

AMENDED IN ASSEMBLY AUGUST 25, 2009

AMENDED IN ASSEMBLY JULY 13, 2009

AMENDED IN ASSEMBLY JUNE 30, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 792

Introduced by Senator Leno

February 27, 2009

An act to repeal Section 5006.8 of the Public Resources Code, to repeal Section 3 of Chapter 2 of the Statutes of 1958 of the First Extraordinary Session, to repeal Chapter 1046 of the Statutes of 1998, to repeal Chapter 464 of the Statutes of 2002, and to repeal Chapter 435 of the Statutes of 2003, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, Leno. Tidelands and submerged lands: City and County of San Francisco: Hunters Point Naval Shipyard and Candlestick Point.

(1) Existing law grants to the City and County of San Francisco the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust for certain purposes. The State Lands Commission has jurisdiction over tidelands and submerged lands of the state.

The Hunters Point Shipyard Conversion Act of 2002 granted to, and vested in, the San Francisco Redevelopment Agency, all of the state's right, title, and interest in the Hunters Point trust lands, and, upon conveyance by the federal government to the agency, in appurtenances

located on Hunters Point submerged lands, subject to the public trust and the terms and conditions of the act. The Hunters Point Shipyard Public Trust Exchange Act approved an exchange of public trust lands within the Hunters Point Shipyard, whereby certain trust lands that meet specified criteria and are not useful for public trust purposes are freed from the public trust and may be conveyed into private ownership, and certain other lands that are not public trust lands and that are useful for public trust purposes are made subject to the public trust. Existing law authorizes the Director of Parks and Recreation to enter into agreements concerning the development of a project in the City and County of San Francisco and partly within the Candlestick Point State Recreation Area.

This bill would repeal the Hunters Point Conversion Act of 2002 and the Hunters Point Shipyard Public Trust Exchange Act. The bill would also repeal the provision authorizing the Director of Parks and Recreation to enter into agreements concerning that project in the City and County of San Francisco.

This bill instead would grant to, and vest in, the San Francisco Redevelopment Agency, all of the state's right, title, and interest in Candlestick Point and the former Hunters Point Naval Shipyard trust lands, as revised, and, upon conveyance by the federal government to the agency, in appurtenances located on Hunters Point submerged lands, subject to the public trust, and the terms and conditions of this bill.

This bill would also approve an exchange of public trust lands within the lands conveyed, whereby certain trust lands or interests in lands that meet specified criteria and are not now useful for public trust purposes will be freed from the public trust and may be conveyed into private ownership, and certain other lands or interests in lands that are not now public trust lands and that are useful for public trust purposes will be made subject to the public trust.

The bill would require the agency to deposit all moneys collected by the agency arising out of the use or operation of any of the trust lands into a special fund maintained by the agency. The bill would require the agency to prepare an annual statement of financial conditions and operations and to submit the statement to the State Lands Commission each year on or before October 1.

The bill would authorize the Director of Parks and Recreation to enter in an agreement to transfer to the agency or the City and County of San Francisco an interest in state property held by the department within the Candlestick Point State Recreation Area upon the director making certain findings.

This bill would provide that upon the termination of the redevelopment plan for the project area, consisting of the former shipyard, the Hunters Point submerged lands, and Candlestick Point, or by January 1, 2050, whichever is earlier, the agency shall transfer any trust lands in which it holds fee title to the city, unless the commission approves a later date.

(2) The bill would state findings and declarations of the Legislature regarding the need for special legislation.

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 following definitions apply for purposes of
2 this act:
3 (a) “1958 Act” means Chapter 2 of the Statutes of 1958 of the
4 First Extraordinary Session.
5 (b) “Agency” means the San Francisco Redevelopment Agency,
6 or any successor redevelopment agency with jurisdiction over the
7 project area.
8 (c) “Applicable statutory trust” means either of the following:
9 (1) Where the agency is the trustee, the terms and conditions of
10 the state’s trust grant to the agency under this act.
11 (2) Where the city is the trustee, the Burton Act trust.
12 (d) “BCDC” means the San Francisco Bay Conservation and
13 Development Commission.
14 ~~(d)~~
15 (e) “Burton Act” means Chapter 1333 of the Statutes of 1968,
16 as amended.
17 ~~(e)~~
18 (f) “Burton Act lands” means all those lands within the project
19 area, or immediately adjacent to the project area, owned in fee by
20 the city and held subject to the Burton Act.
21 ~~(f)~~
22 (g) “Burton Act transfer agreement” means that certain
23 agreement dated January 24, 1969, between the state and the city,
24 relating to the transfer of the Port of San Francisco from the state
25 to the city, and any amendments to that agreement in accordance
26 with its terms.
27 ~~(g)~~

(h) “Burton Act trust” means the statutory trust imposed by the Burton Act, and any additional restrictions on use and alienability created by the Burton Act transfer agreement, by which the state conveyed to the city, in trust and subject to certain terms, conditions, and reservations, the state’s interest in certain tidelands, including filled lands, and lands dedicated or acquired by the city as assets of the trust. *The Burton Act trust does not include the requirements of Section 12 of the Burton Act.*

~~(h)~~

(i) “Candlestick Point” means all that real property situate in the City and County of San Francisco, State of California, described as follows:

Beginning at the intersection of the northeasterly line of Underwood Avenue (formerly 21st Avenue, 80 feet wide) with the southeasterly line of Arelious Walker Drive (formerly F Street, or Fitch Street, 64 feet wide); thence southwesterly along the southeasterly line of said Arelious Walker Drive 1400 feet to a point laying on the northeasterly line of Bancroft Avenue (formerly 26th Avenue, 80 feet wide), said point being also the most westerly corner of the lands designated and shown as “Parcel 1” on that certain map entitled “Record of Survey – Hunters Point Shipyard” and filed in Book “Z” of Maps, at pages 135 through 147, Document No. 2000-G845126 in the office of the City and County of San Francisco Recorder; thence southeasterly along the northeasterly line of said Bancroft Avenue 2592 feet to the northeasterly extension of the northwesterly line of Boalt Street (formerly B Street, 64 feet wide); thence southwesterly along said extension and said northwesterly line of said Boalt Street 35 feet to a point laying on the boundary of those certain lands commonly known as “Candlestick Point State Recreation Area” and described under Exhibit “1” in that certain Quitclaim Deed from the City and County of San Francisco to the State of California, recorded in the office of County Recorder of said county in Book D633 of Official Records, at Image 1952; thence generally southwesterly, southeasterly, southerly and westerly along said boundary of said “Candlestick Point State Recreation Area”, in all of its courses, to a point on the San Francisco – San Mateo County boundary line as said line is shown on that certain Board of Tide Land Commissioners map entitled “Map of the Salt Marsh and Tide Lands and Lands Lying Under Water South of Second Street”, a

1 copy of which is filed in Map Book “W”, pages 46 and 47, in the
2 office of the City and County of San Francisco Recorder, from
3 which point the point of beginning of said boundary described in
4 said Exhibit “1” bears North 44°39’58” East 103.85 feet, more or
5 less; thence westerly along said county line 15 feet, more or less,
6 to the southeasterly line of Harney Way as shown on that certain
7 map entitled “Map Showing the Opening of Harney Way from
8 Jamestown Avenue to County Line”, filed January 28, 1965, in
9 Map Book “U” at pages 64 and 65, in the office of the City and
10 County of San Francisco Recorder; thence continuing westerly
11 along said county line 178.79 feet; thence leaving said county line
12 North 44°39’58” East 592.16 feet; thence North 45°36’16” East
13 300.04 feet; thence North 56°25’37” East 104.39 feet; thence North
14 61°40’38” East 137.37 feet; thence North 76°48’21” East 159.25
15 feet to a point laying at the westerly terminus of the course labeled
16 “North 86°19’02” West 87.60 feet” on the northerly line of Harney
17 Way as shown on that certain Final Map entitled “Map of San
18 Francisco Executive Park II”, filed in Map Book “X”, pages 8
19 through 11, Document No. D168468, in the office of the City and
20 County of San Francisco Recorder; thence easterly along the
21 northerly line of said Harney Way, in all of its courses, to the
22 southwesterly line of the lands of Leonoudakis as described in that
23 certain document filed in the office of the City and County of San
24 Francisco in Reel I751 of Official Records, at Image 599,
25 Document No. 2004-H839983, (Lot 008, Assessor’s Block 5023);
26 thence northwesterly along said southwesterly line to the
27 southeasterly line of the lands of Leonoudakis as described in that
28 certain document filed in the office of the City and County of San
29 Francisco in Reel I751 of Official Records, at Image 598,
30 Document No. 2004-H839982, (Lot 8, Assessor’s Block 4977);
31 thence southwesterly and northwesterly along the southeasterly
32 and southwesterly lines of said lands of Leonoudakis to the most
33 southerly corner of the lands of the City and County of San
34 Francisco designated and shown as Lot 6 on Assessor’s Block
35 4977; thence northwesterly and northeasterly along the
36 southeasterly and northwesterly lines of said lands of the City and
37 County of San Francisco to the southwesterly corner of Lot 276,
38 as shown on that certain Parcel Map filed in Parcel Map Book 45
39 at page 10, Document No. 2001-G962714, in the office of the City
40 and County of San Francisco Recorder; thence northwesterly along

