

CALENDAR ITEM

C86

A 78

06/19/14

W26532

S 39

J. Fabel

**CONSIDERATION OF RETROCESSION OF EXCLUSIVE LEGISLATIVE
JURISDICTION AND ESTABLISHMENT OF CONCURRENT LEGISLATIVE
JURISDICTION AT DOG BEACH, NAVAL BASE CORONADO, SAN DIEGO
COUNTY, CALIFORNIA**

PARTY:

United States Department of the Navy

AREA, LAND TYPE, AND LOCATION:

Dog Beach, Naval Base Coronado, San Diego County, California

PROPOSED ACTION:

Under Government Code section 113, the Legislature has granted the State Lands Commission the authority to accept a retrocession of exclusive legislative jurisdiction from the United States upon receipt of a written request and an agreement to pay the costs associated with the retrocession. The statute also provides for the establishment of concurrent legislative jurisdiction.

By letter dated March 29, 2011, the United States Department of the Navy requested that the Commission accept a retrocession of exclusive legislative jurisdiction and establish concurrent legislative jurisdiction over lands located just outside of the fenced perimeter of Naval Base Coronado. The lands affected by the retrocession are currently licensed to the City of Coronado for use as a dog park. The City of Coronado has agreed to pay the costs associated with the retrocession.

A portion of Dog Beach lies within the City of San Diego as well as the City of Coronado. On January 30, 2014, both cities executed the "Jurisdictional Enforcement Agreement Between the City of San Diego and The City of Coronado Concerning Coronado Dog Beach" granting the City of Coronado's Police Department the authority to provide law enforcement across the entirety of the retroceded area.

Pursuant to Government Code section 113, a notice of hearing on the proposed retrocession of exclusive legislative jurisdiction and establishment of concurrent

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legislative jurisdiction was published in a local newspaper. Notice was also served on the Clerk for the Board of Supervisors of San Diego County, the City Clerk for the City of San Diego, and the City Clerk for the City of Coronado. The hearing was held as scheduled on September 27, 2012, at the Sacramento office of the Commission. No public comments were received at the hearing.

The United States proffers “the purpose of the retrocession is to permit state and local municipalities to enforce criminal statutes at Dog Beach and relieve the Navy of the burden of maintaining enforcement outside the Base’s fence line.”

The retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction will be effective upon the recordation of the Commission’s action with the San Diego County Recorder and its filing in the Commission’s records.

OTHER PERTINENT INFORMATION

The staff recommends that the Commission find that the subject retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction does not have a potential for resulting in either a direct or a reasonable foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Plat Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction is not subject to the requirements of CEQA pursuant to California Code of regulations, Title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C86** (CONT'D)

AUTHORIZATION:

1. Find that the requirements of Government Code section 113 have been complied with in that the United States has requested in writing that the State of California acting through the State Lands Commission accept a retrocession of exclusive legislative jurisdiction and establish concurrent legislative jurisdiction over a portion of the lands known as Dog Beach, Naval Base Coronado, San Diego County, California, as more particularly described in Exhibit A hereto.
2. Find that the City of Coronado has agreed to pay the costs associated with the retrocession; that a notice of hearing was served on the Clerk for the Board of Supervisors of San Diego County, the City Clerk for the City of San Diego, and the City Clerk for the City of Coronado, and that the public hearing was held as noticed on September 27, 2012.
3. Find that the retrocession of exclusive legislative jurisdiction and the establishment of concurrent legislative jurisdiction are in the best interest of the state because it will allow state and local law enforcement officials to enforce state and local laws on the affected lands.
4. Accept a retrocession of exclusive legislative jurisdiction and establish concurrent legislative jurisdiction over a portion of lands known as Dog Beach, Naval Base Coronado, San Diego County, California, as more particularly described in Exhibit A hereto.
5. Authorize the filing of copies of the Commission's action with the San Diego County Recorder and in the Commission's files.

EXHIBIT "A"

W26532

LAND DESCRIPTION

RETROCESSION OF JURISDICTION FOR AN AREA KNOWN AS DOG
BEACH LOCATED ON NAVAL BASE CORONADO FORMALLY KNOWN AS
NAVAL AIR STATION NORTH ISLAND

A Strip of land lying within the Southeasterly portion of Naval Base Coronado formally known as Naval Air Station North Island, in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

