

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ALBANY
AND THE EAST BAY REGIONAL PARK DISTRICT
FOR THE INCORPORATION OF THE ALBANY
WATERFRONT
NECK/BULB AREAS INTO THE MCLAUGHLIN
EASTSHORE STATE PARK**

RECITALS

WHEREAS, the East Bay Regional Park District ("District"), the California Department of Parks and Recreation ("State Parks"), and the California State Coastal Conservancy prepared a General Plan for the McLaughlin Eastshore State Park for the waterfront areas of Emeryville, Berkeley and Albany, dated December 6, 2002 ("State Park General Plan"); and said plan has been incorporated into the District Parks Master Plan adopted July 16, 2013 ("Master Plan").

WHEREAS, the Master Plan recognizes that the McLaughlin Eastshore State Park ("State Park") is a component of the Regional Shoreline providing: "significant recreational, interpretive, natural or scenic values".

WHEREAS, portions of the State Park General Plan area known as the Albany Neck and Bulb are owned by the City of Albany ("City"), as illustrated by the attached Property Ownership Map (Exhibit A) and are adjacent to State Parks/District park properties. The City and District desire to see these areas incorporated into the State Park to further improve and expand this regional park facility, consistent with the State Park General Plan, the Master Plan, and the Albany General Plan.

WHEREAS, pursuant to an Operating and Management Agreement with State Parks, the District has assumed the responsibility for the management of the State-owned properties within the State Park General Plan area as a part of the District's regional park system.

WHEREAS, at public meetings conducted on May 6, 2013 and June 3, 2013, the Albany City Council authorized the Mayor, Vice Mayor and City Manager to begin negotiations for the transfer of the City owned property to the District or State for inclusion in the State Park.

WHEREAS, the City has prepared the "Albany Neck & Bulb Transition Study" ("Study") which is intended to be used as a planning tool that describes potential

enhancement strategies to improve access, recreational opportunities, habitat, and shoreline resiliency.

WHEREAS, on June 6, 2016, the Albany City Council accepted the Study and subsequently filed with the Alameda County Clerk-Recorder's Office a Notice of Exemption from the California Environmental Quality Act ("CEQA").

AGREEMENT

1. **ADOPTED POLICIES** – the following policies set forth in the State Park General Plan and the Albany General Plan and Municipal Code will provide the overall policy direction for the activities to be undertaken pursuant to the MOU:
 - The Albany General Plan designates the Albany Waterfront Area for Park and Recreation Uses.
 - The State Park General Plan map designates the Neck and Bulb areas within the Albany Shoreline as a Conservation Area to include public access features including park trails, vista points and water access. The Plateau area within the Albany Shoreline is designated as an informal recreation and/or conservation area. (Exhibit B)
 - “Protect and enhance upland habitat for wildlife at the Albany Bulb, Albany Neck and the northern and eastern perimeter of the Albany Plateau (the conservation areas). Enhance the upland scrub habitat by removing noxious and invasive weeds and planting locally native species.” (State Park General Plan)
 - “Develop and implement a program for the removal of safety hazards associated with construction debris on the surface of the Neck and Bulb (e.g. unstable rubble piles, unsafe structures and protruding rebar).” (State Park General Plan)
 - Section 8.4 of the Albany Municipal Code ("No-Camping Ordinance") prohibits camping, lighting fires, erecting structures/tents and storage of personal property in parks, recreation, open space and waterfront areas.
2. **IMPLEMENTATION PLAN AND SPECIFICATIONS** – The City and District desire to have certain Enhancement Strategies described in the Study be designed and implemented by the City. The parties agree to the following parameters for, and elements of, “Implementation Plans and Specifications”:
 - a. The City shall serve as lead agency for the preparation of an environmental review document pursuant to the requirements of the California Environmental Quality Act. The Albany Neck and Bulb Transition Study shall

be used for the preparation of the project description and shall be used in the analysis of the proposed project.

