

**CALENDAR ITEM
C68**

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10/16/15

G 05-03

S 33

R. Boggiano

REVIEW THE PROPOSED EXPENDITURE OF TIDELAND OIL REVENUES, IN AN AMOUNT NOT TO EXCEED \$378,610 BY THE CITY OF LONG BEACH FOR A CAPITAL IMPROVEMENT PROJECT LOCATED ADJACENT TO LEGISLATIVELY GRANTED SOVEREIGN LAND IN THE CITY OF LONG BEACH, LOS ANGELES COUNTY

APPLICANT:

City of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802

LOCATION:

Granted sovereign tide and submerged lands located in the City of Long Beach, Los Angeles County.

BACKGROUND:

The City of Long Beach (City) is a trustee of sovereign tide and submerged lands granted by the Legislature under Chapter 676, Statutes of 1911 and as amended; Chapter 102, Statutes of 1925 and as amended; and Chapter 158, Statutes of 1935. Since then there have been many revisions to the statutes granting the City these lands. In 1964, the City's statutory trust grant was amended to authorize the City to spend tideland oil revenue for specific uses and to require the City to notify the State Lands Commission of proposed tideland oil expenditures exceeding a specified amount.

The City proposes to spend an additional \$378,610 of tideland oil revenue to fund the Shoreline Boulevard Connectivity Project located adjacent to the City's granted sovereign lands. The project will improve bicycle connectivity between the Downtown and East Village Arts District and the beach and marina areas. In December 2012, the Commission reviewed the City's proposed expenditure of \$400,000 for this project, and based on the information provided by the City; found that the project did not appear to be inconsistent with the statutory trust grant (Calendar Item C54). The City has revised the total cost for the project due to increased construction costs, and, as required, is providing formal notification

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to the Commission that the tideland oil revenue expenditure for the project has increased to \$778,610.

The capital improvements that tideland oil may fund are specified in the statutory trust grant and must be for statewide purposes that benefit the fulfillment of the trust uses and purposes allowed in the City's granting statutes, as opposed to purely local interests and benefits. The City is required to file a detailed description of the proposed capital improvement with the Commission 60 days prior to disbursement. On August 11, 2015, the City submitted a description of the proposed \$378,610 expenditure to the Commission for its review.

STAFF ANALYSIS:

The City's statutory trust grant allows various uses of the tideland oil revenue allocated to the City, including the construction of streets, roadways, and recreational related facilities located on or adjacent to the City's tidelands for the benefit and use of the tidelands.

Consistent with the statutory trust grant, the proposed expenditure for the construction and reconstruction of a bike path and pedestrian walkway is for the benefit and use of the tidelands and Alamitos Beach Park Lands. The bike path and pedestrian walkway are intended to increase access to the beach and marina areas within the City.

OTHER PERTINENT INFORMATION:

1. Pursuant to Chapter 138, Statutes of 1964, as amended by Chapter 941, Statutes of 1991 (Chapter 138), the Commission has 60 days to notify the City that a proposed capital improvement is not authorized by the applicable subdivisions of Chapter 138. Commission staff received notice from the City of the proposed expenditure on August 11, 2015.
2. Pursuant to the City's statutory trust grant, the City shall maintain separate tidelands accounts identified as the Harbor Fund, Tidelands Fund, and Tidelands Oil Revenue Fund. The proposed capital improvement project will be funded with tideland oil revenue from the Tidelands Fund, as authorized by Chapter 138.
3. In December 2012, the City notified the Commission of its proposed expenditure of \$12,225,000 of tideland oil revenue for eight capital improvement projects, including \$400,000 for the Shoreline Boulevard Connectivity Project (Calendar Item C54, December 5, 2012).

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4. The City is reporting a total of \$124,661,766, including tideland oil revenue, currently available in the City's Tidelands Fund.
5. The staff recommends that the Commission find that the subject consistency determination of proposed expenditure of tideland oil revenue does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

6. This activity involves lands statutorily exempted from Public Resources Code section 6370 et seq., pursuant to Public Resources Code section 6377.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject consistency determination of proposed expenditure of tideland oil revenues is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

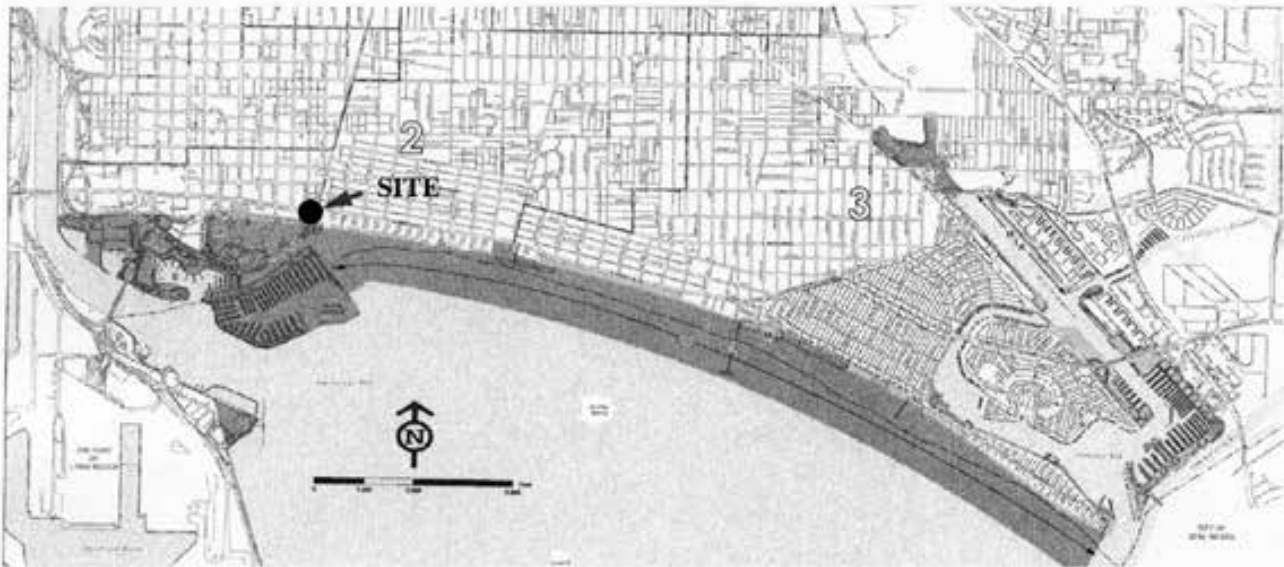
Find that, based on the information provided by the City, the proposed expenditure of tideland oil revenue in the amount of \$378,610 for one capital improvement project located adjacent to granted sovereign land in the City of Long Beach does not appear to be inconsistent with the uses set forth in sections 6(c) and (d) of Chapter 138, Statutes of 1964, as amended by Chapter 941, Statutes of 1991.

NO SCALE

SITE



BICYCLE ACCESS IMPROVEMENT PROJECT ON SHORELINE DRIVE AND OCEAN BLVD.



LONG BEACH TIDELANDS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A
CITY OF LONG BEACH
G 05-03.10
EXPENDITURE OF OIL
REVENUE
LOS ANGELES COUNTY



TS 08/31/15

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