

AMENDED IN SENATE JULY 10, 2013

AMENDED IN SENATE JUNE 19, 2013

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 State Lands Commission to approve* a mixed-use development on the San Francisco waterfront at Pier 30-32, which would include a multipurpose venue for events and public assembly, if the State Lands Commission finds, at a properly noticed public meeting, that 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.

- 1 (d) “Bay jurisdiction” means the jurisdiction, powers, and duties  
2 of BCDC pursuant to Title 7.2 (commencing with Section 66600)  
3 of the Government Code within the area defined in subdivision  
4 (a) of Section 66610 of the Government Code.
- 5 (e) “Bay Plan” means the San Francisco Bay Plan as adopted  
6 and administered by BCDC pursuant to Title 7.2 (commencing  
7 with Section 66600) of the Government Code, including all  
8 amendments thereto.
- 9 (f) “Brannan Street Wharf” means a major San Francisco  
10 waterfront park in the area of Piers 34 and 36, as identified in the  
11 Special Area Plan.
- 12 (g) “Burton Act” means Chapter 1333 of the Statutes of 1968,  
13 as amended.
- 14 (h) “Burton Act trust” means the statutory trust imposed by the  
15 Burton Act (Chapter 1333 of the Statutes of 1968, as amended),  
16 pursuant to which the state conveyed to the City and County of  
17 San Francisco, in trust, by transfer agreement, and subject to certain  
18 terms, conditions, and reservations, the state’s interest in certain  
19 tide and submerged lands.
- 20 (i) “City” means the City and County of San Francisco.
- 21 (j) “Embarcadero Historic District” means the Port of San  
22 Francisco Embarcadero Historic District designated on the National  
23 Register of Historic Places.
- 24 (k) “McAteer-Petris Act” means Title 7.2 (commencing with  
25 Section 66000) of the Government Code, as that act may be  
26 amended from time to time.
- 27 (l) “Public trust” or “trust” means the common law public trust  
28 for commerce, navigation, and fisheries.
- 29 (m) “Port” means the City and County of San Francisco acting  
30 by and through the San Francisco Port Commission.
- 31 (n) “Port historic structure” means any building, structure, or  
32 other facility that is located on port property and either is  
33 individually listed or eligible for listing on the National Register  
34 of Historic Places, or has been designated as, or meets the standards  
35 for, a resource contributing to the historic significance of the  
36 Embarcadero Historic District.
- 37 (o) “San Francisco Bay” means those areas defined in Section  
38 66610 of the Government Code.
- 39 (p) “San Francisco waterfront” means those portions of the area  
40 transferred to the Port pursuant to the Burton Act that also lie

1 within the area defined in subdivisions (a) and (b) of Section 66610  
2 of the Government Code.

3 (q) “Seawall Lot 330” means that parcel of property, or any  
4 portion thereof, located in San Francisco identified on that certain  
5 map entitled SUR 790, and shown on Page 318 of the City and  
6 County of San Francisco 100 Scale Ownership Maps, which is on  
7 file with the city’s Bureau of Street Use and Mapping.

8 (r) “SB 815” means Chapter 660 of the Statutes of 2007, as  
9 amended.

10 (s) “Shoreline band jurisdiction” means the jurisdiction, powers,  
11 and duties of BCDC pursuant to Title 7.2 (commencing with  
12 Section 66600) of the Government Code to regulate uses within  
13 the area defined in subdivision (b) of Section 66610 of the  
14 Government Code to ensure, in part, maximum feasible public  
15 access, as prescribed in Section 66632.4 of the Government Code.

16 (t) “Special Area Plan” means the San Francisco Waterfront  
17 Special Area Plan, dated July 20, 2000, adopted by BCDC, as  
18 amended from time to time.

19 (u) “Street” means those lands located within the South  
20 Beach/China Basin Planning area of the San Francisco waterfront  
21 at Seawall Lot 330, and also lying within Parcel A of those lands  
22 transferred to the City and County of San Francisco pursuant to  
23 the Burton Act, as recorded May 14, 1969, in Book C 169 at Pages  
24 573 to 664, inclusive, in the San Francisco Recorder’s office, as  
25 more particularly described as that portion of Main Street, located  
26 between Bryant Street and the Embarcadero, vacated per Ordinance  
27 14-93 on January 11, 1993, on file with the San Francisco Bureau  
28 of Street Use and Mapping, in Book 10, Page 94. All streets and  
29 street lines described in the preceding sentence are in accordance  
30 with that certain map entitled SUR 790, and shown on Page 318  
31 of the City and County of San Francisco 100 Scale Ownership  
32 Maps, on file with the City’s Bureau of Street Use and Mapping.