1 the boundary of said Lot 276, in all of its courses, to the most
2 northerly corner of said lot, being also a point laying on the
3 southwesterly line of Jamestown Avenue; thence northwesterly
4 along the southwesterly line of Jamestown Avenue 135 feet, more
5 or less, to a point; thence northeasterly and perpendicular to the
6 last course 89 feet to the intersection of the southeasterly line of
7 Coronado Street with the northeasterly line of Jamestown Avenue
8 as shown on that certain map entitled “Map Showing the Widening
9 and Extension of Jamestown Avenue from Hunters Point
10 Expressway to Redondo Street” filed in Map Book “U” at pages
11 60 through 63, in the office of the City and County of San
12 Francisco Recorder; thence southeasterly along said northeasterly
13 line of Jamestown Avenue 725 feet, more or less, to a point; thence
14 northeasterly along a line laying parallel and 350 feet southeasterly
15 of the southeasterly line of Griffith Street (formerly G Street, 64
16 feet wide), 660 feet to the Line of Ordinary High Tide of 1869 as
17 said line is shown, but not labeled, on that Board of Tide Land
18 Commissioners Block Map No. 9 filed in Map Book “W” at pages
19 11 through 13, in the office of the City and County of San
20 Francisco Recorder; thence northeasterly along said line, in all of
21 its courses, to the southwesterly line of the lands of the San
22 Francisco Housing Authority designated and shown as Lot 20 on
23 Assessor’s Block 4884; thence northwesterly along a line laying
24 parallel with and distant 100 feet northeasterly of the northeasterly
25 line of Gilman Avenue (formerly 31st Avenue, 80 feet wide), being
26 also the southwesterly line of said lands of the San Francisco
27 Housing Authority, to the northwesterly line of Hawes Street
28 (formerly H Street, 64 feet wide); thence northeasterly along said
29 northwesterly line of Hawes Street 1020 feet to the northeasterly
30 line of Carroll Avenue (formerly 27th Avenue, 80 feet wide);
31 thence southeasterly along said northeasterly line of Carroll Avenue
32 728 feet to a point laying on the southeasterly line of Griffith Street
33 (formerly G Street, 64 feet wide), said point laying also at a
34 deflection in the northwesterly boundary of said “Candlestick Point
35 State Recreation Area”; thence in a general northerly and westerly
36 direction, along the boundary of said “Candlestick Point State
37 Recreation Area” as described under Exhibit “1” in said Quitclaim
38 Deed recorded in the office of the City and County of San
39 Francisco Recorder, in Book D633 of Official Records, at page
40 1952, the following courses: northeasterly along said southeasterly

1 line of Griffith Street 760 feet to the southwesterly line of Yosemite
2 Avenue (formerly 24th Avenue, 80 feet wide); thence northwesterly
3 along said southwesterly line of Yosemite Avenue to the point of
4 beginning of that parcel of land described in the Quitclaim Deed
5 from the United States of America to Julio and Anita Ricci,
6 recorded March 8, 1961 in Book A235, page 208 of Official
7 Records of the City and County of San Francisco; thence
8 northeasterly, parallel with the southeasterly line of Ingalls Street
9 (formerly I Street), 80 feet to a point laying on the northeasterly
10 line of Yosemite Avenue distant thereon southeasterly 205 feet
11 from said southeasterly line of Ingalls Street, said point being the
12 most westerly corner of that certain parcel of land described as
13 Parcel 3523 in the Grant Deed dated November 30, 1979 from
14 R.C. Scarver and Terese Scarver to the State of California recorded
15 February 8, 1980 as Document No. 73057 in Book C942, page
16 746 of Official Records of the City and County of San Francisco;
17 thence northeasterly along the northwesterly line of said parcel to
18 the most northerly corner of said parcel, said point laying in the
19 southwesterly line of Wallace Avenue (formerly 23rd Avenue, 80
20 feet wide); thence northeasterly, parallel with said southeasterly
21 line of Ingalls Street, 80 feet to the most westerly corner of the
22 land described as Parcel 3 in the deed from Hibernia Bank to Mike
23 Garza recorded December 20, 1977 in Book C488, page 303 of
24 Official Records of the City and County of San Francisco, said
25 point laying on the northeasterly line of Wallace Avenue, distant
26 thereon 205 feet southeasterly of said southeasterly line of Ingalls
27 Street; thence southeasterly along said northeasterly line of Wallace
28 Avenue to the southeasterly line of Hawes Street (formerly H
29 Street, 64 feet wide); thence northeasterly along said southeasterly
30 line of Hawes Street, 464 feet to the southwesterly line of
31 Underwood Avenue (formerly 21st Avenue, 80 feet wide); thence
32 leaving said “Candlestick Point State Recreation Area” boundary,
33 northeasterly 80 feet to the northeasterly line of said Underwood
34 Avenue; thence southeasterly along the northeasterly line of said
35 Underwood Avenue 75 feet to a point laying on said “Candlestick
36 Point State Recreation Area” boundary; thence along said
37 “Candlestick Point State Recreation Area” boundary the following
38 courses: northeasterly along a line parallel and distant 75 feet
39 southeasterly from said southeasterly line of Hawes Street, 200
40 feet to the southwesterly line of Thomas Avenue (formerly 20th

1 Avenue, 80 feet wide); thence southeasterly along said
2 southwesterly line of Thomas Avenue, to the northwesterly line
3 of Griffith Street (formerly G Street, 64 feet wide); thence
4 southwesterly along said northwesterly line of Griffith Street, 200
5 feet to the northeasterly line of Underwood Avenue (80 feet wide);
6 thence southeasterly along said northeasterly line of Underwood
7 Avenue 664 feet to the northwesterly line of said Arelious Walker
8 Drive; thence leaving said “Candlestick Point State Recreation
9 Area” boundary, northeasterly along said northwesterly line of
10 Arelious Walker Drive, 280 feet to the northeasterly line of said
11 Thomas Avenue; thence southeasterly along said northeasterly
12 line of Thomas Avenue, 64 feet to a point laying on the boundary
13 of said “Candlestick Point State Recreation Area”; thence
14 southwesterly along said boundary and the southeasterly line of
15 said Arelious Walker Drive, 280 feet to the Point of Beginning.

16 Excepting therefrom any portion lying outside said City and
17 County of San Francisco.

18 ~~(i)~~

19 (j) “City” means the City and County of San Francisco, a charter
20 city and county, and includes the City and County of San Francisco
21 acting by and through its Port Commission.

22 ~~(j)~~

23 (k) “Commission” means the State Lands Commission.

24 ~~(k)~~

25 (l) “Community Redevelopment Law” means Part 1
26 (commencing with Section 33000) of Division 24 of the Health
27 and Safety Code.

28 ~~(l)~~

29 (m) “Department” means the Department of Parks and
30 Recreation.

31 ~~(m)~~

32 (n) “Director” means the Director of Parks and Recreation.

33 ~~(n)~~

34 (o) “Hillside open space” means that area of land so designated
35 as depicted in the diagram in Section 25 of this act.

36 ~~(o)~~

37 (p) “Hunters Point submerged lands” means all that real property
38 situate in the City and County of San Francisco, State of California,
39 described as follows:

Beginning at the intersection of the northeasterly prolongation of the southeasterly line of Earl Street (64 feet wide) with the 1948 Bulkhead Line as shown on the map entitled “Real Estate Summary Map NAVFAC Drawing No. 1045757” on file at the Department of the Navy, WESTDIV, San Bruno, California; thence southeasterly along said 1948 Bulkhead Line and the northeasterly line of that certain property conveyed in declaration of taking, Civil Action No. 22147 as shown on said summary map to a line parallel with and 450 feet southeasterly of the southeasterly line of Boalt Street (64 feet wide); thence southwesterly along said parallel line to the northeasterly line of the land described in the deed filed in Book 3677 of Official Records at page 349 in the Office of the County Recorder of said county, said northeasterly line being the arc of a curve, concave southwesterly and having a radius of 1,800 feet; thence southeasterly and southerly along said arc to the southeasterly prolongation of the northeasterly line of Evans Avenue (80 feet wide); thence northwesterly along said prolongation and said northeasterly line of Evans Avenue to the 1941 Bulkhead Line as shown on said summary map; thence southerly along said 1941 Bulkhead Line to the northeasterly line of that certain property conveyed in declaration of taking, Civil Action No. 36272 as shown on said summary map; thence southeasterly along said northeasterly line to said 1948 Bulkhead Line as shown on said summary map; thence southerly along said 1948 Bulkhead Line to the line dividing the City and County of San Francisco from the County of San Mateo; thence easterly along said county line to the United States Pierhead Line as shown on the map entitled “Hunters Point Naval Shipyard, General Development Map, Key Map No. 1174922” on file at the Department of the Navy, Western Division San Bruno, California; thence northeasterly and northwesterly along said Pierhead Line as shown on said General Development Map to said northeasterly prolongation of the southeasterly line of said Earl Street (64 feet wide); thence southwesterly along said prolongation of the southeasterly line of said Earl Street to the said 1948 Bulkhead Line and the point of beginning.