- b. Upon completion of the CEQA review, the City agrees to manage the preparation of one or more sets of Implementation Plans and Specifications.
- c. District agrees to assist in preparation of applications for grant funds that may be available for preparation of the Implementation Plans and Specifications.
- d. District agrees to provide timely input during preparation of the Implementation Plans and Specifications to ensure that the improvements are acceptable to the District and in accordance with the State Park General Plan.
- e. The Implementation Plans and Specifications will be at a level of detail sufficient for construction bidding of the physical improvements.
- f. The City agrees to be responsible for conducting public outreach on the Implementation Plans and Specifications prior to its consideration by the City Council.
- g. The City and District agree to collaborate in the preparation of applications for all necessary governmental permits associated with implementation of the Implementation Plans and Specifications.


3. IMPROVEMENTS CONSTRUCTION – Based on the Implementation Plans and Specifications, and subject to completion of any required CEQA documentation and availability of funding, the City will construct most of the recreation, visitor, and habitat enhancement strategies prior to establishment of a Long-term Lease or Operations and Maintenance Agreement with terms and conditions mutually acceptable to City and the District. For those projects in the Implementation Plans and Specifications that have not been completed at the time the Operations and Maintenance Agreement is drafted, the Operations and Maintenance Agreement will specify whether or not those projects will be implemented and the agency responsible if they are implemented. The District agrees to collaborate with the City in identifying and securing potential funds, including Measure WW funds and State grants, for construction of the agreed physical improvements.

4. OPERATIONS AND MAINTENANCE – The City and District will negotiate in good faith toward a mutual goal of entering into a Long-term Lease or Operations and Maintenance Agreement for the Albany Neck and Bulb. It is the intent of both parties to designate some areas where there will be restriction on dogs to protect sensitive habitat. The parties agree to incorporate into any future Long-term Lease or Operations and Maintenance Agreement provisions designating a portion of City property for “on-leash dogs” only and/or “no dogs” and provisions addressing maintenance of public art. Pending completion of a Long-term Lease or Operations and Maintenance Agreement, the City shall retain “first responder” police and fire responsibilities, including continued enforcement of the City's “no camping” ordinance. The two agencies will work

cooperatively on public safety programs and incident investigation responsibilities that cross jurisdictional boundaries as is the current practice.

5. **TERM OF AGREEMENT** - This MOU will expire five years from the date of its approval by both the City Council and the District Board, unless extended in writing by mutual agreement. Either party may terminate this MOU prior to its expiration by providing ninety (90) days written notice to the other party.

APPROVED BY:



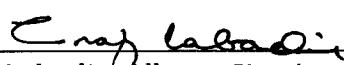
Peter Maass, Mayor
City of Albany

11/4/16
Date

Doug Siden, President, Board of Directors
East Bay Regional Park District

Date

Approved As To Form:



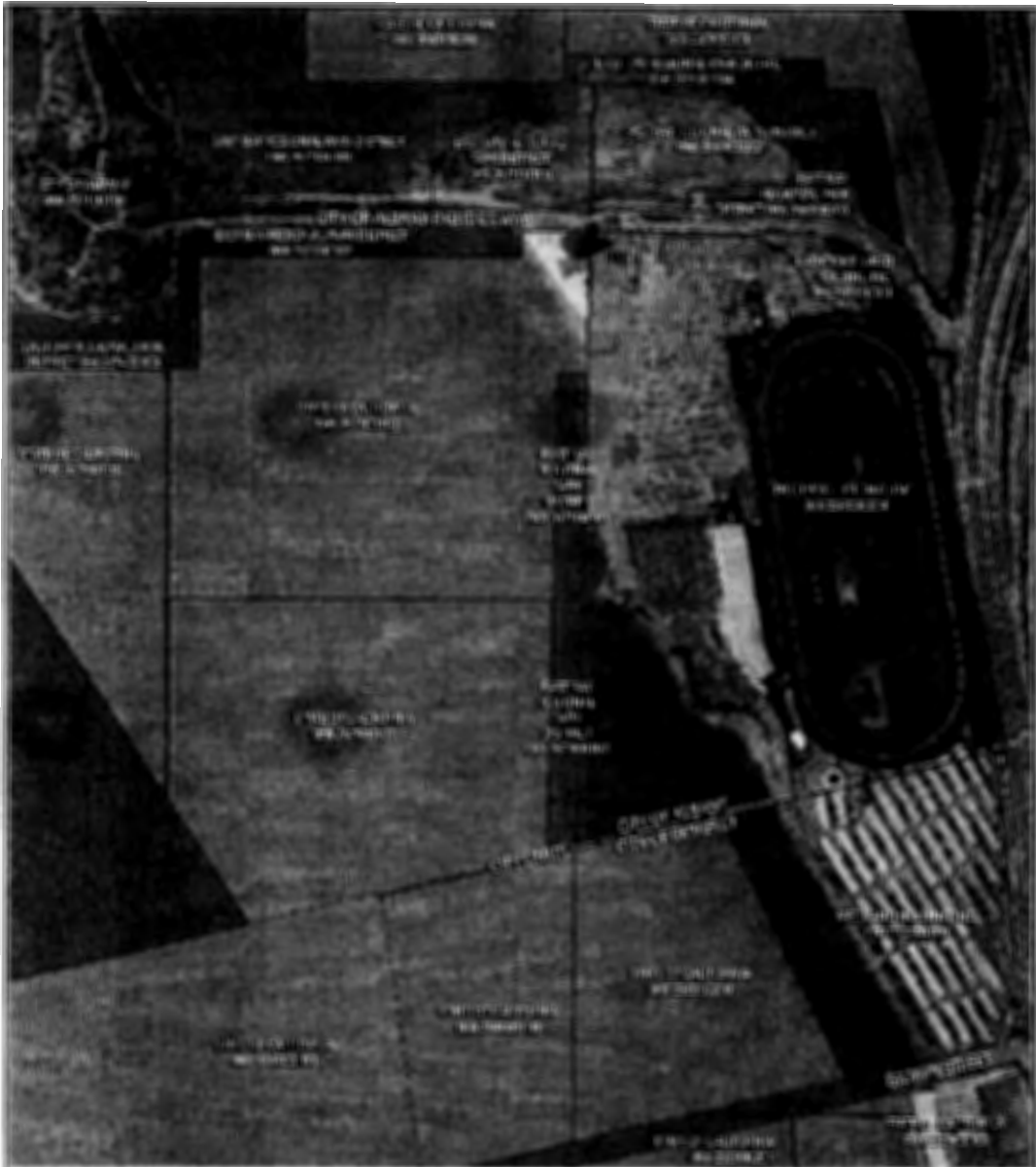
Craig Labadie, Albany City Attorney

10/27/16

Carol Victor, General Counsel, EBRPD

Attachments:

- 1. Exhibit A – Figure 4.9-1 – Eastshore State Park Property Ownership Map**
- 2. Exhibit B – Figure III-8 Albany Shoreline Plan from McLaughlin Eastshore State Park Plan**