33 (v) “Trust retail uses” means retail establishments that facilitate  
34 and encourage public use of the waterfront and are consistent with  
35 the common law public trust, including, but not limited to,  
36 water-oriented retail, visitor-serving retail, restaurant  
37 establishments, and other similar retail uses.

38 (w) “Venue supporting retail uses” means retail establishments,  
39 other than trust retail uses, where the tenant occupying the retail

1 space is a significant corporate sponsor in the multipurpose venue  
2 or is a primary tenant of the multipurpose venue.

3 (x) “Waterfront Land Use Plan” means the Waterfront Land  
4 Use Plan, including the Waterfront Design and Access Element,  
5 adopted by the port pursuant to Resolution No. 97-50, as amended  
6 from time to time.

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

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

10 (a) Tide and submerged lands in California are held in trust for  
11 the enjoyment and use by the people of the state pursuant to *the*  
12 *California Constitution, state statutes, and* the common law public  
13 trust doctrine. Public trust lands may be used for water-related  
14 purposes, including, but not limited to, commerce, navigation,  
15 fishing, swimming, recreation, open space, and wildlife habitat.

16 (b) In 1965, the Legislature adopted the McAteer-Petris Act to  
17 protect and enhance the San Francisco Bay and its natural  
18 resources. Among other things, the McAteer-Petris Act grants  
19 BCDC regulatory authority over further filling in San Francisco  
20 Bay through exercise of its bay jurisdiction, and limits that activity  
21 to (1) water-oriented uses that meet specified criteria; (2) minor  
22 fill that improves shoreline appearance or public access; and (3)  
23 activities necessary for the health, safety, and welfare of the public  
24 in the entire bay area. The McAteer-Petris Act also mandates  
25 BCDC to require the provision of maximum feasible access to the  
26 bay and its shoreline consistent with a project.

27 (c) In 1969, the Legislature received and acted upon BCDC’s  
28 report and recommendations from a three-year study of the San  
29 Francisco Bay. The resulting Bay Plan contains, among other  
30 things, BCDC’s policies to guide use and protection of all areas  
31 within BCDC’s jurisdiction, including the bay and the 100-foot  
32 shoreline band, and ensures that proposed projects, among other  
33 things, minimize bay fill and provide maximum feasible public  
34 access to the bay.

35 (d) In 1969, pursuant to the Burton Act, the state conveyed by  
36 transfer agreement certain state tide and submerged lands to the  
37 Port. The lands are held by the Port in trust for *the people of*  
38 *California to further the* purposes of commerce, navigation, and  
39 fisheries, and are subject to the terms and conditions specified in  
40 the Burton Act and the public trust. During the four decades since

1 passage of the Burton Act, issues have arisen concerning the  
2 application of the McAteer-Petris Act to the piers along the San  
3 Francisco waterfront. To address those issues, BCDC and the Port  
4 undertook two intensive and careful planning processes, which  
5 lasted over nine years.

6 (e) The first process culminated in 1997 with the adoption by  
7 the Port of the Waterfront Land Use Plan and with the adoption  
8 by the Board of Supervisors of the City and County of San  
9 Francisco and the Planning Commission of the City and County  
10 of conforming amendments to the City's General Plan and Planning  
11 Code.

12 (f) In July 2000, after the second five-year cooperative process  
13 involving the Port, BCDC, the Save San Francisco Bay  
14 Association, and numerous interested community groups and  
15 individuals was completed, the Port adopted further amendments  
16 to the Waterfront Land Use Plan. BCDC also adopted amendments  
17 to the Special Area Plan that is incorporated into, and made a part  
18 of, the Bay Plan, to create consistent plans for the area of the San  
19 Francisco waterfront between Pier 35 and China Basin. At the  
20 present time, the Special Area Plan addresses specific  
21 McAteer-Petris Act issues relating to public access and the  
22 preservation and enhancement of open water as a bay resource in  
23 this area. The plan also defines public access opportunities on each  
24 pier in this area and calls for the removal of certain additional piers  
25 to enhance water views and create additional bay surface area.

