

30. DETERMINATIONS RELATING TO A CONVEYANCE OF GRANTED TIDE AND SUBMERGED LANDS FROM THE CITY OF LONG BEACH (GRANTEE) TO THE TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY AND COLLEGES, LOS ANGELES COUNTY - W 20514.

During consideration of Calendar Item 28 attached, Norman Epstein, General Counsel for the California State University and Colleges, and Harry Harmon, Vice Chancellor for Physical Planning and Development, appeared before the Commission and responded to questions regarding the Joint Powers Agreement, the total cost of the building (\$3.7 million), and the manner of financing by revenue bonds.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION MAKES THE FOLLOWING FINDINGS REQUIRED BY CHAPTER 854, STATUTES OF 1971, AS APPLYING TO THE PROPOSED CONVEYANCE OF GRANTED TIDE AND SUBMERGED LANDS DESCRIBED IN THE GRANT DEED AND JOINT POWERS AGREEMENT ON FILE IN THE OFFICES OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF:

1. THAT THE LANDS DESCRIBED IN THE PROPOSED CONVEYANCE ARE NOT NEEDED OR REQUIRED FOR PURPOSES OF NAVIGATION, COMMERCE, OR FISHERIES OR FOR THE PURPOSES OF THE STATUTORY TRUST UPON WHICH SUCH LANDS WERE GRANTED.
2. THAT THE DESCRIBED LANDS SHOULD BE FREED OF THE PUBLIC TRUST FOR NAVIGATION, COMMERCE, AND FISHERIES, AND SUCH STATUTORY TRUST.
3. THAT THE PROPOSED CONVEYANCE IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE.
4. THAT THE PRODUCTION OF MINERALS BY THE GRANTEE DOES NOT, AND WILL NOT, REQUIRE THE EXERCISE OF THE RIGHT OF USE OR ENTRY OF THE SURFACE OR THE SUBSURFACE LYING ABOVE 500 FEET BELOW THE PRESENT SURFACE OF THE LANDS DESCRIBED IN THE PROPOSED CONVEYANCE.

Attachment:

Calendar Item 28 (10 pages)

CALENDAR ITEM

28.

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RJS
W 20514

DETERMINATIONS RELATING TO A CONVEYANCE OF GRANTED
TIDE AND SUBMERGED LANDS FROM THE CITY OF LONG BEACH
(GRANTEE) TO THE TRUSTEES OF THE CALIFORNIA STATE
UNIVERSITY AND COLLEGES

FINDINGS OF THE GRANTEE

In accordance with Section 3(c) 1 of Chapter 854, Statutes of 1971, the City Council of the City of Long Beach adopted on November 28, 1972, Resolution C-21318, finding and determining that Parcels 1 and 2 of the proposed conveyance are no longer needed or required for purposes of commerce, navigation or fisheries or the trust upon which such lands were granted to the City and should be freed of the trust and that the proposed conveyance is in the best interests of the people of the State.

Subsequently, the City, in accordance with Section 3(c) 2 of Chapter 854, transmitted to the State Lands Commission its findings, together with its statement of the basis for the findings and a copy of the request submitted by the Trustees of the State University and Colleges.

The basis for the findings of the Grantee are as follows:

1. The parcels to be conveyed are no longer needed or required for purposes of commerce, navigation or fisheries or the trust upon which such lands were granted to the City and should be freed of the trust because of:
 - a. the relatively small size of the parcels (The total of both parcels is 6.4324 acres.);
 - b. the isolation from existing business patterns;
 - c. the need for the site to remain compatible with existing adjacent developments; and
 - d. the necessity to preserve the integrity of the rock dike to be compatible with the Shoreline Element of the General Plan of the City of Long Beach. The rock dike is necessary to protect the entire filled area.

