

CHAPTER 1700

An act relating to the tidelands and submerged lands granted to the City of Santa Monica by Chapter 78, Statutes 1917 and granting to the City of Los Angeles and to the County of Los Angeles certain tidelands and submerged lands contiguous therewith upon certain trusts and conditions, and authorizing agreements and conferring powers for the joint development of such tidelands and submerged lands.

[Approved by Governor September 2, 1967 Filed with
Secretary of State September 2, 1967.]

The people of the State of California do enact as follows:

SECTION 1. (a) There is hereby confirmed to the City of Santa Monica, a municipal corporation, and to its successors, all of the right, title and interest of the State of California in and to the tidelands and submerged lands, filled or unfilled, granted to the city by Chapter 78, Statutes 1917, as amended by Chapter 616, Statutes 1949, subject to all the terms and provisions of such statute and of this act; excepting therefrom and reserving to the state all that real property in the City of Santa Monica, County of Los Angeles, described in that certain deed from the City of Santa Monica to the State of California, dated June 21, 1949, and recorded January 10, 1950, as Instrument No. 1040 in Book 31924, page 250, Official Records of the County of Los Angeles; also excepting therefrom and reserving to the State of California any other real property owned by the state in a proprietary capacity within the areas of the above tide and submerged land grants.

(b) In addition to the purposes expressed in Chapter 78, Statutes 1917, the tidelands and submerged lands granted to the City of Santa Monica thereby may be used by the city and

its successors for the following purposes in which there is a general statewide interest, to wit:

(1) For the construction, reconstruction, repair and maintenance of freeways, highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(2) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bath-houses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings; parking areas, roadways, pedestrian ways and landscaped areas.

(c) Except as hereinafter provided in this section, the city or its successors shall not, at any time convey, give or alienate the such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city or its successors, may, notwithstanding any provision of Chapter 78, Statutes 1917, or of this act, to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 99 years, for any of the purposes specified in subdivision (b) of this section or for other purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce, navigation, and fishery, and collect and retain rents and other revenues from such leases, franchises and privileges, subject, however, to the provisions of Section 8 of this act. Revenues earned from the operation or development of projects on the subject lands shall be deposited in a special trust fund and shall be expended for the public uses and purposes set forth in subdivision (b) of this section and for other public uses and purposes consistent with the trusts on which the lands are held

by the state. Such lease or leases, franchises and privileges may be for any and all purposes as specified in the master plan and shall not interfere with commerce and navigation.

(d) Except as expressly provided for in subdivisions (i) and (j) of this section, the lands shall be improved without expense to the state; provided, that nothing contained in this section shall preclude the city from applying for and obtaining any grants, loans, or other forms of financial assistance from the state or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for any purposes consistent with this act.

(e) In the management, conduct, operation and control of the lands or any public improvements, betterments, or structures thereon, the city or its successors shall not discriminate in rates, tolls or charges for any use or service in connection therewith. Rents and other revenues from leases, franchises and privileges granted pursuant to paragraph (c) of this section shall not be deemed to be rates, tolls or charges within the meaning of this section.

(f) The state shall have the right to use without charge any public transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose as specified in the master plan.

(h) The lands are granted subject to the express reservation and condition that the state may at any time in the future use any unreclaimed portions of the lands for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The city may contract with the Department of Public Works to reclaim or cause to be reclaimed agreed-upon portions of the lands for use by the Department of Public Works for freeway purposes, and to convey to the Department of Public Works all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Public Works.

Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which the lands are held by the state.

(j) The city may contract with the Department of Parks and Recreation to reclaim or cause to be reclaimed agreed upon portions of the lands for use as public beaches, parks, and ancillary facilities, and to convey to the Department of Parks and Recreation all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Parks and Recreation. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which such lands are held by the state.

