

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN SENATE JULY 12, 2005

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN ASSEMBLY MAY 17, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 54

Introduced by Assembly Member Negrete McLeod
(Coauthor: Senator Migden)

December 6, 2004

An act to amend ~~Sections 11011.1, 11011.21, 54220, 54221, and 54222~~ *Section 11011.21* of the Government Code, to amend Section 12 of Chapter 1087 of the Statutes of 1985, and to amend Section 10 of Chapter 974 of the Statutes of 2002, relating to state property, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 54, as amended, Negrete McLeod. Surplus state property.

~~(1) Existing law requires the Department of General Services to offer land that has been declared surplus by the Legislature, and that is not needed by any state agency, to local governmental agencies, subject to specified conditions.~~

~~This bill would specifically authorize the department to offer surplus land that is deemed by the Director of General Services to be suitable for economic development purposes, as defined, to local governmental agencies at fair market value.~~

~~(2) Existing law requires any agency of the state and any local agency disposing of surplus land, prior to disposing of that property, to send a written offer to sell or lease the property for specified purposes.~~

~~This bill would additionally require these agencies to send a written offer to sell or lease the property for economic development purposes.~~

~~(3) Existing~~

~~Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.~~

~~This bill would authorize the Director of General Services and the Director of Transportation to sell, exchange, or lease specified parcels of state property for fair market value and would also authorize the Department of General Services to transfer some of these specified parcels. The bill would require the Director of General Services or the Director of Transportation, as applicable, if property is disposed of by a means other than being sold, exchanged, or leased for fair market value, to report specified information to the chairs of the legislative fiscal committees 30 days prior to completing a transaction regarding these parcels.~~

~~This bill would authorize the Director of General Services, with the concurrence of the Adjutant General, subject to specified conditions, to lease the property known as the 58th Street Armory in the City of Sacramento to the Sacramento Archdiocese for the purposes of constructing and using a parking lot, upon terms and conditions in the best interests of the state.~~

~~This bill would require that the net proceeds of property sold by the Director of General Services and the Director of Transportation be deposited into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is continuously appropriated, *thereby making an appropriation*, and would require the reservation of mineral rights, as specified.~~

~~The bill would also delete and revise provisions relating to specified authorizations to sell, exchange, lease, or transfer state surplus property.~~

~~This bill would authorize the director to sell, lease, or exchange at fair market value to the City of Soledad, subject to terms, conditions, reservations, and exceptions determined by the director, a specified part of the California Department of Corrections Correctional Training Facility at Soledad. The net proceeds of the conveyance would be paid~~

into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is continuously appropriated, thereby making an appropriation. The bill would require the director, if the property is disposed of by a means other than being sold, exchanged, or leased for fair market value, to report specified information to the chairs of the legislative fiscal committees 30 days prior to completing this transaction.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 ~~SECTION 1. Section 11011.1 of the Government Code is~~
2 ~~amended to read:~~
3 ~~11011.1. (a) Land that has been declared surplus by the~~
4 ~~Legislature, pursuant to Section 11011, and is not needed by any~~
5 ~~state agency shall be offered to local governmental agencies.~~
6 ~~Except as authorized in subdivisions (b), (c), (d), (e), and (k), or~~
7 ~~any combination thereof, transfers of surplus land to local~~
8 ~~governmental agencies pursuant to this section shall be at fair~~
9 ~~market value. No surplus land shall be sold for less than fair~~
10 ~~market value, however, to any person or agency, whether public~~
11 ~~or private, unless the contract for sale provides for the reversion~~
12 ~~of the land to the state if the stated purpose for which the~~
13 ~~property is sold is not achieved.~~
14 ~~(b) Where the land is to be used for park and recreation~~
15 ~~purposes and operated for those purposes by local agencies at no~~
16 ~~expense to the state, the Director of General Services with the~~
17 ~~approval of the State Public Works Board may, notwithstanding~~
18 ~~any provision in Section 11011, transfer the land to local~~
19 ~~governmental agencies at less than the fair market value of the~~
20 ~~land, if the transfer is in the public interest, under the following~~
21 ~~conditions:~~
22 ~~(1) The local public agency has submitted a general~~
23 ~~development plan for the property that conforms to the agency's~~
24 ~~general plan pursuant to Article 5 (commencing with Section~~
25 ~~65300) of Chapter 3 of Title 7, and which general development~~
26 ~~plan has been approved by the Director of Parks and Recreation.~~
27 ~~(2) The land shall be developed according to plan within a~~
28 ~~time period determined by the state but not to exceed 10 years.~~
29 ~~The deed or other instrument of transfer shall provide that the~~

1 land shall revert to the state if the land is not developed within
2 the time period so determined by the state.

3 (3) The deed or other instrument of transfer shall provide that
4 the land would revert to the state if the use changed to a use not
5 consistent with parks and recreation purposes during the period
6 of 25 years following the sale.

7 (e) Where the land is to be used for open-space purposes, as
8 defined herein, and operated by local agencies at no expense to
9 the state, the Director of General Services with the approval of
10 the State Public Works Board may transfer the land to local
11 governmental agencies at fair market value of the land or at any
12 lesser value of the land under any of the following conditions:

13 (1) The local public agency has submitted a plan for the use of
14 the property that conforms to the agency's general plan pursuant
15 to Article 5 (commencing with Section 65300) of Chapter 3 of
16 Title 7, and which plan has been approved by the Director of
17 Parks and Recreation.

18 (2) The land shall be used according to plan within a time
19 period determined by the state but not to exceed 10 years.

20 (3) The deed or other instrument of transfer shall provide that
21 the land would revert to the state if the use changed to a use not
22 consistent with open-space purposes during the period of 25
23 years following the sale.

