

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1273**

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**Introduced by Assembly Member Ting**

February 22, 2013

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An act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14 of Chapter 489 of the Statutes of 2001, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 1273, as amended, Ting. Tidelands and submerged lands: City and County of San Francisco: Pier 30-32: multipurpose venue.

(1) Under existing law (the Burton Act), the state granted certain lands to the City and County of San Francisco in trust for purposes of commerce, navigation, and fisheries, and subject to specified terms and conditions relating to the operation of the Port of San Francisco. Existing law (the McAteer-Petris Act) establishes the San Francisco Bay Conservation and Development Commission and requires the commission to regulate fill and development within a specified area in San Francisco Bay. Existing law declares specified lands along the San Francisco waterfront to be free from the public trust for commerce, navigation, and fisheries, as provided, and authorizes the San Francisco Port Commission to approve a cruise ship terminal development, other maritime facilities, and commercial and office space on a specified area of the San Francisco waterfront. Existing law authorizes the State Lands Commission to convey to the City and County of San Francisco all of the rights, title, and interest held by the state in trust to specified lands

along the waterfront, but prescribes terms and conditions for the use of those lands in connection with the cruise ship terminal development, as provided.

This bill would revise the above-described authorization for the conveyance of lands for use for a cruise ship terminal development to instead authorize the San Francisco Port Commission to approve a *mixed-use* development on the San Francisco waterfront at Pier 30-32, which would include a multipurpose venue, if specified conditions are met. The bill would authorize the State Lands Commission to convey to the City and County of San Francisco all of the rights, title, and interest held by the state in trust to specified lands along the waterfront, but would prescribe terms and conditions for the use of those lands in connection with a multipurpose venue, as described. The bill would make conforming changes with regard to the revised authorization.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco with respect to the development of Pier 30-32.

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. This act shall be known, and may be cited, as the
- 2 Pier 30-32 Revitalization Act.
- 3 SEC. 2. Section 1 of Chapter 489 of the Statutes of 2001, as
- 4 amended by Section 1 of Chapter 68 of the Statutes of 2003, is
- 5 amended to read:
- 6 Sec. 1. For purposes of this chapter, the following terms have
- 7 the following meanings:
- 8 (a) “AB 418” means Chapter 477 of the Statutes of 2011.
- 9 (b) “America’s Cup” means the 34th America’s Cup.
- 10 (c) “BCDC” means the San Francisco Bay Conservation and
- 11 Development Commission established pursuant to Section 66620
- 12 of the Government Code.
- 13 (d) “Bay jurisdiction” means the jurisdiction, powers, and duties
- 14 of BCDC pursuant to Title 7.2 (commencing with Section 66600)
- 15 of the Government Code within the area defined in subdivision
- 16 (a) of Section 66610 of the Government Code.
- 17 (e) “Bay Plan” means the San Francisco Bay Plan as adopted
- 18 and administered by BCDC pursuant to Title 7.2 (commencing

1 with Section 66600) of the Government Code, including all  
2 amendments thereto.

3 (f) “Brannan Street Wharf” means a major San Francisco  
4 waterfront park in the area of Piers 34 and 36, as identified in the  
5 Special Area Plan.

6 (g) “Burton Act” means Chapter 1333 of the Statutes of 1968,  
7 as amended.

8 (h) “Burton Act trust” means the statutory trust imposed by the  
9 Burton Act (Chapter 1333 of the Statutes of 1968, as amended),  
10 pursuant to which the state conveyed to the City and County of  
11 San Francisco, in trust, by transfer agreement, and subject to certain  
12 terms, conditions, and reservations, the state’s interest in certain  
13 tide and submerged lands.

14 (i) “City” means the City and County of San Francisco.

15 (j) ~~“McAteer-Petris”~~ “*McAteer-Petris Act*” means Title 7.2  
16 (commencing with Section 66000) of the Government ~~Code Code~~,  
17 *as that act may be amended from time to time*.

18 (k) “Public trust” or “trust” means the common law public trust  
19 for commerce, ~~or navigation~~ *navigation*, and fisheries.

20 (l) “Port” means the City and County of San Francisco acting  
21 by and through the San Francisco Port Commission.

22 (m) “San Francisco Bay” means those areas defined in Section  
23 66610 of the Government Code.

24 (n) “San Francisco waterfront” means those portions of the area  
25 transferred to the ~~port~~ *Port* pursuant to the Burton Act that also lie  
26 within the area defined in subdivisions (a) and (b) of Section 66610  
27 of the Government Code.

28 (o) “Seawall Lot 330” means that parcel of property, *or any*  
29 *portion thereof*, located in San Francisco identified on that certain  
30 map entitled SUR 790, and shown on Page 318 of the City and  
31 County of San Francisco 100 Scale Ownership Maps, which is on  
32 file with the city’s Bureau of Street Use and Mapping.

33 (p) “SB 815” means Chapter 660 of the Statutes of 2007, as  
34 amended.

35 (q) “Shoreline band jurisdiction” means the jurisdiction, powers,  
36 and duties of BCDC pursuant to Title 7.2 (commencing with  
37 Section 66600) of the Government Code to regulate uses within  
38 the area defined in subdivision (b) of Section 66610 of the  
39 Government Code to ensure, in part, maximum feasible public  
40 access, as prescribed in Section 66632.4 of the Government Code.

1 (r) “Special Area Plan” means the San Francisco Waterfront  
 2 Special Area Plan, dated July 20, 2000, adopted by BCDC, as  
 3 amended from time to time.

4 (s) “Street” means those lands located within the South  
 5 Beach/China Basin Planning area of the San Francisco waterfront  
 6 at Seawall Lot 330, and also lying within Parcel A of those lands  
 7 transferred to the City and County of San Francisco pursuant to  
 8 the Burton Act, as recorded May 14, 1969, in Book C 169 at Pages  
 9 573 to 664, inclusive, in the San Francisco Recorder’s office, as  
 10 more particularly described as that portion of Main Street, located  
 11 between Bryant Street and the Embarcadero, vacated per Ordinance  
 12 14-93 on January 11, 1993, on file with the San Francisco Bureau  
 13 of Street Use and Mapping, in Book 10, Page 94. All streets and  
 14 street lines described in the preceding sentence are in accordance  
 15 with that certain map entitled SUR 790, and shown on Page 318  
 16 of the City and County of San Francisco 100 Scale Ownership  
 17 Maps, on file with the City’s Bureau of Street Use and Mapping.

18 (t) “*Trust retail uses*” means visitor-serving retail and  
 19 restaurant establishments and similar retail uses that facilitate  
 20 and encourage public use of the waterfront.

