

AMENDED IN ASSEMBLY AUGUST 24, 1998
AMENDED IN ASSEMBLY AUGUST 17, 1998
AMENDED IN ASSEMBLY JULY 30, 1998
AMENDED IN ASSEMBLY JUNE 24, 1998
AMENDED IN SENATE MAY 21, 1998
AMENDED IN SENATE MAY 5, 1998
AMENDED IN SENATE APRIL 2, 1998

SENATE BILL

No. 1641

Introduced by Senator Burton

February 13, 1998

An act to repeal and add Section 5006.8 of the Public Resources Code, relating to Candlestick Park.

LEGISLATIVE COUNSEL'S DIGEST

SB 1641, as amended, Burton. Candlestick Park.

Existing law requires the Department of Parks and Recreation to retain in perpetuity, as a unit of the state park system, the state recreation area at Candlestick Point and authorizes the department to enter into an agreement with the City and County of San Francisco for the operation and maintenance by the city and county of all or any part of that unit.

This bill would repeal that provision and would instead allow the Director of Parks and Recreation and the State Lands Commission to enter into agreements with the city, on

terms and conditions the director and the commission determine to be in the best interest of the state, to convey, to the city, no more than 20 acres of state property to be used for permanent public parking for a project approved by the voters of the city; and no more than 60 acres of state property to be used for intermittent public parking for the project, as specified. The bill would require the consideration for these conveyances to equal the fair market value of the property interests and would allow monetary consideration or specified actions to serve as consideration for those agreements, including the relinquishment of the city's reversionary rights over parcels conveyed to the state in 1983 for the formation of the state park.

The bill would make findings concerning the public trust for commerce, navigation, and fisheries, for purposes of Section 3 of Article X of the California Constitution, with regard to tidelands within the project area, and would allow the commission to sell those tidelands free of the public trust to the city. The bill would provide for the reservation of minerals and mineral rights, as specified.

The bill would allow an action to be brought to quiet title with regard to an agreement entered into pursuant to the bill.

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. The Legislature hereby finds and
2 declares that the project, as defined in Section 5006.8 of
3 the Public Resources Code, will further general statewide
4 purposes, such as the elimination of blight and the
5 redevelopment of the proposed project area, the
6 generation of new sales tax revenues, property taxes, and
7 other tax revenues to the state and state agencies, the
8 creation of thousands of new jobs, and enhanced access of
9 the public to use and enjoy the Candlestick Park
10 Recreation Area, including, but not limited to, the
11 statewide purposes specified in Chapter 2 of the Statutes
12 of 1958, First Extraordinary Session.



1 SEC. 2. Section 5006.8 of the Public Resources Code
2 is repealed.

3 SEC. 3. Section 5006.8 is added to the Public
4 Resources Code, to read:

5 5006.8. (a) For purposes of this section, the following
6 definitions shall apply:

7 (1) "City" means the City and County of San
8 Francisco.

9 (2) "Project" means the development of a
10 combination of uses, such as a stadium, retail and
11 entertainment center, and associated support uses,
12 including parking, approved by the voters of the city by
13 Propositions D and F at the June 3, 1997, special election.

14 (3) "Project area" means the total area necessary for
15 the project as shown on the site diagram.

16 (4) "Recreation area" means the Candlestick State
17 Recreation Area.

18 (5) "Site diagram" means that certain preliminary
19 conceptual site drawing, dated July 22, 1998, on file with
20 the Department of City Planning of the city, showing, for
21 reference purposes only, the project area, including the
22 proposed location of the new ring road, the area within
23 the inner circumference of the new ring road for
24 permanent public parking use, and the area outside the
25 outer circumference of the new ring road for temporary
26 or intermittent public parking use on state property. For
27 purposes of this section, the final site diagram for the
28 project area, which shall supersede any preliminary site
29 diagrams, shall be subject to the approval of the
30 department and the State Lands Commission.

31 (6) "State property" means the property or interests
32 in property owned by the state located within the project
33 area. A portion of the state property is proprietary land
34 under the jurisdiction of the Department of Parks and
35 Recreation and the remainder of the state property is
36 sovereign land under the jurisdiction of the State Lands
37 Commission.

