

AMENDED IN SENATE AUGUST 28, 2013
AMENDED IN SENATE AUGUST 13, 2013
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

Introduced by Assembly Member Ting

February 22, 2013

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.

1 (c) “BCDC” means the San Francisco Bay Conservation and
2 Development Commission established pursuant to Section 66620
3 of the Government Code.

4 (d) “Bay jurisdiction” means the jurisdiction, powers, and duties
5 of BCDC pursuant to Title 7.2 (commencing with Section 66600)
6 of the Government Code within the area defined in subdivision
7 (a) of Section 66610 of the Government Code.

8 ~~(e) “Baylands Parcel” means that real property situated along
9 the San Francisco Bay in the County of San Mateo and owned by
10 the SFPUC, commonly referred to as the Ravenswood Unit.~~

11 ~~(f)~~

12 (e) “Bay Plan” means the San Francisco Bay Plan as adopted
13 and administered by BCDC pursuant to Title 7.2 (commencing
14 with Section 66600) of the Government Code, including all
15 amendments thereto.

16 ~~(g)~~

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

20 ~~(h)~~

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

23 ~~(i)~~

24 (h) “Burton Act trust” means the statutory trust imposed by the
25 Burton Act (Chapter 1333 of the Statutes of 1968, as amended),
26 pursuant to which the state conveyed to the City and County of
27 San Francisco, in trust, by transfer agreement, and subject to certain
28 terms, conditions, and reservations, the state’s interest in certain
29 tide and submerged lands.

30 ~~(j)~~

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

32 ~~(k)~~

33 (j) “Embarcadero Historic District” means the Port of San
34 Francisco Embarcadero Historic District designated on the National
35 Register of Historic Places.

36 ~~(l)~~

37 (k) “McAteer-Petris Act” means Title 7.2 (commencing with
38 Section 66000) of the Government Code, as that act may be
39 amended from time to time.

40 ~~(m)~~

- 1 (l) “Public trust” or “trust” means the common law public trust
2 for commerce, navigation, and fisheries.
3 ~~(n)~~
- 4 (m) “Port” means the City and County of San Francisco acting
5 by and through the San Francisco Port Commission.
6 ~~(o)~~
- 7 (n) “Port historic structure” means any building, structure, or
8 other facility that is located on port property and either is
9 individually listed or eligible for listing on the National Register
10 of Historic Places, or has been designated as, or meets the standards
11 for, a resource contributing to the historic significance of the
12 Embarcadero Historic District.
13 ~~(p)~~
- 14 (o) “San Francisco Bay” means those areas defined in Section
15 66610 of the Government Code.
16 ~~(q)~~
- 17 (p) “San Francisco waterfront” means those portions of the area
18 transferred to the Port pursuant to the Burton Act that also lie
19 within the area defined in subdivisions (a) and (b) of Section 66610
20 of the Government Code.
21 ~~(r)~~
- 22 (q) “Seawall Lot 330” means that parcel of property, or any
23 portion thereof, located in San Francisco identified on that certain
24 map entitled SUR 790, and shown on Page 318 of the City and
25 County of San Francisco 100 Scale Ownership Maps, which is on
26 file with the city’s Bureau of Street Use and Mapping.
27 ~~(s)~~
- 28 (r) “SB 815” means Chapter 660 of the Statutes of 2007, as
29 amended.
30 ~~(t) “SFPUC” means the City and County of San Francisco acting~~
31 ~~by and through the San Francisco Public Utilities Commission.~~
32 ~~(u)~~
- 33 (s) “Shoreline band jurisdiction” means the jurisdiction, powers,
34 and duties of BCDC pursuant to Title 7.2 (commencing with
35 Section 66600) of the Government Code to regulate uses within
36 the area defined in subdivision (b) of Section 66610 of the
37 Government Code to ensure, in part, maximum feasible public
38 access, as prescribed in Section 66632.4 of the Government Code.
39 ~~(v)~~

1 (t) “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 ~~(w)~~

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

19 ~~(x)~~

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

25 ~~(y)~~

26 (w) “Venue supporting retail uses” means retail establishments,
27 other than trust retail uses, where the tenant occupying the retail
28 space is a significant corporate sponsor in the multipurpose venue
29 or is a primary tenant of the multipurpose venue.