(p)

(q) “Project” means the integrated development of a combination of uses on Candlestick Point and the shipyard, including, but not

1 limited to, residential, commercial, public trust, and recreational
2 uses, in accordance with the redevelopment plan.

3 ~~(q)~~

4 (r) "Project area" means the shipyard, Hunters Point submerged
5 lands, and Candlestick Point.

6 ~~(r)~~

7 (s) "Proposition G" means Proposition G, also known as the
8 "Mixed Use Development Project for Candlestick Point and
9 Hunters Point Shipyard," approved by the voters of the city in June
10 2008.

11 ~~(s)~~

12 (t) "Public trust" or "trust" means the common law public trust
13 for commerce, navigation, and fisheries.

14 ~~(t)~~

15 (u) "Redevelopment plan" means the Hunters Point Shipyard
16 Redevelopment Plan, and those portions of the Bayview-Hunters
17 Point Redevelopment Plan pertaining to the redevelopment of
18 Candlestick Point, adopted by the agency pursuant to Chapter 4.5
19 (commencing with Section 33492) of the Community
20 Redevelopment Law, as those plans may be amended from time
21 to time.

22 ~~(u)~~

23 (v) "Reserved street area" means a portion of the reserved
24 streets.

25 ~~(v)~~

26 (w) "Reserved streets" means all those portions of the trust lands
27 that were reserved to the state for street purposes by the Board of
28 Tidelands Commissioners pursuant to the "Act to survey and
29 dispose of certain salt marsh and tide lands belonging to the State
30 of California," Chapter 543 of the Statutes of 1868, as depicted
31 on the map entitled "Map of the Salt Marsh and Tide Lands and
32 Lands Lying Under Water South of Second Street and Situate in
33 the City and County of San Francisco" prepared by the Board of
34 Tide Land Commissioners and dated March 19, 1869.

35 ~~(w)~~

36 (x) "Shipyard" or "Hunters Point Shipyard" means all that real
37 property situate in the City and County of San Francisco, State of
38 California, described as follows:

39 Beginning at the intersection of the southeasterly line of Fitch
40 Street (64 feet wide) with the northeasterly line of Palou Avenue

1 (80 feet wide), said intersection also being in the southerly line of
2 the Lands of Lowpensky as described in that document filed in
3 the Office of the County Recorder of said County in Book D238
4 Official Records at page 80; thence easterly along the southerly
5 line of said Lands of Lowpensky to the southeasterly corner of the
6 said Lands of Lowpensky being also the southwesterly corner of
7 the Lands of the Regents of University of California as described
8 in that document filed in the Office of the County Recorder of said
9 County in Book C562 Official Records at page 582; thence
10 easterly, northerly and northwesterly along the southerly, easterly
11 and northeasterly lines of said Lands of the Regents to the
12 northwesterly corner of said Lands of the Regents and also being
13 the northeasterly corner of said Lands of Lowpensky. Thence
14 northwesterly along the northeasterly line of said Lands of
15 Lowpensky to the most westerly corner of said Lands of
16 Lowpensky, being also a point in the northeasterly line of said
17 Palou Avenue; thence northwesterly along the northeasterly line
18 of said Palou Avenue to the southeasterly line of Griffith Street
19 (64 feet wide); thence northeasterly along the southeasterly line
20 of said Griffith Street 200 feet to the southwesterly line of Oakdale
21 Avenue (80.00 feet wide); thence northwesterly along the
22 southwesterly line of said Oakdale Avenue, 32 feet to the centerline
23 of said Griffith Street; thence northeasterly along the centerline of
24 said Griffith Street 600 feet to the centerline of McKinnon Avenue
25 (80 feet wide); thence southeasterly along the centerline of said
26 McKinnon Avenue 664 feet to the centerline of said Fitch Street
27 (64 feet wide); thence northeasterly along the centerline of said
28 Fitch Street 320 feet to the northeasterly line of La Salle Avenue
29 (80 feet wide); thence southeasterly along the northeasterly line
30 of said La Salle Avenue, 632 feet to the northwesterly line of Earl
31 Street (64 feet wide) and an angle point in the northwesterly
32 boundary of Inchon Village as shown on the “Map of Inchon
33 Village” filed in the Office of the County Recorder of said County
34 in Book 17 of Condominium Maps at pages 112 through 130;
35 thence southwesterly along the northwesterly boundary of said
36 Inchon Village to the centerline of McKinnon Avenue (80 feet
37 wide) and the most northerly corner of the Lands of Crisp Building,
38 Inc., described in that certain document filed in the Office of the
39 County Recorder of said County in Book D767 Official Records
40 at page 1051; thence southwesterly, southeasterly and northeasterly

1 along the northwesterly, southwesterly and southeasterly lines of
2 said Lands of Crisp Building, Inc. to the most easterly corner of
3 said Lands of Crisp Building, Inc., being also the most southerly
4 corner of the land shown on the “Parcel Map of Inchon and
5 Solomon Village” filed in the Office of the County Recorder of
6 said County in Book 17 of Parcel Maps at page 77 and the
7 centerline of said McKinnon Avenue; thence northeasterly along
8 the southeasterly line of said Inchon and Solomon Village to the
9 most easterly corner of said Inchon and Solomon village and the
10 southwesterly line of Innes Avenue (80.00 feet wide); thence
11 northwesterly along the southwesterly line of said Innes Avenue
12 641 feet to the centerline of said Earl Street (64 feet wide); thence
13 northeasterly along the centerline of said Earl Street 40 feet to the
14 centerline of said Innes Avenue; thence southeasterly along the
15 centerline of said Innes Avenue 32 feet to the southeasterly line
16 of said Earl Street; thence northeasterly along the southeasterly
17 line of said Earl Street and its prolongation 3,151 feet to the 1948
18 Bulkhead Line as shown on the map entitled “Real Estate Summary
19 Map NAVFAC Drawing No. 1045757” on file at the Department
20 of the Navy, WESTDIV, San Bruno, California; thence
21 southeasterly along said 1948 Bulkhead Line and the northeasterly
22 line of that certain property conveyed in declaration of taking,
23 Civil Action No. 22147 as shown on said summary map 2,553 feet
24 more or less to a point on a line parallel with and 450 feet
25 southeasterly of the southeasterly line of Boalt Street (64 feet
26 wide), thence southwesterly along said parallel line a distance of
27 52 feet more or less to the northeasterly line of the land described
28 in the deed filed in Book 3677 of Official Records at page 349 in
29 the Office of the County Recorder of said County, said
30 northeasterly line being the arc of a curve, concave southwesterly
31 and having a radius of 1,800 feet; thence southeasterly and
32 southerly along said arc to the southeasterly prolongation of the
33 northeasterly line of Evans Avenue (80 feet wide); thence
34 northwesterly along said prolongation and said northeasterly line
35 of Evans Avenue, to the 1941 Bulkhead Line as shown on said
36 summary map; thence southerly along said 1941 Bulkhead Line,
37 to the northeasterly line of that certain property conveyed in
38 declaration of taking, Civil Action No. 36272 as shown on said
39 summary map; thence southeasterly along said northeasterly line
40 to said 1948 Bulkhead Line as shown on said summary map; thence

southerly along said 1948 Bulkhead Line to the line dividing the City and County of San Francisco from the County of San Mateo; thence westerly along said county line 127 feet more or less to the southeasterly prolongation of the northeasterly line of Bancroft Avenue (80 feet wide); thence northwesterly along said prolongation and said northeasterly line of said Bancroft Avenue 7,484 feet more or less to the southeasterly line of said Fitch Street (64 feet wide); thence northeasterly along the southeasterly line of said Fitch Street 2,800 feet to the point of beginning.

~~(x)~~

(y) “State” means the State of California.

~~(y)~~

(z) “State property” means the property or interests in property owned by the state located within the project area, and includes both proprietary land and sovereign land.

~~(z)~~

(aa) “State recreation area” means the Candlestick Point State Recreation Area.

~~(aa)~~

(ab) “Tidelands” means tide and submerged lands.

~~(ab)~~

(ac) “Trustee” means the owner and trust administrator of trust lands granted pursuant to this act or the Burton Act, and is either the agency, with respect to lands owned by the agency, or the city, with respect to lands owned by the city.

