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UNFINISHED BUSINESS

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Bill No: SB 304  
Author: Arreguín (D), et al.  
Amended: 9/5/25  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 4/22/25  
AYES: Limón, Seyarto, Allen, Grove, Laird, Stern  
NO VOTE RECORDED: Hurtado

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25  
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab  
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25  
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener  
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 64-0, 9/9/25 – Roll call vote not available.

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**SUBJECT:** Public lands: City of Oakland: Port of Oakland: uses of after-acquired lands

**SOURCE:** The Port of Oakland

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**DIGEST:** This bill lifts the granting statute and public trust doctrine use restrictions on certain lands in Jack London Square until February 1, 2066, and requires the Port of Oakland (Port) to make specified findings in a public meeting in order to lease these lands for nontrust uses, among other provisions, as provided.

*Assembly Amendments* lift the granting statute and public trust doctrine use restrictions on certain lands in Jack London Square subject to certain requirements,

replacing direction to the Port and State Lands Commission to negotiate an agreement at a future date regarding these lands. Make numerous conforming and related changes.

## **ANALYSIS:**

Existing law:

- 1) Makes numerous legislative findings and declarations related to the state's public trust lands.
  - a) Requires that all jurisdiction and authority remaining in the state as to tidelands and submerged lands as to which grants have been or may be made is vested in the State Lands Commission.
  - b) Provides that the state's power and right to control, regulate, and utilize its tidelands and submerged lands when acting within the terms of the public trust is absolute.
  - c) Requires that tidelands and submerged lands granted by the Legislature to local entities remain subject to the public trust, and requires grantees to manage the state's tidelands and submerged lands consistent with the terms and obligations of their grants and the public trust without subjugation of statewide interests.
  - d) Requires that granted public trust lands remain subject to the supervision of the state and the state retains its duty to protect the public interest in granted public trust lands. (Public Resources Code (PRC) §§6009, 6009.1)
- 2) Provides the State Lands Commission with exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the state, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, including tidelands and submerged lands or any interest therein, whether within or beyond the boundaries of the state as established by law, which have been or may be acquired by the state, as provided. All jurisdiction and authority remaining in the state as to tidelands and submerged lands as to which grants have been or may be made is vested in the commission. (PRC §6301)
- 3) Grants to the City of Oakland (City), via numerous uncoded statutes, certain state tidelands and submerged lands within its jurisdiction. The City has delegated management to the Port of Oakland (Port).

This bill:

- 1) States legislative intent that the State Lands Commission and the Port maintain dialogue and continue to work together to determine how best to spur the

revitalization of the port's public trust lands at Jack London Square, and that they explore further whether the temporary lifting of use restrictions at 1 Water Street is essential, as provided. States legislative intent that this act sets no precedent for any other granted or other public trust lands in the state, as provided.

- 2) Lifts granting statute and public trust doctrine use restrictions on the "after-acquired" lands in Jack London Square until February 1, 2066. Authorizes the Port to lease the after-acquired lands for any purpose with exceptions, as provided. Otherwise requires that the after-acquired lands remain subject to the terms and conditions of the granting statutes and the public trust.
  - a) Defines after-acquired lands to mean property that is not original tidelands or submerged lands that were acquired with public trusts funds derived from port operations, as provided.
- 3) Authorizes the Port to lease after-acquired lands in Jack London Square for a nontrust use only if the following conditions are met:
  - a) Requires revenues to be used excluding for trust-consistent purposes.
  - b) Prohibits nontrust uses from impairing or harming existing public access or public trust uses, as provided.
  - c) Requires the nontrust use lease to be at fair market value.
  - d) Requires the nontrust use lease to be consistent with the terms of the granting statutes and public trust doctrine, except as provided.
  - e) Requires the nontrust use leases for each parcel to be designed to result in a well-balanced tenant mix that promotes, fosters, and enhances public trust uses in Jack London Square.
  - f) Requires the nontrust leases to not extend beyond February 1, 2066.
- 4) Requires the terms of a certain 2005 Stipulated Judgment concerning the Port and public trust lands to be held in abeyance for the after-acquired lands subject to this act until February 1, 2066, as provided.
- 5) Requires the Port to make findings for each proposed nontrust lease at a public meeting, and makes void any nontrust lease or lease amendment where these findings were not made, as provided.
- 6) Requires on February 2, 2066 that the use restrictions of the granting statutes and the public trust doctrine resume for all after-acquired lands.
- 7) Requires, on or before January 15, 2027 and every year thereafter until February 2, 2066, the Port to provide the State Lands Commission with a detailed narrative statement with certain information including a map showing

the distribution and location of nontrust use leases, the overall economic health and performance of Jack London Square, and the use of revenue derived from nontrust use leases, among others, as provided.