(k) No work of reclamation shall be undertaken pursuant to this section, nor shall any lease or franchise be granted, except in accordance with a master plan approved by an act of the Legislature. The city shall submit its master plan, together with formal written recommendations thereon by the State Lands Commission to the Legislature not later than the fifth day of the 1970 Regular Session. Should the city fail to submit its master plan to the Legislature as herein required, or should the Legislature fail to approve the master plan during the 1970 Regular Session, this section shall become inoperative, and the city's right, title and interest in the lands shall be such as it would otherwise be had this act never been enacted by the Legislature. The State Lands Commission shall, at the expense of the city, act with reasonable promptness to review any master plan submitted to it by the city to insure that:

(1) The plan conforms with or complements existing state, regional, county or municipal development plans within the geographic region.

(2) There is sufficient evidence that the plan will be of statewide benefit and that the plan shall not cause undue injury to private property owners or local jurisdictions in the geographic region.

(3) The plan does not conflict with any Resources Agency programs.

(4) The plan represents the highest and best use of the lands.

(5) The plan is financially sound and that the projected costs and revenues are realistic.

(6) The plan includes provision for a public recreational beach along substantially the entire length of the seaward side of the improvement and there is sufficient evidence that such beach will remain stable.

(7) The plan includes provision for adequate landscaping, the plan will not interfere with air traffic to or from existing airports, and the plan will not result in water pollution or beach erosion within or without the project area.

On the basis of such review the State Lands Commission shall, not later than six months following receipt of the master

plan, furnish the city with its formal written recommendations concerning the plan. Such formal written recommendation shall take one of the following forms: approval as proposed, approval subject to recommended changes, recommendation of alternative plan, or disapproval, stating the reasons therefor.

The findings made by the State Lands Commission pursuant to this subdivision shall be solely for the advice of the Legislature to assist it in evaluating the master plan and shall not be construed as a warranty to any person.

An act of the Legislature approving the master plan may provide for such changes or modifications of the master plan as the Legislature may deem necessary or desirable, and the Legislature may concurrently amend any of the provisions of this act.

(l) It is the intent of the Legislature that within 10 years from the effective date of approval by the Legislature of the master plan the lands shall be substantially improved in accordance with the master plan. If the State Lands Commission determines that the city has failed within 10 years after approval of the master plan diligently to proceed to improve the lands in accordance with the master plan, this section shall become inoperative, and city's right, title, and interest in the lands shall be such as it would otherwise be had this act never been enacted by the Legislature. No such termination of authorization shall operate to divest the interest of any lessee, franchise holder, or holder of any other contractual privilege with respect to lands actually reclaimed in accordance with this act, or to divest or otherwise affect the security interest in the lands of any person advancing funds for the purposes of financing the work of reclamation and development.

(m) The city shall establish conventional monitoring systems to measure the effects of the development of the lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

SEC. 2. (a) There is hereby granted to the City of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by the state by virtue of its sovereignty, in and to all the tidelands and submerged lands, whether filled or unfilled, within those certain areas known as the Westgate Addition acquired by the City of Los Angeles by annexation on June 14, 1916 and the Santa Monica Canyon Addition acquired by the City of Los Angeles by annexation on April 28, 1925, and situated below the line of ordinary high-water mark of the Pacific Ocean, to be forever held by such city, and by its successors, in trust for the uses

and purposes, and upon the express conditions, hereinafter set forth.

(b) The lands shall be used by the city and its successors for purposes in which there is a general statewide interest, to wit:

(1) For the construction, reconstruction, repair and maintenance of freeways, highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(2) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(c) Except as hereinafter provided in this section, the city or its successors shall not, at any time convey, give or alienate the lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city or its successors, may, notwithstanding any provision of this act to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 99 years, for any of the purposes specified in subdivision (b) of this section or for other purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce, navigation and fishery, and collect and retain rents and other revenues from such leases, franchises and privileges, subject, however, to the provisions of Section 8 of this act. Revenues earned from the operation or development of projects on the subject lands shall be deposited in a special trust fund and shall be expended for the public uses and purposes set forth in subdivision (b) of this section and for other

public uses and purposes consistent with the trusts on which the lands are held by the state. Such lease or leases, franchises and privileges may be for any and all purposes as specified in the master plan and shall not interfere with commerce and navigation.