~~(ae)~~

(ad) “Trust lands” means all lands, including tide and submerged lands, within the project area that are presently, or upon conveyance out of federal ownership will be, subject to the public trust. Following a trust exchange, trust lands shall include all lands within the project area that have been impressed with the trust pursuant to the exchange, and shall not include any lands that have been removed from the trust pursuant to the exchange.

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

(a) The purpose of this act is to facilitate the productive reuse of the lands within the areas of San Francisco known as Candlestick Point and the former Hunters Point Naval Shipyard in a manner that furthers the purposes of the public trust and the Community Redevelopment Law. To effectuate this purpose, this act grants the state’s sovereign interest in the lands comprising the shipyard

1 to the agency upon the transfer of those lands out of federal
2 ownership, and approves and authorizes the commission, provided
3 that it makes the necessary findings supporting the exchange, to
4 carry out an exchange of lands that will place or confirm the public
5 trust on lands within the project area with substantial value for the
6 public trust, and terminate the public trust in project area lands
7 that are no longer useful for trust purposes. This act also authorizes
8 the *director on behalf of the* department to enter into an agreement
9 to transfer certain lands within the Candlestick Point State
10 Recreation Area to the agency or the city, provided that the
11 agreement provides an overall benefit to the state recreation area
12 and meets certain other conditions set forth in this act.

13 (b) The project area, including both the shipyard and Candlestick
14 Point, encompasses lands that were historically tidelands subject
15 to the public trust, as well as historic uplands that were not subject
16 to the trust. Beginning in 1861, certain of the area's tidelands were
17 conveyed into private ownership by the state pursuant to various
18 state statutes. Portions of those tidelands were subsequently filled
19 and reclaimed. The trust status of portions of the reclaimed
20 tidelands is uncertain. Due to differences in the various statutes
21 authorizing the conveyance of certain portions of the tidelands
22 into private ownership, as well as other historical circumstances,
23 some of the reclaimed tidelands, including lands located well inland
24 from the current shoreline, have remained subject to the public
25 trust, while other reclaimed tidelands, including most of the lands
26 adjacent to the shoreline, may have been freed from the trust. In
27 addition, a portion of the lands that are subject to the trust consist
28 of reserved streets that were mapped but never built, and a railroad
29 right-of-way, forming a grid pattern that is not consistent with the
30 existing or planned street system for the lands, and most of these
31 lands are no longer useful for trust purposes.

32 (c) In 1939, the United States began acquiring lands for purposes
33 of constructing and operating what came to be known as the
34 Hunters Point Naval Shipyard. The shipyard was used primarily
35 as a United States Navy industrial operation for the modification,
36 maintenance, and repair of ships. The shipyard was closed in 1974,
37 resulting in adverse economic impacts on the economic base of
38 the surrounding Bayview Hunters Point neighborhood. Pursuant
39 to Section 2824(a) of the National Defense Authorization Act for
40 fiscal year 1991, as amended by Section 2834 of the National

Defense Authorization Act for fiscal year 1994, the United States Navy is authorized to convey the shipyard, or portions of the shipyard, to the city or to a local reuse authority approved by the city. The agency is the approved local reuse authority for the shipyard. Pursuant to a 2004 conveyance agreement with the agency, the United States Navy has conveyed a portion of the shipyard to the agency and has agreed to transfer the remainder to the agency following hazardous materials remediation.

(d) The state's sovereign interest in the filled tidelands at Candlestick Point consists primarily of reserved streets and portions of a former railroad right-of-way. In 1958, the state, through the 1958 Act, authorized the sale of a portion of these lands to the city for the purpose of developing a sports stadium. *The state received consideration for the sale. The intent of the 1958 Act terminated was to terminate the public trust on the transferred lands, but the statute required that they the lands be used only for purposes of general statewide interest.* Pursuant to the 1958 Act, the city acquired the lands free of the trust and constructed the stadium commonly referred to as Candlestick Park, which is now nearing the end of its useful life.

(e) In 1968, the Legislature enacted the Burton Act, which granted the state's remaining interest in tidelands within the city, including the state's sovereign interests in the portion of Candlestick Point outside of the stadium site, to the city, subject to the public trust and the Burton Act trust. In 1973, the Legislature authorized the department to acquire and develop real property at Candlestick Point for the state park system. The state subsequently acquired private lands along the shoreline of Candlestick Point to create the Candlestick Point State Recreation Area. In 1984, the city conveyed back to the state those lands within the state recreation area boundaries that the city had acquired under the 1958 Act and the Burton Act. The state recreation area was the first California state park unit developed in an urban environment and is a critical component of the state park system. At present, however, much of the state recreation area is underutilized and in need of substantial restoration and improvement.

(f) The shipyard and Candlestick Point are adjacent to one another and are located on either side of South Basin, with a common boundary at Yosemite Slough. Together, they comprise approximately 760 acres and make up the largest area of underused

1 land in the city. The shipyard, once a source of economic
2 opportunity for the surrounding Bayview Hunters Point community,
3 has stood dilapidated and abandoned for over 30 years and now
4 stands as a barrier to public health, open space, and the waterfront,
5 and a blight on one of San Francisco's poorest communities. The
6 revitalization of Candlestick Point has been contemplated for over
7 10 years to create much needed economic and public benefits,
8 affordable housing for Bayview Hunters Point residents, and other
9 tangible benefits to the Bayview Hunters Point community. The
10 stadium at Candlestick Point is nearing the end of its useful life
11 and is in need of replacement, the nearby public housing
12 development at Alice Griffith requires a complete rebuilding, and
13 the restoration and improvement of the adjoining state recreation
14 area has been a long-time goal of the state, the city, and the
15 Bayview Hunters Point community.

16 (g) Until 2007, efforts to redevelop the shipyard and Candlestick
17 Point proceeded separately from one another. In 1997, the agency
18 and the city adopted the Hunters Point Shipyard Redevelopment
19 Plan to provide for the economic revitalization of the shipyard
20 upon its transfer out of federal ownership. In anticipation of the
21 transfer of the shipyard to the agency, the Legislature enacted the
22 Hunters Point Shipyard Conversion Act of 2002 (Chapter 464 of
23 the Statutes of 2002), and the Hunters Point Shipyard Public Trust
24 Exchange Act (Chapter 435 of the Statutes of 2003), which together
25 granted in trust to the agency all of the state's sovereign interest
26 in certain lands within and adjacent to the shipyard and authorized
27 a shipyard-wide public trust exchange, subject to certain terms and
28 conditions.

29 (h) Chapter 1046 of the Statutes of 1998, which repealed and
30 added Section 5006.8 of the Public Resources Code, was enacted
31 for the purpose of facilitating the redevelopment of Candlestick
32 Point in accordance with Propositions D and F, which were
33 approved by voters of the city on June 3, 1997. Those measures
34 authorized development of a stadium, retail and entertainment
35 center, and associated support uses on the site. In 2006, the city
36 and the agency adopted the Bayview Hunters Point Redevelopment
37 Plan, which included provision for a stadium project consistent
38 with Propositions D and F. Subsequently, the primary tenants of
39 the stadium, the San Francisco Forty Niners, announced their

1 intention to build a new stadium in a location other than
2 Candlestick Point.

3 (i) In 2007, the city and the agency undertook a new, integrated
4 planning effort for the shipyard and Candlestick Point, which
5 resulted in the adoption of a conceptual framework for
6 development. The conceptual framework calls for a mixed use
7 project on the project area that will provide, among other things,
8 much needed parks and open space, including a major renovation
9 of the state recreation area to enhance access by residents and
10 visitors to the waterfront; new business and employment
11 opportunities; new housing opportunities affordable for residents
12 of the neighboring Bayview Hunters Point community; a site for
13 a new sports stadium on the shipyard, with alternative uses if the
14 San Francisco Forty Niners elect to build a new stadium elsewhere;
15 and other economic and public benefits for the community and the
16 city as a whole and the statewide public.

17 (j) In June 2008, the voters of the city approved Proposition G,
18 the “Mixed Use Development Project for Candlestick Point and
19 Hunters Point Shipyard.” Proposition G repealed Propositions D
20 and F and promulgated city policy encouraging the timely
21 development of the project area with a mixed-use project including:
22 over 300 acres of public park and open space; between 8,500 and
23 10,000 homes; about 700,000 square feet of retail space; about
24 2,150,000 square feet of green office, science and technology,
25 research and development, and industrial space; a possible arena
26 or other public performance site; a site in the shipyard for a new
27 stadium for the San Francisco Forty Niners; and additional green
28 office, science and technology, research and development, and
29 industrial space, or additional housing, if a new stadium is not
30 built. Proposition G specifically contemplated a mix of stacked
31 flats, attached town homes and, in appropriately selected locations,
32 low-rise, mid-rise, and high-rise towers, to help ensure the
33 economic feasibility of the development and provide a varied urban
34 design. Proposition G also made it city policy that the project be
35 consistent with the following objectives: producing tangible
36 community benefits for residents of the Bayview Hunters Point
37 neighborhood and the city; reconnecting the shipyard and
38 Candlestick Point with the Bayview Hunters Point neighborhood
39 and protecting the Bayview Hunters Point neighborhood character
40 for existing residents; producing substantial new housing, both

1 affordable and market-rate, and encouraging the rebuilding of the
2 Alice Griffith Housing Development; incorporating environmental
3 sustainability; encouraging the San Francisco Forty Niners to
4 remain in San Francisco; and requiring the project to be financially
5 sound, with or without a new stadium.

