Boat Show**, currently before the California Coastal Commission under **Coastal Development Permit Application No. 5-25-0608**.

The proposed project would authorize a **five-year recurring commercial boat exhibition and sales event during peak summer weeks occupying public tidelands within Newport Harbor**, including the installation of **177 modular floating dock units supported by twelve piles and seventy-five helical anchors** within the Lido Marina area. These structures would support a **ticketed commercial venue**, with admission fees ranging from approximately **\$25–\$49 per person and approximately \$200 for VIP access**.

Because this event occurs on **state tidelands held in trust for the people of California**, it raises serious concerns regarding compliance with the **Public Trust Doctrine** and the **City of Newport Beach’s legislative tidelands grant obligations**.

1. Commercial Conversion of Public Trust Waters

The proposed floating dock system covers approximately **30,500 square feet of water surface**, but the operational footprint—including floating docks, vessels displayed for sale, and circulation areas—appears to occupy a substantially larger area of harbor waters (Approximately 317,000 sq feet or 7 acres) near the Lido Marina turning basin.

For approximately **three weeks each year**, including installation and removal, these waters would effectively function as a **restricted commercial venue for boat brokerages and yacht sales**, rather than as freely navigable public waters.

Under California law, public trust lands must be preserved for **navigation, commerce, fisheries, and public recreation**, and the State retains ongoing authority to supervise legislative tidelands grants to prevent uses that substantially impair trust purposes. (*Marks v. Whitney*, 6 Cal.3d 251 (1971); *National Audubon Society v. Superior Court*, 33 Cal.3d 419 (1983)).

The routine conversion of harbor waters into a **ticketed commercial exhibition spaces** raises significant questions regarding whether the proposed use is consistent with those trust purposes.

2. Interference with Public Navigation

The proposed event infrastructure would occupy waters adjacent to **harbor maneuvering areas and turning basins** commonly used by sail boats, power boats, kayakers, and other users navigating Newport Harbor.

Although the Coastal Commission staff report indicates that the floating docks remain outside marked navigation channels, safe navigation, specially under sail, in Newport Harbor relies heavily on **maneuvering waters surrounding those channels**, including turning basins and anchorage circulation areas.

The staff report does not appear to include a **navigation study evaluating vessel maneuvering space, turning radii, or circulation impacts** associated with the temporary dock system and concentration of exhibition vessels.

Restricting maneuvering waters through a **ticketed commercial venue** raises concerns regarding interference with the public's right to **free navigation on navigable waters held in trust by the State**.

3. Trustee Obligations of the City of Newport Beach

The City of Newport Beach administers Newport Harbor tidelands pursuant to a **legislative grant from the State of California** and therefore acts as **impartial trustee of state tidelands for the benefit of all Californians**.

As impartial trustee, the City has a fiduciary obligation to manage these lands **solely for public trust purposes** and may not authorize uses that convert public trust resources into **private commercial venues that restrict navigation or public access**.

The proposed project raises concerns that the City is permitting **commercialization of public harbor waters for private profit**, rather than preserving these waters primarily for navigation and recreation for the people of California.

4. Compensation for Commercial Use of Public Tidelands

The Coastal Commission staff report notes that admission fees will be charged for the waterside portion of the event on public tidelands. However, the report does not clearly indicate whether the applicant is providing **fair-market rent or appropriate compensation** for the commercial use of these state-owned trust waters. Under the **Public Trust Doctrine**, the City is obligated to manage these tidelands for the benefit of all Californians, not for private profit. Yet, the applicant appears to be seeking exclusive use of only **one-tenth of the actual event footprint**, while the full area impacted—approximately **317,000 square feet**—should form the basis for compensation to ensure proper public benefit. Failure to account for the full footprint may constitute an improper commercialization of public trust resources.

Because the harbor waters function as the **primary venue for a commercial sales exhibition**, clarification is warranted regarding whether this use is consistent with the **State's public trust requirements and the City's legislative grant obligations**.