30 ~~(z)~~

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

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

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

38 (a) Tide and submerged lands in California are held in trust for
39 the enjoyment and use by the people of the state pursuant to the
40 California Constitution, state statutes, and the common law public

1 trust doctrine. Public trust lands may be used for water-related
2 purposes, including, but not limited to, commerce, navigation,
3 fishing, swimming, recreation, open space, and wildlife habitat.

4 (b) In 1965, the Legislature adopted the McAteer-Petris Act to
5 protect and enhance the San Francisco Bay and its natural
6 resources. Among other things, the McAteer-Petris Act grants
7 BCDC regulatory authority over further filling in San Francisco
8 Bay through exercise of its bay jurisdiction, and limits that activity
9 to (1) water-oriented uses that meet specified criteria; (2) minor
10 fill that improves shoreline appearance or public access; and (3)
11 activities necessary for the health, safety, and welfare of the public
12 in the entire bay area. The McAteer-Petris Act also mandates
13 BCDC to require the provision of maximum feasible access to the
14 bay and its shoreline consistent with a project.

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

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

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

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

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

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

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

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

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

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

1 (6) A historic preservation mechanism to ensure preservation
2 and enhancement of important historic resources on the piers,
3 including the designation of the National Register Embarcadero
4 Historic District.

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

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

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 state and region’s public.
14 These state and region wide benefits include enjoyment of a unique,
15 publicly owned waterfront that provides special maritime,
16 navigational, recreational, cultural, and historical benefits that
17 serve the bay area. Accordingly, the adoption by BCDC, and the
18 ratification by the Legislature, of the Special Area Plan, as
19 amended, is necessary to protect the health, safety, and welfare of
20 the public in the entire bay area for purposes of subdivision (f) of
21 Section 66632 of the Government Code.

22 (i) The Port is a valuable public trust asset, a vibrant and
23 world-renowned tourist destination, and a vital component of the
24 regional, state, and national economies. The Port faces unique
25 challenges in implementing the Waterfront Land Use Plan.
26 Deferred maintenance on the Port’s numerous historic piers and
27 other structures, together with limitations on revenue generating
28 opportunities, has caused deteriorating conditions along the San
29 Francisco waterfront. The Port’s estimate of the cost of
30 implementing its capital plan is over two billion dollars
31 (\$2,000,000,000), which substantially exceeds the projected
32 revenues estimated by the Port to be available for these purposes.

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

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

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

1 (b) The filled and reclaimed tide and submerged lands
2 constituting the street have been filled and reclaimed for, and in
3 connection with, a highly beneficial plan of improvement for harbor
4 development.

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

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

11 (e) Section 3 of Article X of the California Constitution permits
12 the sale to any city, county, city and county, municipal corporation,
13 private person, partnership, or corporation of tidelands reserved
14 to the state solely for street purposes, which tidelands the
15 Legislature finds and declares are not used and not necessary for
16 navigation purposes, subject to those conditions that the Legislature
17 may impose to protect the public interest.

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

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

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

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

37 (4) The street was reserved to the state for street purposes and
38 is not used or necessary for navigation purposes. Therefore, in
39 accordance with Section 3 of Article X of the California

1 Constitution, that street can and should be conveyed into private
2 ownership for uses consistent with, and in furtherance of, this act.

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

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

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

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

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

30 (a) The Pier 30-32 platform bayward of the Embarcadero
31 consists of obsolete, pile-supported pier structures that are
32 physically no longer capable of serving most trust-related purposes
33 without substantial modification and repair. The pier is an
34 approximately 13-acre facility centrally located along the
35 waterfront and with a natural deep water berth along its east face.
36 However, the poor structural condition of Pier 30-32 currently
37 limits the use of the pier to automobile parking and occasional,
38 temporary use as a tertiary berth for cruise ships and other deep
39 draft vessels. The pier has a limited remaining useful life. The Port

1 estimates that the cost of removing the pier would exceed forty-five
2 million dollars (\$45,000,000).