The alternatives studied to arrive at these conclusions are summarized as follows:

- a. Park and recreation use. Isolation from existing and potential patterns of recreation, coupled with low visibility of scenic

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areas, outweigh any advantages. Although a park would be an acceptable use, the relatively small size of the parcel and its isolation do not warrant the expenditure of funds for recreation which would be more advantageous in an area of greater visibility with direct access to the beach.

- b. City-related facilities. This site is too isolated from existing patterns of city business to be efficient.
- c. Commercial uses. Commercial structures compatible with the existing developments surrounding this site, which consist of State Fish and Game Regional Headquarters, small boat launching ramp and terminal facilities for Catalina boats and ocean cruises, are not feasible. In addition, commercial uses would create a constant stream of traffic in the area throughout the day.
- d. Industrial uses. Incompatibility with existing developments adjacent to this site are sufficient reasons for dismissing consideration of the site for industrial uses.
- e. Navigation and fisheries. Because such uses would necessitate removal of the existing rock dike and intrude upon the river system, proposals of this nature were not considered.
- f. Beach uses. Again, because of the need to maintain the integrity of the rock dike, this site cannot be used for beach purposes. Also, the quality of the water is at times questionable because of the run-off of the Los Angeles River thereby making use of this site for a beach impracticable.

Thus, the grantees study of alternatives has revealed that trust uses would be either disruptive to the site or incompatible with existing and planned trust uses of adjacent tidelands and submerged lands and facilities and the lands are therefore no longer needed for commerce, navigation or fisheries or the trust upon which the lands were granted.

- 2. The proposed conveyance is in the best interests of the people of the State because the State University and Colleges System headquarters located on the subject site would result in the most effective administration of the Statewide system. This is based upon the criteria adopted by the Trustees of the State University and Colleges System:
 - a. that the site should be readily accessible to the greatest number of California State College Students and faculty and to other university and college campuses;
 - b. that facilities for professional development and exchange such as libraries, research, computer and business centers be readily accessible;

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- c. that adequate housing be available; and
- d. that the project be economical.

The subject site meets these criteria in that:

- a. the site is within two hours driving time of ten campuses representing 55% of the number of students and faculty and 45% in number of campuses now in the system. The Trustees indicate that the next most accessible locale would be the San Francisco Bay area which would have like accessibility to only four campuses and but 23% of the students and faculty of the system;
- b. the Long Beach site is also readily accessible to other university and college campuses and facilities for professional development and exchange;
- c. adequate housing is available. This is borne out by a January, 1972, survey indicating 15,000 housing vacancies within commuting distance of the site. Public transportation facilities are also conveniently located in proximity to the site.
- d. The subject site is economical since it is presently utilized as a parking lot and costs of preparing the site for construction will be slight; the City owns the land in trust for the State and proposes to convey the site to the Trustees without cost. A Joint Exercise of Powers Agreement would make possible the lowest possible loan rate to finance the project.

Building costs must include a small premium due to the character of the fill at the subject site. However, to offset this disadvantage, the site also provides an adequate, paved parking lot, paved access roads, and all utilities in existence at the site.

In accordance with Section 3(c) 3 of the Act, the State Lands Division has made an independent investigation and review of the subject lands and adjacent tide and submerged lands and facilities. The results of this investigation bear out the representations of the City in regard to a determination that the lands are no longer needed or required for purposes of commerce, navigation or fisheries or the trust upon which such lands were granted.

The investigation shows that the subject lands are filled tidelands, near the downtown area of Long Beach situated between the public boat launching ramp at the foot of Golden Avenue to the west and the Navy landing to the east. At present the site is a landscaped parking lot. Adjacent to the site and the Navy landing is a building presently occupied by the Regional Office of the State Department of Fish and Game. Boats providing access to Catalina Island utilize a portion of the Navy landing area. The U.S. Navy Shore Patrol occupies a portion of the landing area and of the

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building where the Department of Fish and Game offices are located. The site is at the mouth of the Los Angeles River Flood Control Channel and the shoreline is heavily riprapped. The waters offshore are periodically burdened with silt and debris flowing out of the flood control channel. Debris was particularly noticeable on the date of inspection by the Division's representative (January 19, 1973) two days following a heavy storm in the Los Angeles basin. The immediate view to the south from the site is the industrial complex of Long Beach Harbor. To the south-east, the view is partially blocked by the new Queensway Bridge.