24 (4) For the purpose of this subdivision, "open-space purpose"
25 means the use of land for public recreation, enjoyment of scenic
26 beauty, or conservation or use of natural resources.

27 (d) Where the land is suitable to be used for the purpose of
28 providing housing for persons and families of low or moderate
29 income, as defined in Section 50093 of the Health and Safety
30 Code, the Director of General Services, with the approval of the
31 State Public Works Board, may offer the land to local agencies
32 within whose jurisdiction the land is located. Provided, however,
33 if the state has held title to the land for seven years or less and the
34 land is not used for the purposes for which it was acquired, and
35 the land is declared surplus land and is not needed by any other
36 state agency pursuant to the provisions of Section 11011, the
37 state, prior to offering the land to local agencies, shall extend to
38 the individual from whom the land was acquired an offer to
39 purchase the land at current fair market value. The offer shall
40 extend for 60 days and if not exercised within that period shall be

1 irrevocably terminated. The land may be transferred to local
2 agencies at a reasonable cost that will enable the provision of
3 housing for persons and families of low or moderate income. The
4 cost may be less than fair market value. The Department of
5 Housing and Community Development shall recommend to the
6 Department of General Services a cost that will enable the
7 provision of housing for persons and families of low or moderate
8 income. All transfers of land pursuant to this subdivision shall be
9 subject to the following conditions:

10 (1) The local agency has made all of the following findings:

11 (A) There is a need for the housing in the community.

12 (B) The land is suitable for development of the housing.

13 (2) The local agency develops a plan for the housing in
14 accordance with criteria established by the Department of
15 Housing and Community Development, which shall include, but
16 not be limited to, criteria respecting the financial condition of the
17 developer, if the housing is to be developed by a private sponsor,
18 and the cost of the project. The plan shall be approved by the
19 Department of Housing and Community Development.

20 (3) After transfer of the property from the state to the local
21 agency, the property shall be developed as housing for persons
22 and families of low or moderate income. The local agency may
23 lease or sell the property to any nonprofit corporation, housing
24 corporation, limited dividend housing corporation, or private
25 developer if the local agency determines a private entity is best
26 suited to develop housing for persons and families of low or
27 moderate income. In authorizing the private development, the
28 local agency shall impose reasonable terms and conditions as will
29 further the purposes of this subdivision, which shall include, but
30 not be limited to, continued use of the property for housing for
31 persons and families of low or moderate income for not less than
32 40 nor more than 55 years. A lessee or purchaser of land pursuant
33 to this subdivision shall agree to limitations on profit in the
34 operation of the property that will benefit the public and assure
35 that the housing provided thereon is within the means of persons
36 and families of low or moderate income. The agreement shall be
37 binding upon successors in interest of the original lessee or
38 purchaser and shall inure to the benefit of, and be enforceable by,
39 the state.

1 ~~(4) The local agency shall assure that the land will be used for~~
2 ~~the purpose of providing low- or moderate-income housing and~~
3 ~~shall not permit the use of the dwelling accommodations of the~~
4 ~~project for any other purpose for not less than 40 nor more than~~
5 ~~55 years, except as provided in this section.~~

6 ~~In the event a local agency does not comply with the land use~~
7 ~~requirements prescribed in this section, as determined by the~~
8 ~~Department of General Services, the Department of General~~
9 ~~Services may require that the local agency pay the state the~~
10 ~~difference between the actual price paid by the local agency for~~
11 ~~the property and the fair market value of the property, at the time~~
12 ~~of the department's determination of noncompliance, plus 6~~
13 ~~percent interest on that amount for the period of time the land has~~
14 ~~been held by the local agency.~~

15 ~~If the local agency, with the approval of the Department of~~
16 ~~General Services, and in consultation with the Department of~~
17 ~~Housing and Community Development, determines that there is~~
18 ~~no longer a need for low- or moderate-income housing within the~~
19 ~~jurisdiction of the local agency and another valid public purpose~~
20 ~~could be achieved by utilizing the land in an alternative manner,~~
21 ~~the local agency shall not be required to make any payment to the~~
22 ~~state for the difference between purchase price and fair market~~
23 ~~value or interest charges for the period of time the land has been~~
24 ~~held by the local agency.~~

25 ~~(5) Failure to comply with the provisions of this section shall~~
26 ~~not invalidate the transfer, sale, or conveyance of the real~~
27 ~~property to a bona fide purchaser or encumbrancer for value.~~

28 ~~(6) The project shall be commenced within 24 months of the~~
29 ~~original transfer to the local agency. However, the Department of~~
30 ~~General Services, in consultation with the Department of~~
31 ~~Housing and Community Development, may for justifiable cause~~
32 ~~extend the time for commencement of development for an~~
33 ~~additional 36 months. The aggregate time for commencing~~
34 ~~development shall not exceed 60 months. The deed or other~~
35 ~~instrument of conveyance shall specify that, if development has~~
36 ~~not commenced within that time, the land shall revert to the~~
37 ~~Department of General Services for disposal pursuant to this~~
38 ~~section or as otherwise authorized by law.~~

39 ~~(7) As used in this subdivision, "local agency" means and~~
40 ~~includes any county, city, city and county, redevelopment agency~~

1 organized pursuant to Part 1 (commencing with Section 33000)
2 of Division 24 of the Health and Safety Code, or housing
3 authority organized pursuant to Part 2 (commencing with Section
4 34200) of Division 24 of the Health and Safety Code, public
5 district or other political subdivision of the state and any
6 instrumentality thereof, which is authorized to engage in or assist
7 in the development or operation of housing for persons and
8 families of low or moderate income and also includes two or
9 more of those agencies acting jointly pursuant to Part 1
10 (commencing with Section 6500) of Division 7 of this code.