Request for State Lands Commission Action

In light of the concerns described above, I respectfully request that the California State Lands Commission:

1. **Initiate a Public Trust compliance investigation regarding the yearly Newport Beach International Boat Shows;**
2. **Review whether the proposed commercial occupation of harbor waters interferes with navigation or other public trust uses;**
3. **Evaluate whether the City of Newport Beach's authorization of this event is consistent with its fiduciary obligations under its legislative tidelands grant; and**
4. **Take any actions necessary to ensure that public tidelands within Newport Harbor remain available for navigation, recreation, and other public trust purposes.**

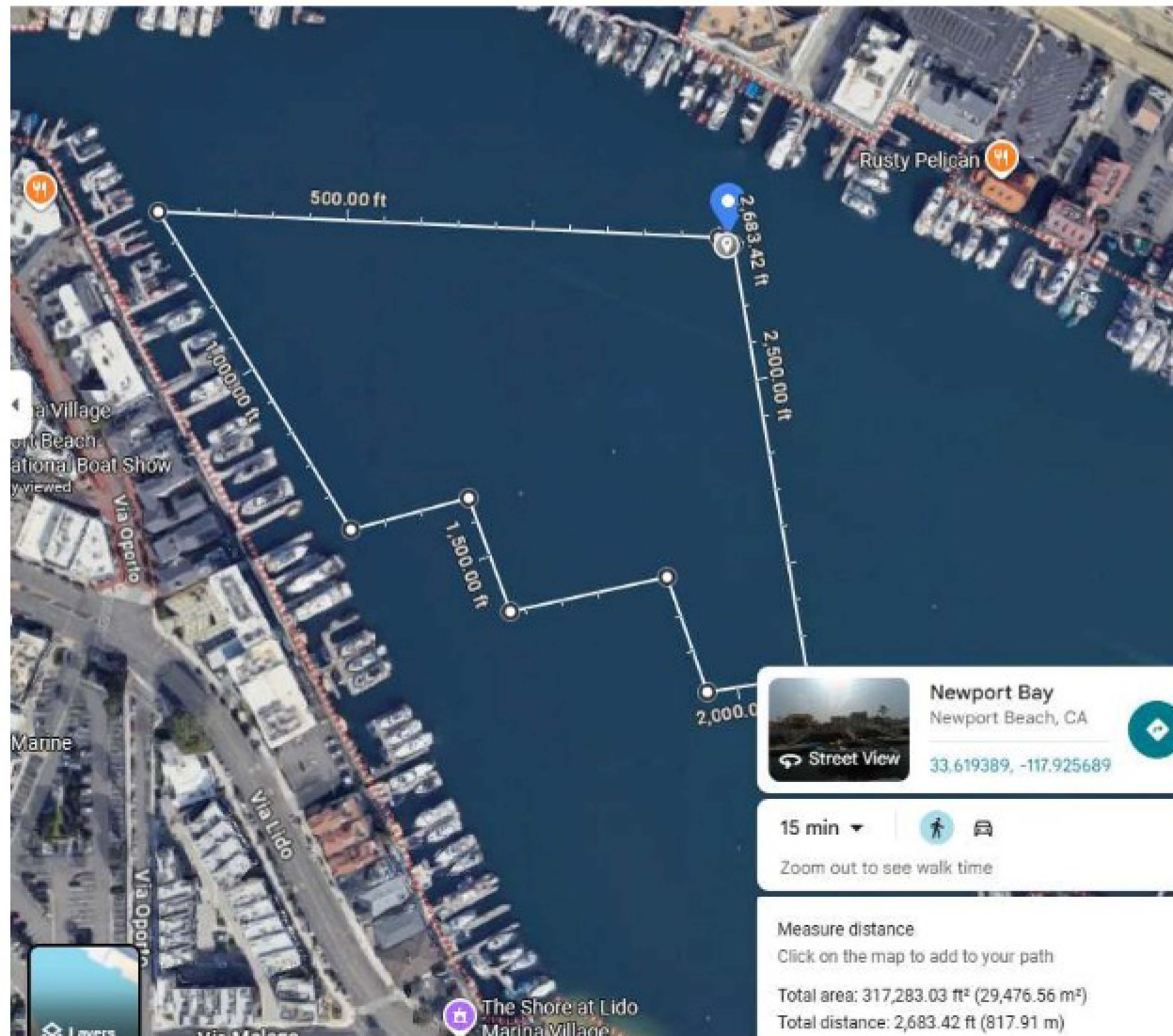
Public tidelands within Newport Harbor are **state trust resources held for the benefit of the people of California**. These waters should remain **freely navigable and accessible**, and should not be converted into temporary commercial venues every summer that restrict public access or navigation.