21 (†)  
 22 (u) “Waterfront Land Use Plan” means the Waterfront Land  
 23 Use Plan, including the Waterfront Design and Access Element,  
 24 adopted by the port pursuant to Resolution No. 97–50, as amended  
 25 from time to time.

26 SEC. 3. Section 2 of Chapter 489 of the Statutes of 2001 is  
 27 amended to read:

28 Sec. 2. The Legislature finds and declares all of the following:

29 (a) *Tide and submerged lands in California are held in trust*  
 30 *for the enjoyment and use by the people of the state pursuant to*  
 31 *the common law public trust doctrine. Public trust lands may be*  
 32 *used for water-related purposes, including, but not limited to,*  
 33 *commerce, navigation, fishing, swimming, general recreation,*  
 34 *open space, and wildlife habitat.*

35 (a)  
 36 (b) In 1965, the Legislature adopted the ~~McAteer-Petris~~  
 37 ~~McAteer-Petris~~ Act to protect and enhance the San Francisco Bay  
 38 and its natural resources. ~~The McAteer-Petris Act~~ Among other  
 39 things, the McAteer-Petris Act grants BCDC regulatory authority  
 40 over further filling in San Francisco Bay through exercise of its

1 bay jurisdiction, and limits that activity to (1) water-oriented uses  
2 that meet specified criteria; (2) minor fill that improves shoreline  
3 appearance or public access; and (3) activities necessary for the  
4 health, safety and welfare of the public in the entire bay area. The  
5 McAteer-Petris Act also ~~authorizes~~ *mandates* BCDC to require  
6 the provision of maximum feasible access to the bay *and its*  
7 *shoreline* consistent with ~~the a project over a 100-foot shoreline~~  
8 ~~band through the exercise of its shoreline band jurisdiction.~~

9 (c) *In 1969, the Legislature received and acted upon the BCDC's*  
10 *report and recommendations from a three-year study of the San*  
11 *Francisco Bay. The resulting Bay Plan contains, among other*  
12 *things, BCDC's policies to guide use and protection of all areas*  
13 *within BCDC's jurisdiction, including the bay and the 100-foot*  
14 *shoreline band, and ensures that proposed projects, among other*  
15 *things, minimize bay fill and provide maximum feasible public*  
16 *access to the bay.*

17 (b)

18 (d) In 1969, pursuant to the Burton Act, the state conveyed by  
19 transfer agreement certain state tide and submerged lands to the  
20 Port. The lands are held by the Port in trust for purposes of  
21 commerce, navigation, and fisheries, and are subject to the terms  
22 and conditions specified in the Burton Act and the public trust.  
23 During the ~~three~~ *four* decades since passage of the Burton Act,  
24 issues have arisen concerning the application of the ~~McAteer-Petris~~  
25 *McAteer-Petris* Act to the piers along the San Francisco waterfront.  
26 To address those issues, BCDC and the Port undertook two  
27 intensive and careful planning processes, which lasted over nine  
28 years.

29 (e)

30 (e) The first process culminated in 1997 with the adoption by  
31 the Port of the Waterfront Land Use Plan and with the adoption  
32 by the Board of Supervisors of the City and County of San  
33 Francisco and the Planning Commission of the City and County  
34 of conforming amendments to the City's General Plan and Planning  
35 Code.

36 (f)

37 (f) In July 2000, after the second five-year cooperative process  
38 involving the Port, BCDC, the Save San Francisco Bay  
39 Association, and numerous interested community groups and  
40 ~~individuals~~, *individuals* was completed, the Port adopted further

1 amendments to the Waterfront Land Use Plan. BCDC also adopted  
 2 amendments to the Special Area Plan that is incorporated into, and  
 3 made a part of, the ~~San Francisco Bay Plan~~, to create consistent  
 4 plans for the area of the San Francisco waterfront between Pier 35  
 5 and China Basin. At the present time, the ~~Waterfront Land Use~~  
 6 *Special Area Plan* addresses specific ~~McAteer-Petris~~  
 7 *McAteer-Petris* Act issues relating to public access and the  
 8 preservation and enhancement of open water as a bay resource in  
 9 this area. The plan also defines public access opportunities on each  
 10 pier in this area and calls for the removal of certain additional piers  
 11 to enhance water views and create additional bay surface area.

12 (e)

13 (g) A major objective of the joint effort described in subdivisions  
 14 ~~(b), (c), and (d)~~ *(d), (e), and (f)* is to establish a new criterion in  
 15 the ~~San Francisco Bay Plan~~ that would permit fill on the San  
 16 Francisco waterfront in an area where a Special Area Plan has  
 17 been adopted by BCDC for uses that are consistent with the public  
 18 trust and the Burton Act trust. The Special Area Plan for the area  
 19 between Pier 35 and China Basin ~~should provide~~ *provides, in part,*  
 20 for all of following:

21 (1) The nature and extent of maximum feasible public access  
 22 ~~for to the piers bays and the waterfront~~, including perimeter access  
 23 ~~at the piers, a history walk system of integrated public parks,~~  
 24 ~~promenades, a Bayside History Walk~~ on most piers, and other  
 25 significant access features on piers where appropriate.

26 (2) Two major public plazas, the Brannan Street Wharf adjacent  
 27 to Pier 30-32 and ~~another in the vicinity of~~ *a new plaza at Pier 27.*

28 (3) A public planning process to lead to the creation of a third  
 29 major public plaza in the Fisherman's Wharf area.

30 (4) The *restoration and preservation of significant open water*  
 31 *basins and areas through the removal of certain piers to uncover*  
 32 *additional bay surface and the restriction of new bay fill in open*  
 33 *water basins and areas to minor amounts needed to improve public*  
 34 *access and shoreline appearance and accommodate permissible*  
 35 *water-oriented uses.*

36 (5) The creation and funding of a special fund within the Port  
 37 to finance the removal of the selected piers and the construction  
 38 and maintenance of those public plazas.