26 (g) A major objective of the joint effort described in subdivisions  
27 (d), (e), and (f) is to establish a new criterion in the Bay Plan that  
28 would permit fill on the San Francisco waterfront in an area where  
29 a Special Area Plan has been adopted by BCDC for uses that are  
30 consistent with the public trust and the Burton Act trust. The  
31 Special Area Plan for the area between Pier 35 and China Basin  
32 provides, in part, for all of following:

33 (1) The nature and extent of maximum feasible public access  
34 to the bays and the waterfront, including perimeter access at the  
35 piers, a system of integrated public parks, promenades, a Bayside  
36 History Walk on most piers, and other significant access features  
37 on piers where appropriate.

38 (2) Two major public plazas, the Brannan Street Wharf adjacent  
39 to Pier 30-32 and a new plaza at Pier 27.

1 (3) A public planning process to lead to the creation of a third  
2 major public plaza in the Fisherman’s Wharf area.

3 (4) The restoration and preservation of significant open water  
4 basins and areas through the removal of certain piers to uncover  
5 additional bay surface and the restriction of new bay fill in open  
6 water basins and areas to minor amounts needed to improve public  
7 access and shoreline appearance and accommodate permissible  
8 water-oriented uses.

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

12 (6) A historic preservation mechanism to ensure preservation  
13 and enhancement of important historic resources on the piers,  
14 including the designation of the National Register Embarcadero  
15 Historic District.

16 (7) The preservation and improvement of existing views and  
17 creation of new views of the bay from the shoreline.

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

22 (h) The San Francisco waterfront, which has been the subject  
23 of this planning process, provides benefits to the entire bay area,  
24 and serves as a unique destination for the state and region’s public.  
25 These state and region wide benefits include enjoyment of a unique,  
26 publicly owned waterfront that provides special maritime,  
27 navigational, recreational, cultural, and historical benefits that  
28 serve the bay area. Accordingly, the adoption by BCDC, and the  
29 ratification by the Legislature, of the Special Area Plan, as  
30 amended, is necessary to protect the health, safety, and welfare of  
31 the public in the entire bay area for purposes of subdivision (f) of  
32 Section 66632 of the Government Code.

33 (i) The Port is a valuable public trust asset, a vibrant and  
34 world-renowned tourist destination, and a vital component of the  
35 regional, state, and national economies. The Port faces unique  
36 challenges in implementing the Waterfront Land Use Plan.  
37 Deferred maintenance on the Port’s numerous historic piers and  
38 other structures, together with limitations on revenue generating  
39 opportunities, has caused deteriorating conditions along the San  
40 Francisco waterfront. The Port’s estimate of the cost of

1 implementing its capital plan is over two billion dollars  
2 (\$2,000,000,000), which substantially exceeds the projected  
3 revenues estimated by the Port to be available for these purposes.

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

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

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

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

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

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

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

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

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

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



1 (3) The street to be sold by the city and over which the public  
2 trust or the Burton Act trust, or both trusts, will be terminated has  
3 been cut off from direct access to the waters of San Francisco Bay  
4 by past filling of intervening property for a major roadway (the  
5 Embarcadero), which has provided, and will continue to provide,  
6 lateral public access to the water.

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

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

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

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

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

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

39 (a) The Pier 30-32 platform bayward of the Embarcadero  
40 consists of obsolete, pile-supported pier structures that are

1 physically no longer capable of serving most trust-related purposes  
2 without substantial modification and repair. The pier is an  
3 approximately 13-acre facility centrally located along the  
4 waterfront and with a natural deep water berth along its east face.  
5 However, the poor structural condition of Pier 30-32 currently  
6 limits the use of the pier to automobile parking and occasional,  
7 temporary use as a tertiary berth for cruise ships and other deep  
8 draft vessels. The pier has a limited remaining useful life. The Port  
9 estimates that the cost of removing the pier would exceed forty-five  
10 million dollars (\$45,000,000).