(d) Except as expressly provided for in subdivisions (i) and (j) of this section, the lands shall be improved without expense to the state; provided, that nothing contained in this section shall preclude the city from applying for and obtaining any grants, loans, or other forms of financial assistance from the state or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for any purposes consistent with this act.

(e) In the management, conduct, operation and control of the lands or any public improvements, betterments, or structures thereon, the city or its successors shall not discriminate in rates, tolls or charges for any use or service in connection therewith. Rents and other revenues from leases, franchises and privileges granted pursuant to subdivision (c) of this section shall not be deemed to be rates, tolls or charges within the meaning of this section.

(f) The state shall have the right to use without charge any public transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose as specified in the master plan.

(h) The lands are granted subject to the express reservation and condition that the state may at any time in the future use any unreclaimed portions of the lands for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The city may contract with the Department of Public Works to reclaim or cause to be reclaimed agreed upon portions of the lands for use by the Department of Public Works for freeway purposes, and to convey to the Department of Public Works all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Public Works. Such conveyance shall be made free of the restrictions of this

act, but shall be subject to the trusts for commerce, navigation and fishery upon which the lands are held by the state.

(j) The city may contract with the Department of Parks and Recreation to reclaim or cause to be reclaimed agreed upon portions of the lands for use as public beaches, parks, and ancillary facilities, and to convey to the Department of Parks and Recreation all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Parks and Recreation. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which such lands are held by the state.

(k) No work of reclamation shall be undertaken pursuant to this section, nor shall any lease or franchise be granted, except in accordance with a master plan approved by an act of the Legislature. The city shall submit its master plan, together with formal written recommendations thereon by the State Lands Commission, to the Legislature not later than the fifth day of the 1970 Regular Session. Should the city fail to submit its master plan to the Legislature as herein required, or should the Legislature fail to approve the master plan during the 1970 Regular Session, all right, title and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. The State Lands Commission shall, at the expense of the city, act with reasonable promptness to review any master plan submitted to it by the city to insure that:

(1) The plan conforms with or complements existing state, regional, county or municipal development plans within the geographic region.

(2) There is sufficient evidence that the plan will be of statewide benefit and that the plan shall not cause undue injury to private property owners or local jurisdictions in the geographic region.

(3) The plan does not conflict with any Resources Agency programs.

(4) The plan represents the highest and best use of the lands.

(5) The plan is financially sound and that the projected costs and revenues are realistic.

(6) The plan includes provision for a public recreational beach along substantially the entire length of the seaward side of the improvement and there is sufficient evidence that such beach will remain stable.

(7) The plan includes provision for adequate landscaping, the plan will not interfere with air traffic to or from existing airports, and the plan will not result in water pollution or beach erosion within or without the project area.

On the basis of such review the State Lands Commission shall, not later than six months following receipt of the

master plan, furnish the city with its formal written recommendations concerning the plan. Such formal written recommendations shall take one of the following forms: approval as proposed, approval subject to recommended changes, recommendation of alternative plan, or disapproval, stating the reasons therefor.

The findings made by the State Lands Commission pursuant to this subdivision shall be solely for the advice of the Legislature to assist it in evaluating the master plan and shall not be construed as a warranty to any person.

An act of the Legislature approving the master plan may provide for such changes or modifications of the master plan as the Legislature may deem necessary or desirable, and the Legislature may concurrently amend any of the provisions of this act.

(l) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from said land; provided, however, that such exception and reservation shall not include a right of entry upon the surface of any of the land which shall have been reclaimed in any project authorized by this act or upon that portion of the subsurface of any such reclaimed land lying above a depth of 500 feet below the surface thereof measured vertically.

(m) The State Lands Commission shall, at the cost of the city, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(n) It is the intent of the Legislature that within 10 years from the effective date of approval by the Legislature of the master plan the lands shall be substantially improved in accordance with the master plan. If the State Lands Commission determines that the city has failed within 10 years after approval of the master plan diligently to proceed to improve the lands in accordance with the master plan, all right, title, and interest of such city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. No such reverter shall operate to divest the interest of any lessee, franchise holder, or holder of any other contractual privilege with respect to lands actually reclaimed in accordance with this act, or to divest or otherwise affect the security interest in the lands of any person advancing funds for the purposes of financing the work of reclamation and development.

