

ASSEMBLY BILL

No. 2324

Introduced by Assembly Member Bates

February 15, 1996

An act to repeal and add Sections 100505 and 100510 of, and to repeal Section 100515 of, the Health and Safety Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2324, as introduced, Bates. Real property: University of California: State Department of Health Services.

Existing law authorizes the issuance of revenue bonds for the acquisition and construction or remodeling of office and laboratory facilities of the State Department of Health Services in the City of Richmond.

Existing law requires the department to exchange a parcel of real property located in Berkeley and owned by the department, for a parcel located in Richmond and owned by the Regents of the University of California, subject to various conditions, including, but not limited to, the assent of the regents.

Existing law authorizes the department to acquire alternative facilities in Richmond and either to retain its Berkeley property or to sell it to a private person or entity if the regents do not preliminarily approve the exchange project by June 1, 1995.

This bill would repeal the land exchange provisions described above and would declare the intent of the Legislature that the site be conveyed to the university

pursuant to a process mutually agreed to by the department, the Department of General Services, and the regents. It would delete the requirement that each agency shall be responsible for ensuring the property they exchange is free of contamination, and would require the department after vacating that property to offer to convey title to the property to the university, within a prescribed time period and subject to various reporting requirements concerning the condition of the structure on the site, contamination of the soil or groundwater, and the status of the university’s plans for use of the property.

The bill would prohibit the department from offering the property to any other entity during the 24 months following the date of the offer to the university. It would authorize the property to be disposed of as surplus property if no agreement is reached between the department and the university during the 24-month period.

Existing law requires the department to sell certain Berkeley property to a private entity at the time that the new Richmond laboratory and office facility is occupied.

This bill would delete this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 100505 of the Health and Safety
- 2 Code is repealed.
- 3 ~~100505. It is the intent of the Legislature to fully~~
- 4 ~~utilize current state real property assets and to encourage~~
- 5 ~~joint land use between public entities. Therefore, it is the~~
- 6 ~~Legislature’s intent that the development of the State~~
- 7 ~~Department of Health Services’ laboratory and office~~
- 8 ~~facility, as authorized by Section 100500 occur on~~
- 9 ~~property owned by the Regents of the University of~~
- 10 ~~California, commonly known as the Richmond Field~~
- 11 ~~Station in Richmond, California.~~
- 12 SEC. 2. Section 100505 is added to the Health and
- 13 Safety Code, to read:



1 100505. The Legislature finds and declares all of the
2 following:

3 (a) It is in the state's interest to utilize fully state real
4 property assets.

5 (b) The State Department of Health Services intends
6 to vacate its facilities currently located at 2151 Berkeley
7 Way in the City of Berkeley upon completion of new
8 facilities in the City of Richmond.

9 (c) It is in the state's interest that the University of
10 California be able to consolidate programs proximate to
11 its Berkeley campus.

12 (d) It is in the state's interest to have the 2151 Berkeley
13 Way property be reused in a manner that contributes to
14 the city's economic vitality.

15 SEC. 3. Section 100510 of the Health and Safety Code
16 is repealed.

17 ~~100510. (a) Subject to the approval by the Regents of
18 the University of California and the Public Works Board,
19 of a land exchange agreement that is consistent with this
20 section, a land exchange shall occur in which the
21 state-owned real property located at 2151 Berkeley Way,
22 Berkeley, shall be exchanged for real property located on
23 the University of California, Richmond Field Station,
24 owned by the Regents of the University of California, to
25 allow the department to construct a laboratory and office
26 facility pursuant to Section 100500 and planned future
27 expansion to meet its programmatic needs.~~

28 ~~(b) In exchange for no more than 11.5 acres on the
29 northwest corner of the Richmond Field Station, with the
30 understanding that the department shall negotiate with
31 the regents for additional land to provide whatever
32 additional employee parking is necessary, and upon
33 vacating the property at 2152 Berkeley Way, the
34 department shall transfer title to the real property
35 located at 2151 Berkeley Way, Berkeley, to the Regents
36 of the University of California under all of the following
37 conditions:~~

38 ~~(1) The department shall be responsible for the future
39 demolition of the building, and any other improvements,
40 located at 2151 Berkeley Way, Berkeley. The demolition~~



1 of this property shall begin within six months of the
2 department vacating the property 2152 Berkeley Way,
3 Berkeley and be completed with all due diligence but no
4 later than two years from the beginning date of
5 demolition.

6 (2) The department and the University of California
7 shall each be responsible for ensuring the property they
8 exchange is free of contamination to the extent provided
9 by law.

10 (3) The department shall consult with representatives
11 of local environmental organizations, the University of
12 California at Berkeley, and the City of Richmond
13 regarding the site plan of the laboratory and office facility
14 on the Richmond Field Station to meet the department's
15 programmatic needs, and to resolve environmental
16 concerns on the property.

17 (4) The sale of the department property located at
18 2002 Aeton Street, Berkeley, shall be commenced by the
19 Department of General Services on behalf of the
20 department at the time the new laboratory and office
21 facility at the Richmond Field Station is occupied. The
22 sale of this property shall be to a private entity causing the
23 property to revert to the tax rolls, with the proceeds
24 deposited in the General Fund.

25 (5) Within 12 months of the transfer of title of the
26 property at 2151 Berkeley Way, Berkeley, the regents
27 shall offer for sale, lease, or exchange, for nontax exempt
28 uses, that portion of the property bounded on the west by
29 Shattuck Avenue, on the south by Berkeley Way, on the
30 north by Hearst, and on the east by a marking of
31 approximately 135 feet from the west boundary of the
32 property. The proceeds of the sale, lease, or exchange of
33 this property shall be to the credit of the Regents of the
34 University of California.