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

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

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

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

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

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

30 (g) Pier 30-32 is ideally situated to provide public access to and  
31 enjoyment of the waterfront and bay. It is within walking distance  
32 of the Ferry Building, the San Francisco Giants baseball stadium,  
33 and regional transit hubs, including the Transbay Transit Center,  
34 which is under construction, has unmatched views of the Bay and  
35 the Bay Bridge, and is immediately adjacent to the Brannan Street  
36 Wharf project, which will provide a 58,700-square-foot  
37 pile-supported park over the bay, consistent with the Special Area  
38 Plan. The Port committed to the construction of the Brannan Street  
39 Wharf earlier than required under the Special Area Plan through  
40 investment of approximately twenty-five million dollars

1 (\$25,000,000) for the removal of 175,000 square feet of  
2 pile-supported fill and development of public access improvements.  
3 The Brannan Street Wharf project is currently under construction  
4 and is anticipated to be completed by June 2013. The value of the  
5 Brannan Street Wharf as a recreational resource is diminished by  
6 the current condition and use of Pier 30-32, which cannot support  
7 dedicated public access on the pier and full realization of the  
8 Brannan Street Wharf Open Water Basin.

9 (h) The inclusion of significant public access improvements,  
10 maritime facilities, and venue supporting or trust retail uses,  
11 together with a new multipurpose venue for events that bring  
12 people from around the state to the waterfront to use and enjoy the  
13 public trust assets of San Francisco, enhances and promotes trust  
14 purposes at Pier 30-32.

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

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

1 visitor-serving uses, which may include visitor-serving retail,  
2 restaurants, or hotel use, or any combination of these.

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

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

22 (1) The mixed-use development is designed to attract people to  
23 the waterfront, increase public enjoyment of the San Francisco  
24 Bay, encourage public trust activities, and enhance public use of  
25 trust assets and resources on the waterfront.

26 (2) (A) The mixed-use development is designed to provide  
27 multiple significant views of the Bay Bridge and the San Francisco  
28 Bay from a variety of elevations and vantage points, including  
29 significant views of the Bay Bridge and the San Francisco Bay  
30 from the interior concourses of the multipurpose venue and views  
31 of the Bay Bridge from certain seating areas within the  
32 multipurpose venue.

33 (B) The multipurpose venue facility is located to minimize  
34 interference with public views of San Francisco Bay to the extent  
35 feasible.

36 (C) The multipurpose venue facility provides free public access  
37 to patrons and nonpatrons alike to exterior portions of the building  
38 from which the public can view the San Francisco Bay, subject to  
39 reasonable limitations based on security. In addition, to encourage  
40 the public to come to the bay's edge, the design of the multipurpose

1 venue shall provide significant free public views of the inside of  
2 the multipurpose venue from the outside, and the operator of the  
3 multipurpose venue shall be required to allow the public to view  
4 the inside of the multipurpose venue from the outside during events  
5 whenever feasible.

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

11 (4) The mixed-use development includes significant public  
12 plazas open to the public on a substantially permanent basis that  
13 can be accessed via public pedestrian promenades at the site that  
14 encourage public use of the site and provide a variety of views of  
15 the San Francisco Bay and the San Francisco cityscape.

16 (5) The mixed-use development includes continuous public  
17 access around the perimeter of Pier 30-32 open to the public year  
18 round, with limited exceptions for temporary safety, security, and  
19 maritime-based interruptions, and includes an interpretive program  
20 to enhance the public’s enjoyment of the site.

21 (6) The mixed-use development includes a significant and  
22 appropriate maritime program, which shall be consistent with the  
23 Special Area Plan and shall include, but is not limited to:

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

27 (B) Facilities for berthing at the east end of Pier 30-32,  
28 including, but not limited to, facilities that can accommodate  
29 periodic use by cruise or other deep draft vessels, or other facilities  
30 that promote the deep water berth at Pier 30-32.

31 (C) Facilities that enable direct public access to the water by  
32 human-powered vessels or swimmers, if feasible, on the south side  
33 of Pier 30-32, or water-oriented recreational uses facing the  
34 Brannan Street Wharf open water basin.

35 (D) Water-transit docking or berthing facilities for water taxis,  
36 ferries, or both.

37 (7) Any nonmaritime office space on Pier 30-32 is limited to  
38 70,000 square feet, and any nonmaritime office space provided on  
39 Pier 30-32 is for use only by the primary tenants of the  
40 multipurpose venue for events and public assembly, the venue

1 supporting or trust retail uses on Pier 30-32, and the operation and  
2 management of the open space and other public facilities on Pier  
3 30-32.

4 (8) Retail uses on Pier 30-32 are limited to trust retail uses and  
5 venue supporting retail uses that do not exceed 10,000 square feet  
6 per store and 20,000 feet in the aggregate.