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

15 (c) Over the past decade, the Port has sought to preserve and
16 develop Pier 30-32 through public-private partnerships. In 2001,
17 the Legislature authorized the development of Pier 30-32 with a
18 new cruise ship terminal, office space, and retail space. The need
19 for a new cruise ship terminal has been recognized for over 40
20 years. A 1998 assessment by the Port found that cruise industry
21 experts considered the present terminal at Pier 35 on the San
22 Francisco waterfront to be inferior to other cruise terminals in the
23 United States. That assessment also concluded that the existing
24 San Francisco passenger terminal at Pier 35 cannot accommodate
25 modern cruise ships. The Port's 1998 assessment evaluated
26 alternative locations for a new cruise ship terminal and concluded
27 that Pier 30-32 was the most viable site for a new cruise terminal
28 in San Francisco because of its position adjacent to deep water,
29 site configuration, and development considerations. The Port
30 solicited proposals and selected a developer for a cruise ship
31 terminal at Pier 30-32. The developer subsequently abandoned
32 that project after determining that the financial investment required
33 to improve the substructure of Pier 30-32 was cost prohibitive,
34 and no other developer could be found who was willing to accept
35 assignment of the development rights for the project. The Port has
36 since identified Pier 27 as the preferred location for its new cruise
37 ship terminal in San Francisco, and construction of the terminal
38 building is currently underway.

39 (d) In 2011, the America's Cup Event Authority proposed to
40 improve Pier 30-32 to host racing teams and hospitality facilities

1 during the America's Cup in 2013, and to acquire long-term
2 development rights to Pier 30-32. Those planned facilities were
3 ultimately relocated to other piers due primarily to the cost of
4 rehabilitating the substructure of Pier 30-32.

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

11 (f) The Port now proposes a mixed-use development at Pier
12 30-32, which will further public use, access, and enjoyment of the
13 tidelands and surrounding water at this location by providing a
14 multipurpose venue for events and public assembly, coupled with
15 public access, open space, and venue supporting or trust retail uses;
16 significant maritime facilities, including an occasional berthing
17 area for large vessels; bay-oriented recreational activities; and
18 limited ancillary parking as reasonably necessary to meet the
19 visitor-serving needs of the mixed-used development, including
20 the multipurpose venue, all of which are designed to preserve and
21 improve public and visual access to the bay and its shoreline.

22 (g) The proposed mixed-use development at Pier 30-32 would
23 not displace any existing maritime uses at the site and would allow
24 the existing maritime use of the pier to continue and expand by
25 ensuring the long-term viability of the pier facility. The historic
26 use of Pier 30-32 for breakbulk cargo operations is no longer viable
27 for that pier or any of the finger piers between Pier 35 to Pier 48
28 due to a number of factors, including the construction of the
29 present-day Embarcadero roadway and elimination of rail service
30 to the piers, and the finger piers are not designed to accommodate
31 modern containerized cargo operations. Accordingly, the proposed
32 mixed-use project would not eliminate any opportunities to develop
33 future maritime cargo facilities on Port property.

34 (h) Pier 30-32 is ideally situated to provide public access to and
35 enjoyment of the waterfront and bay. It is within walking distance
36 of the Ferry Building, the San Francisco Giants baseball stadium,
37 and regional transit hubs, including the Transbay Transit Center,
38 which is under construction, has unmatched views of the Bay and
39 the Bay Bridge, and is immediately adjacent to the Brannan Street
40 Wharf project, which will provide a 58,700-square-foot

1 pile-supported park over the bay, consistent with the Special Area
2 Plan. The Port committed to the construction of the Brannan Street
3 Wharf earlier than required under the Special Area Plan through
4 investment of approximately twenty-five million dollars
5 (\$25,000,000) for the removal of 175,000 square feet of
6 pile-supported fill and development of public access improvements.
7 Construction of the Brannan Street Wharf project was recently
8 completed and the wharf was opened to the public in July 2013.
9 The value of the Brannan Street Wharf as a recreational resource
10 is diminished by the current condition and use of Pier 30-32, which
11 cannot support dedicated public access on the pier and full
12 realization of the Brannan Street Wharf Open Water Basin.

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

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

33 (k) There are presently few visitor-serving amenities in the
34 vicinity of Pier 30-32. The Port's efforts to develop its property
35 for hotel use have been unsuccessful. The development of the
36 multipurpose venue at Pier 30-32 and the termination of the trust
37 use restrictions at Seawall Lot 330 would create substantial new
38 demand for visitor-serving uses at that location and would make
39 those uses financially feasible as part of an overall residential,
40 visitor-serving, and mixed-use development at Seawall Lot 330.

