

Date of Hearing: March 20, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 612 (Berman) – As Introduced February 9, 2023

SUBJECT: State parks: Pedro Point

SUMMARY: Requires the California Department of Transportation (Caltrans) to sell and transfer property, as specified, to the Department of Parks and Recreation (DPR) for conversion to state park purposes. Specifically, **this bill:**

- 1) Lists findings and declarations regarding the States duty to provide access to coastal lands for all Californians under Article X of the California Constitution and the Coastal Act of 1976.
- 2) States Legislative intent that after Caltrans sells the “Disney lot” to DPR for state park purposes, DPR shall include this area in the management of Pacific 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.
- 3) 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.
- 4) Requires Caltrans to sell or transfer the Disney lot to DPR for state park purposes as defined by the state constitution.
- 5) States the sale and transfer of the Disney lot serves a public purpose.
- 6) Provides that a special statute is necessary because of the unique circumstances of the city of Pacifica.

EXISTING LAW:

- 1) Permits the sale or transfer of surplus state property located in a coastal zone and is acquired with the use of motor vehicle-related tax revenue at or above the acquisition cost paid by the State to acquire the property, to DPR for state park purposes, or to the Department of Fish and Game 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 for the preservation of agricultural lands. (California Constitution (CONS) 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. In significant coastal estuarine, habitat, and

recreational areas it 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, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include 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) Grants Caltrans full possession and control of all state highways and all property and rights in property acquired for state highway purposes. The department is authorized and directed to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission. (Streets and Highways Code (SHC) 90)
- 4) Allows Caltrans, whenever it determines that any real property acquired by the state for highway purposes is no longer necessary, may 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 California Transportation Commission (CTC).
- 5) Requires Caltrans 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)

FISCAL EFFECT: Unknown

COMMENTS:

Pacifica State Beach is a popular tourist destination, a wide crescent-shaped beach located off Highway 1. The northern gateway to part of the California Coastal Trail runs discontinuously between the state's northern and southern border. Parking demands of beach-goers to Pacific State Beach and the California Coastal Trail exceed available parking and as a result, visitors park on nearby residential streets, straining local communities and causing beachgoers to make the dangerous Highway 1 crossing.

To address these problems and increase public access to the Coastal Trail, the City of Pacifica would like to acquire an excess Caltrans parcel [Director's Deed (DD-028801), also known as the "Disney lot"] 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 and, in the longer-term, to use as Coastal Trail trailhead parking once the Coastal Trail is constructed into and through the Pedro Point Headlands. The property will serve as parking for Pacifica State Beach and will eventually serve as Coastal Trail trailhead parking once the Coastal Trail is constructed into and through the Pedro Point Headlands.

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 was unable to afford the land at this price.

This bill proposes a process that would allow DPR to acquire the land at Caltrans' original acquisition cost, for state park purposes. The mechanism proposed in this bill for the transfer of this property is based on SB 792 (Sher) Chapter 390, Statutes of 2004 which allowed for Caltrans to sell and transfer property in the Martini Creek Bypass Alignment to DPR.

In addition to increasing the safety of beachgoers in the area and reducing parking on local streets, the acquisition and future use as Coastal Trail trailhead parking would support prior state expenditures of \$304,535 awarded to the City of Pacifica through the 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.

According to the author, "California has longstanding goals of helping more people access and enjoy the coastal outdoors and sustaining local economies along the length of California's coast and around San Francisco Bay. This bill supports those goals by expanding public access to Pacifica State Beach in the near-term, and in the longer term increasing public access to the Coastal Trail. AB 612 facilitates the transfer of an excess Caltrans property to the California Department of Parks and Recreation, and eventually to the City of Pacifica to redevelop it for public use. The property will serve as parking for Pacifica State Beach and will eventually serve as Coastal Trail trailhead parking once the Coastal Trail is constructed into and through the Pedro Point Headlands. The lot will reduce the need for beachgoers to make the dangerous Highway 1 crossing and will ensure that more people can access California's beautiful state beaches."

The City of Pacifica writing in support states, "the availability of the parcel for transfer from Caltrans presents an opportunity to support the development of additional Pacifica State Beach parking in the near term and a California Coastal Trail (CCT) trailhead parking lot over a longer term once improvements are made to eliminate the CCT trail gap."

Previous legislation:

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

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.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Pacifica (sponsor)

Opposition

None on file.

Analysis Prepared by: Dirk Spencer / TRANS. / (916) 319-2093