39 (6) A historic preservation mechanism to ensure preservation  
 40 *and enhancement* of important historic resources on the ~~piers~~

1 *piers, including the designation of the National Register*  
2 *Embarcadero Historic District.*

3 *(7) The preservation and improvement of existing views and*  
4 *creation of new views of the bay from the shoreline.*

5 ~~(7)~~

6 *(8) The ability of the Port to repair, improve, or use the piers*  
7 *not designated for removal between Pier 35 and China Basin for*  
8 *any purpose consistent with the Burton Act, the public trust and*  
9 *the Special Area Plan.*

10 ~~(f)~~

11 *(h) The San Francisco waterfront, which has been the subject*  
12 *of this planning process, provides benefits to the entire bay area,*  
13 *and serves as a unique destination for the region's public. These*  
14 *regionwide benefits include enjoyment of a unique, publicly owned*  
15 *waterfront that provides special maritime, navigational,*  
16 *recreational, cultural, and historical benefits that serve the bay*  
17 *area. Accordingly, the adoption by BCDC, and the ratification by*  
18 *the Legislature, of the Special Area Plan, as amended, is necessary*  
19 *to protect the health, safety, and welfare of the public in the entire*  
20 *bay area for purposes of subdivision (f) of Section 66632 of the*  
21 *Government Code.*

22 ~~(g)~~

23 *(i) The Port is a valuable public trust asset, a vibrant and*  
24 *world-renowned tourist destination, and a vital component of the*  
25 *regional, state, and national economies. The Port faces unique*  
26 *challenges in implementing the Waterfront Land Use Plan and*  
27 *Special Area Plan. Deferred maintenance on the Port's numerous*  
28 *historic piers and other structures, together with limitations on*  
29 *revenue generating opportunities, has caused deteriorating*  
30 *conditions along the San Francisco waterfront. The estimated*  
31 *Port's estimate of the cost of implementing the Port's its capital*  
32 *plan is over two billion dollars (\$2,000,000,000), which*  
33 *substantially exceeds the projected revenues of the Port available*  
34 *for these purposes. A purpose of this act is to further the public*  
35 *trust by facilitating the Port's implementation of the important*  
36 *parts of the Waterfront Land Use Plan, the Special Area Plan, and*  
37 *the Port's capital plan, subject to environmental review, as required*  
38 *under the California Environmental Quality Act (Division 13*  
39 *(commencing with Section 21000) of the Public Resources Code).*  
40 *estimated by the Port to be available for these purposes.*

1 SEC. 4. Section 3 of Chapter 489 of the Statutes of 2001 is  
2 amended to read:

3 Sec. 3. The Legislature also hereby finds and declares all of  
4 the following with respect to Seawall Lot 330 and the street:

5 (a) The lands comprising the street are tide and submerged lands  
6 that have been filled and reclaimed, and were reserved to the state  
7 solely for street purposes.

8 (b) The filled and reclaimed tide and submerged lands  
9 constituting the street have been filled and reclaimed for, and in  
10 connection with, a highly beneficial plan of improvement for harbor  
11 development.

12 (c) The street is not used, suitable, or necessary for navigation  
13 purposes and is not necessary, or used for street purposes.

14 (d) The street or any interests in the street that are to be sold by  
15 the city, and over which the Burton Act trust and the public trust  
16 will be terminated, constitute a relatively small portion of the  
17 granted tide and submerged lands.

18 (e) Section 3 of Article X of the California Constitution permits  
19 the sale to any city, county, city and county, municipal corporation,  
20 private person, partnership, or corporation of tidelands reserved  
21 to the state solely for street purposes, which tidelands the  
22 Legislature finds and declares are not used and not necessary for  
23 navigation purposes, subject to those conditions that the Legislature  
24 may impose to protect the public interest.

25 (f) The existence of the street limits the potential development  
26 of Seawall Lot 330. The proposed sale will be consistent with  
27 Section 3 of Article X of the California Constitution, if all of the  
28 following conditions are met:

29 (1) The consideration for the sale of the street, pursuant to  
30 Section 3 of Article X of the California Constitution, shall be the  
31 fair market value of those lands or interests in the lands.

32 (2) The street to be sold by the city and over which the public  
33 trust or the Burton Act trust, or both trusts, will be terminated has  
34 been filled and reclaimed, and the street consisting entirely of dry  
35 land lying above the present line of mean high tide is no longer  
36 needed or required for the purposes of the public trust or the Burton  
37 Act trust.

38 (3) The street to be sold by the city and over which the public  
39 trust or the Burton Act trust, or both trusts, will be terminated has  
40 been cut off from direct access to the waters of San Francisco Bay

1 by past filling of intervening property for a major roadway (the  
2 Embarcadero), which has provided, and will continue to provide,  
3 lateral public access to the water.

4 (4) The street was reserved to the state for street purposes and  
5 is not used or necessary for navigation purposes. Therefore, in  
6 accordance with Section 3 of Article X of the California  
7 Constitution, that street can and should be conveyed into private  
8 ownership for uses consistent with, and in furtherance of, this act.

9 (g) It is therefore the intent of the Legislature, subject to the  
10 terms and conditions set forth in this act to authorize the city to  
11 dispose of the street for private use free from the public trust or  
12 the Burton Act trust.

13 (h) In 2003, the Port and the State Lands Commission entered  
14 into an exchange agreement pursuant to Chapter 310 of the Statutes  
15 of 1987 by which a portion of Seawall Lot 330 was freed from the  
16 public trust and the Burton Act trust and was sold for fair market  
17 value, the proceeds from which were dedicated to construction of  
18 the Brannan Street Wharf. The Legislature enacted SB 815 in 2007,  
19 which lifted the public trust and the Burton Act trust use restrictions  
20 from the remainder of Seawall Lot 330, including the street, until  
21 2094. In 2011, the Legislature enacted AB 418 *in part* to facilitate  
22 the America's Cup, which, subject to certain conditions, freed the  
23 remainder of Seawall Lot 330, including the street, from the public  
24 trust and authorized the Port to sell Seawall Lot 330 at fair market  
25 value, ~~value~~ subject to the approval of the State Lands Commission  
26 ~~Commission's approval.~~ *This*

27 (i) *This* section does not limit the effect of, or the authority  
28 granted to, to the Port by *by*, SB 815 and AB 418 with respect to  
29 Seawall Lot 330, including the street.

30 SEC. 5. Section 4 of Chapter 489 of the Statutes of 2001 is  
31 amended to read:

32 Sec. 4. The Legislature further finds and declares that the  
33 following unique circumstances exist at Pier 30-32 on the San  
34 Francisco waterfront, and that therefore, this act sets no precedent  
35 for any other location or project in the ~~state:~~ *state, including on*  
36 *the San Francisco waterfront or in San Francisco Bay:*

37 (a) The Pier 30-32 platform bayward of the Embarcadero  
38 consists of obsolete, pile-supported pier structures that are  
39 physically no longer capable of serving most trust-related purposes  
40 without substantial modification and repair. The pier is an

1 approximately 13-acre facility centrally located along the  
2 waterfront and with a natural deep water berth along its east face.  
3 However, the poor structural condition of Pier 30-32 currently  
4 limits the use of the pier to automobile parking and occasional,  
5 temporary use as a tertiary berth for cruise ships and other deep  
6 draft vessels. The pier has a limited remaining useful life. The Port  
7 estimates that the cost of removing the pier would exceed forty-five  
8 million dollars (\$45,000,000).

