

CHAPTER 482

An act to amend Section 5 of, and to add Section 6 to, Chapter 778 of the Statutes of 1929, relating to lands conveyed to the City of San Diego and the County of San Diego, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1982. Filed with
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The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to clarify the present status of title to the land granted to the City of San Diego and the County of San Diego by Chapter 778 of the Statutes of 1929. That act was intended to terminate the previous conveyance in trust of the lands to the City of San Diego; to free the lands from the public use for navigation, commerce, and fisheries; to revert title to the state; and to reconvey title from the state to the city and county to be used for

county and municipal purposes.

The Legislature hereby finds and declares as follows:

(a) After the enactment of Chapter 778 of the Statutes of 1929, a public administration building was constructed on those lands and occupied by both the City of San Diego and the County of San Diego.

(b) After construction of the public administration building, the Legislature amended Chapter 778 of the Statutes of 1929, by Chapter 693 of the Statutes of 1945, and by Chapter 479 of the Statutes of 1961.

(c) Thereafter, the county purchased all right, title, and interest in and to those lands then held by the city, rendering the county the sole owner and occupant of the lands and the public administration building.

(d) The county now contemplates increased utilization of the lands so as to maximize its benefit to the general public.

(e) Any nontax revenues generated from the development of the lands pursuant to this act should be segregated and deposited into a separate account to be managed by the county as trustee for public trust purposes, providing a benefit to the general public as hereafter set forth.

(f) The purpose of this act is to resolve any uncertainty which may exist with respect to title to those lands, to allow the County of San Diego to make various additional uses of those lands in recognition of the public's changing needs in those lands and the trust revenues which may be produced thereby, and to provide for proper control, management, and administration of those lands and any revenues so that they will be used in the best interests of the general public.

SEC. 2. Section 5 of Chapter 778 of the Statutes of 1929 is amended to read:

Sec. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the lands described in Section 1 of this act, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove those deposits from those lands. However, the right to enter to a depth of 500 feet below the present surface is hereby waived by the state to allow development of the lands.

SEC. 3. Section 6 is added to Chapter 778 of the Statutes of 1929, to read:

Sec. 6. (a) Notwithstanding any of the foregoing, the lands described in Section 1 of this act may be used for any nonresidential purpose, including, but not limited to, the right to lease, for a term not to exceed 66 years, portions thereof to private interests for commercial and recreational uses and to permit construction, reconstruction, repair, maintenance, and operation thereon of such buildings, facilities, utilities, structures, and appliances as may be incidental, necessary, or convenient for the promotion and accommodation of any such uses, including, but not limited to, snack bars, cafes, restaurants, hotels, motels, public assembly and meeting places, convention centers, museums, theaters, parks, playgrounds, public restrooms, bathhouses, public recreation facilities, tackle

shops, souvenir shops, clothings and other specialty shops, service stations, parking areas and structures, roadways and other transportation facilities, pedestrian ways, landscaped areas, public or private office or administration buildings, and all other uses compatible with surrounding land uses; provided, however, that at least 30 percent of the lands shall be used for open space, parks, terraces, or other landscaped areas beneath which may be located subterranean facilities for public or private uses.

Any use made by a private person, firm, or corporation of any portion or portions of the lands granted and conveyed hereby shall conform and be subject to the Local Coastal Program, the General Plan, and the zoning and building code requirements of the City of San Diego; provided, however, that this limitation shall not apply to private uses incidental to the use of public buildings.

If any use results in the creation of an interest subject to ad valorem property taxation, the taxes on that interest shall be allocated to the respective taxing agencies without regard to any applicable redevelopment plan providing for allocation of taxes pursuant to Section 33670 of the Health and Safety Code or any other provision of the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code) enacted pursuant to Section 16 of Article XVI of the California Constitution, unless the County of San Diego, by resolution, approves the allocation of taxes pursuant to the redevelopment plan.

(b) The county shall establish a separate fund and shall deposit therein all nontax revenues received directly from, or indirectly attributable to, those lands. The purpose of this requirement is to provide for the segregation of funds derived from the use of granted lands in order to ensure that they shall be expended by the county to enhance public trust purposes, including, but not limited to, the improvement, maintenance, or operation of those lands and the reimbursement for all costs incurred by the county in acquiring sole ownership of those lands, the acquisition or reimbursement for previous acquisitions of lands or interests in lands situated in the coastal zone as defined by the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code) within the County of San Diego which are adjacent to, or involve interests in, tide and submerged lands, rivers, lagoons, estuaries, wetlands, or marshlands, and for the improvement, maintenance, or operation of those lands, or the improvement, maintenance, or operation of any tide or submerged lands, filled or unfilled, within the County of San Diego for public trust purposes of a statewide general benefit as designated in this act, including the right to provide public light-rail and other transportation services and facilities for the portions on, or contiguous to, filled tide or submerged lands in order to enhance public access to the water. Lands acquired with, or for which full reimbursement is made from, those revenues shall be held for public trust purposes, including, but

not limited to, public parks, public harbors or marinas, or other water-oriented recreational facilities, public access, public light-rail and other transportation services and facilities, beach rehabilitation and maintenance, lifeguard services, open space, and wildlife and ecological preserves. The lands may be leased for limited periods not exceeding 66 years for uses consistent with public trust purposes. All nontax revenues derived from lands acquired under the terms and conditions of this act shall be deposited in the separate account established by the county pursuant to subdivision (c) and shall be expended by the county in accordance with the terms of this act. However, prior to the acquisition or reimbursement for any previous acquisition of any lands or interests in lands pursuant to this section, the county shall obtain approval of the State Lands Commission. The State Lands Commission may only approve proposed acquisitions which are consistent with the provisions of this act. Upon any acquisition or full reimbursement for any previous acquisition pursuant to the provisions of this act, the county shall immediately record in the office of the County Recorder of San Diego County an appropriate instrument setting forth a legal description of the property and reflecting the county's ownership in trust thereof, subject to the provisions of this act.

(c) An annual statement of financial condition and operations, to conform with such requirements as the State Lands Commission may prescribe, shall be submitted to the State Lands Commission by the county on or before November 30th of each year for the preceding fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The lands granted and conveyed by the State of California by Chapter 778 of the Statutes of 1929 are proposed to be more fully utilized by the County of San Diego in order to maximize benefit to the public. The increased utilization contemplates leasing portions of the lands to private interests. Procedures leading up to the execution of the leases are rapidly approaching completion, thus necessitating an immediate clarification of uses to be made of the land under Chapter 778 of the Statutes of 1929 in order to avoid prolonged delays in realizing full utilization of those lands for maximum public benefit. It is necessary, therefore, that this act take effect immediately.