38 (b) Notwithstanding any other provision of law, the
39 director may enter into agreements, on those terms and
40 conditions that the director determines to be in the best



1 interests of the state, concerning the development and
2 operation of the project. The agreements may provide
3 for, without limitation, easements, exchanges, quit claims,
4 leases, operating agreements, special use permits, or
5 agreements for the conveyance of fee title of any
6 property interests of the department within the
7 recreation area. The department shall receive at least fair
8 market value for the property interests conveyed by the
9 department. The department may execute leases,
10 operating agreements, and special use permits regarding
11 proprietary lands within the state property for terms not
12 exceeding 66 years. The director may change the
13 boundaries of the recreation area as necessary to reflect
14 the agreements contemplated by this section.

15 (c) Notwithstanding any other provision of law, the
16 State Lands Commission may enter into agreements
17 regarding any sovereign lands within the state property,
18 on those terms and conditions that the State Lands
19 Commission determines to be in the best interests of the
20 state, concerning the development and operation of the
21 project. Subject to applicable requirements of the public
22 trust for commerce, navigation, and fisheries, the
23 agreements may provide, without limitation, for leases,
24 operating agreements, and, to the extent permitted
25 under paragraph (1) or (2), sale or exchange agreements
26 of all or any portion of state property. Those leases shall
27 be for a term not exceeding 66 years. Any land or interest
28 in land received in an exchange shall have a value that is
29 equal to or greater than the value of the property interest
30 conveyed by the State Lands Commission. In furtherance
31 of the foregoing:

32 (1) The State Lands Commission may enter into
33 agreements, including agreements providing for
34 termination of the public trust or the termination of any
35 trust imposed by Chapter 1333 of the Statutes of 1968, as
36 amended, or both, for the exchange of trust land within
37 the project area whereby any of the lands that are subject
38 to the trust may be exchanged for other land inside or
39 outside the project area that is at least equal or greater in
40 value, which is useful for trust purposes, and that is in a



1 location approved by the State Lands Commission, if the
2 findings set forth in Section 5 of Chapter 310 of the
3 Statutes of 1987 are made, or, for those lands that are not
4 included in Chapter 1333 of the Statutes of 1968, as
5 amended, if the requirements of Section 6307 are
6 satisfied.

7 (2) For purposes of Section 3 of Article X of the
8 California Constitution, the Legislature hereby finds and
9 declares that tidelands within the project area that were
10 reserved to the state solely for street purposes and that,
11 as found by the State Lands Commission, meet each of the
12 criteria set forth in subparagraphs (A) to (E), inclusive,
13 are no longer useful for navigation purposes and are not
14 necessary for those purposes, and may be sold by the State
15 Lands Commission, to the city, free of the public trust or
16 any trust imposed by Chapter 1333 of the Statutes of 1968,
17 as amended, or both. Before any reserved street areas
18 within the project area may be sold, the State Lands
19 Commission shall make all of the following findings
20 regarding reserved street areas proposed for sale:

21 (A) The area has been filled and reclaimed.

22 (B) The area is located within the outer
23 circumference of the ring road for the project, as shown
24 on the site diagram.

25 (C) The area is no longer needed or required for
26 promotion of the public trust for commerce, navigation,
27 and fisheries.

28 (D) The state will receive consideration for the sale of
29 the street area that is equal to or greater in value than the
30 value of the street areas sold.

31 (3) In any case in which the state, pursuant to this
32 section, conveys filled tidelands or submerged lands to
33 the city, the state shall reserve all minerals and all mineral
34 rights in the lands of every kind and character now known
35 to exist or hereafter discovered, including, but not limited
36 to, oil and gas and rights thereto, together with the sole,
37 exclusive, and perpetual right to explore for, remove, and
38 dispose of those minerals by any means or methods
39 suitable to the state or to its successors and assignees,
40 except that, notwithstanding Chapter 1333 of the Statutes



1 of 1968, as amended, or Section 6401, this reservation shall
2 not include the right of the state or its successors or
3 assignees in connection with any mineral exploration,
4 removal, or disposal activity, to do either of the following:

5 (A) Enter upon, use, or damage the surface of the
6 lands or interfere with the use of the surface by any
7 grantee or by the grantee's successors or assignees.