- 8) Requires privately funded tenant improvement on land leased pursuant to this act are subject to prevailing wage statutes if specified requirements are satisfied, as provided.
- 9) Makes 2) – 8) inoperative on February 2, 2066
- 10) Justifies the need for a special statute due to the unique circumstances facing the Port as described in the legislative findings and declarations, as provided.
- 11) Makes various legislative findings and declarations including that the Port is seeking to promote the further development, improvement, and economic revitalization of granted lands within its jurisdiction, that the Port is a valuable state asset, and the unique circumstances facing the Port create challenges, among others. Provides for reimbursement to local agencies and school districts for any state mandated costs.

## **Background**

California acquired title to all tidelands, submerged lands, and the beds of all inland navigable waters within its borders as an incident of its sovereignty when it was admitted to the Union on September 9, 1850. The state owns these tidelands and submerged lands – sovereign lands – as a trustee for, and the public holds an easement over these lands for, statewide public purposes. These public rights are expressed in federal law, California’s Act of Admission, the California Constitution, court opinions, and state statutes.

The common law public trust doctrine has traditionally defined these public trust uses as water-related commerce, navigation, and fishing. However, California courts have recognized that public trust uses are “sufficiently flexible to encompass changing needs” (*Marks v. Whitney*, 6 Cal.3d at p. 259). As a result, California courts have also recognized bathing, swimming, boating, and other recreational purposes, as well as preservation of these lands in their natural state for scenic, scientific study, open space, and habitat values, as public trust uses. Recognized public trust uses must benefit all people of the state – in other words, they have statewide benefit.

The state has made grants of public trust lands to over 80 local public entities, each of which manages the state’s public trust lands as trustee pursuant to the public

trust doctrine, legislative grants, the California Constitution, and other laws governing the trust and the trustee's fiduciary responsibilities.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) SLC estimates annual costs of \$10,000 or less to review information submitted to it about Jack London Square. These costs will likely be reimbursed by the Port through a reimbursement agreement.
- 2) One-time costs of an unknown, but likely minor, amount for SLC and the Department of Justice (DOJ) to amend the stipulated judgment (see background). For its part, DOJ reports minor and absorbable costs.
- 3) By imposing additional duties on the Port, and by extension the City of Oakland, this bill imposes a state-mandated local program. However, according to the California Constitution, legislative mandates requested by the local agency affected are not reimbursable by the state. The Port of Oakland is the sponsor of this bill, and the City of Oakland is registered in support. Therefore, the committee assumes neither entity is eligible for reimbursement, although this is ultimately subject to a determination by the Commission on State Mandates.
- 4) According to SLC, this bill will not result in lost lease revenue for the state, because the Port – not the state – currently receives any lease revenue from lands in Jack London Square.

**SUPPORT:** (Verified 9/8/25)

The Port of Oakland (source)

Bay Area Council

City of Oakland

County of Alameda

East Bay Economic Development Alliance

Jack London Improvement District

Oakland Latino Chamber of Commerce

Oakland Metropolitan Chamber of Commerce

San Francisco Bay Area Water Emergency Transportation Authority

**OPPOSITION:** (Verified 9/8/25)

None received

**ARGUMENTS IN SUPPORT:** According to the author, “SB 304 addresses the critical need to modernize the Port of Oakland’s public trust lands. By expanding permitted uses in consultation with the State Lands Commission, this bill will revitalize the waterfront, promote business investment, enhance community programming, and ensure public access. The bill reflects the City’s evolving land use goals and commitment to equitable waterfront revitalization.”

Prepared by: Katharine Moore / N.R. & W. / (916) 651-4116  
9/9/25 12:37:04

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