11 (8) Up to 40 percent of the housing developed on land
12 purchased at below market value pursuant to this subdivision
13 may be housing that is not regulated as to price, rent, or
14 eligibility of occupants only if the purchaser of the land
15 demonstrates that the proceeds from the sale or rental of that
16 housing, in an amount equal to the difference between the fair
17 market value and the actual price paid for the land, is used to
18 reduce prices or rents on other housing units that are made
19 available exclusively to persons and families of low and
20 moderate income.

21 (e) Where the land is suitable to be used for the purpose of
22 providing housing for persons and families of low or moderate
23 income, as defined in Section 50093 of the Health and Safety
24 Code, and provided no local agency has acquired or is in the
25 process of acquiring the land pursuant to subdivision (d), the
26 Director of General Services, with the approval of the State
27 Public Works Board, may lease or sell the land to a housing
28 sponsor. The land may be sold or leased at a reasonable cost that
29 may be less than fair market value. The Department of Housing
30 and Community Development shall recommend to the Director
31 of General Services a cost that will enable the provision of
32 housing for persons and families of low or moderate income. All
33 transfers of land pursuant to this subdivision shall be subject to
34 all of the following conditions:

35 (1) The housing sponsor has submitted a plan for the
36 development of that housing pursuant to criteria established by
37 the Department of Housing and Community Development. The
38 criteria shall include, but need not be limited to, standards with
39 respect to the cost of the housing development and the proportion
40 of the housing development to be occupied by persons and

1 families of low and moderate income. Insofar as is practical, the
2 plan shall provide for a mix of housing for all income groups.

3 (2) ~~The housing development shall normally be developed or~~
4 ~~be under development within 24 months from the time of transfer~~
5 ~~or lease of the land to the housing sponsor. However, the~~
6 ~~Department of General Services, in consultation with the~~
7 ~~Department of Housing and Community Development, may,~~
8 ~~upon finding justifiable cause, extend the time for~~
9 ~~commencement of development for an additional period of 36~~
10 ~~months. The aggregate of all extensions for commencement of~~
11 ~~development shall not exceed 60 months. The deed or other~~
12 ~~instrument of conveyance shall specify that if development has~~
13 ~~not commenced within that time, the land shall revert to the~~
14 ~~Department of General Services for disposal pursuant to this~~
15 ~~section or as otherwise authorized by law.~~

16 (3) ~~Transfer of title to the land or lease of the land to a housing~~
17 ~~sponsor shall be conditioned upon continued use of the property~~
18 ~~as housing for persons and families of low and moderate income~~
19 ~~for not less than 40 nor more than 55 years. In accordance with~~
20 ~~regulations that shall be adopted by the Department of Housing~~
21 ~~and Community Development pursuant to the Administrative~~
22 ~~Procedure Act, the Director of General Services shall require that~~
23 ~~any housing sponsor purchasing or leasing land pursuant to this~~
24 ~~subdivision enter into an agreement that (A) provides for~~
25 ~~limitations on profit in the operation of that property that benefit~~
26 ~~the public and which assure that the housing is affordable to~~
27 ~~persons and families of low and moderate income, and (B) does~~
28 ~~not permit the use of the property for purposes other than the~~
29 ~~provision of housing for persons and families of low and~~
30 ~~moderate income except as provided in this subdivision. Upon~~
31 ~~recording of the agreement in the office of county recorder in~~
32 ~~the county in which the real property subject to the agreement is~~
33 ~~located, the agreement shall be binding for a period of not less~~
34 ~~than 40 nor more than 55 years upon successors in interest to the~~
35 ~~original housing sponsor and shall inure to the benefit of, and be~~
36 ~~enforceable by, the state.~~

37 For the purposes of this subdivision, “housing sponsor” means
38 a nonprofit corporation incorporated pursuant to Part 1
39 (commencing with Section 9000) of Division 2 of Title 1 of the
40 Corporations Code; a cooperative housing corporation which is a

1 stock cooperative, as defined by Section 11003.2 of the Business
2 and Professions Code; a limited-dividend housing corporation; or
3 a private housing developer who agrees to the conditions set
4 forth in this subdivision.

5 (4) ~~Up to 40 percent of the housing developed on land
6 purchased at below market value pursuant to this subdivision
7 may be housing which is not regulated as to price, rent, or
8 eligibility of occupants only if the purchaser of the land
9 demonstrates that the proceeds from the sale or rental of that
10 housing, in an amount equal to the difference between the fair
11 market value and the actual price paid for the land, are used to
12 reduce prices or rents on other housing units which are made
13 available exclusively to persons and families of low and
14 moderate income.~~

15 (f) ~~The Department of Housing and Community Development,
16 in consultation with the Department of General Services and the
17 Office of Planning and Research, shall make a report to the
18 Legislature on or before January 1, 1981, with respect to
19 effectiveness of the program and shall recommend any necessary
20 legislative changes to the provisions of subdivision (d).~~

21 (g) ~~Where the land is to be used for public purposes other than
22 specifically set forth in this section, is to be operated by the local
23 agency at no expense to the state, and the use and enjoyment of
24 the public purpose contemplated will be of broad public benefit,
25 and not a benefit basically of local interest enjoyed and used
26 primarily by the residents of the area of tax jurisdiction of the
27 local agency, the Director of General Services, with the approval
28 of the State Public Works Board, may transfer the land to local
29 governmental agencies at a sales price not less than 50 percent of
30 fair market value. The transfer shall provide that if the land is not
31 used for the contemplated purpose during the period of 25 years
32 following the sale, the land shall revert to the state. The Director
33 of General Services may provide additional terms and conditions
34 which he or she determines to be in the best interest of the state.~~

35 (h) ~~If there is more than one appropriate use and more than
36 one offer for the use of a parcel of surplus land, the Department
37 of General Services, in consultation with the Department of
38 Housing and Community Development, the Department of Parks
39 and Recreation, and the Office of Planning and Research, shall~~

1 determine the most appropriate use for the parcel and the
2 Department of General Services shall offer the land accordingly.