6 (k) This legislation is necessary for the successful redevelopment
7 of the project area and to realize the resulting public benefits,
8 including, but not limited to, the elimination of blight, the provision
9 of affordable housing, the creation of new public open space, and
10 increased public access to the waterfront. This legislation is also
11 needed to improve the configuration of the public trust lands in
12 furtherance of trust purposes.

13 (l) The existing configuration of trust and nontrust lands within
14 the project area is such that the purposes of the public trust cannot
15 be fully realized. A substantial portion of the reclaimed trust lands
16 are interior lands that have been cut off from access to navigable
17 waters, or are reserved streets laid out in a grid pattern that is not
18 useful to the trust. Most of these lands are no longer needed or
19 required for the promotion of the public trust. Other lands within
20 the project area adjacent to the waterfront or otherwise of high
21 value to the public trust are currently not subject to the public trust.
22 Absent a trust exchange, substantial portions of the lands within
23 the shipyard that are located along the waterfront or are otherwise
24 of high value to the public trust would be free of the public trust,
25 would not be required to be put to uses consistent with the public
26 trust, and could be cut off from public access. In addition, certain
27 interior lands not useful for trust purposes would be restricted and
28 could not be used for residential or other nontrust uses essential
29 to the redevelopment of the project area.

30 (m) A trust exchange resulting in the configuration of trust lands
31 substantially similar to that depicted on the diagram in Section 25
32 of this act maximizes the overall benefits to the trust, without
33 interfering with trust uses or purposes. Following the exchange,
34 the entire waterfront within the project area, as well as certain
35 interior lands that have high trust values, will be subject to the
36 public trust. The lands that will be removed from the trust pursuant
37 to the exchange have been cut off from navigable waters, are no
38 longer needed or required for the promotion of the public trust,
39 and constitute a relatively small portion of the granted lands within
40 the city. This act requires the commission to ensure that the lands

1 added to the trust pursuant to the exchange have a monetary value
2 equal to or greater than the monetary value of the lands taken out
3 of the trust.

4 (n) Several historic buildings in the shipyard have been
5 identified by the State Historic Preservation Officer as contributors
6 to the Hunters Point Commercial Drydock Historic District. These
7 contributor buildings convey a sense of the shipyard's early
8 maritime history, enhance the open-space experience along the
9 waterfront, and should be preserved and restored. Uses of the
10 contributor buildings that support their preservation and restoration,
11 but which are not otherwise consistent with the trust, may be
12 authorized under certain conditions set forth in this act.

13 (o) The hillside open space provides substantial value to the
14 trust as an open space and recreational resource affording
15 exceptional views of San Francisco Bay and the waterfront. To
16 protect the trust value of the hillside open-space area, it is important
17 that significant view corridors to the waterfront be protected and
18 adequate public access be provided in the manner set forth in this
19 act.

20 (p) The state recreation area is presently in need of substantial
21 improvement, restoration, and reconfiguration. A substantial
22 portion of the park currently serves as a parking area for stadium
23 events. In other areas, the park does not contain enough land
24 adjacent to the shoreline to provide the desired level of public
25 access. The park lacks needed improvements, and many of the
26 improvements that do exist are in a state of disrepair. Proposition
27 G calls for improving and restoring the state recreation area,
28 including enhancing access to the waterfront for public use,
29 providing views of San Francisco Bay, and extending the Bay Trail
30 system through the park. This act approves a reconfiguration of
31 the state recreation area and to that end authorizes the ~~department~~
32 *director* to enter into an agreement for the transfer of state
33 recreation area lands *to be added to the state recreation area* to
34 the agency or the city in exchange for other lands, park
35 improvements, ~~or funding for park operation and maintenance,~~
36 *and* other consideration, provided the agreement will result in an
37 overall benefit to the park and meets the other requirements of this
38 act regarding the transfer of state recreation area lands.

1 (q) This legislation advances the statewide purposes of the
2 Community Redevelopment Law and the public trust, and is in
3 the best interests of the people of this state.

4 SEC. 3. Section 5006.8 of the Public Resources Code is
5 repealed.

6 SEC. 4. Chapter 464 of the Statutes of 2002, The Hunters Point
7 Shipyard Conversion Act of 2002, as amended by Chapter 435 of
8 the Statutes of 2003, is repealed.

9 SEC. 5. Chapter 435 of the Statutes of 2003, The Hunters Point
10 Shipyard Public Trust Exchange Act, is repealed.

11 SEC. 6. (a) All of the state's right, title, and interest, acquired
12 by virtue of its sovereignty, in any trust lands in which the agency
13 holds or acquires fee title, is hereby granted to and vested in the
14 agency, subject to the public trust and the terms and conditions of
15 this act.

16 (b) Upon conveyance by the federal government to the agency
17 of any piers or other appurtenances located in part on Hunters
18 Point submerged lands, the grant of the state's right, title, and
19 interest in the Hunters Point submerged lands to the city pursuant
20 to the Burton Act is revoked, and all of the state's right, title, and
21 interest in those lands is granted to and vested in the agency,
22 subject to the public trust and the terms and conditions of this act.

23 (c) The agency shall hold the trust lands in trust for the benefit
24 of all the people of the state for purposes of commerce, navigation,
25 and fisheries, and for other public trust purposes, subject to the
26 terms and conditions of this act. Any trust lands held by the agency
27 pursuant to this act shall not be subject to the Burton Act trust.

28 SEC. 7. Notwithstanding Section 6359 of the Public Resources
29 Code or any other provision of law, the grant of the state's interest
30 in trust lands to the agency pursuant to this act shall be deemed
31 effective as follows:

32 (a) On January 1, 2010, with respect to trust lands held in fee
33 by the agency on that date.

34 (b) With respect to trust lands acquired by the agency after
35 January 1, 2010, upon the agency's acquisition of those lands.

36 (c) With respect to the Hunters Point submerged lands, upon
37 conveyance by the federal government to the agency of any piers
38 or other appurtenances located in part on the Hunters Point
39 submerged lands, at which time any prior grant of the state's right,
40 title, and interest in the Hunters Point submerged lands to the city

1 pursuant to the Burton Act shall be deemed revoked and the lands
2 shall cease to be subject to the Burton Act trust.

3 SEC. 8. (a) The agency may use, conduct, operate, maintain,
4 manage, administer, regulate, improve, lease, and control
5 (collectively referred to as “use”) the trust lands and do all things
6 necessary in connection with that authority that conform with the
7 terms of this act and the public trust. Except as provided in this
8 act, the agency shall use the trust lands only in a manner that is
9 consistent with, necessary and convenient for, or incidental or
10 ancillary to, the purposes of the public trust.

11 (b) In the management, conduct, operation, and control of the
12 trust lands, or any improvements, betterments, or structures on the
13 trust lands, the agency shall make no discrimination in rates, tolls,
14 or charges for a use or service in connection with that management.

15 SEC. 9. The agency shall not grant, convey, give, or alienate
16 the trust lands, or any part of the lands, to an individual, firm,
17 corporation, or governmental agency (not including the
18 commission) for any purpose, except as provided in this act or as
19 otherwise provided by statute.

20 SEC. 10. There is reserved in the people of the state the right
21 to hunt and fish in and over the waters on the trust lands, together
22 with the right of convenient access to the waters over the trust
23 lands for those purposes.

24 SEC. 11. The state shall reserve from the grant made in Section
25 6 of this act, and from any other conveyance pursuant to this act
26 of the state’s interest, or any portion of the state’s interest, in any
27 lands, all minerals and all mineral rights in the lands of every kind
28 and character now known to exist or hereafter discovered,
29 including, but not limited to, oil and gas and rights thereto, together
30 with the sole, exclusive, and perpetual right to explore for, remove,
31 and dispose of those minerals by any means or methods suitable
32 to the state or to its successors and assignees, except that,
33 notwithstanding the Burton Act or Section 6401 of the Public
34 Resources Code, this reservation shall not include the right of the
35 state or its successors or assignees in connection with any mineral
36 exploration, removal, or disposal activity, to do either of the
37 following:

38 (a) Enter upon, use, or damage the surface of the lands or
39 interfere with the use of the surface by a grantee or by the grantee’s
40 successors or assignees. However, a lease, franchise, permit, or

1 license of the property shall contain a provision specifying at least
2 one point from which, and the manner in which, the right of ingress
3 or egress to the subsurface deposits may be exercised, which point
4 or points may be outside the area of the leasehold, franchise,
5 permit, or license, as long as the point or points are adequate to
6 permit the rights reserved to the state to be exercised.