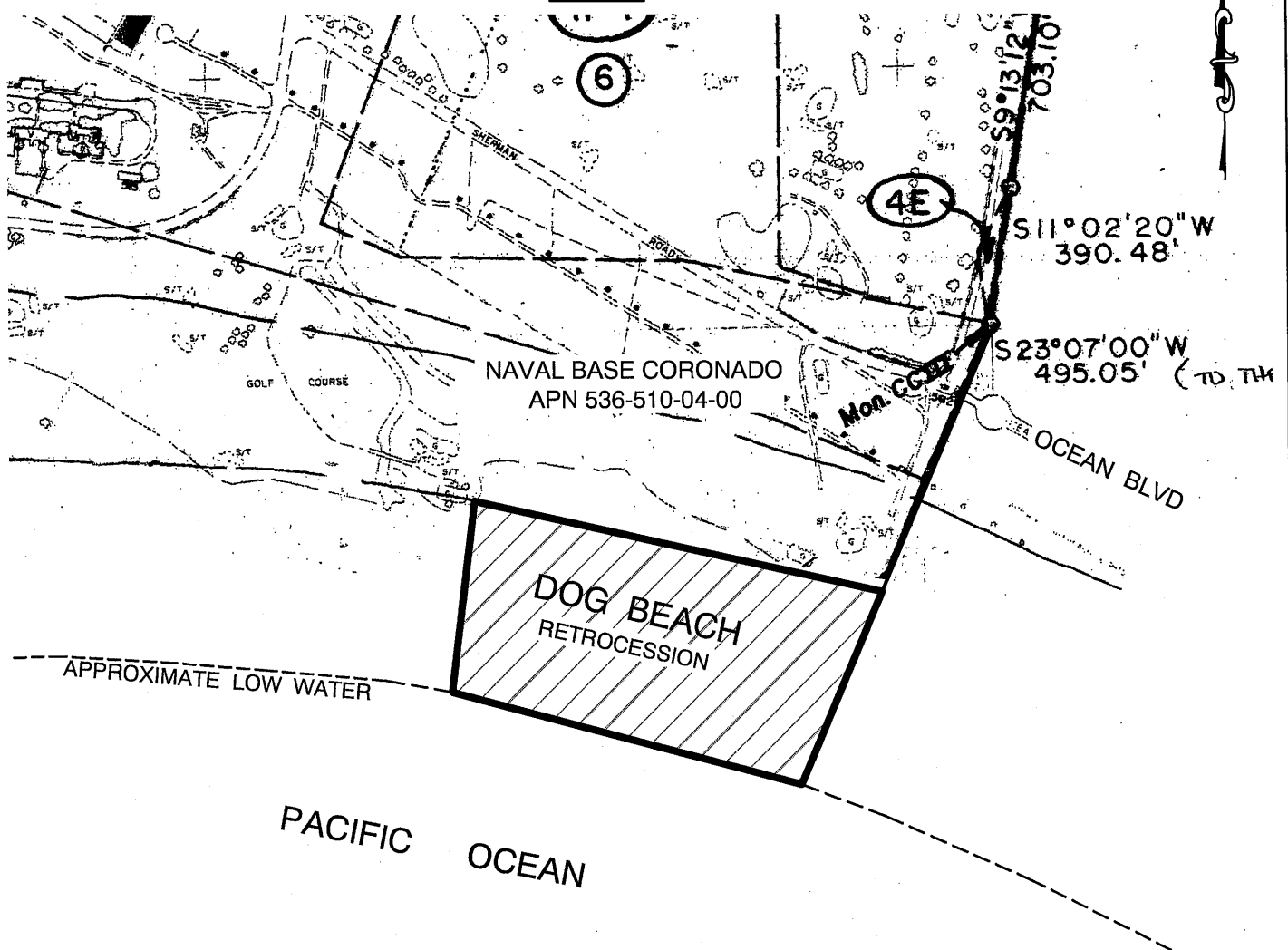
Beginning at the Mean High Tide Station No.108 (monument CCIII) as shown on Miscellaneous Map No.121 filed in the Office of the County Recorder of San Diego County, State of California, March 11, 1932, said point being on the easterly boundary line of said Naval Base Coronado also shown on Record of Survey 20942 filed March 23, 2011 at said County; thence along said easterly boundary South 23°38'34" West, 833 feet, more or less, to the southeast corner of the fence line that delineates the southerly line of the Sea N' Air Golf Course, said point also being the TRUE POINT OF BEGINNING; thence along said fence line North 76°58' West, 1200 feet, more or less, to an angle point in said fence line where the fence leaves the southerly line of said Sea N' Air Golf Course and continues in a southerly direction; thence along said southerly extension of the fence line South 07°02' West, 549 feet, more or less, to the low water mark of the Pacific Ocean; thence southeasterly along said low water mark of the Pacific Ocean 1038 feet, more or less, to the easterly boundary line of said Naval Base Coronado; thence along the easterly boundary line of said Naval Base Coronado North 23°38'34" East, 570 feet, more or less, to said TRUE POINT OF BEGINNING.



This legal description was prepared by me
or under my direction, in conformance with
the California Professional Land Surveyors
Act, on May 20, 2014
Robert W. Schmidt PLS 7444

NO SCALE

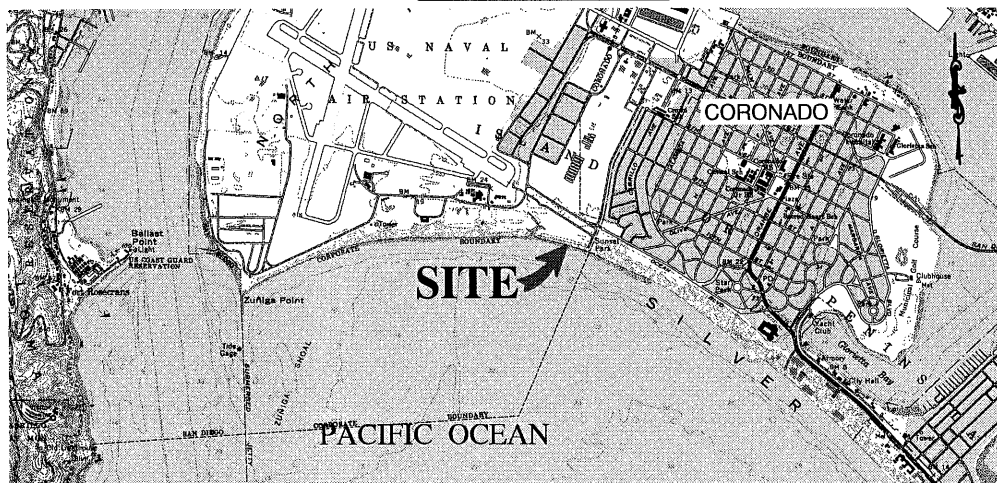
SITE



DOG BEACH, NORTH ISLAND, SAN DIEGO, CA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

W 26532
DOG BEACH/NAVAL BASE
CORONADO
APN 536-510-04-00
RETROCESSION OF
JURISDICTION
SAN DIEGO COUNTY



TS 05/16/14