3 (i) Land that has been declared surplus by the Legislature,
4 pursuant to Section 11011, is not needed by any state agency, is
5 suitable for development for housing purposes, and is not in the
6 process of being acquired pursuant to other provisions of this
7 section, may upon the request of the Department of Housing and
8 Community Development be retained by the Director of General
9 Services for a period not exceeding five years, during which the
10 Director of General Services shall continue to offer the lands for
11 housing pursuant to subdivision (d):

12 (j) Transfer of state surplus lands under subdivision (d) shall
13 be at a cost which will enable provision of economically feasible
14 housing for persons and families of low or moderate income.

15 (k) Where the land is to be used for school purposes, the
16 Director of General Services with the approval of the State
17 Public Works Board and the State Allocation Board may,
18 notwithstanding any provision in Section 11011, transfer the land
19 to a local school district at less than fair market value of the land,
20 if the transfer is in the public interest, under the following
21 conditions:

22 (1) The land is suitable for use by a school district as a
23 school site, school administration building site, school warehouse
24 site, or other school use approved by the State Department of
25 Education.

26 (2) The land is used by the school district for those purposes
27 before a nonuse fee is required by Section 39015 of the
28 Education Code or a later time approved by the State Department
29 of Education, with a reversion to the state if not so used within
30 the time prescribed.

31 (3) The deed or other instrument of transfer shall provide that
32 the land shall revert to the state if the use is changed to a use not
33 consistent with school purposes during the period of 25 years
34 following the sale.

35 (l) Where the land declared surplus pursuant to subdivision (a)
36 is deemed by the Director of General Services to be suitable for
37 economic development purposes, as defined in subdivision (e) of
38 Section 54221, the Department of General Services may offer the
39 land to local governmental agencies at fair market value.

1 ~~(m) This section shall be inoperative for the period~~
2 ~~commencing with the effective date of the act that added this~~
3 ~~subdivision, until July 1, 2005.~~

4 ~~SEC. 2.~~

5 *SECTION 1.* Section 11011.21 of the Government Code is
6 amended to read:

7 11011.21. (a) The Legislature finds and declares that the
8 Department of General Services has, pursuant to former Section
9 11011.21, as added by Section 8 of Chapter 150 of the Statutes of
10 1994, and amended by Section 15 of Chapter 422 of the Statutes
11 of 1994, developed an inventory, known as the Surplus Property
12 Inventory, of state-owned properties that are either surplus to the
13 needs of the state in their entirety or are being used for a state
14 program and some portions of the property are unused or
15 underutilized.

16 (b) State agencies, when purchasing real property, shall review
17 the Surplus Property Inventory and purchase, lease, or trade
18 property on that list, if possible, prior to purchasing property not
19 on the Surplus Property Inventory.

20 (c) The Department of General Services may sell, lease,
21 exchange, or transfer for fair market value, or upon terms and
22 conditions as the Director of General Services determines are in
23 the best interest of the state, all or part of properties as follows:

24 Parcel 1. Approximately 292 acres with improvements
25 thereon, known as the Agnews Developmental Center-West
26 Campus, bounded by Lick Mill Blvd., Montague Expressway,
27 Lafayette Street and Hope Drive, in Santa Clara, Santa Clara
28 County.

29 Parcel 2. Approximately 56 acres known as a portion of the
30 Agnews Developmental Center-East Campus, located between
31 the Agnews Developmental Center and Coyote Creek, in San
32 Jose, Santa Clara County.

33 Parcel 3. Approximately 102 acres with improvements
34 thereon, known as the Stockton Developmental Center, located at
35 510 E. Magnolia Street, in Stockton, San Joaquin County.

36 Parcel 6. Approximately 33.56 acres with improvements
37 thereon, known as the California Highway Patrol Motor
38 Transport Facility and Shop, located at 2800 Meadowview Road,
39 in Sacramento, Sacramento County.

1 Parcel 7. Approximately 1.03 acres of land, not including
2 improvements thereon, located at 1614 O Street, in Sacramento,
3 Sacramento County, and leased by the Department of General
4 Services to the Capital Area Development Authority for
5 development of the 17th Street Commons condominiums.

6 Parcel 8. Approximately 2 acres of land, not including
7 improvements thereon, located on a portion of block 273 bound
8 by 10th, 11th, P, and Q Streets, in Sacramento, Sacramento
9 County, and leased by the Department of General Services to the
10 Capital Area Development Authority for development of the
11 Somerset Parkside condominiums.

12 Parcel 9. Approximately 1.76 acres of land, not including
13 improvements thereon, located on the south $\frac{1}{2}$ of block bound by
14 15th, 16th, O, and P Streets and the south $\frac{1}{4}$ of block bound by
15 14th, 15th, O, and P Streets, in Sacramento, Sacramento County,
16 and leased by the Department of General Services to the Capital
17 Area Development Authority for development of the Stanford
18 Park condominiums.

19 Parcel 10. Approximately 1.18 acres of land, not including
20 improvements thereon, located on the north $\frac{1}{2}$ of block bound by
21 9th, 10th, Q, and R Streets, in Sacramento, Sacramento County,
22 and leased by the Department of General Services to the Capital
23 Area Development Authority for development of the Saratoga
24 Townhomes.