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

11 SEC. 12. The state has the right to use, without charge, any
12 transportation, land or storage improvements, wharves, docks,
13 piers, slips, quays, or other improvements constructed upon the
14 trust lands, for a vessel or other watercraft, aircraft, or railroad
15 owned or operated by the state.

16 SEC. 13. (a) The state reserves the right to amend, modify, or
17 revoke any and all rights in the trust lands granted to the agency
18 under this act.

19 (b) No amendment or revocation, in whole or in part, of the
20 granted rights in the trust lands, or any transfer of trust lands
21 between the agency and the city, shall impair or affect the rights
22 or obligations of third parties, including debt, security, or bond
23 holders, lessees, lenders for value, and holders of contracts
24 conferring the right to the use or occupation of, or the right to
25 conduct operations upon or within, the trust lands, arising from
26 leases, contracts, or other instruments lawfully entered into prior
27 to the effective date of the amendment, revocation, or transfer. For
28 purposes of this section, the term "bonds" includes, without
29 limitation, tax increment bonds, revenue bonds, certificates of
30 participation, and any other bonds or forms of indebtedness secured
31 by or payable from, in whole or in part, revenues derived from
32 trust lands.

33 (c) If a lease, contract, or other instrument described in
34 subdivision (b) is in effect on the effective date of an amendment
35 or revocation of the granted rights in the trust lands, the state, at
36 its option exercised by and through the commission, may succeed
37 to the agency's interest in the lease, contract, or instrument.
38 Otherwise, the agency's interest in the instrument, property, and
39 revenue shall continue during the term or other period during which
40 the instrument shall remain in effect. If a lease, contract, or other

instrument described in subdivision (b) is in effect on the effective date of a transfer of trust lands between the agency and the city, the transferee shall succeed to the transferor's interest in the lease, contract, or other instrument, unless the agency and the city agree otherwise. An action taken by the state, or a transfer of trust lands between the agency and the city, shall not cause the agency or the city to breach or default under a lease, contract, or instrument in effect on the effective date of an amendment or a revocation. All bonds or securities issued by the agency or the city and payable out of revenues from the trust lands shall continue to be so payable, directly or indirectly, and secured in all respects as provided in the proceedings for their issuance, and the revenues of the trust lands shall be pledged and applied to the payment of the bonds or securities in all respects as though no amendment or revocation had taken place.

SEC. 14. The agency may grant franchises, permits, privileges, licenses, easements, or leasehold interests (leases) in connection with the trust lands, or any part of the trust lands, each for a term not exceeding 66 years. A lease of the trust lands shall be solely for uses that are consistent with, necessary and convenient for, or incidental or ancillary to, the purposes of the public trust, except that a lease may be entered into for other uses if the agency has made all of the following determinations:

(a) There is no immediate trust-related need for the property proposed to be leased.

(b) The proposed lease is of a duration of no more than five years and provides that the agency shall have the right to terminate the lease in favor of trust uses as trust needs arise.

(c) The proposed lease prohibits the construction of new structures or improvements on the subject property that, as a practical matter, could prevent or inhibit the property from being converted to a permissible trust use if necessary.

(d) The proposed use of the leased property would not interfere with commerce, navigation, fisheries, or any other existing trust use or purpose.

SEC. 15. (a) Notwithstanding any other provision of this act or the Burton Act, the buildings, or any portion of a building, identified by the State Historic Preservation Officer as contributors to the Hunters Point Commercial Drydock Historic District, commonly known as the Gatehouse (Building 204), Pumphouse

2 (Building 205), Pumphouse 3 (Building 140), and the Tool and
Paint Building (Building 207), may be used or leased for purposes
not otherwise consistent with the public trust, provided the trustee
makes a finding that there are no trust uses available that would
allow for the restoration and preservation of the space. A lease
renewal, extension, or granting of a new lease for a nontrust
purpose shall require a new finding that no trust uses are then
available that would allow for the restoration and preservation of
the building, or a part of it.

(b) If a building described in subdivision (a) is used for a
nontrust purpose, and is remodeled, renovated, or used in a manner
that is inconsistent with the Secretary of the Interior's Standards
for the Treatment of Historic Properties with Guidelines for
Preserving, Rehabilitating, Restoring and Reconstructing Historic
Buildings, the building shall be put to a public trust use from the
commencement of the inconsistent remodel, renovation, or use,
unless the continued nontrust use is authorized to continue under
Section 14 of this act, if the agency is the trustee, or under the
Burton Act, if the city is the trustee.

(c) If a building described in subdivision (a) is demolished,
subsequent use of the land and any replacement structure shall be
consistent with the public trust and the applicable statutory trust.

SEC. 16. (a) The agency shall deposit all moneys collected
by the agency arising out of the use or operation of any of the trust
lands, including all revenues derived from leases or other rights
to use or occupy the lands, into a special fund maintained by the
agency. The agency shall use the money in or belonging to the
fund only for uses and purposes consistent with the public trust
and the requirements of this act.

(b) The agency shall prepare an annual statement of financial
conditions and operations and submit it to the commission each
year on or before October 1. The statement shall include a
statement of all revenues and expenditures related to trust lands
and trust assets, including obligations incurred, but not yet paid.

(c) The requirements of this section implement and do not
supersede the requirements of Section 6306 of the Public Resources
Code.

SEC. 17. (a) The agency may exchange portions of the trust
lands with a state agency, political subdivision, person, entity, or
corporation, or the United States or a political subdivision of the

1 United States, for other lands, if the agency determines, and the
2 commission adopts a resolution finding and declaring, all of the
3 following:

4 (1) The portions of the trust lands or interests in lands to be
5 exchanged out of the trust have been filled and reclaimed, are cut
6 off from access to the waters of San Francisco Bay and are no
7 longer in fact tidelands or submerged lands or navigable waterways,
8 are relatively useless for trust purposes, and constitute a relatively
9 small portion of the granted lands within the city.

10 (2) The lands or interests in lands to be acquired by the agency
11 have a monetary value equal to or greater than the value of the
12 lands for which they are to be exchanged and are useful for the
13 particular trust purposes authorized by this act.

14 (3) No substantial interference with trust uses and purposes,
15 including public rights of navigation and fishing, will ensue by
16 virtue of the exchange.

17 (4) The lands or interests in lands to be acquired by the agency
18 in the exchange will provide a significant benefit to the public
19 trust.

20 (5) The exchange is otherwise in the best interest of the state.

21 (b) Upon adoption of the resolution by the commission, the
22 lands conveyed by the agency shall be free from the public trust,
23 and the lands received by the agency in exchange shall be held
24 subject to the public trust and to the terms of this act.

25 (c) The exchange authority granted by this section shall be in
26 addition to, and shall not operate as a limitation on, the exchange
27 authority granted by Sections 20 to 25, inclusive, of this act.

28 SEC. 18. Upon written agreement between the agency and the
29 city, acting by and through its Port Commission, the agency may
30 transfer to the city some or all of the trust lands in which the agency
31 holds fee title, provided that the commission has approved the
32 transfer. All of the right, title, and interest granted to the agency
33 under this act in any lands transferred to the city under this section
34 shall, upon transfer, be granted to and vest in the city. The city
35 shall hold the transferred lands subject to the public trust and shall
36 assume authority as trustee over those lands. Lands transferred to
37 the city pursuant to this section shall be subject to the Burton Act
38 trust and shall cease to be subject to the terms and conditions of
39 this act, except that Sections 13 and 15 of this act shall remain
40 applicable to those lands. Nothing in this section shall preclude

1 the city from including trust lands held by the city as part of an
2 exchange authorized by this act.

3 SEC. 19. (a) Notwithstanding the restriction on alienation in
4 the Burton Act or any other provision of law, upon approval by
5 the commission, the city may transfer to the agency some or all of
6 the Burton Act lands. All of the right, title, and interest granted to
7 the city under the Burton Act in any lands transferred to the agency
8 under this section shall, upon transfer, be granted to and vest in
9 the agency. The agency shall hold the transferred lands subject to
10 the public trust and the requirements of this act, and shall assume
11 authority as trust administrator over those lands. Lands transferred
12 to the agency under this section shall cease to be subject to the
13 Burton Act trust.

