

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE
Rebecca Bauer-Kahan, Chair
AB 612 (Berman) – As Introduced February 9, 2023

SUBJECT: State parks: Pedro Point

SUMMARY: Requires the Department of Transportation (Caltrans) to sell and transfer specified surplus state property it owns in the City of Pacifica to the Department of Parks and Recreation (State Parks). Specifically, **this bill:**

- 1) Requires Caltrans to declare that the Pedro Point excess property identified in Director’s Deed DD–028801–01–01, also known as the “Disney Lot,” is surplus state property acquired by the expenditure of tax revenues and located in the coastal zone, as defined by the state constitution.
- 2) Requires Caltrans to sell and transfer the specified surplus state property to State Parks for state park purposes.
- 3) States Legislative intent that after Caltrans sells the surplus state property to State Parks, State Parks shall include this area in the management of Pacifica State Beach for park purposes that are consistent with the City of Pacifica Certified Local Coastal Program, until such time as the property may change ownership to a local agency for purposes consistent with trailhead parking adjacent to the California Coastal Trail.
- 4) States the sale and transfer of the Disney lot serves a public purpose.
- 5) Makes various findings and declarations relating to the surplus property, the California Coastal Trail, and the importance of coastal access.
- 6) Makes legislative findings and declarations as to the necessity of a special statute for the surplus state property in the City of Pacifica.

EXISTING LAW:

- 1) Authorizes the Legislature, by statute, with respect to surplus state property located in the coastal zone and acquired with revenues restricted by California Constitution Article XIX to transportation purposes, to authorize the transfer of that property to State Parks for state park purposes, or to the Department of Fish and Wildlife for the protection and preservation of fish and wildlife habitat, or to the Wildlife Conservation Board for purposes of the Wildlife Conservation Law of 1947, or to the State Coastal Conservancy (SCC) for the preservation of agricultural lands, for a consideration at least equal to the property’s purchase price (California Constitution Article XIX § 10).
- 2) Defines “coastal zone” as the land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of Chapter 1330 of the Statutes of 1976, extending seaward to the state’s outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. Extends inland to the first major ridgeline

paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, in significant coastal estuarine, habitat, and recreational areas. Generally extends inland less than 1,000 yards in developed urban areas. Excludes from the coastal zone the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area [Public Resources Code (PRC) § 30103].

- 3) Establishes the California state park system and vests State Parks with control of the state park system and responsibility for administering, protecting, developing, and interpreting state parks for the use and enjoyment of the public (PRC § 5001 *et seq.*).
- 4) Grants Caltrans full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Authorizes and directs Caltrans to lay out and construct all state highways between the termini designated by law and on the locations as determined by the California Transportation Commission (CTC) [Streets and Highways Code (SHC) § 90].
- 5) Allows Caltrans, whenever it determines that any real property acquired by the state for highway purposes is no longer necessary, to sell, contract to sell, sell by the trust deed, or exchange the real property in the manner and upon terms, standards, and conditions established by the CTC (SHC § 118).
- 6) Requires Caltrans, to the greatest extent possible, to offer to sell or exchange excess real property, meaning all land and improvements situated outside of the calculated highway right-of-way lines not needed or used for highway or other public purposes, within one year from the date that it is determined to be excess (SHC § 118.6).
- 7) Requires the State Coastal Conservancy, in consultation with State Parks, the California Coastal Commission, and Caltrans, to coordinate the development of the California Coastal Trail (CCT), and requires certain state and regional transportation planning agencies to coordinate with the State Coastal Conservancy, the California Coastal Commission, and Caltrans regarding development of the CCT (PRC § 31408; Government Code § 65080.1).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill directs Caltrans to sell the surplus property identified in Director's Deed DD-028801-01-01 to State Parks for state park purposes at the price initially paid by Caltrans for the acquisition. According to the author, "[This bill] facilitates the transfer of an excess Caltrans property to [State Parks], and eventually to the City of Pacifica to redevelop it for public use."
- 2) **Background.** Pacifica State Beach is a popular tourist destination located off Highway 1 in San Mateo County. The City of Pacifica would like to acquire an excess Caltrans parcel in the Pedro Point area to create, in the near-term, additional public beach parking associated with Pacifica State Beach located approximately 800 feet to the northeast. The author maintains that the new parking area will help alleviate some of the dangers faced by beachgoers that currently cross Highway 1 on foot to reach Pacifica State Beach. In the

longer-term, Pacifica would like to also use the property as CCT trailhead parking once the CCT is constructed into and through the Pedro Point Headlands. The future use as CCT trailhead parking would support prior state expenditures of \$304,535 awarded to the City of Pacifica through a Habitat Conservation Fund (HCF) grant to partially fund the acquisition of five acres in the Pedro Point Headlands for the future Coastal Trail alignment. The parcel acquired with HCF funds is located approximately 300 feet south of the Caltrans parcel in question.

