

CALIFORNIA STATE LANDS COMMISSION
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JUL 07 2011

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File Ref: 2010-12-14.3

Geraldine Knatz
Executive Director
Port of Los Angeles
South Palos Verdes Street
San Pedro, CA 90731

Subject: **Cargo Warehouse Redevelopment and Reuse Project**

Dear Mr. Knatz:

The purpose of this letter is to address a redevelopment and reuse project, proposed by the Port of Los Angeles (Port), which would renovate existing vacant cargo warehouse 9 and 10 into a visitor-serving art and crafts center, and whether the proposed redevelopment and reuse of these warehouses are consistent with the Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The CSLC also retains residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and §6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust. The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, or other recognized Public Trust purposes.

The project area involves sovereign tide and submerged lands that have been legislatively granted, in trust, to the city of Los Angeles (City) pursuant to Chapter 656, Statutes of 1911, and as amended. The City, acting by and through the Port, must make certain that uses proposed on lands subject to the public trust are consistent with the provisions of the granting statutes and the common law Public Trust Doctrine.

Authorized uses include waterborne commerce, navigation, fisheries, open space, water-oriented recreation, or other recognized Public Trust purposes.

The project, as proposed, includes the renovation of two existing cargo warehouses, totaling more than 140,000 square feet, into a public art exhibition and marketplace that would allow local artists and vendors to display and sell their handmade crafts and cuisine. General commercial and retail uses, such as those identified in the proposed project, are inconsistent with the Public Trust Doctrine, as such uses do not serve the regional or statewide general public and are not water-dependent, water-related, or visitor serving. In order to be consistent with the city of Los Angeles granting statutes and the Public Trust Doctrine, the project must identify a connection between the proposal and Port operations or water-related activities. If there is no nexus between the two, staff of the CSLC suggests that the Port reevaluate the proposed reuse project to include maritime uses or other Port operations so that it is operated as a trust asset for State-wide public purposes.

This conclusion is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information become available. This letter is not intended, nor should it be construed, as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

If you have any questions regarding this matter, please contact Michelle Andersen at (916) 574-0200 or via email at Michelle.Andersen@slc.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Michelle Andersen". The signature is written in a cursive, flowing style.

Michelle Andersen
Land Management Division