7 (9) Parking on Pier 30-32, when not in use for events located  
8 along the waterfront within the vicinity of the multipurpose venue,  
9 shall be limited to public parking. Management strategies for the  
10 public parking, including, but not limited to, time limits and rates,  
11 shall be structured so that the parking is accessible to visitors to  
12 Pier 30-32 and use for residential or commuter parking is  
13 discouraged.

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

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

24 (12) The development of the site is required to be consistent  
25 with a plan to address anticipated sea-level rise through the year  
26 2050, which shall include enforceable strategies incorporating an  
27 adaptive management approach to sea-level rise for the duration  
28 of the ground lease term.

29 (13) The development approved for Seawall Lot 330 includes  
30 a hotel or other visitor-serving uses that will materially enhance  
31 public trust uses on Pier 30-32 and the San Francisco waterfront.

32 (14) The City has filed a notice of determination for the  
33 mixed-use development project at Pier 30-32 under the California  
34 Environmental Quality Act (Division 13 (commencing with Section  
35 21000) of the Public Resources Code), ~~after~~ *and* the City's board  
36 of supervisors and ~~the Port has approved~~ *have given* the project  
37 *all necessary local approvals*, each following at least one public  
38 hearing.

39 (15) A major permit application for the mixed-use development  
40 at Pier 30-32 has been submitted to BCDC.

1     (16) *In consideration of the conditions described in paragraphs*  
2 *(1) to (15), inclusive, and any other relevant information*  
3 *considered by the State Lands Commission, the mixed-use*  
4 *development project at Pier 30-32 is otherwise consistent with the*  
5 *public trust.*

6     (17) *The mixed-use development project at Pier 30-32 is in the*  
7 *best interest of the state.*

8     (b) ~~The~~ *Consistent with the past practice of coordination and*  
9 *consultation between the State Lands Commission and BCDC on*  
10 *proposed projects along the San Francisco waterfront, the State*  
11 *Lands Commission staff shall consult with BCDC staff prior to*  
12 *placing an action item on the agenda for the State Lands*  
13 *Commission to determine whether the mixed-use development at*  
14 *Pier 30-32 is consistent with the requirements of this section. The*  
15 *two agencies shall closely coordinate the scheduling of all public*  
16 *meetings to consider the subjects referenced in paragraphs (16)*  
17 *and (17) of subdivision (a).*

18     (c) (1) If a multipurpose venue for events and public assembly  
19 is approved and constructed on Pier 30-32, the Port shall submit  
20 and present at a properly noticed public State Lands Commission  
21 meeting a trust program report to the State Lands Commission, no  
22 later than five years from the date of the opening of the  
23 multipurpose venue, and every five years thereafter through the  
24 term of the ground lease for the multipurpose venue, that contains  
25 all of the following information:

26     (A) A list and description of the trust-related events and  
27 programming that have occurred at the site of the mixed-use  
28 development and in the multipurpose venue over the preceding  
29 five-year period, including the dates on which the events occurred  
30 or the multipurpose venue was made available for those events,  
31 and identifying any free and low-cost visitor-serving events.

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

36     (C) A description of the maritime program on those portions of  
37 Pier 30-32 within the purview of the Port or the City, including a  
38 list of the facilities constructed, identification of any tenants,  
39 licensees, or other operators of the maritime facilities, and a  
40 description of the nature and frequency of the maritime use.



1 (D) A description of the tenants and use of the nonmaritime  
2 office space and the use of the public community room on Pier  
3 30-32.

4 (E) Any other information specifically requested by the State  
5 Lands Commission that pertains to the City or Port program of  
6 trust uses for Pier 30-32 and that is reasonably obtainable by the  
7 City or Port.

8 (2) (A) The Port, and the City, if applicable, shall work  
9 cooperatively with the executive officer of the State Lands  
10 Commission to develop an implementation plan if the executive  
11 officer of the State Lands Commission, upon review of the trust  
12 program report, determines both of the following:

13 (i) That Pier 30-32 is not being used for at least 15 trust-related  
14 events annually at the site as a whole or is not being used for at  
15 least three trust-related events annually at the multipurpose venue  
16 as specified in paragraph (10) of subdivision (a); or, that the City  
17 or the Port has not implemented the maritime program for Pier  
18 30-32 for its intended purposes, as specified in paragraph (6) of  
19 subdivision (a).