9 (b) Preserving Pier 30-32 requires a substantial capital  
10 investment to improve the piles and decking to modern seismic  
11 standards. ~~The estimated~~ *Port estimates that the* cost of  
12 rehabilitating the pier substantially exceeds ~~its~~ *the Port's estimates*  
13 *of the pier's* fair market value. The Port does not have adequate  
14 funding in its 10-year capital plan for the costs to improve or to  
15 remove the pier due to limited Port resources and competing Port  
16 priorities, including completion of a new international cruise  
17 terminal at Pier 27 and the preservation of historic maritime  
18 resources in the Port's jurisdiction. The Port must conserve Port  
19 revenue to support those maritime uses and public improvements  
20 for which private investment is not economical. ~~Therefore, it is~~  
21 ~~not feasible for the Port to directly fund all necessary capital~~  
22 ~~improvements to preserve the pier and construct new, needed~~  
23 ~~maritime or other public trust facilities on Pier 30-32.~~

24 (c) Over the past decade, the Port has sought to preserve and  
25 develop Pier 30-32 through public-private partnerships. In 2001,  
26 the Legislature authorized the development of Pier 30-32 with a  
27 new cruise ship terminal, office space, and retail space. The need  
28 for a new cruise ship terminal has been recognized for over 40  
29 years. A 1998 assessment by the Port found that cruise industry  
30 experts considered the present terminal at Pier 35 on the San  
31 Francisco waterfront to be inferior to other cruise terminals in the  
32 United States. That assessment also concluded that the existing  
33 San Francisco passenger terminal at Pier 35 cannot accommodate  
34 modern cruise ships. The Port's 1998 assessment evaluated  
35 alternative locations for a new cruise ship terminal and concluded  
36 that Pier 30-32 was the most viable site for a new cruise terminal  
37 in San Francisco because of ~~dredging~~ *its position adjacent to deep*  
38 *water*, site configuration, and development considerations. The  
39 Port solicited proposals and selected a developer for a cruise ship  
40 terminal at Pier 30-32. The developer subsequently abandoned

1 that project after determining that the financial investment required  
2 to improve the substructure of Pier 30-32 was cost prohibitive,  
3 and no other developer could be found who was willing to accept  
4 assignment of the development rights for the project. The Port has  
5 since identified Pier 27 as the preferred location for its new cruise  
6 ship terminal in San Francisco, and construction of the terminal  
7 building is currently underway.

8 (d) In 2011, the America’s Cup Event Authority proposed to  
9 improve Pier 30-32 to host racing teams and hospitality facilities  
10 during the America’s Cup in 2013, and to acquire long-term  
11 development rights to Pier 30-32. Those planned facilities were  
12 ultimately relocated to other piers due primarily to the cost of  
13 rehabilitating the substructure of Pier 30-32.

14 (e) The Waterfront Land Use Plan and the Special Area Plan  
15 recognize that the development of Pier 30-32 and the surrounding  
16 area within the South Beach/China Basin subarea identified in the  
17 Waterfront Land Use Plan would further the public trust purposes  
18 of increasing maritime activities and expanding public use and  
19 enjoyment of the waterfront on trust lands at this location.

20 (f) The Port now proposes a mixed-use development at Pier  
21 30-32, ~~the primary proposes of which are to~~ (1) *will* further public  
22 use, access, and enjoyment of the tidelands and surrounding water  
23 at this location by providing a multipurpose venue for events and  
24 public assembly, coupled with public access, open space,  
25 ~~commercial public trust uses, and parking serving the uses on Piers~~  
26 ~~30-32 and visitors to the waterfront, and~~ (2) *preserve and enhance*  
27 ~~maritime uses and water-oriented recreational activities at the site~~  
28 *and venue-supporting or trust retail uses; significant maritime*  
29 *facilities, including an occasional berthing area for large vessels;*  
30 *bay-oriented recreational activities; and limited ancillary parking*  
31 *as reasonably necessary to meet the visitor-serving needs of the*  
32 *mixed-used development, including the multipurpose venue, all of*  
33 *which are designed to preserve and improve public and visual*  
34 *access to the bay and its shoreline.*

35 ~~(g) In addition to providing a destination for events, public~~  
36 ~~assembly, and public access to the bay, the planned improvements~~  
37 ~~include maritime facilities on the pier. Possible improvements~~  
38 ~~include a new facility for the city’s fire boats; berthing facilities~~  
39 ~~for waterborne transit, such as water taxis, ferries, or commercial~~  
40 ~~excursion boats; recreational water sports access, such as a public~~

1 kayak launch area; periodic, temporary berthing for deep draft  
2 vessels on the east side of the pier, and other berthing facilities.  
3 New maritime facilities will promote local waterborne transit and  
4 may establish the proposed development at Pier 30-32 as a  
5 waterside destination for recreational boating.

6 (h) ~~The city's fire boats have operated on the San Francisco~~  
7 ~~Bay since 1878 and have provided critical fire protection services~~  
8 ~~to the city in situations like the Loma Prieta earthquake when the~~  
9 ~~ability of the fire boats to pump bay water to fight fires saved a~~  
10 ~~significant portion of San Francisco's Marina District, as well as~~  
11 ~~the recent fire at Pier 29. In addition, the city's fire boat operation~~  
12 ~~provides unique rescue and response services on the San Francisco~~  
13 ~~Bay that are of regionwide significance. The current fire boat~~  
14 ~~station at Pier 22 ½ is no longer sufficient to serve the needs of the~~  
15 ~~operation. A new fire boat facility at Pier 30-32 would provide an~~  
16 ~~opportunity to improve and expand fire boat operations.~~

17 (i)

18 (g) Pier 30-32 is ideally situated to provide public access to *and*  
19 *enjoyment of* the waterfront *and bay*. It is within walking distance  
20 of the Ferry Building, the San Francisco Giants baseball stadium,  
21 and regional transit hubs, including the ~~proposed~~ Transbay Transit  
22 ~~Center~~, *Center, which is under construction*, has unmatched views  
23 of the Bay *and the Bay Bridge*, and is immediately adjacent to the  
24 Brannan Street Wharf project, which will provide a  
25 58,700-square-foot pile-supported park over the bay, consistent  
26 with the Special Area Plan. The Port committed to the construction  
27 of the Brannan Street Wharf earlier than required under the Special  
28 Area Plan through investment of approximately twenty-five million  
29 dollars (\$25,000,000) for the removal of 175,000 square feet of  
30 pile-supported fill and development of public access improvements  
31 . The Brannan Street Wharf project is currently under construction  
32 and is anticipated to be completed by June 2013. The value of the  
33 Brannan Street Wharf as a recreational resource is diminished by  
34 the current condition and use of Pier 30-32, which ~~presents visual~~  
35 ~~blight and~~ cannot support dedicated public access on the pier *and*  
36 *full realization of the Brannan Street Wharf Open Water Basin*.