A review of the project in light of the physical inspection of the site discloses:

1. The area to be conveyed is a relatively small portion of filled tidelands that is presently sparsely utilized.
2. The site is inferior recreationally to other nearby tidelands because of proximity to the mouth of the flood control channel and the contamination and debris that periodically issues therefrom. The site is also inferior esthetically because views of the ocean are impeded by industrial obstructions.
3. The nearby area appears approaching saturation with commercial developments. Industrial uses are incompatible with existing developments.
4. Institutional facilities at the site are compatible with the Shoreline Element of the General Plan for Long Beach.
5. Removal of the riprap and fill to provide for navigation or fisheries would disrupt the integrity of adjacent lands and the flood control channel.
6. Public access is assured by provision for a pedestrian-bicycle pathway along the shoreline.

The Division's review also bears out the City's contention that the proposed conveyance appears to be in the best interests of the people of the State. The review concurs that this would be an effective site for the headquarters of the State University and Colleges System because:

- a. the site is within two hours driving time of the majority of students and faculty of the system and is readily accessible via existing transportation facilities;
- b. facilities for professional development and exchange are readily accessible to the site;
- c. adequate housing is available within commuting distance; and
- d. the project is economical, particularly with respect to the advantages for financing through a joint powers authority.

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Therefore, the Division, as a result of its investigation and review, concludes that:

1. the subject lands are not needed or required for purposes of navigation, commerce or fisheries or for purposes of the statutory trust upon which such lands were granted; and
2. that the proposed conveyance appears to be in the best interests of the people of the State.

As provided in Section 3(f), the Division has also concluded that production of minerals by the City of Long Beach does not and will not require the exercise of the right of use or entry of the surface or subsurface lying about 500 feet below the present surface of said land.

As provided in Section 3(g), the Division review also discloses the Joint Powers Agreement provides that lease payments by the Trustees to the Joint Powers Authority shall be at fair market value and shall be devoted to the repayment of capital and other expenses.

CONVEYANCE

GRANTOR: City of Long Beach.

GRANTEES: Trustees of the California State University and Colleges.

LOCATION: Parcels 1 and 2 of 3.2 acres each of filled tide and submerged land in the downtown portion of the shoreline between the Navy landing and the Golden Avenue small boat launching ramp in the City of Long Beach, as well as Parcel 3, a non-exclusive easement appurtenant to provide access, as described in the proposed grant deed.

LAND USE: The parcel nearest the shoreline will be the site of the State University and Colleges System Headquarters. The structure will have about 95,000 square feet of office space for a staff of 350. Construction is to be completed by January 1, 1975. The inland parcel will be used for automobile parking.

TERMS AND CONDITIONS:

1. Mineral rights at 500 feet or below present actual surface are reserved to Grantor as well as all subterranean rights below 500 feet including right to drill and maintain well bores for removing oil, gas and other hydrocarbons from these or other lands or for subsidence control or prevention of salt water intrusion, but without the right of surface entry.

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2. The two parcels and easement appurtenant shall revert to Grantor, subject to the easement for navigation, commerce and fisheries should the following conditions not be met:
 - a. Revenue bonds for construction are issued on or before September 20, 1976.
 - b. Parcels 1 and 2 are used for construction and maintenance of improvements as educational facilities but not necessarily related to commerce, navigation or fisheries.