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

22 (B) The executive officer of the State Lands Commission shall  
23 provide written notice to the Port and the City of a determination  
24 under subparagraph (A) requiring the development of an  
25 implementation plan, including the basis for that determination.  
26 An implementation plan developed pursuant to this paragraph shall  
27 ensure that the objectives of clause (i) of subparagraph (A) are met  
28 for the next five-year reporting period and shall be consistent with  
29 the terms and conditions set forth in governmental approvals for  
30 development of the project and in then-existing leases and other  
31 contracts affecting use of the site, including rights of leasehold  
32 mortgagees under those contracts. In accordance with this  
33 subparagraph, the implementation plan may include a plan for  
34 improving outreach, publicity, or marketing efforts for trust events  
35 or to attract maritime operators or users.

36 (3) In conjunction with the Port's report required in paragraph  
37 (1), the tenant of the multipurpose venue shall submit and, if  
38 requested by the executive officer of the State Lands Commission,  
39 present at a properly noticed public State Lands Commission  
40 meeting, an informational report to the State Lands Commission

1 describing how the event program at the multipurpose venue is  
2 meeting the objectives for use of that venue set forth in paragraph  
3 (2) of subdivision (a).

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

6 Sec. 6. The Legislature finds and declares that the 2000  
7 amendments of the Bay Plan and the Special Area Plan by BCDC  
8 are authorized under subdivision (f) of Section 66632 of the  
9 Government Code as necessary to protect the health, safety, and  
10 welfare of the public in the entire bay area, and BCDC's actions  
11 with respect to those amendments are hereby ratified and  
12 confirmed.

13 SEC. 8. Section 7 of Chapter 489 of the Statutes of 2001, as  
14 amended by Section 3 of Chapter 68 of the Statutes of 2003, is  
15 amended to read:

16 Sec. 7. (a) Any legislative or regulatory requirement for  
17 findings of consistency with the public trust doctrine or the Burton  
18 Act trust under the Special Area Plan, the Bay Plan, or any other  
19 applicable statute, regulation, or plan shall be deemed satisfied if  
20 the State Lands Commission has found that the mixed-use  
21 development on Pier 30-32 is consistent with the requirements of  
22 Section 6 of this act.

23 (b) Except with respect to a finding of consistency with the  
24 public trust doctrine, nothing in this act is intended to limit the  
25 authority and discretion of BCDC to approve or deny permits for  
26 the mixed-use development on Pier 30-32 generally described in  
27 this act in a manner consistent with the McAteer-Petris Act, the  
28 Bay Plan, and the Special Area Plan, including the authority and  
29 discretion of BCDC to impose conditions on the permits for the  
30 project. Except as provided in subdivision (a), the project's  
31 consistency with the requirements of Section 6 of this act shall not  
32 be conclusive on BCDC in the exercise of its discretion to  
33 determine whether the mixed-use development on Pier 30-32 is  
34 consistent with the McAteer-Petris Act and the policies of the Bay  
35 Plan and the Special Area Plan. This act shall not limit the authority  
36 and discretion of BCDC to enforce permits issued for the projects  
37 described in this act.

38 (c) In its environmental analysis pursuant to the California  
39 Environmental Quality Act (Division 13 (commencing with Section  
40 21000) of the Public Resources Code), the City shall examine

1 distributed parking alternatives to serve events at the multipurpose  
2 venue designed to minimize traffic impacts on the Embarcadero  
3 and on the Herb Caen Way promenade, including, but not limited  
4 to, parking alternatives on the west side of the Embarcadero, before  
5 finalizing a planned number of parking spaces.

6 (d) In its major permit for the project, BCDC may establish a  
7 maximum number of parking spaces on Pier 30-32 and parking  
8 management operational measures for that parking, consistent with  
9 the McAteer-Petris Act, the Bay Plan, the Special Area Plan, and  
10 the following criteria:

11 (1) The amount of parking shall not exceed the minimum amount  
12 necessary to accommodate the public's use of Pier 30-32, taking  
13 into account land and water public transportation systems and  
14 offsite parking facilities that serve or are planned to serve the site.

15 (2) Parking shall be located under active uses on Pier 30-32 and  
16 shall be screened from public view.

17 (3) Structures enclosing the parking shall be constructed to  
18 minimize impacts on views to public access areas on Pier 30-32  
19 and to the Bay and on the usability and attractiveness of public  
20 access on top of the parking structure.

