

Senate Bill No. 1264

CHAPTER 231

An act relating to park and open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1995. Filed with
Secretary of State July 31, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1264, Peace. Park and open-space lands.

(1) Existing law, the California Wildlife, Coastal, and Park Lands Conservation Act, an initiative measure approved by the voters, provided for a grant to San Diego County for acquisition of natural lands in the Tijuana River Valley.

This bill would specifically authorize, pursuant to specified authority in that act, the use of a portion of those lands for a floodway and would make legislative findings and declarations in that connection.

(2) Under existing law, various park bond acts have provided for local grants for the acquisition or development of real property for bond act purposes and prohibits any other use of the property except by a specific act of the Legislature.

This bill would authorize the City of Long Beach to convert to a different use not to exceed 25 acres of parkland at Shoreline Aquatic Park, which was partially developed with state grant funds under specified bond acts, subject to specified conditions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. (a) The Legislature hereby finds and declares that the use of a portion of the natural lands acquired by the County of San Diego in the Tijuana River Valley with a grant made pursuant to the California Wildlife, Coastal, and Park Land Conservation Act (Division 5.8 (commencing with Section 5900) of the Public Resources Code), as authorized by clause (ii) of subparagraph (A) of paragraph (3) of subdivision (b) of Section 5907 of the Public Resources Code, for a floodway will not destroy the character of that land as open-space land as defined in Section 65560 of the Government Code and incorporated by subdivision (g) of Section 5902 of the Public Resources Code, for purposes of the California Wildlife, Coastal, and Park Land Conservation Act and is consistent with the purposes of that act.



(b) Notwithstanding any agreement entered into pursuant to Section 5919 of the Public Resources Code, the Legislature hereby specifically authorizes, pursuant to paragraph (2) of subdivision (a) of Section 5919 of the Public Resources Code, the use for a floodway of a portion of the lands acquired in the Tijuana River Valley by San Diego County with a grant pursuant to the California Wildlife, Coastal, and Park Land Conservation Act.

(c) In utilizing these lands for a floodway, the County of San Diego shall seek to maximize the scenic, recreational, and wildlife values of the lands. The floodway shall be developed in accordance with the Tijuana River Valley Task Force recommendation, as approved by the San Diego City Council, or with any changes that are consistent with that recommendation determined to be necessary and approved by the city council.

SEC. 2. Pursuant to Sections 5096.96, 5096.137, 5096.158, and 5626 of the Public Resources Code, the City of Long Beach is hereby authorized to convert to a different use not to exceed 25 acres of parkland at Shoreline Aquatic Park, which was partially developed with state grant funds under the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 (Chapter 1.67 (commencing with Section 5096.71) of Division 5 of the Public Resources Code), the Nejedly-Hart State, Urban, and Coastal Bond Act of 1976 (Chapter 1.68 (commencing with Section 5096.111) of Division 5 of the Public Resources Code), the California Parklands Act of 1980 (Chapter 1.69 (commencing with Section 5096.141) of Division 5 of the Public Resources Code), and the Roberti-Z'berg Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5 of the Public Resources Code), subject to the following conditions:

(a) The city develops substitute parkland and recreational facilities that are at least equal in area and are of equal or greater fair market value and recreational utility than the converted parkland.

(b) The city provides the Department of Parks and Recreation with appraisals of both the land to be converted and the land to be substituted for review and approval.

(c) The city submits to the Department of Parks and Recreation copies of the preliminary title report for the land to be substituted.

(d) The city's planning commission conducts a public hearing on the proposed substitution of parkland.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:



In order that the people of the state may have the benefit of a more appropriate use of existing park and open-space lands as soon as possible, it is necessary that this act take effect immediately.

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