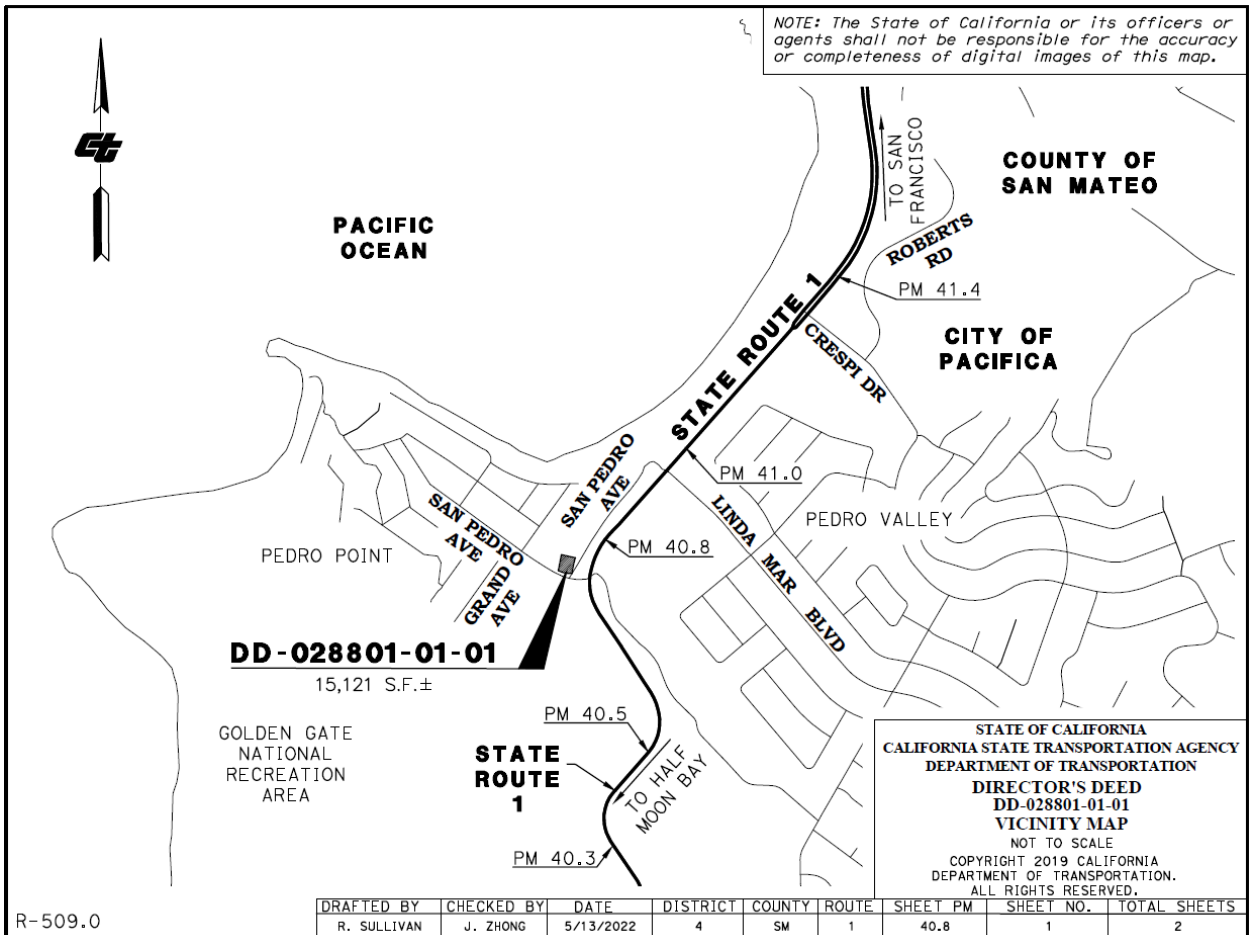


Figure 1. Caltrans Director’s Deed DD-028801-01-01.

The parcel identified in Director’s Deed DD-028801-01-01 is approximately 15,121 square feet (0.35 acres). Current law requires that if Caltrans were to sell the land to the City of Pacifica it be sold at or above the fair market price of \$756,050. Pacifica is unable to afford the land at this price. This bill proposes a process that would allow State Parks to acquire the land for state park purposes at Caltrans’ original acquisition cost, which the author states was \$56,680. This type of acquisition mechanism has been utilized previously in limited circumstances (see Related Legislation section). Pacifica expects it should be able to identify local funds to acquire the property. Pacifica also plans to seek SCC funds as well, if available.

California Coastal Trail. The CCT is an integrated network of trails that, when completed, will provide a multimodal opportunity to walk and bike the length of California’s 1,230-mile-long coast. ACR 20 (Pavley, Resolution Chapter 99, Statutes of 2001) declared the CCT to

be an official state trail and found that completion of the CCT is an integral part of the State's responsibility to provide public coastal access for all in perpetuity. Today, roughly 70% of the CCT is complete, and SCC has been tasked by the Legislature to help complete it in collaboration with Caltrans, State Parks, and the Coastal Commission. SCC pursues this mandate in part by awarding grants to public agencies and nonprofit organizations to acquire land rights, and to develop, operate, or manage lands for public access to and along the coast.

- 3) **Arguments in support.** The City of Pacifica writes in support, stating that this bill “would expand coastal access around Pacifica State Beach and support a future CCT extension in Pacifica.”
- 4) **Double referral.** This bill was also referred to the Assembly Transportation Committee and passed that committee 15-0 on consent on March 20, 2023.
- 5) **Related legislation.** SB 231 (McGuire) Chapter 289, Statutes of 2021, authorized Caltrans to transfer the Blues Beach property located in the unincorporated community of Westport in the County of Mendocino to a qualified nonprofit corporation organized by one or more specified California Native American tribes for the purpose of environmental protection.

SB 792 (Sher) Chapter 390, Statutes of 2004, directed Caltrans to sell land associated with the Martini Creek Devil's Slide bypass to State Parks.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Pacifica (Sponsor)

Opposition

None on file

Analysis Prepared by: Keith Cialino / W., P., & W. / (916) 319-2096