1 Also, Seawall Lot 330 presents an opportunity to enhance the trust
2 value of the project on Pier 30-32 by attracting more people to the
3 waterfront and providing accommodations to people from both
4 the San Francisco region and other areas of the state through
5 visitor-serving uses, which may include visitor-serving retail,
6 restaurants, or hotel use, or any combination of these.

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

10 Sec. 5. (a) The Legislature, in the exercise of its retained power
11 as trustee of the public trust, and in view of the unique
12 circumstances existing at Pier 30-32 on the San Francisco
13 waterfront hereby authorizes the State Lands Commission to
14 approve a mixed-use development on the San Francisco waterfront
15 at Pier 30-32 that includes a multipurpose venue for events and
16 public assembly, if the State Lands Commission finds, at a properly
17 noticed public meeting, that all of the following conditions are
18 met:

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

23 (2) (A) The mixed-use development is designed to provide
24 multiple significant views of the Bay Bridge and the San Francisco
25 Bay from a variety of elevations and vantage points, including
26 significant views of the Bay Bridge and the San Francisco Bay
27 from the interior concourses of the multipurpose venue and views
28 of the Bay Bridge from certain seating areas within the
29 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 provides free public access
34 to patrons and nonpatrons alike to exterior portions of the building
35 from which the public can view the San Francisco Bay, subject to
36 reasonable limitations based on security. In addition, to encourage
37 the public to come to the bay's edge, the design of the multipurpose
38 venue shall provide significant free public views of the inside of
39 the multipurpose venue from the outside, and the operator of the
40 multipurpose venue shall be required to allow the public to view

1 the inside of the multipurpose venue from the outside during events
2 whenever feasible.

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

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

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

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

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

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

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

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

34 (7) Any nonmaritime office space on Pier 30-32 is limited to
35 70,000 square feet, and any nonmaritime office space provided on
36 Pier 30-32 is for use only by the primary tenants of the
37 multipurpose venue for events and public assembly, the venue
38 supporting or trust retail uses on Pier 30-32, and the operation and
39 management of the open space and other public facilities on Pier
40 30-32.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (D) A description of the tenants and use of the nonmaritime
37 office space and the use of the public community room on Pier
38 30-32.

39 (E) Any other information specifically requested by the State
40 Lands Commission that pertains to the City or Port program of

1 trust uses for Pier 30-32 and that is reasonably obtainable by the
2 City or Port.

3 (2) (A) The Port, and the City, if applicable, shall work
4 cooperatively with the executive officer of the State Lands
5 Commission to develop an implementation plan if the executive
6 officer of the State Lands Commission, upon review of the trust
7 program report, determines both of the following:

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

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

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

31 (3) In conjunction with the Port’s report required in paragraph
32 (1), the tenant of the multipurpose venue shall submit and, if
33 requested by the executive officer of the State Lands Commission,
34 present at a properly noticed public State Lands Commission
35 meeting, an informational report to the State Lands Commission
36 describing how the event program at the multipurpose venue is
37 meeting the objectives for use of that venue set forth in paragraph
38 (2) of subdivision (a).

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

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

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

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

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

33 (c) In its environmental analysis pursuant to the California
34 Environmental Quality Act (Division 13 (commencing with Section
35 21000) of the Public Resources Code), the City shall examine
36 distributed parking alternatives to serve events at the multipurpose
37 venue designed to minimize traffic impacts on the Embarcadero
38 and on the Herb Caen Way promenade, including, but not limited
39 to, parking alternatives on the west side of the Embarcadero, before
40 finalizing a planned number of parking spaces.

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

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

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

12 (3) Structures enclosing the parking shall be constructed to
13 minimize impacts on views to public access areas on Pier 30-32
14 and to the Bay and on the usability and attractiveness of public
15 access on top of the parking structure.

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

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

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

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

1 (A) Rehabilitation of a Port historic structure or a substantial
2 portion thereof.

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

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

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

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

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

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

39 (2) Conduct any mining activities of any nature whatsoever
40 above a plane located 500 feet below the surface of the lands

1 without the prior written permission of any grantee of the lands or
2 the grantee’s successors or assignees.