35 (e) The Regents of the University of California shall,
36 by June 1, 1995, either preliminarily approve or
37 disapprove the exchange of real properties between the
38 University of California and the department as provided
39 for in this section. The regents, the Public Works Board,
40 and the department shall give final approval or



1 ~~disapproval of the real property exchange as specified in~~
2 ~~this section within three months of their receipt of final~~
3 ~~environmental documentation as required by the~~
4 ~~California Environmental Quality Act, Division 13~~
5 ~~(commencing with Section 21000) of the Public~~
6 ~~Resources Code on the department's project at the~~
7 ~~Richmond Field Station site.~~

8 (d) ~~In the event the City of Richmond should approve~~
9 ~~the relocation of the railroad tracks currently located~~
10 ~~north of the Richmond Field Station site, the city shall be~~
11 ~~responsible for necessary mitigation measures to ensure~~
12 ~~that the relocation of the railroad tracks does not~~
13 ~~negatively affect the scientific work and studies being~~
14 ~~conducted by the department.~~

15 (e) ~~It is the intent of the Legislature that both parties~~
16 ~~receive equal value as a result of the land exchange~~
17 ~~agreement described in subdivision (a). The~~
18 ~~determination of equal value shall be approved by the~~
19 ~~Regents of the University of California and the State~~
20 ~~Public Works Board prior to the final approval of the land~~
21 ~~exchange agreement.~~

22 (f) ~~This section shall not apply to the University of~~
23 ~~California, except to the extent that the Regents of the~~
24 ~~University of California, by appropriate resolution, make~~
25 ~~it applicable.~~

26 SEC. 4. Section 100510 is added to the Health and
27 Safety Code, to read:

28 100510. (a) It is the intent of the Legislature that the
29 property at 2151 Berkeley Way in the City of Berkeley be
30 conveyed to the University of California pursuant to a
31 process mutually agreed to by the State Department of
32 Health Services, the Department of General Services,
33 and the Regents of the University of California.

34 (b) It is the intent of the Legislature that the
35 University of California consult with the City of Berkeley
36 regarding the planned use of the property at 2151
37 Berkeley Way, should it be transferred to the University
38 of California. It is also the intent of the Legislature that
39 the property located at 2151 Berkeley Way be reused by



1 the University of California as soon as is reasonably
2 possible after the transfer of title.

3 (c) Not earlier than 36 months nor later than 18
4 months prior to vacating the property located at 2151
5 Berkeley Way, the state department shall offer to convey
6 title to that property to the University of California. For
7 the 24 months following the date of this offer, the
8 department shall not offer the property to any public or
9 private entity other than the University of California. If,
10 at the end of the 24-month period following the offer, the
11 department and the University of California have not
12 reached final agreement for the conveyance of property,
13 or have not agreed upon an extension of the period, the
14 property may be disposed of as surplus property. Nothing
15 in this section shall be construed to prohibit the parties
16 from reaching an agreement for the conveyance of the
17 property at an earlier date.

18 (d) The State Department of Health Services shall
19 provide to the University of California copies of all reports
20 produced pertaining to the condition of the structure on
21 the site and to any contamination found that is associated
22 with the soil or groundwater. The State Department of
23 Health Services shall provide those reports within 60 days
24 after they are produced, or, in the case of reports
25 produced prior to January 1, 1997, by July 1, 1997.

26 (e) Not later than 12 months after the transfer of title
27 of the property at 2151 Berkeley Way to the University of
28 California, the University shall offer for sale, lease, or
29 exchange, for uses that are not exempted from taxes, that
30 portion of the property bounded on the west by Shattuck
31 Avenue, on the South by Berkeley Way, on the North by
32 Hearst Avenue, and on the East by a marking of up to 75
33 feet from the westernmost boundary of the property on
34 Shattuck Avenue. The proceeds of the sale, lease, or
35 exchange shall be credited to the University of California.

36 (f) Within one year after the transfer of title of the
37 property at 2151 Berkeley Way to the University of
38 California, and annually thereafter, the University of
39 California shall report to the Legislature regarding the
40 status of its plans for the use of that portion of the property



1 that remains in the university's possession.
2 Implementation of the university's plans for the property
3 shall terminate this reporting requirement.

4 (g) This section does not apply to the University of
5 California, unless the regents thereof, by appropriate
6 resolution, make the entire provisions of this section
7 applicable.

8 SEC. 5. Section 100515 of the Health and Safety Code
9 is repealed.

10 ~~100515. In the event the regents do not preliminarily~~
11 ~~approve this project by June 1, 1995, or final approval is~~
12 ~~not forthcoming from the Regents, the board, or the~~
13 ~~department after completion of the final environmental~~
14 ~~documentation pursuant to Section 100510, the~~
15 ~~department shall obtain property elsewhere in the City~~
16 ~~of Richmond for the critically needed laboratory. Upon~~
17 ~~completion of the new department facility in Richmond,~~
18 ~~the property at 2151 Berkeley Way, Berkeley, shall, as~~
19 ~~determined by the department, either:~~

20 ~~(a) Be retained by the department to meet additional~~
21 ~~facility needs. Any future development by the~~
22 ~~department of 2151 Berkeley Way, Berkeley, shall, to the~~
23 ~~extent feasible, include joint use between the department~~
24 ~~and the University of California Berkeley School of Public~~
25 ~~Health.~~

26 ~~(b) Be sold to a private entity by the Department of~~
27 ~~General Services on behalf of the department in order to~~
28 ~~cause the property to revert to the tax rolls. Any proceeds~~
29 ~~from the sale of 2151 Berkeley Way, Berkeley, shall be~~
30 ~~deposited in the General Fund.~~