14 (b) Notwithstanding subdivision (a), no later than the date on
15 which the redevelopment plan terminates as to the entirety of the
16 project area or January 1, 2050, whichever is earlier, the agency
17 shall transfer any trust lands in which it holds fee title to the city
18 and the city shall become the sole grantee of the trust lands, unless
19 the commission approves a later date by which the agency shall
20 transfer trust lands to the city. The city shall hold the transferred
21 trust lands subject to the Burton Act trust and the lands shall cease
22 to be subject to the terms and conditions of this act, except that
23 Sections 13 and 15 of this act shall remain applicable to those
24 lands. This subdivision shall not apply to any trust lands for which
25 fee title is held by the state. This subdivision shall not affect the
26 rights and obligations of the agency pursuant to the Community
27 Redevelopment Law.

28 SEC. 20. The Legislature hereby approves an exchange of
29 public trust lands within the project area, whereby certain trust
30 lands that meet the criteria set forth in this act and therefore are
31 not now useful for public trust purposes will be freed from the
32 public trust and of the associated restrictions on use and alienation,
33 and certain other lands that are not now public trust lands and that
34 are useful for public trust purposes will be made subject to the
35 public trust, provided that the commission determines that the
36 exchange furthers the public trust and approves the exchange and
37 that all of the following conditions are met:

38 (a) The exchange results in a configuration of trust lands
39 substantially similar to that shown on the diagram in Section 25
40 of this act.

1 (b) The lands to be subject to the public trust are configured so
2 as to be accessible from the streets as finally configured in the
3 project area.

4 (c) The exchange otherwise complies with the requirements of
5 this act.

6 (d) The exchange is consistent with and furthers the purposes
7 of the public trust and this act.

8 SEC. 21. All lands exchanged into the trust under this act shall
9 be held by the trustee subject to the public trust and the applicable
10 statutory trust, and all lands exchanged out of the trust under this
11 section shall be free of the public trust and the applicable statutory
12 trust.

13 SEC. 22. The precise boundaries of the lands to be taken out
14 of the trust and the lands to be put into the trust pursuant to the
15 exchange shall be determined by the trustee or trustees with
16 authority over the lands to be exchanged, subject to the approval
17 of the commission. The commission is authorized to settle by
18 agreement with the trustees any disputes as to the location of the
19 mean high tide line in its last natural state, the boundaries of
20 tidelands conveyed into private ownership pursuant to various
21 statutes, and any other boundary lines which the commission deems
22 necessary to effectuate the exchange.

23 SEC. 23. (a) The commission is authorized to approve an
24 exchange of public trust lands within the project area that meets
25 the requirements of this act. Pursuant to this authority, the
26 commission shall establish appropriate procedures for effectuating
27 the exchange. The procedures shall include, but are not limited to,
28 provisions for ensuring that lands or interests in lands at the
29 shipyard are not exchanged into the trust until either of the
30 following has occurred:

31 (1) All remedial action necessary to protect human health and
32 the environment with respect to the hazardous substances on the
33 land has been completed as determined by the United States
34 Environmental Protection Agency, the California Department of
35 Toxics Substances Control, and the regional water quality control
36 board, pursuant to the Federal Facilities Agreement for the shipyard
37 dated January 22, 1992, as amended, and the United States has
38 provided a warranty in accordance with Section 9620(h)(3)(A) of
39 Title 42 of the United States Code.

(2) The United States has obtained a warranty deferral, approved by the Governor in accordance with Section 9620(h)(3)(C) of Title 42 of the United States Code, involving land for which the commission has determined to execute a certificate of acceptance of title, and the commission finds that sufficient liability measures and implementation measures will be in place upon the completion of the exchange. Prior to approving a warranty deferral, the Governor and the Department of Toxic Substances Control, the regional water quality control board, or other appropriate state oversight agency with expertise in hazardous materials remediation shall confer and consult with the commission to reasonably ensure that the terms of the warranty deferral and underlying documents and agreements provide sufficient standards and financial assurances to ensure that the remediation of any affected trust lands will be completed in a manner consistent with the intended public trust use of these lands and in a reasonable period of time.

(b) The commission may not approve the exchange of any trust lands unless it finds all of the following:

(1) The portions of the trust lands or interests in lands to be exchanged out of the trust have been filled and reclaimed, are cut off from access to the waters of San Francisco Bay and are no longer in fact tidelands or submerged lands or navigable waterways, are relatively useless for public trust purposes, and constitute a relatively small portion of the granted lands within the city.

(2) The lands or interests in lands to be impressed with the public trust have a monetary value equal to or greater than the monetary value of the lands or interests in lands to be exchanged out of the trust. In the event that the monetary value of the lands or interests in lands to be exchanged out of the trust is greater than the monetary value of the lands or interests in lands to be exchanged into the trust, the commission may consider a deposit of funds into the Land Bank Fund established pursuant to Section 8610 of the Public Resources Code to be held solely for acquisition of property, in an amount equal to the difference in value.

(3) No substantial interference with trust uses and purposes, including public rights of navigation and fishing, will ensue by virtue of the exchange.

(4) The lands or interests in lands impressed with the public trust will provide a significant benefit to the public trust and are useful for the particular trust purposes authorized by this act.

1 (5) The configuration of trust lands within the project area upon
2 completion of the exchange is substantially similar to the
3 configuration shown on the diagram in Section 25 of this act,
4 includes all lands within the project area that are presently below
5 mean high tide, and consists of lands suitable to be impressed with
6 the public trust.

7 (6) The final layout of streets in the project area will provide
8 access to the public trust lands and be consistent with the beneficial
9 use of the public trust lands.

10 (7) Streets and other transportation facilities located on public
11 trust lands shall be designed to be compatible with the public trust
12 and to serve primarily public trust purposes of access to shoreline
13 improvements and shoreline circulation rather than serving nontrust
14 purposes.

15 (8) Any surveys or legal descriptions required for the parcels
16 in conjunction with the exchange shall be approved by the
17 commission.

18 (9) Each trustee who owns or will own fee title in any of the
19 lands to be exchanged has approved the exchange.

20 (10) The exchange otherwise complies with the requirements
21 of this act.

22 (11) The exchange is consistent with and furthers the purpose
23 of the public trust and this act.

24 (12) The exchange is otherwise in the best interest of the
25 statewide public.

26 (c) The commission may impose additional conditions on the
27 exchange authorized by this act if the commission determines that
28 these conditions are necessary to protect the public trust. At a
29 minimum, the commission shall ensure all of the following:

30 (1) The streets and other transportation facilities located on trust
31 lands are designed to be compatible with the public trust.

32 (2) The trust values of the hillside open space are preserved. To
33 this end, the commission shall ensure all of the following:

34 (A) The final trust configuration maintains reasonable public
35 pedestrian and vehicular access between the hillside open space
36 and the waterfront, and in addition, between the top of the hillside
37 open space and other areas of the city.

38 (B) View corridors are maintained and protected so that visitors
39 to the hillside open space can enjoy substantial vistas of San
40 Francisco Bay.

1 (C) Direct vehicular and pedestrian access from the lower
2 portions of the shipyard to the top of the hillside open space area
3 is provided.

4 (D) No liability to owners of adjacent upslope property, for
5 subjacent support or otherwise, is created by virtue of the trustee's
6 taking title to the hillside open space.

7 (E) No moneys from the trust fund described in Section 16 of
8 this act may be used to provide direct benefit to the residential
9 development or to other uses of the nontrust portion of the hilltop
10 area adjacent to the hillside open space, or to offset or mitigate
11 impacts caused by those uses.

12 (F) Street parking on the parkway adjacent to the top of the
13 hillside open space may not be restricted for residential parking
14 and shall remain accessible to the public for regional and statewide
15 use. In addition, adequate parking areas accessible to the public
16 to support regional and statewide use of the hillside open space
17 shall be dedicated in an area adjacent to the lower portion of the
18 hillside open space. Public access to the hillside open space and
19 the availability of parking accessible to the public shall be
20 publicized with appropriate signage.

21 (d) For purposes of effectuating the exchange authorized by this
22 section, the commission is authorized to do all of the following:

23 (1) Receive and accept on behalf of the state any lands or interest
24 in lands conveyed to the state by the parties to the exchange
25 agreement, including lands that are now and that will remain
26 subject to the public trust.

27 (2) Convey by patent all of the right, title, and interest of the
28 state in lands that are to be free of the public trust and applicable
29 statutory trust, upon completion of an exchange of lands as
30 authorized by this act and as approved by the commission.

31 (3) Convey to the trustee or trustees by patent all of the right,
32 title, and interest of the state in lands that are to be subject to the
33 public trust and the applicable statutory trust upon completion of
34 an exchange of lands as authorized by this act and as approved by
35 the commission, subject to the terms, conditions, and reservations
36 as the commission may determine are necessary to meet the
37 requirements of this act.

38 (4) Receive and accept from the department any lands or
39 interests in lands within the state recreation area, as it may be
40 reconfigured by *the director* pursuant to Section 26, that are to be

subject to the public trust upon completion of an exchange of lands as authorized by this act and as approved by the commission.