25 Parcel 11. Approximately 3.66 acres including improvements
26 thereon, known as the Department of General Services, Junipero
27 Serra State Office Building, located at 107 S. Broadway, in Los
28 Angeles, Los Angeles County.

29 Parcel 12. Approximately 32 acres including improvements
30 thereon, being a portion of the State Department of
31 Developmental Services Fairview Developmental Center, located
32 at 2501 Harbor Blvd., in Costa Mesa, Orange County.

33 Parcel 13. Approximately 3.6 acres, with improvements
34 thereon. Entire structure used as the Delano Armory by the
35 Military Department, located at 705 South Lexington Street, in
36 Delano, Kern County.

37 Parcel 16. Approximately ~~1,720~~ 1,400 acres of agricultural
38 land, being a portion of the Department of Corrections' Imperial
39 South Centinella Prison, located at 2302 Brown Road, in
40 Imperial, Imperial County.

1 ~~Parcel 17. Approximately 800 acres of agricultural land,~~
 2 ~~being a portion of the Department of Corrections' Imperial North~~
 3 ~~Calipatria Prison, located at 7018 Blair Road, in Calipatria,~~
 4 ~~Imperial County.~~

5 (d) The Department of General Services shall be reimbursed
 6 for any cost or expense incurred in the disposition of any parcels.

7 (e) Notices of every public auction or bid opening shall be
 8 posted on the property to be sold pursuant to this section, and
 9 shall be published in a newspaper of general circulation
 10 published in the county in which the real property to be sold is
 11 situated.

12 (f) Any sale, exchange, lease, or transfer of a parcel described
 13 in this section is exempt from Chapter 3 (commencing with
 14 Section 21100) to Chapter 6 (commencing with Section 21165),
 15 inclusive, of Division 13 of the Public Resources Code.

16 (g) As to any property sold pursuant to this section consisting
 17 of 15 acres or less, the Director of General Services shall except
 18 and reserve to the state all mineral deposits possessed by the
 19 state, as defined in Section 6407 of the Public Resources Code,
 20 below a depth of 500 feet, without surface rights of entry. As to
 21 property sold pursuant to this section consisting of more than 15
 22 acres, the director shall except and reserve to the state all mineral
 23 deposits, as defined in Section 6407 of the Public Resources
 24 Code, together with the right to prospect for, mine, and remove
 25 the deposits. The rights to prospect for, mine, and remove the
 26 deposits shall be limited to those areas of the property conveyed
 27 that the director, after consultation with the State Lands
 28 Commission, determines to be reasonably necessary for the
 29 removal of the deposits.

30 ~~SEC. 3. Section 54220 of the Government Code is amended~~
 31 ~~to read:~~

32 ~~54220. (a) The Legislature reaffirms its declaration that~~
 33 ~~housing is of vital statewide importance to the health, safety, and~~
 34 ~~welfare of the residents of this state and that provision of a~~
 35 ~~decent home and a suitable living environment for every~~
 36 ~~Californian is a priority of the highest order. The Legislature~~
 37 ~~further declares that there is a shortage of sites available for~~
 38 ~~housing for persons and families of low and moderate income~~
 39 ~~and that surplus government land, prior to disposition, should be~~
 40 ~~made available for that purpose.~~

1 ~~(b) The Legislature reaffirms its belief that there is an~~
2 ~~identifiable deficiency in the amount of land available for~~
3 ~~recreational purposes and that surplus land, prior to disposition,~~
4 ~~should be made available for park and recreation purposes or for~~
5 ~~open-space purposes. This article shall not apply to surplus~~
6 ~~residential property as defined in Section 54236.~~

7 ~~(e) The Legislature reaffirms its declaration of the importance~~
8 ~~of appropriate planning and development near transit stations, to~~
9 ~~encourage the clustering of housing and commercial~~
10 ~~development around transit stations. Studies of transit ridership~~
11 ~~in California indicate that a higher percentage of persons who~~
12 ~~live or work within walking distance of major transit stations~~
13 ~~utilize the transit system more than those living elsewhere. The~~
14 ~~Legislature also notes that the Federal Transit Administration~~
15 ~~gives priority for funding of rail transit proposals to areas that are~~
16 ~~implementing higher density, mixed-use development near major~~
17 ~~transit stations.~~

18 ~~(d) The Legislature further declares for purposes of disposing~~
19 ~~of surplus property its belief that development of vacant and~~
20 ~~underutilized land is important to the financial well-being of~~
21 ~~local agencies. Economic development expands local~~
22 ~~employment and commerce opportunities, enhances quality of~~
23 ~~life, and increases community land values and tax revenues to~~
24 ~~local agencies, which in turn increases local government services~~
25 ~~and benefits available to residents. Economic development also~~
26 ~~deters crime and improves community security.~~

27 ~~SEC. 4. Section 54221 of the Government Code is amended~~
28 ~~to read:~~

29 ~~54221. (a) As used in this article, the term “local agency”~~
30 ~~means every city, whether organized under general law or by~~
31 ~~charter, county, city and county, and district, including school~~
32 ~~districts of any kind or class, empowered to acquire and hold real~~
33 ~~property.~~

34 ~~(b) As used in this article, the term “surplus land” means land~~
35 ~~owned by any agency of the state, or any local agency, that is~~
36 ~~determined to be no longer necessary for the agency’s use, except~~
37 ~~property being held by the agency for the purpose of exchange.~~

38 ~~(c) As used in this article, the term “open-space purposes”~~
39 ~~means the use of land for public recreation, enjoyment of scenic~~
40 ~~beauty, or conservation or use of natural resources.~~

1 ~~(d) As used in this article, the term “persons and families of~~
2 ~~low or moderate income” means the same as provided under~~
3 ~~Section 50093 of the Health and Safety Code.~~