(o) The city shall establish conventional monitoring systems to measure the effects of the development of the lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

SEC. 3. (a) There is hereby granted to the County of Los Angeles, and to its successors, all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty, in and to all of the tide and submerged lands bounded and described as follows:

All that portion of the tide and submerged lands, whether filled or unfilled, of the Pacific Ocean within the County of Los Angeles, State of California, lying below the ordinary high water mark of the Pacific Ocean and more particularly described as follows:

Beginning at the intersection of the center lines of Big Rock Drive and Pacific Coast Highway as shown upon Records of Survey Map No. 1748 approved by the County Surveyor of Los Angeles County August 21, 1951 and filed in the Office of the County Recorder of Los Angeles County on August 22, 1951 in book 66, page 2, Records of Survey; thence from such point of intersection due south to the ordinary high water mark of the Pacific Ocean, being the true point of beginning; thence in a general easterly direction along said ordinary high water mark to an intersection with the westerly line of the Westgate Annexation to the City of Los Angeles as described in Ordinance No. 34184 (New Series) approved by the City Council of the City of Los Angeles on May 17, 1916; thence due south along such westerly line to the southerly boundary line of the County of Los Angeles; thence westerly along said southerly boundary of the County of Los Angeles to a point due south of the true point of beginning of the herein described parcel of tide and submerged lands; thence due north to the true point of beginning.

To be forever held by the county and its successors, in trust for the uses and purposes and upon the express conditions, hereinafter set forth.

(b) The lands shall be used by the county and its successors for purposes in which there is a general statewide interest, to wit:

(1) For the construction, reconstruction, repair and maintenance of freeways, highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(2) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bath-houses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar

recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(c) Except as hereinafter provided in this section, the county or its successors shall not at any time convey, give or alienate the lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the county or its successors, may, notwithstanding any provision of this act to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 99 years, for any of the purposes specified in subdivision (b) of this section or for other purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce, navigation and fishery, and collect and retain rents and other revenues from such leases, franchises and privileges, subject, however, to the provisions of Section 8 of this act. Revenues earned from the operation or development of projects on the subject lands shall be deposited in a special trust fund and shall be expended for the public uses and purposes set forth in subdivision (b) of this section and for other public uses and purposes consistent with the trusts on which the lands are held by the state. Such lease or leases, franchises and privileges may be for any and all purposes as specified in the master plan and shall not interfere with commerce and navigation.

(d) Except as expressly provided for in subdivisions (i) and (j) of this section, the lands shall be improved without expense to the state; provided, that nothing contained in this section shall preclude the county from applying for and obtaining any grants, loans, or other forms of financial assistance from the state or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for any purpose consistent with this act.

(e) In the management, conduct, operation and control of the lands or any public improvements, betterments, or structures thereon, the county or its successors shall not discriminate in rates, tolls or charges for any use or service in connection therewith. Rents and other revenues from leases, franchises and privileges granted pursuant to subdivision (c) of this section shall not be deemed to be rates, tolls or charges within the meaning of this section.

(f) The state shall have the right to use without charge any public transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose as specified in the master plan.

(h) The lands are granted subject to the express reservation and condition that the state may at any time in the future use any unreclaimed portions of the lands for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The county may contract with the Department of Public Works to reclaim or cause to be reclaimed agreed-upon portions of the lands for use by the Department of Public Works for freeway purposes, and to convey to the Department of Public Works all of the county's right, title and interest therein, in consideration for payment to the county of such sums, and upon such terms and conditions, as may be mutually agreed upon between the county and the Department of Public Works. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which the lands are held by the state.

(j) The county may contract with the Department of Parks and Recreation to reclaim or cause to be reclaimed agreed-upon portions of the lands for use as public beaches, parks, and ancillary facilities, and to convey to the Department of Parks and Recreation all of the county's right, title and interest therein, in consideration for payment to the county of such sums, and upon such terms and conditions, as may be mutually agreed upon between the county and the Department of Parks and Recreation. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which such lands are held by the state.