37 (j)

38 (h) The inclusion of *significant* public access improvements,  
39 maritime facilities, and ~~commercial public venue-supporting or~~  
40 ~~trust retail uses~~, together with a new multipurpose ~~venue~~, *venue*

1 *for events that bring people from around the state to the waterfront*  
2 *to use and enjoy the public trust assets of San Francisco, enhances*  
3 *and promotes the trust objectives uses of furthering maritime*  
4 *commerce and improving public access and use on the San*  
5 *Francisco waterfront the tidelands location.*

6 ~~(k)~~

7 (i) ~~The estimated~~ *Port estimates the cost of the construction of*  
8 *the substructure and related improvements required to make Pier*  
9 *30-32 useable for the proposed mixed-use development is in excess*  
10 *of one hundred twenty million dollars (\$120,000,000), which*  
11 *significantly exceeds the Port's appraised fair market value of the*  
12 *pier. The project proposes Port plans to finance the substructure*  
13 *costs with private capital, capital and the following public revenue*  
14 *sources: the proceeds from the sale or lease of Seawall Lot 330*  
15 *pursuant to AB 418, rent credits for the lease of Pier 30-32 to the*  
16 *developer of the venue, property tax increment from an*  
17 *infrastructure financing district, and possibly special taxes from a*  
18 *community facilities district. The multi-purpose Construction of*  
19 *the multipurpose venue structure itself will be entirely privately*  
20 *financed and will not require any expenditure of money from the*  
21 *city's general fund, or from other city or Port funds, for its*  
22 *construction funds.*

23 (j) *There are presently few visitor-serving amenities in the*  
24 *vicinity of Pier 30-32. The Port's efforts to develop its property*  
25 *for hotel use have been unsuccessful. The development of the*  
26 *multipurpose venue at Pier 30-32 and the termination of the trust*  
27 *use restrictions at Seawall Lot 330 would create substantial new*  
28 *demand for visitor-serving uses at that location and would make*  
29 *those uses financially feasible as part of an overall residential and*  
30 *mixed-use development at Seawall Lot 330. Also, Seawall Lot 330*  
31 *presents an opportunity to enhance the trust value of the project*  
32 *on Pier 30-32 by attracting more people to the waterfront and*  
33 *providing accommodations to people from both the San Francisco*  
34 *region and other areas of the state through visitor-serving uses,*  
35 *which may include visitor-serving retail, restaurants or hotel use,*  
36 *or any combination of these.*

37 SEC. 6. Section 5 of Chapter 489 of the Statutes of 2001, as  
38 amended by Section 2 of Chapter 68 of the Statutes of 2003, is  
39 amended to read:

1     Sec. 5. (a) The Legislature, in the exercise of its retained power  
 2 as trustee of the public trust, and in view of the unique  
 3 circumstances existing at Pier 30-32 on the San Francisco  
 4 waterfront and the considerable statewide public benefit and  
 5 promotion of the public trust that will be brought about by the  
 6 preservation, *improvement, and modernization* of the pier,  
 7 construction of a new multipurpose venue *for events and public*  
 8 *assembly*, establishment of maritime uses, ~~and improved public~~  
 9 ~~access and commercial public access, public use and enjoyment of~~  
 10 ~~the site, establishment of venue-supporting or trust retail uses on~~  
 11 ~~this the site, and additional public trust benefits~~, hereby authorizes  
 12 the Port to approve a *mixed-use* development on the San Francisco  
 13 waterfront at Pier 30-32 that includes a multipurpose ~~venue~~, *venue*  
 14 *for events and public assembly* if the Port finds that all of the  
 15 following conditions are met:

16     (1) *The mixed-use development is designed to attract people to*  
 17 *the waterfront, increase public enjoyment of the San Francisco*  
 18 *Bay, encourage public trust activities, and enhance public use of*  
 19 *trust assets and resources on the waterfront.*

20     (a)

21     (2) (A) ~~The venue facility mixed-use development~~ is designed  
 22 to provide ~~vantage points offering multiple significant views of~~  
 23 ~~the Bay Bridge, Bridge and the San Francisco Bay, or both, Bay~~  
 24 ~~from a variety of elevations and vantage points, including~~  
 25 ~~significant views of the Bay Bridge and the San Francisco Bay~~  
 26 ~~from the interior concourses on the south and east sides of the~~  
 27 ~~multipurpose venue and views of the venue, and Bay Bridge from~~  
 28 ~~certain seating areas, and, consistent with programming needs of~~  
 29 ~~events, the areas within the multipurpose venue.~~

30     (B) *The multipurpose venue facility is located to minimize*  
 31 *interference with public views of San Francisco Bay to the extent*  
 32 *feasible.*

33     (C) ~~The multipurpose venue facility shall provide~~ provides free  
 34 public access to patrons and nonpatrons alike to *exterior* portions  
 35 of the building ~~on the east side of the venue~~, from which the public  
 36 can view the San Francisco Bay, subject to reasonable limitations  
 37 based on security. *In addition, to encourage the public to come to*  
 38 *the bay's edge, the design of the multipurpose venue shall provide*  
 39 *significant free public views of the inside of the multipurpose venue*  
 40 *from the outside, and the operator of the multipurpose venue shall*

1 *be required to allow the public to view the inside of the*  
2 *multipurpose venue from the outside during events whenever*  
3 *feasible.*

4 (3) *The mixed-use development is designed to achieve and*  
5 *enhance maximum feasible public access to and minimum fill in*  
6 *the bay in a manner that is consistent, as determined by BCDC in*  
7 *its separate permit process, with the Special Area Plan, the*  
8 *McAteer-Petris Act, and the Bay Plan.*