Thank you for your attention to this matter and for the Commission's continued oversight of California's public trust resources.

Respectfully submitted,

Fair Harbor Access

Approximate area of public tidelands consumed by floats and vessels that are for sale at the commercial boat show. Approximately 317,000 sq feet or 7 acres. Approximately 10 times greater than the float square footage on the application.





Archived: Thursday, April 2, 2026 12:34:15 PM

From: [Shelby S](#)

Sent: Thursday, March 26, 2026 1:21:37 PM

To: [CSLC CommissionMeetings](#)

Subject: Urgent Request for Public Trust Enforcement Review – Shoreline Access and Privatization (Radium Project, Alameda Point)

Sensitivity: Normal

Attachments:

[Agenda - 2026-03-26T010925.925.pdf](#);

Attention: This email originated from outside of SLC and should be treated with extra caution.

Please log this as a Public Trust enforcement request and route to appropriate staff.

State Lands Commission Staff:

I am writing to formally request urgent review and enforcement evaluation of the proposed “Radium Project” at Alameda Point, which has been approved by the City of Alameda Planning Board and is scheduled for consideration by the City Council in April. The Project raises substantial concerns under the State’s Public Trust obligations governing shoreline access and use, including compliance with the 2012 Public Trust Exchange Act.

The site currently functions as a broad, open waterfront foreground providing direct physical and visual continuity to Seaplane Lagoon and expansive views across the Bay to the San Francisco skyline. This condition supports public access, recreation, and the public’s visual relationship to navigable waters.

The Project introduces a large-scale private development within the NAS Alameda Historic District, directly adjacent to the Seaplane Lagoon waterfront, including a structure approximately 50 to 75 feet in height occupying roughly one acre, together with circulation features and enclosed open space occupying an additional acre at the shoreline and directly abutting the Public Trust boundary.

Under the Public Trust Doctrine, the City acts as trustee for the people of the State of California and must preserve and enhance public access, protect trust uses, and avoid authorizing development that impairs those purposes. The approval of a large private structure that obstructs shoreline access, degrades visual access to navigable waters, and converts open waterfront space into a private development forecourt raises serious concerns that the City is failing to fulfill its fiduciary duties as trustee.

As reflected in the project record, the development:

- **Obstructs and redirects public access to the shoreline**
- **Degrades visual access and openness along the waterfront**
- **Converts an open, publicly accessible apron into a privatized building forecourt and controlled space**
- **Introduces non-water-dependent private use at the shoreline interface**

These shoreline impacts arise from a Project that is fundamentally inconsistent with the governing land use and environmental framework, including the Alameda Point Program EIR and applicable local plans, all of which emphasize preservation of open waterfront conditions, public access, and view corridors. The City nevertheless relied on streamlined CEQA review and bypassed further environmental analysis, leaving impacts to shoreline access, visual resources, and public trust uses unresolved in the administrative record.

The resulting conditions raise substantial concerns regarding:

- **Impairment of public access to navigable waters**
- **Privatization of the shoreline interface**
- **Use of Trust-adjacent lands for non-trust purposes**

Accordingly, I respectfully request that the State Lands Commission:

- Evaluate whether the Project is consistent with the Public Trust Doctrine
- Determine whether Commission review, authorization, or approval is required
- Assess whether the Project's impacts to shoreline access and use warrant enforcement action or intervention
- Take appropriate enforcement action prior to further approvals or implementation

This matter is urgent given the upcoming City Council consideration and the potential for irreversible alteration of shoreline conditions, public access, and protected views. The scale of privatization at the waterfront interface also raises broader concerns regarding environmental justice and equitable access to public trust resources.