(k) No work of reclamation shall be undertaken pursuant to this section, nor shall any lease or franchise be granted, except in accordance with a master plan approved by an act of the Legislature. The county shall submit its master plan, together with formal written recommendations thereon by the State Lands Commission, to the Legislature not later than the fifth day of the 1970 Regular Session. Should the county fail to submit its master plan to the Legislature as herein

required, or should the Legislature fail to approve the master plan during the 1970 Regular Session, all right, title and interest of the county in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. The State Lands Commission shall, at the expense of the county, act with reasonable promptness to review any master plan submitted to it by the county to insure that:

(1) The plan conforms with or complements existing state, regional, county or municipal development plans within the geographic region.

(2) There is sufficient evidence that the plan will be of statewide benefit and that the plan shall not cause undue injury to private property owners or local jurisdictions in the geographic region.

(3) The plan does not conflict with any Resources Agency programs.

(4) The plan represents the highest and best use of the lands.

(5) The plan is financially sound and that the projected costs and revenues are realistic.

(6) The plan includes provision for a public recreational beach along substantially the entire length of the seaward side of the improvement and there is sufficient evidence that such beach will remain stable.

(7) The plan includes provision for adequate landscaping, the plan will not interfere with air traffic to or from existing airports, and the plan will not result in water pollution or beach erosion within or without the project area.

On the basis of such review the State Lands Commission shall, not later than six months following receipt of the master plan, furnish the county with its formal written recommendations concerning the plan. Such formal written recommendations shall take one of the following forms: approval as proposed, approval subject to recommended changes, recommendation of alternative plan, or disapproval, stating the reasons therefor.

The findings made by the State Lands Commission pursuant to this subdivision shall be solely for the advice of the Legislature to assist it in evaluating the master plan and shall not be construed as a warranty to any person.

An act of the Legislature approving the master plan may provide for such changes or modifications of the master plan as the Legislature may deem necessary or desirable, and the Legislature may concurrently amend any of the provisions of this act.

(1) There is hereby excepted and reserved to the state all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the land; provided, that such exception and reservation shall not include a right of entry upon the surface of any of the land which shall have been reclaimed in any project authorized

by this act or upon that portion of the subsurface of any such reclaimed land lying above a depth of 500 feet below the surface thereof measured vertically.

(m) The State Lands Commission shall, at the cost of the county, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(n) It is the intent of the Legislature that within 10 years from the effective date of approval by the Legislature of the master plan the lands shall be substantially improved in accordance with the master plan. If the State Lands Commission determines that the county has failed within 10 years after approval of the master plan diligently to proceed to improve the lands in accordance with the master plan, all right title and interest of such county in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. No such reverter shall operate to divest the interest of any lessee, franchise holder, or holder of any other contractual privilege with respect to lands actually reclaimed in accordance with this act, or to divest or otherwise affect the security interest in the lands of any person advancing funds for the purposes of financing the work of reclamation and development.

(o) The county shall establish conventional monitoring systems to measure the effects of the development of the lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

SEC. 4. Notwithstanding any provision of this act to the contrary, the powers conferred upon the City of Santa Monica, the City of Los Angeles, and the County of Los Angeles by this act for reclamation or improvement for the purpose of creating a causeway development and of providing the location for a state freeway on the lands to be reclaimed, including the submission to the Legislature of a master plan therefor, shall be exercised jointly by the two cities and the county. For this purpose the City of Santa Monica, the City of Los Angeles, and the County of Los Angeles may enter into a joint powers' agreement pursuant to the provisions of Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code for the accomplishment of any or all of the common purposes authorized by this act, and in such case the term "city" as used in Sections 1 and 2 of this act and the term "county" as used in Section 3 of this act shall be construed to mean the agency, commission, or board (hereinafter called the "administering agency") provided by such agreement to administer and execute the agreement. The joint powers agreement shall provide that the approval by the administering agency of the master plan shall be by unanimous action of the parties or their designated representatives. In addition to other powers,

the administering agency shall, if authorized by the parties to the agreement, have the following powers, regardless of whether such powers are common to the parties to the joint powers agreement.