9 ~~(b) The development includes a public access component that~~  
10 ~~meets the requirements of the Special Area Plan and the San~~  
11 ~~Francisco Bay Plan as interpreted by BCDC, provides new public~~  
12 ~~vantage points on the north, east, and south sides of Pier 30-32~~  
13 ~~from which to view San Francisco Bay, and provides continuous~~  
14 ~~public access around the entire perimeter of Pier 30-32 (configured~~  
15 ~~as necessary to accommodate use by the fire boat station, berths,~~  
16 ~~or other maritime uses on the pier edge, to the extent each of those~~  
17 ~~uses is incorporated into the development) and between Pier 30-32~~  
18 ~~and the Brannan Street Wharf.~~

19 (4) *The mixed-use development includes significant public plazas*  
20 *open to the public on a substantially permanent basis that can be*  
21 *accessed via public pedestrian promenades at the site that*  
22 *encourage public use of the site and provide a variety of views of*  
23 *the San Francisco Bay and the San Francisco cityscape.*

24 (5) *The mixed-use development includes continuous public*  
25 *access around the perimeter of Pier 30-32 open to the public year*  
26 *round, with limited exceptions for temporary safety-, security-,*  
27 *and maritime-based interruptions, and includes an interpretive*  
28 *program to enhance the public's enjoyment of the site.*

29 ~~(e) The Brannan Street Wharf project, as described in the Special~~  
30 ~~Area Plan, shall be substantially complete and open to the public~~  
31 ~~prior to approval of the Pier 30-32 development.~~

32 ~~(d)~~

33 (6) *The mixed-use development includes a significant and*  
34 *appropriate maritime program that provides for maritime uses*  
35 *along the north and east edges of Pier 30-32, which uses may*  
36 *include, without limitation, which shall be consistent with the*  
37 *Special Area Plan and shall include, but is not limited to:*

38 (1)

1 (A) A city fire station and berthing facilities for city fire boats,  
2 *or, in lieu thereof, one or more other maritime uses on the north*  
3 *side of Pier 30-32.*

4 ~~(2)~~

5 (B) Facilities for berthing at the east end of Pier 30-32, including  
6 facilities that can accommodate periodic use by cruise or other  
7 deep draft vessels, *or other facilities that promote the deep water*  
8 *berth at Pier 30-32.*

9 ~~(3)~~

10 ~~(C) Direct~~ *Facilities that enable direct* public access to the water  
11 ~~in the form of a launch for by human-powered vessels, subject to~~  
12 ~~feasibility and public safety considerations~~ *vessels or swimmers,*  
13 *if feasible, on the south side of Pier 30-32, or water-oriented*  
14 *recreational uses facing the Brannan Street Wharf open water*  
15 *basin.*

16 ~~(4) Guest berths that accommodate private vessels for day use.~~

17 ~~(5) Water-based transit facilities, including water taxi and ferry~~  
18 ~~landings.~~

19 ~~(e) The development provides for the use of the south edge of~~  
20 ~~Pier 30-32 by recreational craft or other maritime uses, which may~~  
21 ~~include, without limitation, the types of facilities referenced in~~  
22 ~~paragraphs (2) to (5), inclusive, of subdivision (d), or for public~~  
23 ~~access or public water-oriented recreational uses facing the Brannan~~  
24 ~~Street Wharf open water basin.~~

25 (D) *Water-transit docking or berthing facilities for water taxis,*  
26 *ferries, or both.*

27 ~~(f)~~

28 (7) Any nonmaritime office space ~~provided~~ on Pier 30-32 is  
29 *limited to 70,000 square feet, and any nonmaritime office space*  
30 *provided on Pier 30-32 is for use only by the primary tenants of*  
31 *the multipurpose venue, or is ancillary to venue for events and*  
32 *public assembly, the use of the multipurpose venue, the supporting*  
33 *or trust retail uses on Pier 30-32, and the operation and*  
34 *management of the open space, space and other public facilities*  
35 *on Pier 30-32.*

36 ~~(g)~~

37 (8) ~~At least half of all~~ *All retail venues on Pier 30-32 is are*  
38 *limited to venue-supporting or trust retail uses. For purposes of*  
39 ~~this subdivision only, “trust retail” means visitor serving public~~  
40 ~~trust retail and restaurant use.~~

1     ~~(h)~~

2     (9) Any parking included on Pier 30-32 is *limited to 500 spaces*,  
3 located under active uses on Pier 30-32, substantially screened  
4 from public view, and designed ~~to avoid~~ *so that ingress and egress*  
5 *avoids* material interference with pedestrian, wheelchair, and  
6 bicycle traffic along Herb Caen Way and *material interference*  
7 *with* the public's access to and use of the open space on the surface  
8 of the pier. *Parking shall be designed to accommodate visitors to*  
9 *the site and shall not be reserved for residential use.*

10    (10) *Public trust-consistent events, uses, and programming are*  
11 *offered regularly at the site of the mixed-use development. The site*  
12 *shall be made available to the Port or its designee for those events*  
13 *on at least 15 days per year, including at least three days on which*  
14 *the multipurpose venue shall be made available to the Port or its*  
15 *designee for those events. These events shall include free and*  
16 *low-cost visitor-serving events.*

17    (11) *A public community room is available at the site for free*  
18 *or low-cost use by members of the public statewide, without*  
19 *preference to local residents or organizations.*

20    (12) *The development of the site is required to be consistent*  
21 *with a plan to address anticipated sea-level rise through year*  
22 *2050, which shall include enforceable strategies incorporating an*  
23 *adaptive management approach to sea-level rise for the duration*  
24 *of the ground lease term.*

25    (13) *The development approved for Seawall Lot 330 includes*  
26 *a hotel or other visitor-serving uses that the Port finds will*  
27 *materially enhance public trust uses on Pier 30-32 and the San*  
28 *Francisco waterfront.*

29    (b) (1) *If a multipurpose venue for events and public assembly*  
30 *is approved and constructed on Pier 30-32, the Port shall submit*  
31 *and present at a properly noticed public State Lands Commission*  
32 *meeting a trust program report to the State Lands Commission,*  
33 *no later than five years from the date of the opening of the*  
34 *multipurpose venue, and every five years thereafter through the*  
35 *term of the ground lease for the multipurpose venue, that contains*  
36 *all of the following information:*

37    (A) *A list and description of the trust-related events and*  
38 *programming that have occurred at the site of the mixed-use*  
39 *development and in the multipurpose venue over the preceding*  
40 *five-year period, including the dates on which the events occurred*

1 *or the multipurpose venue was made available for those events,*  
2 *and identifying any free and low-cost visitor-serving events.*