JOINT POWERS AGREEMENT

A Joint Exercise of Powers Agreement dated October 1, 1972, between the City of Long Beach and the Trustees of the State University and Colleges was consummated for the purpose of acquiring, constructing, maintaining, operating, leasing and subleasing buildings for public education purposes, including a headquarters building for the Trustees, together with necessary or convenient appurtenances, parking facilities, and landscaping and to provide for maintenance and operation of said facilities directly or by means of a sublease. The joint powers agreement shall continue in effect for 40 years or until revenue bonds and interest thereon have been paid whichever date is earlier, provided however that the agreement shall terminate in four years if bonds have not been issued on or before four years from the date of the agreement.

When necessary to the development, the City shall convey the site to the Trustees and the Trustees shall lease the site to the Authority created by the agreement for a term not longer than the term of the agreement and for a total consideration of \$40.

The City and Trustees may, when appropriate, make contributions and advances including use of personnel and equipment. The City agrees to advance \$300,000 to meet the initial costs of the project and shall be repaid from Authority's revenue bonds. All money advanced for the project by the City as authorized by the agreement will be paid out of City general purpose funds and not from trust funds.

The Authority shall sublease the site and facilities to the Trustees for a term that ends prior to the termination of both the Agreement and the ground lease of the site from Trustees to the Authority, for an aggregate rent not to exceed the fair market rental value of the site and facilities.

LEGISLATIVE GRANTS

The subject parcels were conveyed to the City of Long Beach upon the trusts and conditions of Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935.

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ENVIRONMENTAL IMPACT

The City submitted an environmental impact report to the Division, and it was circulated to affected governmental agencies.

Comments of other State agencies are as follows:

Additional environmental problems will be brought to the area as a result of the subject project of the State University and Colleges System Headquarters Building, considering that facilities for 600 vehicles per day have been forecast for this complex.

The California State University and Colleges System Headquarters Building site is described as a portion of a master plan for the shoreline development of the Port of Long Beach, and other projects are also described in planning and development phases which would promote additional vehicular traffic in nearby areas. Therefore, the total impact of the vehicular traffic will be significant if all of the projects planned are actually developed. It was suggested that the EIR be revised to include estimates of the total air pollutants to be produced by all of the projects contemplated in the master plan. This would provide a more reasonable basis for considering the impact on air quality in the area and the contribution to basin air pollution. The air pollution problem created by these developments, would be minimal when viewed in the context of the overall air quality problem facing Southern California and the State as a whole. Given the current transportation systems available in Southern California, location of this headquarters anywhere within this region will result in some automobile travel. A Long Beach location, rather than one in downtown Los Angeles for example, will result in a lessened impact, inasmuch as it will decentralize institutional and commercial operations throughout the region, thereby dispersing the routes of work-generated trips. The Long Beach bus system adequately serves this site and the whole community; and all future public transportation plans for the Long Beach area pinpoint the downtown business and shoreline area as the highest priority mass transit service area.

The proposed structure is an office building, subject to peak traffic movement only at the hours of 8:00 a.m. and 5:00 p.m. Experience reveals that many open-space uses, such as parks, generate day-long traffic flows that are much less tolerable than this proposal.

If this building were constructed someplace else, the volume of air pollutants would not be lessened but only shifted to some other locality which in many instances would be less desirable. Any air pollution generated in Long Beach disperses more quickly than if formed in an inland area. A new building constructed in Long Beach is less likely to have a critical debilitating impact upon background air pollution than in more confined geographical areas of high pollution concentration.

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Very brief mention is made in the EIR of the geology of the project site. The headquarters building is to be built on hydraulic fill materials underlain by a thick section of widely varying quaternary and tertiary sediments. Deeper sediments in the area have yielded large volumes of oil and gas. Fluid extraction, over the years, has resulted in some serious subsidence problems in much of Long Beach, and remedial repair and oil field repressurization have been extremely costly.

Because the proposed site lies approximately 2 miles southwest of the active Newport-Inglewood fault zone, design consideration for any future seismic shaking will be required in the building of the complex. The potential for damage in an earthquake is substantially increased in building over saturated fill materials--as is planned in this case--and additional design requirements may be needed in construction of this building.