(a) To enter into independent contracts for the services of or to employ such engineers, contractors, attorneys, advisers, consultants, agents, and employees as may in its judgment be necessary for carrying out the purposes of the joint powers agreement.

(b) To make or enter into contracts, conveyances, franchises, sales, and leases authorized by this act by negotiation or by public bid at the discretion of the administering agency; provided, that no negotiations shall be entered into or bids received for any lease or contract to lease relating to any parcel of reclaimed land constituting in excess of 10 percent of the total acreage of the lands authorized to be reclaimed in the master plan (exclusive of those portions of such reclaimed lands to be used as freeway rights-of-way, wet or dry beach, recreational or other public uses, and facilities ancillary to such uses). Nothing in this section shall be deemed to preclude any person from negotiating separately for, or bidding on, two or more parcels of reclaimed lands.

All franchises and leases shall provide that the lands shall be used throughout the entire term thereof solely for the uses authorized in the master plan approved by the Legislature and that any use inconsistent therewith shall constitute a default which shall result in termination of the franchise or lease. All franchises and leases for a term exceeding 10 years shall be in a form approved by the State Lands Commission.

(c) To borrow money, and otherwise incur indebtedness, for financing the purposes of the joint powers agreement payable out of such sources as the administering agency may indicate, and to execute bonds, notes, and other forms of agreement evidencing same and as security therefor to execute mortgages and deeds of trust on any of the lands authorized to be reclaimed in the master plan approved by the Legislature, or other real property, pledges, assignments and other documents of hypothecation, including assignments of any moneys due or to become due from the state or any agency thereof, or any other person; provided, that such indebtedness shall not constitute a debt, liability or obligation of the City of Santa Monica, the City of Los Angeles, or the County of Los Angeles. Any such mortgage or deed of trust shall provide that upon default by the administering agency and foreclosure by the lender the purchaser at the foreclosure sale or his assignees or transferees shall acquire a 99-year interest in the lands authorized to be reclaimed for private lease as specified in the master plan approved by the Legislature, including the right of the administering agency to complete the project in accordance with the master plan approved by the Legislature and to operate, administer and lease the lands, on which the mortgage or

deed of trust referred to above shall constitute a lien, and to grant easements and permits thereon, and to collect and retain all revenues derived from such lands during the term of such 99-year interest; provided, however, that if any portion or portions of the said lands shall be under lease to private persons on the date of the foreclosure sale the term of such 99-year interest shall be deemed to commence as to such portion or portions of the said lands on the date of the commencement of the term of such lease or leases. Such right to collect and retain revenues shall be subject to the provisions of Section 8 of this act to the same extent as the right of the administering agency would be so subject; provided, that no net revenues shall be deemed to be realized by the purchaser or his assignees or transferees until such time as the purchaser or his assignees or transferees shall have recovered a sum equivalent to the total unpaid balance on the mortgage or deed of trust at the time of the foreclosure sale, all of his costs incurred in connection with the project, plus interest on the total amount of such unpaid balance and such costs at the same rate provided for in the bonds, notes, or other forms of agreement evidencing the indebtedness secured by the mortgage or deed of trust foreclosed. The purchaser at the foreclosure sale and his assignees or transferees shall be required to assume all obligations of the administering agency with the Department of Public Works and the Department of Parks and Recreation under contracts authorized by this act in effect on the date the mortgage or deed of trust is executed and shall succeed to all rights of the administering agency under such contracts.

(d) To apply for and accept grants, loans, or other forms of financial assistance from the state, or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for the accomplishment of any of the purposes of the joint powers agreement.

SEC. 5. No reclamation or improvement is authorized to be made pursuant to this act which would not result in the creation of wave protected waterways between the seaward limits of the improvement and the present shoreline at least equal in total area to the total area of reclaimed lands constituting such improvement, exclusive of those portions of such reclaimed lands used as freeway rights-of-way, wet or dry beach, and facilities ancillary to such uses. The present shoreline shall continue to abut on navigable water throughout its entire length in the project area and shall not be altered by filling except in such manner as may be authorized in the approved master plan.