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

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

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

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

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

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

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

39 SEC. 11. Section 11 of Chapter 489 of the Statutes of 2001 is
40 amended to read:

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

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

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

31 (b) For purposes of Section 764.080 of the Code of Civil
32 Procedure, and unless otherwise agreed in writing, an agreement
33 entered into pursuant to this act shall be deemed to be entered into
34 on the date it is executed by the executive officer of the State Lands
35 Commission, who shall be the last of the parties to sign prior to
36 the signature of the Governor. The effective date of the agreement
37 shall be deemed to be the date on which it is executed by the
38 Governor pursuant to Section 6107 of the Public Resources Code.

39 (c) An action may be brought under Chapter 9 (commencing
40 with Section 860) of Title 10 of Part 2 of the Code of Civil

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

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

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

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

28 (c) If a mixed-use development at Pier 30-32 that includes a
 29 multipurpose venue for events and public assembly that meets the
 30 conditions of Section 6 of the act that added this subdivision during
 31 the 2013–14 Regular Session, has not been approved on or before
 32 January 1, 2024, the provisions of Section 6 and Section 8 of that
 33 act shall become inoperative as of that date.

34 SEC. 14. (a) For purposes of this act, subdivision (d) of Section
 35 9 of AB 418 shall not apply to any sale of Seawall Lot 330 if the
 36 proceeds of the sale are applied to the cost of rehabilitating the
 37 Pier 30-32 substructure or the cost of constructing maritime or
 38 public access improvements on Pier 30-32.

39 ~~(b) (1) The requirements of paragraph (4) of subdivision (c) of~~
 40 ~~Section 9 of AB 418 may be satisfied by the conveyance from the~~

1 SFPUC to the State Lands Commission of a public trust easement
2 over, or a fee interest in, a portion of the Baylands Parcel, subject
3 to appropriate reservations of access and other rights by SFPUC
4 that may be necessary for the operation and maintenance of its
5 water system, provided that the following conditions are met:

6 ~~(A) The SFPUC and the Port have entered into an agreement~~
7 ~~describing their respective rights and obligations relating to the~~
8 ~~trust easement or fee interest to be conveyed and the agreement~~
9 ~~has been approved by both the San Francisco Public Utilities~~
10 ~~Commission and the San Francisco Port Commission and, if~~
11 ~~required, by the Board of Supervisors of the City and County of~~
12 ~~San Francisco.~~

13 ~~(B) The State Lands Commission has approved the location of~~
14 ~~the trust easement or fee interest, determined that the lands covered~~
15 ~~by the trust easement or conveyed in fee are useful to the trust,~~
16 ~~and made any other determinations or findings required under~~
17 ~~paragraph (4) of subdivision (c) of Section 9 of AB 418 with~~
18 ~~respect to the lands to be covered by the trust easement or conveyed~~
19 ~~in fee.~~

20 ~~(2) Nothing in this subdivision shall limit the authority of the~~
21 ~~Port or the State Lands Commission to use lands other than those~~
22 ~~described in paragraph (1) to satisfy the requirements of paragraph~~
23 ~~(4) of subdivision (c) of Section 9 of AB 418.~~

24 ~~(e) (1) If the trust easement or fee interest described in~~
25 ~~subdivision (b) covers an area greater than required by paragraph~~
26 ~~(4) of subdivision (c) of Section 9 of AB 418, the Port may include~~
27 ~~some or all of the surplus area in any proposed public trust~~
28 ~~exchange authorized by law, subject to the approval of the State~~
29 ~~Lands Commission. If no exchange has been authorized at the time~~
30 ~~that a trust easement or fee interest containing surplus area is to~~
31 ~~be conveyed, the State Lands Commission and the Port may, by~~
32 ~~written agreement, treat the surplus area as a credit in any future~~
33 ~~trust exchange authorized by law, on such terms and conditions~~
34 ~~as may be agreed by the State Lands Commission and the Port.~~

35 ~~(2) Nothing in this subdivision shall limit the authority or~~
36 ~~discretion of the State Lands Commission to approve a land~~
37 ~~exchange authorized by law.~~

38 SEC. 15. The reasonable costs of any study or investigation
39 undertaken by or at the direction of the State Lands Commission
40 or its staff that is necessary to implement this act, including

1 reasonable reimbursement for time incurred by State Lands
2 Commission staff in processing, investigating, and analyzing any
3 information submitted pursuant to this act, shall be borne by the
4 Port or the City according to a budget to be agreed upon by State
5 Lands Commission staff and the Port or the City, as applicable,
6 before any such study or investigation is begun.

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