The headquarters building is planned for a site which is located on part of a 119-acre landfill. This fill consists primarily of a soil classified as fine, sandy, silt, obtained by dredging the silted areas at the mouth of the Los Angeles River south of Ocean Blvd. All construction was performed in accordance with a U.S. Army Corps of Engineers Permit dated June, 1957. All of the consolidation in the entire landfill occurred during and immediately following construction process; and only insignificant settlement due to consolidation has occurred since then. Other major buildings have been constructed on this larger landfill, including the Long Beach Arena, the Navy Landing Building and the Armed Services YMCA Building, and there has been no evidence of compaction affecting these major improvements.

The City of Long Beach has conducted an extensive repressurization program for the past 13 years in connection with its oil operations. During this period subsidence has been abated in both the areas of the proposed headquarters building and the remainder of the subsidence district. Vertical measurements of the subsidence district are taken every six months to determine the extent, if any, of subsidence and the results of these measurements are available.

While it is true that the potential exists for earthquake damage, as it exists in most areas of California, there are design measures which can be utilized to minimize such damage. Every assurance has been made by the structural engineers associated with this project that the most advanced knowledge in the field of seismic safety will be used on this building. The City of Long Beach has very stringent requirements in its building code to make all buildings as earthquake resistant as possible.

The planned removal of the existing launching ramp near the proposed structure is detrimental to the boating interests in Southern California. Comparable launching facilities should be provided in the vicinity as a replacement for the ramp that is being removed. Apparently there has been a misunderstanding concerning the removal of this facility. The Environmental Impact Report at Section II, Inventory of Environmental Factors, in addressing itself to issues of the land use and water activities states:

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"Boat launching operations presently conducted from a site directly to the west, will not be adversely affected by construction of the State University Headquarters. Other recreational boating, water skiing, and fishing will not be disrupted either."

Wholly unassociated with construction of the proposed headquarters building, there is some likelihood that this launching ramp will be relocated. Its present location, at the mouth of the Los Angeles Flood Control Channel, results in periodic closing for dredging operations to clear the silt that forms during the storm season. It is believed that there are better locations in the general area for a boat launching ramp which will not be subject to these periodic closings.

Chapter 854, Statutes of 1971, authorized the conveyance of tidelands to the State University and Colleges for use as a headquarters site. Thus the Legislature, in enacting this statute, contemplated that although a headquarters building for the State University and Colleges is not water-oriented, such a facility may well be situated on tidelands somewhere within the State of California. As noted above, investigation and review by the staff has determined the land is not required for navigation, commerce and fisheries.

The Environmental Impact Report prepared by the City contained general information relating to the growth inducing impact of the project. Subsequent to the circulation of the report, additional information on the growth-inducing impact has been obtained. The site is well located in proximity to existing housing, shopping, cultural, professional and recreational facilities. In Long Beach there are 150,000 housing units and as of January 1972 there were 15,000 vacancies within commuting distance of the site. Since the maximum number of people to be employed at the site is 350, the growth-inducing impact is seen as minimal.

As a result of material submitted by the City, the Trustees and additional Division investigation, it is concluded the project will not have a significant detrimental environmental impact.

An application for a permit from the South Coast Regional Conservation Commission has been approved and is currently pending the normal appeal period prior to issuance.

Copies of the proposed conveyance document, joint powers agreement and shoreline development master plan are on file in the offices of the Commission.

EXHIBITS: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION MAKE THE FOLLOWING FINDINGS REQUIRED BY CHAPTER 854, STATUTES OF 1971, AS APPLYING TO THE PROPOSED CONVEYANCE OF

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GRANTED TIDE AND SUBMERGED LANDS DESCRIBED IN THE GRANT DEED AND JOINT POWERS AGREEMENT ON FILE IN THE OFFICES OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF:

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