SEC. 6. No reclamation or improvement is authorized to be made pursuant to this act unless the State Highway Commission shall have adopted or agreed to adopt a route location for a state freeway on the lands to be reclaimed pursuant to this act. Nothing in this act shall be construed as expressing any

preference of the Legislature as to where such freeway route should or should not be located.

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 8. The cities and county, or in the event a joint powers agreement is entered into pursuant to Section 4 of this act the administering agency provided for in the said agreement, shall establish a separate trust fund or funds to account for all financial and monetary transactions associated with the granted lands or any improvements, betterments or structures thereon. A statement of operations, to conform with such requirements as the Auditor General shall prescribe, shall be submitted to the Auditor General on or before September 30 of each year for the preceding fiscal year. The revenue derived from the use of the granted lands remaining after expenditures for the purposes authorized by this section shall be divided between the local jurisdictions and the state so as to give the local jurisdictions 15 percent of the net revenues and the state 85 percent of the net revenues. The term "expenditures for the purposes authorized by this section" means (1) expenditures made for the purposes specifically authorized by subdivision (b) of Sections 1, 2 and 3 of this act (including reasonable contributions to one or more reserve funds established for the carrying out of such purposes), (2) expenditures for the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of the granted lands or to encourage private investment in developing the granted lands in accordance with this act, (3) expenditures for the acquisition of property or the rendition of services reasonably necessary in carrying out the purposes of this act, (4) expenditures for the payment of debt service on any borrowing made to carry out the purposes of this act, and (5) any other uses or purposes of state, as distinguished from purely local, interest and benefit, which are in fulfillment of the trust uses and purposes described in this act, and which are approved in advance by the State Lands Commission.

SEC. 9. The Department of Public Works shall submit to the Legislature not later than the fifth day of the 1970 Regular Session a report with respect to the proposed freeway for which plans are to be evolved under this act, including such data as may be available on potential costs to the state for right-of-way acquisition and freeway construction under the master plan developed pursuant to this act, similar costs of alternate freeway routes considered by the department, any recommendations which may have been adopted with respect to freeway routing, material data with regard to maintenance of the causeway proposed for study under this act, and any other signifi-

cant information with regard to the project under review which the department believes pertinent to legislative consideration of the master plan required by this act.

The cities and county, or in the event a joint powers agreement is entered into pursuant to Section 4 of this act, the administering agency provided for in said agreement, shall provide engineering and cost data in its possession and every cooperation to the Department of Public Works in this undertaking.

SEC. 10. The Department of Parks and Recreation shall submit to the Legislature not later than the fifth day of the 1970 Regular Session a report with respect to the project proposed for study by this act, including information on the impact which the construction proposed under the master plan developed under terms of this act will have on existing state beaches both physically and in regard to their potential usage, any recommendations which may have been adopted with regard to acquisition or operation of new beaches proposed to be created seaward of any causeway which might be constructed under this proposal and costs associated with such acquisition or operation of such new beaches, and any other significant information with regard to the project under review which the department believes pertinent to legislative consideration of the master plan required by this act.

The Department of Water Resources shall cooperate with the Department of Parks and Recreation with respect to evaluation of available data on conditions affecting beach erosion or accretion.

The cities and county, or in the event a joint powers agreement is entered into pursuant to Section 4 of this act, the administering agency provided for in said agreement, shall provide engineering and cost data in its possession and every cooperation to the Department of Parks and Recreation in this undertaking.

SEC. 11. Notwithstanding any provision of this act to the contrary, the master plan may provide for residential uses including houses, apartments, condominiums, cooperatives, and other types of residential dwellings; provided, that such uses shall be approved by the Legislature only on the basis of an express legislative finding that such uses are not inconsistent with the general statewide interest to be served by the project as a whole.

SEC. 12. The provisions of Sections 1, 2, and 3 of this act, excepting the provisions of subdivision (k) of each such section, relating to the master plan, shall not become operative unless and until the master plan shall have been approved by an act of the Legislature.