3 *(B) A description of the efforts made by the Port, its tenants,*  
4 *and subtenants to publicize the availability of Pier 30-32, including*  
5 *the multipurpose venue, for trust-related events and other efforts*  
6 *undertaken to solicit such events.*

7 *(C) A description of the maritime program on those portions of*  
8 *Pier 30-32 within the purview of the Port or the City, including a*  
9 *list of the facilities constructed, identification of any tenants,*  
10 *licensees, or other operators of the maritime facilities, and a*  
11 *description of the nature and frequency of the maritime use.*

12 *(D) A description of the tenants and use of the nonmaritime*  
13 *office space and the use of the public community room on Pier*  
14 *30-32.*

15 *(E) Any other information specifically requested by the State*  
16 *Lands Commission that pertains to the City or Port program of*  
17 *trust uses for Pier 30-32 and that is reasonably obtainable by the*  
18 *City or Port.*

19 *(2) (A) The Port, and the City, if applicable, shall work*  
20 *cooperatively with the executive officer of the State Lands*  
21 *Commission to develop an implementation plan if the executive*  
22 *officer of the State Lands Commission, upon review of the trust*  
23 *program report, determines both of the following:*

24 *(i) That Pier 30-32 is not being used for at least 13 trust-related*  
25 *events annually at the site as a whole or is not being used for at*  
26 *least three trust-related events annually at the multipurpose venue*  
27 *as specified in paragraph (10) of subdivision (a); or, that the City*  
28 *or the Port has not implemented the maritime program for Pier*  
29 *30-32 for its intended purposes, as specified in paragraph (6) of*  
30 *subdivision (a).*

31 *(ii) That the Port, or the City, as applicable, has not taken*  
32 *effective action to achieve the objectives specified in clause (i).*

33 *(B) The executive officer of the State Lands Commission shall*  
34 *provide written notice to the Port and the City of a determination*  
35 *under subparagraph (A) requiring the development of an*  
36 *implementation plan, including the basis for that determination.*  
37 *An implementation plan developed pursuant to this paragraph*  
38 *shall ensure that the objectives of clause (i) of subparagraph (A)*  
39 *are met for the next five-year reporting period and shall be*  
40 *consistent with the terms and conditions set forth in governmental*

1 *approvals for development of the project and in then-existing leases*  
2 *and other contracts affecting use of the site, including rights of*  
3 *leasehold mortgagees under those contracts. In accordance with*  
4 *this subparagraph, the implementation plan may include a plan*  
5 *for improving outreach, publicity, or marketing efforts for trust*  
6 *events or to attract maritime operators or users.*

7 (3) *In conjunction with the Port's report required in paragraph*  
8 *(1), the tenant of the multipurpose venue shall submit and, if*  
9 *requested by the executive officer of the State Lands Commission,*  
10 *present at a properly noticed public State Lands Commission*  
11 *meeting, an informational report to the State Lands Commission*  
12 *describing how the event program at the multipurpose venue is*  
13 *meeting the objectives for use of that venue set forth in paragraph*  
14 *(2) of subdivision (a).*

15 SEC. 7. Section 6 of Chapter 489 of the Statutes of 2001 is  
16 amended to read:

17 Sec. 6. The Legislature finds and declares that the 2000  
18 amendments of the ~~San Francisco~~ Bay Plan and the Special Area  
19 Plan by BCDC are authorized under subdivision (f) of Section  
20 66632 of the Government Code as necessary to protect the health,  
21 safety, and welfare of the public in the entire bay area, and BCDC's  
22 actions with respect to those amendments are hereby ratified and  
23 confirmed.

24 SEC. 8. Section 7 of Chapter 489 of the Statutes of 2001, as  
25 amended by Section 3 of Chapter 68 of the Statutes of 2003, is  
26 amended to read:

27 Sec. 7. Any *legislative or regulatory* requirement for findings  
28 of consistency with the public trust doctrine or the Burton Act trust  
29 under the Special Area Plan, the Bay Plan, or any other applicable  
30 statute, regulation, or plan shall be deemed satisfied if the Port has  
31 made a finding that the Pier 30-32 development is consistent with  
32 the requirements of Section ~~6 5~~ of the ~~Pier 30-32 Revitalization~~  
33 ~~Act this act~~. ~~Except as provided in this section, with respect to a~~  
34 ~~finding of consistency with the public trust doctrine, nothing in~~  
35 ~~that this act is intended to limit the authority and discretion of~~  
36 ~~BCDC to approve or deny permits for the projects multiuse~~  
37 ~~development plan on Pier 30-32 generally described in that this~~  
38 ~~act in a manner consistent with the McAteer-Petris Act, the Bay~~  
39 ~~Plan, and the Special Area Plan, and that act, or to including the~~  
40 ~~authority and discretion of BCDC to impose conditions on the~~

1 *permits for the project. This act shall not limit the authority and*  
2 *discretion of BCDC to enforce permits issued for the projects*  
3 *described in ~~that~~ this act.*

4 SEC. 9. Section 8 of Chapter 489 of the Statutes of 2001 is  
5 amended to read:

6 Sec. 8. (a) For the purpose of effectuating the sale of the street,  
7 including the conveyance of the street by the city, free of the public  
8 trust and the Burton Act trust, the State Lands Commission may  
9 convey to the city by patent all of the rights, title, and interest held  
10 by the state by virtue of its sovereign trust title to the street,  
11 including any public trust interest or Burton Act reservation or  
12 trust interest, not heretofore conveyed, subject to any reservations  
13 the State Lands Commission determines appropriate.

14 (b) In any case in which the state, pursuant to this act, conveys  
15 filled tidelands and submerged lands transferred to the city pursuant  
16 to the Burton Act, the state shall reserve all minerals and all mineral  
17 rights in the lands of every kind and character now known to exist  
18 or hereafter discovered, including, but not limited to, oil and gas  
19 and rights thereto, together with the sole, exclusive, and perpetual  
20 right to explore for, remove, and dispose of those minerals by any  
21 means or methods suitable to the state or to its successors and  
22 assignees, except that, notwithstanding the Burton Act, or Section  
23 6401 of the Public Resources Code, any such reservation shall not  
24 include the right of the state or its successors or assignees in  
25 connection with any mineral exploration, removal, or disposal  
26 activity, to do either of the following:

27 (1) Enter upon, use, or damage the surface of the lands or  
28 interfere with the use of the surface by any grantee or by the  
29 grantee's successors or assignees.

30 (2) Conduct any mining activities of any nature whatsoever  
31 above a plane located 500 feet below the surface of the lands  
32 without the prior written permission of any grantee of the lands or  
33 the grantee's successors or assignees.