4 ~~(e) As used in subdivision (l) of Section 11011.1 and~~
5 ~~subdivision (f) of Section 54222, the term “economic~~
6 ~~development purposes” means projects designed to attract, retain,~~
7 ~~and expand business that promotes economic growth and~~
8 ~~stability.~~

9 ~~(f) As used in this article, the term “exempt surplus land”~~
10 ~~means either of the following:~~

11 ~~(1) Surplus land which is transferred pursuant to Section~~
12 ~~25539.4.~~

13 ~~(2) Surplus land which is (A) less than 5,000 square feet in~~
14 ~~area, (B) less than the minimum legal residential building lot size~~
15 ~~for the jurisdiction in which the parcel is located, or 5,000 square~~
16 ~~feet in area, whichever is less, or (C) has no record access and is~~
17 ~~less than 10,000 square feet in area; and is not contiguous to land~~
18 ~~owned by a state or local agency which is used for park,~~
19 ~~recreational, open-space, or low- and moderate-income housing~~
20 ~~purposes and is not located within an enterprise zone pursuant to~~
21 ~~Section 7073 nor a designated program area as defined in Section~~
22 ~~7082. If the surplus land is not sold to an owner of contiguous~~
23 ~~land, it is not considered exempt surplus land and is subject to the~~
24 ~~provisions of this article.~~

25 ~~(g) Notwithstanding subdivision (c), the following properties~~
26 ~~are not considered exempt surplus land and are subject to the~~
27 ~~provisions of this article:~~

28 ~~(1) Lands within the coastal zone.~~

29 ~~(2) Lands within 1,000 yards of a historical unit of the State~~
30 ~~Parks System.~~

31 ~~(3) Lands within 1,000 yards of any property that has been~~
32 ~~listed on, or determined by the State Office of Historic~~
33 ~~Preservation to be eligible for, the National Register of Historic~~
34 ~~Places.~~

35 ~~(4) Lands within the Lake Tahoe region as defined in Section~~
36 ~~66905.5.~~

37 ~~SEC. 5. Section 54222 of the Government Code is amended~~
38 ~~to read:~~

39 ~~54222. Any agency of the state and any local agency~~
40 ~~disposing of surplus land shall, prior to disposing of that~~

1 ~~property, send a written offer to sell or lease the property as~~
2 ~~follows:~~

3 ~~(a) A written offer to sell or lease for the purpose of~~
4 ~~developing low- and moderate-income housing shall be sent to~~
5 ~~any local public entity as defined in Section 50079 of the Health~~
6 ~~and Safety Code, within whose jurisdiction the surplus land is~~
7 ~~located. Housing sponsors, as defined by Section 50074 of the~~
8 ~~Health and Safety Code, shall, upon written request, be sent a~~
9 ~~written offer to sell or lease surplus land for the purpose of~~
10 ~~developing low- and moderate-income housing. All notices shall~~
11 ~~be sent by first-class mail and shall include the location and a~~
12 ~~description of the property. With respect to any offer to purchase~~
13 ~~or lease pursuant to this subdivision, priority shall be given to~~
14 ~~development of the land to provide affordable housing for lower~~
15 ~~income elderly or disabled persons or households, and other~~
16 ~~lower income households.~~

17 ~~(b) A written offer to sell or lease for park and recreational~~
18 ~~purposes or open-space purposes shall be sent:~~

19 ~~(1) To any park or recreation department of any city within~~
20 ~~which the land may be situated.~~

21 ~~(2) To any park or recreation department of the county within~~
22 ~~which the land is situated.~~

23 ~~(3) To any regional park authority having jurisdiction within~~
24 ~~the area in which the land is situated.~~

25 ~~(4) To the State Resources Agency or any agency which may~~
26 ~~succeed to its powers.~~

27 ~~(c) A written offer to sell or lease land suitable for school~~
28 ~~facilities construction or use by a school district for open-space~~
29 ~~purposes shall be sent to any school district in whose jurisdiction~~
30 ~~the land is located.~~

31 ~~(d) A written offer to sell or lease for enterprise zone purposes~~
32 ~~any surplus property in an area designated as an enterprise zone~~
33 ~~pursuant to Section 7073 shall be sent to the nonprofit~~
34 ~~neighborhood enterprise association corporation in that zone.~~

35 ~~(e) A written offer to sell or lease for the purpose of~~
36 ~~developing property located within an infill opportunity zone~~
37 ~~designated pursuant to Section 65088.4 or within an area covered~~
38 ~~by a transit village plan adopted pursuant to the Transit Village~~
39 ~~Development Planning Act of 1994, Article 8.5 (commencing~~
40 ~~with Section 65460) of Chapter 3 of Division 1 of Title 7 shall be~~

1 sent to any county, city, city and county, community
2 redevelopment agency, public transportation agency, or housing
3 authority within whose jurisdiction the surplus land is located.

4 (f) ~~A written offer to sell or lease any surplus property that the~~
5 ~~Director of General Services deems suitable for economic~~
6 ~~development purposes, as defined in subdivision (c) of Section~~
7 ~~54221, to a local governmental entity or nonprofit organization~~
8 ~~engaged in economic development.~~

9 (g) ~~The entity or association desiring to purchase or lease the~~
10 ~~surplus land for any of the purposes authorized by this section~~
11 ~~shall notify in writing the disposing agency of its intent to~~
12 ~~purchase or lease the land within 60 days after receipt of the~~
13 ~~agency's notification of intent to sell the land.~~

14 ~~SEC. 6.~~

15 *SEC. 2.* Section 12 of Chapter 1087 of the Statutes of 1985 is
16 amended to read:

17 *SEC. 12.* In carrying out the requirement of subdivision (b)
18 of Section 1 of Chapter 1549 of the Statutes of 1982 to sell
19 excess land at the Northern California Youth Center as surplus
20 property, the land at the center that is excess to correctional
21 needs and is to be sold as surplus property shall consist of
22 approximately 280 acres of the land currently under the
23 jurisdiction of the Department of the Youth Authority and lying
24 south of Arch Road, east of Newcastle Road, and west of Austin
25 Road in the County of San Joaquin. Notwithstanding Section
26 11011 of the Government Code or any other provision of law, the
27 excess land shall not be sold or otherwise transferred to any state
28 agency.