8 (B) Conduct any mining activities of any nature
9 whatsoever above a plane located 500 feet below the
10 surface of the lands without the prior written permission
11 of any grantee of the lands or the grantee's successors or
12 assignees.

13 (4) With respect to any filled tidelands or submerged
14 lands conveyed to the city pursuant to Chapter 2 of the
15 Statutes of 1958, First Extraordinary Session, the state
16 shall comply with the limitations on any mineral rights
17 reservations provided for in paragraph (3), and shall
18 modify the instruments reserving those mineral rights
19 reservations, as appropriate, to memorialize those
20 limitations.

21 ~~(5) All proceeds received by the State Lands~~
22 ~~Commission from an exchange of sovereign lands of the~~
23 ~~state shall be deposited in the Land Bank Fund created~~
24 ~~in the State Treasury pursuant to Section 8610 for the~~
25 ~~acquisition of real property. All other proceeds received~~
26 ~~by the State Lands Commission pursuant to transactions~~
27 ~~authorized by this subdivision shall be considered partial~~
28 ~~reimbursements for the costs of work, services~~
29 ~~performed, and other expenditures made by the State~~
30 ~~Lands Commission for, or on behalf of, the City and~~
31 ~~County of San Francisco, Port of San Francisco, or other~~
32 ~~grantees of sovereign tide and submerged lands. Those~~
33 ~~proceeds shall not exceed the fair market value of any~~
34 ~~rights, title, or benefits conferred by the transactions~~
35 ~~authorized by this subdivision.~~

36 (d) The property interests in the state property to be
37 conveyed to the city pursuant to the authorizations
38 contained in subdivisions (b) and (c) shall be subject to
39 the following additional limitations:



1 (1) No more than 20 acres of the state property may be
2 paved or otherwise used as permanent parking for the
3 project.

4 (2) No more than 60 acres of state property may be
5 used for intermittent public parking for football games
6 and a limited number of other special events related to
7 the project, and for all other days of the year, that state
8 property shall be available to the public for recreation
9 purposes. Any agreements related to parking for the
10 project on state property north of Yosemite Slough shall
11 terminate no later than January 31, 2004.

12 (3) The consideration for those property interests may
13 consist of any of the following:

14 (A) Monetary consideration.

15 (B) Improvements to the recreation area that support
16 its use as a public park.

17 (C) Replacement of any portion of the recreation area
18 conveyed to the city with recreation benefits or facilities
19 of equal or greater value within the recreation area.

20 (D) Other nonmonetary consideration, including, but
21 not limited to, relinquishment by the city of its
22 reversionary rights over parcels conveyed to the state in
23 1983 for formation of the recreation area.

24 (E) Any combination of the foregoing.

25 (e) All state agencies shall take any necessary or
26 appropriate action to implement this section in a timely
27 manner.

28 SEC. 4. Notwithstanding the Outdoor Advertising
29 Act (Chapter 2 (commencing with Section 5200) of
30 Division 3 of the Business and Professions Code), any sign
31 permitted under Proposition F, approved by the voters
32 of the City and County of San Francisco, at the June 3,
33 1997, special election, is hereby permitted. Nothing in this
34 section restricts the ability of the state to permit, approve,
35 install, control, or regulate signs on state property.

36 SEC. 5. An action may be brought under Chapter 4
37 (commencing with Section 760.010) of Title 10 of Part 2
38 of the Code of Civil Procedure by the parties to any
39 agreement entered into pursuant to Section 5006.8 of the
40 Public Resources Code to confirm the validity of an



1 agreement entered into pursuant to that section. In
2 addition to the recitations and determinations required
3 by Section 764.080 of the Code of Civil Procedure, the
4 statement of decision in the action shall include a
5 recitation of the underlying facts, and a determination
6 whether the agreement meets the requirements of
7 Section 5006.8 of the Public Resources Code, Sections 3
8 and 4 of Article X of the California Constitution, and any
9 other law applicable to the validity of the agreement.

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