34 (c) This section does not require the state, the city, or the Port  
35 to reserve mineral rights in any portion of Seawall Lot 330,  
36 including any portion of the street, that is conveyed pursuant to  
37 AB 418.

38 SEC. 10. Section 9 of Chapter 489 of the Statutes of 2001 is  
39 amended to read:

1 Sec. 9. The city may, pursuant to Section 3 of Article X of the  
2 California Constitution, sell the street to any private person,  
3 partnership, or corporation, with the approval of the State Lands  
4 Commission, if the city first finds that the sale is consistent with  
5 the legislative findings and declarations set forth in Section 3. That  
6 sale shall not be effective unless and until the State Lands  
7 Commission, at a regular open meeting with the proposed sale of  
8 the street as a properly scheduled agenda item, does or has done,  
9 all of the following:

10 (a) Finds, or has found, that the consideration for the sale of the  
11 street pursuant to Section 3 of Article X of the California  
12 Constitution shall be the fair market value of the street.

13 (b) Adopts, or has adopted, a resolution approving the sale that  
14 finds and declares that the street has been filled and reclaimed, is  
15 cut off from access to the waters of San Francisco Bay, and is no  
16 longer needed or required for the promotion of the public trust or  
17 the Burton Act trust, and that no substantial interference with the  
18 public trust or Burton Act trust uses and purposes will ensue by  
19 virtue of the sale. The resolution shall also declare that the sale is  
20 consistent with the findings and declarations in Section 3, and the  
21 sale is in the best interests of the state and city. Upon adoption of  
22 the resolution, or at a time that is specified in the resolution, the  
23 street shall thereupon be free from the public trust and the Burton  
24 Act trust.

25 (c) Finds, or has found, that the proceeds for the sale of the  
26 street will be devoted to trust-related capital improvements by the  
27 Port.

28 (d) This section does not apply to a conveyance of any portion  
29 of Seawall Lot 330, including the street, that is made pursuant to  
30 AB 418.

31 SEC. 11. Section 11 of Chapter 489 of the Statutes of 2001 is  
32 amended to read:

33 Sec. 11. A deed, patent, agreement, or other instrument  
34 executed in furtherance of this act, or an action of the state, the  
35 city, or the Port to approve the use, lease, or conveyance of any  
36 portion of port property subject to this act, or to approve project  
37 agreements, grant entitlements, or permits, or issue bonds or other  
38 indebtedness in connection with the use and development of that  
39 property in accordance with this act, shall be conclusively  
40 presumed to be valid, unless held to be invalid in an appropriate

1 proceeding in a court of competent jurisdiction to determine the  
2 validity of the instrument, agreement, or approval commenced  
3 within 60 days after the recording of the instrument or agreement,  
4 or the recording of a memorandum evidencing the instrument or  
5 agreement, or, in the case of an approval, within 60 days after the  
6 approval.

7 SEC. 12. Section 13 of Chapter 489 of the Statutes of 2001 is  
8 amended to read:

9 Sec. 13. (a) An action may be brought under Chapter 4  
10 (commencing with Section 760.010) of Title 10 of Part 2 of the  
11 Code of Civil Procedure to establish title to any lands conveyed  
12 pursuant to this act or by the parties to any agreement regarding a  
13 street sale or exchange of land entered into pursuant to this act or  
14 pursuant to Chapter 310 of the Statutes of 1987 to confirm the  
15 validity of the agreement. Notwithstanding Section 764.080 of the  
16 Code of Civil Procedure, the statement of decision in the action  
17 shall include a recitation of the underlying facts and a determination  
18 whether the conveyance or agreement meets the requirements of  
19 this act, and, if applicable, Chapter 310 of the Statutes of 1987,  
20 Sections 3 and 4 of Article X of the California Constitution, and  
21 any other law applicable to the validity of the conveyance or  
22 agreement.

23 (b) For purposes of Section 764.080 of the Code of Civil  
24 Procedure, and unless otherwise agreed in writing, an agreement  
25 entered into pursuant to this act shall be deemed to be entered into  
26 on the date it is executed by the executive officer of the ~~commission~~  
27 *State Lands Commission*, who shall be the last of the parties to  
28 sign prior to the signature of the Governor. The effective date of  
29 the agreement shall be deemed to be the date on which it is  
30 executed by the Governor pursuant to Section 6107 of the Public  
31 Resources Code.

32 (c) An action may be brought under Chapter 9 (commencing  
33 with Section 860) of Title 10 of Part 2 of the Code of Civil  
34 Procedure to determine the legality and validity of a deed, patent,  
35 agreement, or other instrument executed in furtherance of or  
36 authorized by this act, or an action of the city or Port to use, lease,  
37 or convey any property, or to approve project agreements, grant  
38 entitlements, or permits, or issue bonds or other indebtedness in  
39 connection with the use and development of that property, in  
40 accordance with this act. Prior to the filing of an action, the

1 Attorney General and the executive officer of the ~~commission~~  
2 *State Lands Commission* shall be provided written notice of the  
3 action and a copy of the complaint. An action authorized by this  
4 subdivision may be combined with an action authorized by  
5 subdivision (a).

6 SEC. 13. Section 14 of Chapter 489 of the Statutes of 2001 is  
7 amended to read:

8 Sec. 14. (a) This act does not alter the obligations of the city  
9 or the Port under the California Environmental Quality Act  
10 (Division 13 (commencing with Section 21000) of the Public  
11 Resources Code), including any obligation to consider alternatives  
12 to a project proposed for Pier 30-32 or Seawall Lot 330.

13 (b) *If a mixed-use development at Pier 30-32 that includes a*  
14 *multipurpose venue for events and public assembly meeting the*  
15 *conditions of Section 5 of this act has not been approved within*  
16 *10 years of the effective date of this act, the provisions of Section*  
17 *5 and Section 7 of this act shall become inoperative as of the date*  
18 *that is 10 years from the effective date of this act.*

19 SEC. 14. For purposes of this act, subdivision (d) of Section  
20 ~~9 of Chapter 477 of the Statutes of 2011 of AB 418~~ shall not apply  
21 to any sale of Seawall Lot 330 if the proceeds of the sale are  
22 applied to the cost of rehabilitating the Pier 30-32 substructure or  
23 the cost of constructing maritime or public access improvements  
24 on Pier 30-32.

25 SEC. 15. The Legislature finds and declares that a special law  
26 is necessary and that a general law cannot be made applicable  
27 within the meaning of Section 16 of Article IV of the California  
28 Constitution because of the unique circumstances applicable only  
29 to the trust lands described in this act.