21 (4) Parking on the pier, and any new signalized intersection  
22 made necessary by parking on the pier, shall not materially impair  
23 the current and future use of Herb Caen Way as a regionally  
24 significant pedestrian, bicycle and public access way, and the  
25 provision of ground-level perimeter access on the pier.

26 (e) (1) The Pier 30-32 project shall include offsite public  
27 benefits that would not ordinarily be required in a major permit,  
28 which benefits shall be developed through a public process  
29 conducted by BCDC and the Port and approved by BCDC, either  
30 through this section or through an amendment to the Special Area  
31 Plan.

32 (2) In considering whether to issue a major permit for the  
33 mixed-use development on Pier 30-32 that the State Lands  
34 Commission has found to be consistent with Section 6 of this act,  
35 BCDC may consider the offsite public benefits proposed as part  
36 of the development project developed pursuant to paragraph (1),  
37 together with the project's onsite public benefits, in determining  
38 whether the project is consistent, on balance, with the adopted  
39 policies of the Bay Plan and Special Area Plan, including, but not

1 limited to, the Special Area Plan policies for piers not designated  
2 for removal, which apply to Pier 30-32.

3 (3) For purposes of this subdivision public benefits developed  
4 pursuant to this section may include but are not limited to, any of  
5 the following:

6 (A) Rehabilitation of a Port historic structure or a substantial  
7 portion thereof.

8 (B) Bay view enhancement by accelerating the removal of a  
9 pier shed or other structure presently obstructing public views of  
10 the bay. If the removal of the structure is not currently required  
11 pursuant to the Special Area Plan and the removal of the structure  
12 provides bay views of a similar quality to that afforded by removal  
13 of a Port historic structure currently required by the Special Area  
14 Plan, any such removal shall be deemed to satisfy the existing  
15 requirement for removal of a Port historic structure.

16 (C) Bicycle or pedestrian improvements to enhance public access  
17 in the vicinity of the Pier 30-32 site.

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

20 Sec. 8. (a) For the purpose of effectuating the sale of the street,  
21 including the conveyance of the street by the city, free of the public  
22 trust and the Burton Act trust, the State Lands Commission may  
23 convey to the city by patent all of the rights, title, and interest held  
24 by the state by virtue of its sovereign trust title to the street,  
25 including any public trust interest or Burton Act reservation or  
26 trust interest, not heretofore conveyed, subject to any reservations  
27 the State Lands Commission determines appropriate.

28 (b) In any case in which the state, pursuant to this act, conveys  
29 filled tidelands and submerged lands transferred to the city pursuant  
30 to the Burton Act, the state shall reserve all minerals and all mineral  
31 rights in the lands of every kind and character now known to exist  
32 or hereafter discovered, including, but not limited to, oil and gas  
33 and rights thereto, together with the sole, exclusive, and perpetual  
34 right to explore for, remove, and dispose of those minerals by any  
35 means or methods suitable to the state or to its successors and  
36 assignees, except that, notwithstanding the Burton Act, or Section  
37 6401 of the Public Resources Code, any such reservation shall not  
38 include the right of the state or its successors or assignees in  
39 connection with any mineral exploration, removal, or disposal  
40 activity, to do either of the following:

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

4 (2) Conduct any mining activities of any nature whatsoever  
5 above a plane located 500 feet below the surface of the lands  
6 without the prior written permission of any grantee of the lands or  
7 the grantee's successors or assignees.

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

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

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

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

26 (b) Adopts, or has adopted, a resolution approving the sale that  
27 finds and declares that the street has been filled and reclaimed, is  
28 cut off from access to the waters of San Francisco Bay, and is no  
29 longer needed or required for the promotion of the public trust or  
30 the Burton Act trust, and that no substantial interference with the  
31 public trust or Burton Act trust uses and purposes will ensue by  
32 virtue of the sale. The resolution shall also declare that the sale is  
33 consistent with the findings and declarations in Section 3, and the  
34 sale is in the best interests of the state and city. Upon adoption of  
35 the resolution, or at a time that is specified in the resolution, the  
36 street shall thereupon be free from the public trust and the Burton  
37 Act trust.