29 ~~SEC. 7.~~

30 *SEC. 3.* Section 10 of Chapter 974 of the Statutes of 2002 is
31 amended to read:

32 *SEC. 10.* The Director of General Services, with the
33 concurrence of the Adjutant General, may lease to the
34 Sacramento Archdiocese, a sole corporation, for a period not to
35 exceed 11 years, approximately 1.4 acres of real property located
36 at 1013 58th Street in the City of Sacramento, in the County of
37 Sacramento, known as the 58th Street Armory, for purposes of
38 constructing and using a parking lot, upon terms and conditions
39 deemed to be in the best interest of the state.

1 ~~SEC. 8.~~

2 ~~SEC. 4.~~ (a) Subject to making the report required in
3 subdivision (b), the Director of General Services may sell,
4 exchange, or lease for fair market value or upon those terms and
5 conditions as the Director of General Services determines are in
6 the best interest of the state, all or any part of the following real
7 property:

8 ~~Parcel-2.~~ 1. Approximately .55 of an acre with improvements
9 thereon, known as the Employment Development Department
10 Office Building, located at 1400 S. Hill, Los Angeles, Los
11 Angeles County.

12 ~~Parcel-3.~~ 2. Approximately 2.0 acres with improvements
13 thereon, known as the Healdsburg Armory, located at 900 Powell
14 Avenue, Healdsburg, Sonoma County.

15 ~~Parcel-4.~~ 3. Approximately 18 acres with improvements
16 thereon, known as the Corporate Yard, located at West Capitol
17 Avenue, West Sacramento, Yolo County.

18 ~~Parcel-5.~~ 4. Approximately 2.7 acres with improvements
19 thereon, known as the State Office Building Complex in San
20 Diego, located at 1350 Front Street, the State Garage located at
21 345 West Ash, and the Transamerica Building, located at 1301
22 State Street, San Diego, San Diego County.

23 ~~Parcel-6.~~ 5. Approximately .39 of an acre of unimproved
24 property thereon, located north of Golden Gate Avenue at Gough
25 and Franklin, San Francisco, San Francisco County.

26 ~~Parcel-7.~~ 6. Approximately 41 acres of unimproved property at
27 Avenal State Prison, located at 1 Kings Way, Avenal, Kings
28 County.

29 ~~Parcel-8.~~ 7. Approximately 150 acres of unimproved property
30 at California Correctional Institution, Tehachapi, located at
31 24900 Highway 202, Tehachapi, Kern County.

32 ~~Parcel-9.~~ 8. Approximately 15 acres of unimproved property at
33 the California Institute for Women, located at 16756 Chino
34 Corona Road, Frontera, San Bernardino County.

35 ~~Parcel-10.~~ 9. Approximately 490 acres of unimproved property
36 at the California Medical Facility, located at 1600 California
37 Drive, Vacaville, Solano County.

38 ~~Parcel-11.~~ 10. Approximately 368 acres of unimproved
39 property at Chuckawalla Valley State Prison, located at 19025
40 Wiley Well Road, Blythe, Riverside County.

1 Parcel~~—12~~: 11. Approximately 220 acres of unimproved
2 property at Ironwood State Prison, located at 19005 Wiley Well
3 Road, Blythe, Riverside County.

4 Parcel~~—13~~: 12. Approximately 100 acres of unimproved
5 property at Mule Creek State Prison, located at 4001 Highway
6 104, Ione, Amador County.

7 Parcel~~—14~~: 13. Approximately 50 acres of unimproved property
8 in the southern portion of North Kern State Prison, located at
9 2737 West Cecil Avenue, Delano, Kern County.

10 Parcel~~—15~~: 14. Approximately 130 acres of unimproved
11 property, located in the southeast corner of the Salinas Valley
12 State Prison, located at 31625 Highway 101, Soledad, Monterey
13 County.

14 Parcel~~—16~~: 15. Approximately 93 acres of unimproved property
15 at the Miramonte Conservation Camp, located at 49039 Orchard
16 Drive, Miramonte, Fresno County.

17 Parcel~~—17~~: 16. Approximately 139 acres of unimproved
18 property at the Alder Conservation Camp, located at 1400 Alder
19 Camp Road, Klamath, Del Norte County.

20 Parcel~~—18~~: 17. Approximately 140 acres of unimproved
21 property at the Deadwood Conservation Camp, located at 17140
22 McAdams Creek Road, Fort Jones, Siskiyou County.

23 Parcel~~—19~~: 18. Approximately 40 acres of unimproved property
24 located ~~in the eastern portion~~ north of the Fawn Lodge Forest
25 Fire Station, located at Highway 299 at Fawn Lodge Road,
26 Weaverville, Trinity County.

27 Parcel~~—20~~: 19. Approximately 40 acres of property at the
28 Shingletown Forest Fire Station, located off Highway 44 at
29 Shingletown, Shasta County.

30 Parcel~~—21~~: 20. Approximately 2.5 acres with improvements
31 thereon, known as the San Diego Department of Motor Vehicles
32 Field Office, located at 3960 Normal Street, San Diego, San
33 Diego County.