The attached agenda (Item 5C) includes links to the Planning Board materials, including a detailed report summarizing the applicable regulatory framework and CEQA issues. I am available to provide additional supporting materials, including site plans and administrative record documents, upon request.

Thank you for your attention to this matter.

—Shelby Sheehan
Alameda NAS Historic Preservationist

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Shelby


"The righteousness of the oppressed will not go unheard."





City of Alameda

Meeting Agenda

Planning Board

Monday, March 23, 2026

7:00 PM

City Hall, 2263 Santa Clara Avenue, Council
Chambers, 3rd Floor, Alameda, CA 94501

Members of the public can participate in person or remotely via Zoom

For information to assist with Zoom participation, please click:

<https://www.alamedaca.gov/zoom>

For Zoom registration, please click:

https://alamedaca-gov.zoom.us/webinar/register/WN_LeLkufybQ-OqWaWn8_z3Jw

For Telephone Participants:

Zoom Phone Number: 669-900-9128

Meeting ID: 815 3979 3319

Any requests for reasonable accommodations should be made by completing an online form:

<https://us.openforms.com/Form/7e338354-7abf-4852-886d-229f8c7019b9>

The Board may take action on any item listed in the agenda

Pledge of Allegiance

- 1 ROLL CALL**
- 2 AGENDA CHANGES**
- 3 NON-AGENDA PUBLIC COMMENT - Anyone may speak for 3 minutes regarding any matter not on the agenda**
- 4 CONSENT CALENDAR**
- 4-A [2026-5863](#) Approve Draft Meeting Minutes - March 9, 2026**
- 5 REGULAR AGENDA ITEMS**

- 5-A** [2026-5864](#) PLN25-0618 - Use Permit - 707 West Hornet Avenue. Applicant: Laura Fies, Aircraft Carrier Hornet Foundation. Project Description: Modification of Use Permit PLN21-0227, which allows ship-based museum operations at Pier 3 on the USS Hornet aircraft carrier, to amend various requirements related to special events, occupant loads, safety procedures and to allow occasional helicopter landings onsite. General Plan: Mixed Use. Zoning: AP-E4, Alameda Point - Enterprise 4 District. CEQA Determination: The project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 - Existing Facilities with no substantial increase in intensity. On a separate and independent basis, the environmental effects of the project were adequately evaluated in the Alameda Point Final Environmental Impact Report (SCH# 2013030563) and no further environmental review is required.
- Attachments:** [Exhibit 1 - Existing Use Permit](#)
 [Exhibit 2 - Site Plan](#)
 [Exhibit 3 - Determination of Maximum Occupant Load](#)
 [Exhibit 4 - Draft Resolution](#)
 [Staff Presentation](#)
- 5-B** [2026-5865](#) PLN25-0217 - Use Permit - 1521 Buena Vista (Encinal Terminals). Applicant: Bayview Landing LP. Project Description: Temporary outdoor use for new vehicle storage during interim two-year period prior to implementation of the Encinal Terminals Master Plan. Includes demolition of two existing buildings, new driveway, fencing and gate at Fortman Marina. General Plan: Mixed Use. Zoning: M-X, Mixed Use District with Multi-Family Overlay. CEQA Determination: The project is exempt under Class 1 and Class 4 as a reestablishment of use similar to prior use and small structures as necessary to support the use, CEQA Guidelines Section 15301 - Existing Facilities and Section 15304 - Minor Alterations to Land.
- Attachments:** [Exhibit 1 - Draft Resolution](#)
 [Exhibit 2 - Applicant Statement](#)
 [Exhibit 3 - Access Improvements](#)
 [Exhibit 4 - Neighbor Comments](#)
 [Exhibit 5 - Truck Route Map](#)
 [ENCINALS Public Comment 3-23-26](#)
 [Encinal Terminals Staff Presentation](#)
 [Encinal Terminals Applicant Presentation](#)