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

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

4 SEC. 11. Section 11 of Chapter 489 of the Statutes of 2001 is  
5 amended to read:

6 Sec. 11. A deed, patent, agreement, or other instrument  
7 executed in furtherance of this act, or an action of the state, the  
8 city, or the Port to approve the use, lease, or conveyance of any  
9 portion of port property subject to this act, or to approve project  
10 agreements, grant entitlements, or permits, or issue bonds or other  
11 indebtedness in connection with the use and development of that  
12 property in accordance with this act, shall be conclusively  
13 presumed to be valid, unless held to be invalid in an appropriate  
14 proceeding in a court of competent jurisdiction to determine the  
15 validity of the instrument, agreement, or approval commenced  
16 within 60 days after the recording of the instrument or agreement,  
17 or the recording of a memorandum evidencing the instrument or  
18 agreement, or, in the case of an approval, within 60 days after the  
19 approval.

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

22 Sec. 13. (a) An action may be brought under Chapter 4  
23 (commencing with Section 760.010) of Title 10 of Part 2 of the  
24 Code of Civil Procedure to establish title to any lands conveyed  
25 pursuant to this act or by the parties to any agreement regarding a  
26 street sale or exchange of land entered into pursuant to this act or  
27 pursuant to Chapter 310 of the Statutes of 1987 to confirm the  
28 validity of the agreement. Notwithstanding Section 764.080 of the  
29 Code of Civil Procedure, the statement of decision in the action  
30 shall include a recitation of the underlying facts and a determination  
31 whether the conveyance or agreement meets the requirements of  
32 this act, and, if applicable, Chapter 310 of the Statutes of 1987,  
33 Sections 3 and 4 of Article X of the California Constitution, and  
34 any other law applicable to the validity of the conveyance or  
35 agreement.

36 (b) For purposes of Section 764.080 of the Code of Civil  
37 Procedure, and unless otherwise agreed in writing, an agreement  
38 entered into pursuant to this act shall be deemed to be entered into  
39 on the date it is executed by the executive officer of the State Lands  
40 Commission, who shall be the last of the parties to sign prior to

1 the signature of the Governor. The effective date of the agreement  
2 shall be deemed to be the date on which it is executed by the  
3 Governor pursuant to Section 6107 of the Public Resources Code.

4 (c) An action may be brought under Chapter 9 (commencing  
5 with Section 860) of Title 10 of Part 2 of the Code of Civil  
6 Procedure to determine the legality and validity of a deed, patent,  
7 agreement, or other instrument executed in furtherance of or  
8 authorized by this act, or an action of the city or Port to use, lease,  
9 or convey any property, or to approve project agreements, grant  
10 entitlements, or permits, or issue bonds or other indebtedness in  
11 connection with the use and development of that property, in  
12 accordance with this act. Prior to the filing of an action, the  
13 Attorney General and the executive officer of the State Lands  
14 Commission shall be provided written notice of the action and a  
15 copy of the complaint. An action authorized by this subdivision  
16 may be combined with an action authorized by subdivision (a).

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

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

24 *(b) If there are material changes to the mixed-use development*  
25 *project at Pier 30-32 after action by the State Lands Commission*  
26 *pursuant to Section 6 of this act, the mixed use development project*  
27 *at Pier 30-32 shall be resubmitted to the State Lands Commission*  
28 *for approval consistent with the requirements of Section 6 of the*  
29 *act that added this subdivision during the 2013–14 Regular*  
30 *Session. The executive officer of the State Lands Commission shall*  
31 *determine whether the changes made to the mixed-use development*  
32 *project at Pier 30-32 are material.*

33 ~~(b)~~

34 (c) If a mixed-use development at Pier 30-32 that includes a  
35 multipurpose venue for events and public assembly ~~meeting that~~  
36 ~~meets~~ the conditions of Section 6 of ~~this the act that added this~~  
37 ~~subdivision during the 2013–14 Regular Session, has not been~~  
38 ~~approved within 10 years of the effective date of this act on or~~  
39 ~~before January 1, 2024, the provisions of Section 6 and Section 8~~

1 of ~~this~~ *that* act shall become inoperative as of ~~the date that is 10~~  
2 ~~years from the effective date of this act~~ *that date*.

3 SEC. 14. For purposes of this act, subdivision (d) of Section  
4 9 of AB 418 shall not apply to any sale of Seawall Lot 330 if the  
5 proceeds of the sale are applied to the cost of rehabilitating the  
6 Pier 30-32 substructure or the cost of constructing maritime or  
7 public access improvements on Pier 30-32.

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