34 (b) Thirty days prior to completing a transaction authorized in
35 subdivision (a), if the Director of General Services disposed of
36 property in any way other than by selling, exchanging, or leasing
37 for fair market value, the director shall report to the chairs of the
38 legislative fiscal committees the following:

39 (1) The financial terms of the transaction.

1 (2) A comparison of fair market value for the property and the
2 terms listed in paragraph (1).

3 (3) The basis for agreeing to terms and conditions other than
4 fair market value.

5 ~~SEC. 9.~~

6 *SEC. 5.* (a) Subject to making the report required in
7 subdivision (b), the Director of Transportation may sell,
8 exchange, or lease for fair market value or, upon those terms and
9 conditions and subject to those reservations and exceptions, as
10 the Director of Transportation determines are in the best interest
11 of the state, all or part of the following property:

12 Parcel 1. Approximately 1.5 acres of property, located at 2477
13 Monterey Boulevard and Park Boulevard, Oakland, Alameda
14 County.

15 *Parcel 2. Approximately 15.05 acres of unimproved property,*
16 *located at Pacific Coast Highway at Superior Avenue, Newport*
17 *Beach, Orange County.*

18 *Parcel 3. Approximately 1.85 acres of unimproved property,*
19 *located at Pacific Coast Highway at Superior Avenue, Newport*
20 *Beach, Orange County.*

21 (b) Thirty days prior to completing a transaction authorized in
22 subdivision (a), if the Director of Transportation disposed of
23 property in any way other than by selling, exchanging, or leasing
24 for fair market value, the Director of Transportation shall report
25 to the chairs of the legislative fiscal committees the following:

26 (1) The financial terms of the transaction.

27 (2) A comparison of fair market value for the property and the
28 terms listed in paragraph (1).

29 (3) The basis for agreeing to terms and conditions other than
30 fair market value.

31 ~~SEC. 10.~~ (a) ~~Subject to making the report required in~~
32 ~~subdivision (b), the Director of General Services may sell, lease,~~
33 ~~or exchange at fair market value to the City of Soledad upon~~
34 ~~those terms and conditions and subject to those reservations and~~
35 ~~exceptions as the Director of General Services determines are in~~
36 ~~the best interests of the state, all or any part of the following real~~
37 ~~property:~~

38 ~~Approximately 33.5 acres of the facility known as the~~
39 ~~California Department of Corrections Correctional Training~~

1 Facility, Soledad, Monterey County Assessor Parcel Numbers
2 257-041-020 and 257-041-021.

3 (b) Thirty days prior to completing a transaction authorized in
4 subdivision (a), if the Director of General Services disposed of
5 property in any way other than by selling, exchanging, or leasing
6 for fair market value, the Director of General Services shall
7 report to the chairs of the legislative fiscal committees the
8 following:

9 (1) The financial terms of the transaction.

10 (2) A comparison of fair market value for the property and the
11 terms listed in paragraph (1).

12 (3) The basis for agreeing to terms and conditions other than
13 fair market value.

14 SEC. 6. (a) Subject to making the report required in
15 subdivision (b), the Director of General Services may sell or
16 exchange to the County of Napa, upon those terms and
17 conditions and subject to those reservations and exceptions the
18 Director of General Services determines are in the best interests
19 of the state, all or any part of the following real property, by
20 January 1, 2007, after which date, if not sold or exchanged, the
21 property is no longer surplus:

22 Approximately 850 acres of property, located at the Napa State
23 Hospital, 2100 Napa Vallejo Highway, Napa, Napa County.

24 (b) Thirty days prior to completing a transaction authorized in
25 subdivision (a), if the Director of General Services disposed of
26 the property in any way other than by selling, exchanging, or
27 leasing for fair market value, the director shall report to the
28 chairs of the legislative fiscal committees the following:

29 (1) The financial terms of the transaction.

30 (2) A comparison of fair market value for the property and the
31 terms listed in paragraph (1).

32 (3) The basis for agreeing to terms and conditions other than
33 fair market value.

34 ~~SEC. 11.~~

35 SEC. 7. Notices of every public auction or bid opening shall
36 be posted on the property to be sold under this act and shall be
37 published in a newspaper of general circulation published in the
38 county in which the real property to be sold is situated.

1 ~~SEC. 12.~~

2 *SEC. 8.* The Department of General Services shall be
3 reimbursed for any cost or expense incurred in the disposition of
4 any parcels from the proceeds of the disposition of those parcels.

5 ~~SEC. 13.~~

6 *SEC. 9.* Any property in Sections ~~2, 6, and 8~~ 1, 2, and 4 sold
7 pursuant to this act consisting of 15 acres or less, the Director of
8 General Services shall except and reserve to the state all mineral
9 deposits, as defined in Section 6407 of the Public Resources
10 Code, below a depth of 500 feet, without surface rights of entry.
11 As to property sold pursuant to this act consisting of more than
12 15 acres, the Director of General Services shall except and
13 reserve to the state all mineral deposits, as defined in Section
14 6407 of the Public Resources Code, together with the right to
15 prospect for, mine, and remove the deposits. The rights to
16 prospect for, mine, and remove the deposits shall be limited to
17 those areas of the property conveyed that the director, after
18 consultation with the State Lands Commission, determines to be
19 reasonably necessary for the removal of the deposits.

20 ~~SEC. 14.~~

21 *SEC. 10.* The net proceeds of any moneys received from the
22 disposition of any parcels described in Sections ~~2, 6, 8, and 10~~ 1,
23 2, and 4 shall be paid into the Deficit Recovery Bond Retirement
24 Sinking Fund Subaccount, as created by subdivision (f) of
25 Section 20 of Article XVI of the California Constitution.