- 5-C** [2026-5866](#) PLN24-0145 - Development Plan Amendment - Radium Theatre Performing Arts Center Project - 2151 Ferry Point Way - Applicant: Scott Ward on behalf of Radium Presents, Inc. Amendment to the Site A Development Plan for Blocks 12 & 13 to approve an approximately 600-seat performing arts center and landscaped plaza on an approximately two-acre site on the Seaplane Lagoon Taxiway on the west side of Pan Am Way between the Naval Air Museum and the Seaplane Lagoon Promenade within the NAS Alameda Historic District and Town Center and Waterfront Precise Plan area at Alameda Point. General Plan: Mixed Use. Zoning: AP-WTC, Alameda Point - Waterfront Town Center District. CEQA Determination: The streamlining provisions of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines apply and no further environmental review is required. The environmental effects of the Radium Theatre Project were adequately evaluated in the Alameda Point Final Environmental Impact Report (SCH# 2013012043) and the Alameda General Plan 2040 Update Environmental Impact Report (SCH# 2021030563).

Attachments: [Exhibit 1 - Plans](#)
 [Exhibit 2 - Offsite Requirements](#)
 [Exhibit 3 - Standards Compliance Analysis](#)
 [Exhibit 4 -Historic Photos](#)
 [Exhibit 5 - CEQA Checklist](#)
 [Exhibit 6 - Draft Resolution](#)
 [Public Comment 3-23-26](#)
 [Applicant Presentation](#)
 [Staff Presentation](#)

6 STAFF COMMUNICATIONS

- 6-A** [2026-5861](#) Planning, Building and Transportation Department Recent Actions and Decisions
- 6-B** [2026-5862](#) Oral Report - Future Public Meetings and Upcoming Planning, Building and Transportation Department Projects

7 BOARD COMMUNICATIONS

Members may make a brief announcement of activities, request factual information or request staff to agendaize a matter on a future agenda

- 8 NON-AGENDA PUBLIC COMMENT - Anyone may speak for 3 minutes regarding any matter not on the agenda**

9 ADJOURNMENT

- Appeals of Planning Board decisions are considered by the City Council and must be filed in the Planning, Building and Transportation Department in writing stating the basis of appeal with the appeal fee within 10 days of the date of action
- Accessible seating for persons with disabilities, including those using wheelchairs, is available
- Equipment for the hearing impaired is available for public use
- Translators will be available upon request by contacting the Planning, Building and Transportation Department at planning@alamedaca.gov or 510.747.6805 at least 48 hours prior to the meeting
- To request any reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting, please complete an online form:
<https://us.openforms.com/Form/7e338354-7abf-4852-886d-229f8c7019b9>
- Closed captioning is available via Zoom live or after meetings at:
<https://www.youtube.com/cityofalameda>
- Sign up to receive agendas: <https://www.alamedaca.gov/Subscribe>
- View documents related to this agenda on the City's website:
<https://alameda.legistar.com/Calendar.aspx>
- Documents related to this agenda are also available for public inspection and copying at the Planning, Building and Transportation Department (City Hall, 2263 Santa Clara Avenue Room 190) during normal business hours
- **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City of Alameda exist to conduct the citizen of Alameda's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
- **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION:** the address is 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501; phone number is 510-747-4800; fax number is 510-865-4048, e-mail address is lweisiger@alamedaca.gov and contact is Lara Weisiger, City Clerk.
- In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Archived: Thursday, April 2, 2026 12:16:10 PM

From: [Dennis Winters](#)

Sent: Thursday, March 26, 2026 7:12:57 PM

To: [CSLC CommissionMeetings](#)

Subject: Slip and mooring rates question

Sensitivity: Normal

Attention: This email originated from outside of SLC and should be treated with extra caution.

Why can't the staff not establish a uniform formula as to how you determine "market value" for boat mooring or slip prices? Is it based on just one county (even if the county only has one or two marinas) or is it based on the entire region? This issue is raising conflict throughout the California coast.

Dennis Winters

Thank you.