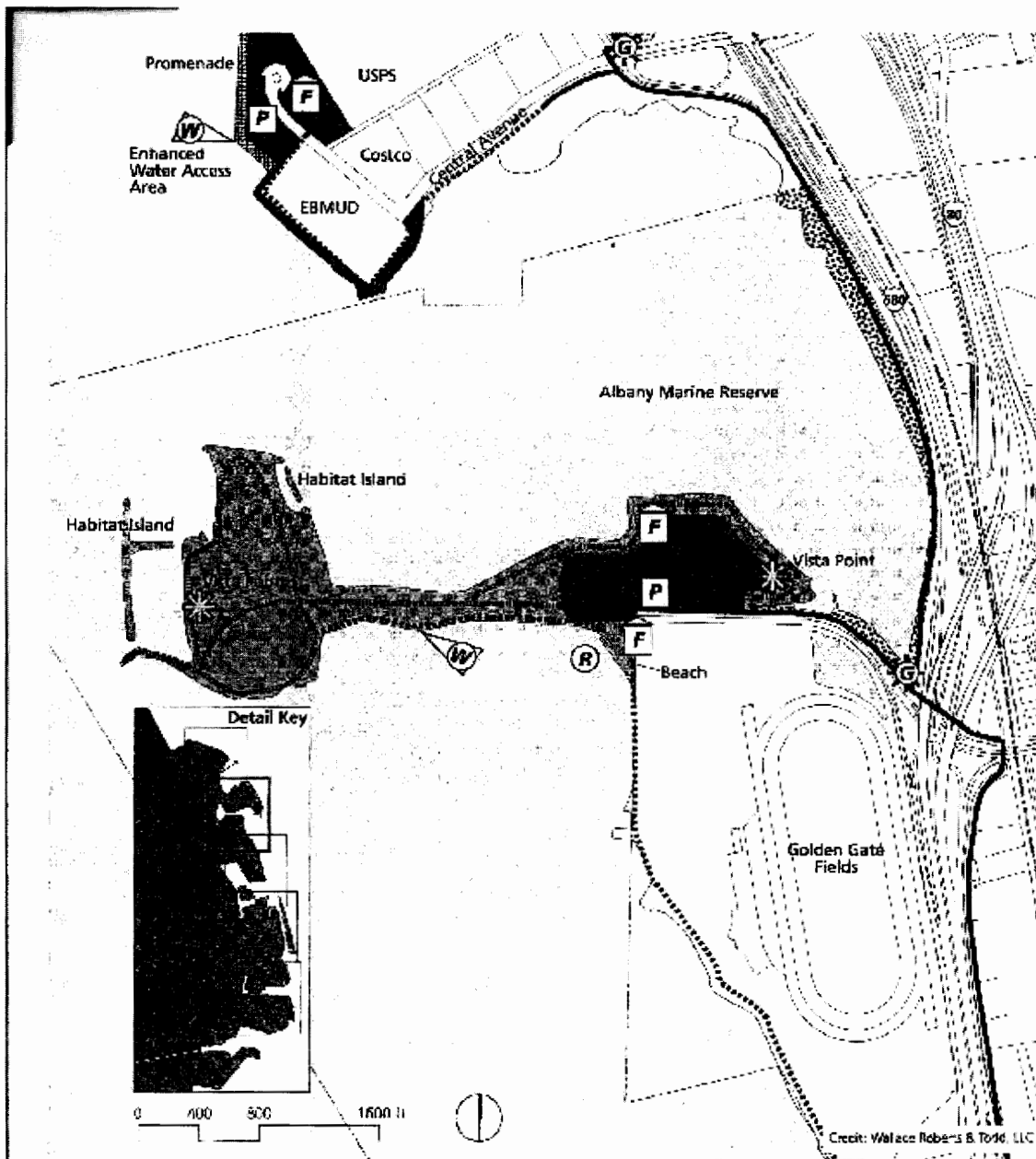


Healthy Parks
Healthy People

East Bay Regional Park District
P.O. Box 5385, Oakland, CA 94605
www.ebparks.org

FIGURE 4.9-1

PROPERTY OWNERSHIP
ALBANY BEACH RESTORATION AND PUBLIC ACCESS
EASTSHORE STATE PARK



Eastshore State Park
General Plan
Figure III-8:
ALBANY SHORELINE

- | | | |
|---------------------|------------------|------------------|
| Recreation | Bridge | Bay Trail-Exist |
| Conservation | Restoration Area | Bay Trail-Prop'd |
| Preservation | Parking | Park Trail |
| Promenade | Gateway | Facility |
| Constructed Wetland | Vista Point | Water Access |