(5) Transfer to the department any lands or interests in lands within the state recreation area, as it may be reconfigured *by the director* pursuant to Section 26, that are to be free of the public trust upon completion of an exchange of lands as authorized by this act and as approved by the commission.

(e) The exchange authorized by this section may include lands adjacent to the project area to the extent consistent with the purposes of this act and approved by the commission. Lands outside the project area that are impressed with the trust as part of an exchange authorized by this act shall be deemed trust lands for purposes of this act.

(f) *If the department holds an interest in any of the lands to be received or conveyed by the exchange authorized by this section, the department shall be a party to the exchange agreement.*

~~(f)~~

(g) Nothing in this act shall be construed as conditioning or otherwise limiting the authority of the state, the city, or the agency to undertake a public trust exchange or other conveyance authorized by any other provision of law, including, but not limited to, Section 17 of this act.

SEC. 24. An exchange of public trust land pursuant to Section 23 of this act may proceed in multiple phases, provided that with respect to each phase, the commission, in addition to the findings required by Section 23 of this act, finds both of the following:

(a) The cumulative monetary value of all of the lands or interests in lands exchanged into the trust in the proposed phase and completed phases is equal to or greater than the cumulative monetary value of all of the lands or interests in lands exchanged out of the trust in the proposed phase and completed phases. If, in connection with the approval of the exchange agreement or a completed phase of the exchange, the commission has previously determined the value of any lands that have been or are proposed to be exchanged, the commission, for purposes of making the finding required by this subdivision, shall utilize the value of those lands as previously determined by the commission, adjusted for inflation using an appropriate inflation index as determined by the commission.

1 (b) The lands or interests in lands exchanged into the trust at
2 each phase are configured in a way that furthers the purposes of
3 the overall exchange, including, but not limited to, having access
4 to streets as finally configured in the project area.

5 SEC. 25. The following diagram is a part of this act:

1 PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE
2 INSERTED

1 SEC. 25.2. If the commission has not approved the trust
2 exchange authorized by Section 23 of this act by January 1, 2020,
3 Section 20 and Sections 22 to 25, inclusive, of this act shall
4 terminate and shall no longer be effective, unless an extension not
5 to exceed five years is approved by the commission.

6 SEC. 25.5. (a) For purposes of Section 3 of Article X of the
7 California Constitution, the Legislature hereby finds and declares
8 that the reserved streets in Candlestick Point were reserved to the
9 state solely for street purposes, and that those portions of the
10 reserved streets that are found by the commission to meet the
11 criteria set forth in paragraph (1) of subdivision (b) are no longer
12 useful or necessary for navigation purposes.

13 (b) The trustee may, pursuant to Section 3 of Article X of the
14 California Constitution, sell any portion of the reserved street areas
15 within Candlestick Point free of the public trust and the applicable
16 statutory trust. A sale made pursuant to this section shall not be
17 effective unless and until the commission, at a regular open meeting
18 with the proposed sale as a properly scheduled agenda item, finds
19 all of the following:

20 (1) The reserved street area has been filled and reclaimed, is
21 cut off from access to the waters of San Francisco Bay, and is no
22 longer needed or required for the promotion of the public trust,
23 and no substantial interference with the public trust uses and
24 purposes will ensue by virtue of the sale.

25 (2) Termination of the trust in the reserved street area occurs in
26 conjunction with or subsequent to a land exchange authorized by
27 this act and approved by the commission.

28 (3) Termination of the trust in the reserved street area is
29 substantially consistent with the proposed trust land configuration
30 depicted in Section 25 of this act, as finally approved by the
31 commission.

32 (4) The trustee will receive consideration for the sale equal to
33 or greater than the fair market value of the land or interest sold.

34 (c) Any moneys received by the trustee for a sale pursuant to
35 this section shall be deposited in a separate account in the fund
36 required by Section 16 of this act or Section 4 of the Burton Act,
37 and shall be expended only for acquisition of lands by the trustee
38 or public access improvements on trust lands, or other uses and
39 purposes consistent with the public trust and applicable statutory
40 trust as determined by the commission. The funds in the special

1 account may not be expended for overhead or administration costs
2 by the trustee.

3 (d) The total reserved street area sold pursuant to this section
4 shall not be more than 20 percent of the total reserved street areas
5 in Candlestick Point.

6 (e) For purposes of this section, the term “sale” includes, without
7 limitation, a sale, lease, transfer, or other conveyance of land or
8 interest in land.

9 (f) Nothing in this section shall be construed as imposing
10 additional requirements or limitations on the conveyance of
11 reserved street areas free of the public trust and applicable statutory
12 trust as part of an exchange authorized by this act or otherwise
13 authorized by law.

14 (g) The Legislature hereby finds that the conditions set forth in
15 this section will protect the public interest in accordance with
16 Section 3 of Article X of the California Constitution.

17 SEC. 26. (a) The Legislature hereby approves a reconfiguration
18 of the state recreation area in substantial conformance with the
19 diagram included as Section 27 of this act, provided that the
20 requirements of this section are met. Notwithstanding any other
21 provision of law, the director may authorize the removal of land
22 from the state recreation area, and may enter into an agreement to
23 convey to the agency or the city an interest in the state property
24 so removed, provided that the director makes in writing all of the
25 following findings:

26 ~~(1) The state will receive consideration equivalent to the fair~~
27 ~~market value of any state property interests conveyed, as provided~~
28 ~~in subdivision (c), and, with respect to any portion of the~~
29 ~~consideration that will be received by the state subsequent to the~~
30 ~~conveyance of the state property, the agreement includes a binding~~
31 ~~and enforceable commitment to provide the consideration.~~

32 *(1) (A) The state will receive consideration having a value that*
33 *equals or exceeds the greater of either of the following:*

34 *(i) The fair market value of state property conveyed.*

35 *(ii) Forty million dollars (\$40,000,000). If the state property is*
36 *to be conveyed in phases pursuant to paragraph (3) of subdivision*
37 *(g), the minimum consideration under this clause shall be prorated*
38 *for the state property conveyed at each phase, in proportion to the*
39 *total area of state property to be conveyed under the agreement.*

1 (B) The consideration referenced in clause (ii) of subparagraph
2 (A) is not intended to be reflective of the fair market value of the
3 property and shall not be used as a basis for determining value in
4 any appraisal of the property.

5 (2) The form of consideration for the state property conveyed
6 pursuant to paragraph (1) shall consist of the following:

7 (A) The provision of future funding for the operation and
8 maintenance of all or part of the state recreation area.

9 (B) The cost of planning and constructing improvements to the
10 state recreation area that enhance its use as a public park, which
11 may include, without limitation, walking and biking trails, picnic
12 facilities, recreational equipment, piers, overlooks, visitor centers,
13 amphitheaters, entryways, restrooms, concession facilities, site
14 furnishings, landscaping, habitat restoration, infrastructure, and
15 improvements to protect the state recreation area from the effects
16 of sea level rise.

17 (C) Land within the project area to be added to the state
18 recreation area.

19 (D) The amount of any reimbursement paid to the state by or
20 on behalf of the city or the agency for the state's legal,
21 transactional, planning, or other costs associated with actions
22 carried out pursuant to this section.

23 (E) Monetary consideration, if determined appropriate by the
24 director; and if the monetary consideration received under this
25 paragraph is dedicated and used for planning, improvement,
26 maintenance, or operation of the state recreation area.

27 ~~(2)~~

28 (3) The agreement will provide an overall benefit to the state
29 recreation area.

30 ~~(3)~~

31 (4) The reconfiguration of the state recreation area will
32 substantially conform to the configuration shown on the diagram
33 included as Section 27 of this act; provided, however, that the
34 director may agree to additional modifications of the park
35 configuration if the modifications are consistent with the overall
36 financial feasibility of the project and the director determines that
37 the modifications are necessary to fulfill the state recreational
38 purposes of the state recreation area, taking into account public
39 access, circulation and parking needs; wildlife habitat values; future

1 sea level rise and the proposed responses thereto; and other relevant
2 factors.

3 (4)

4 (5) The project, including the reconfiguration of the state
5 recreation area ~~and taking into account any mitigation measures~~
6 ~~incorporated into the project~~, will not result in a significant adverse
7 effect on biological resources, and will include habitat enhancement
8 measures to benefit migratory birds and other wildlife. *In making*
9 *this determination, the director shall take into consideration any*
10 *mitigation measures incorporated into the project during the*
11 *environmental review process pursuant to the California*
12 *Environmental Quality Act (Division 13 (commencing with Section*
13 *21000) of the Public Resources Code).*

14 (5)

15 (6) Any applicable requirements of the Land and Water
16 Conservation Fund Act of 1965 (16 U.S.C. Sec. 460l-4 et seq.)
17 have been satisfied.

18 ~~(6) If the lands to be conveyed include lands owned by the~~
19 ~~commission, the commission is party to the agreement.~~

20 (b) The director shall modify the boundaries of the state
21 recreation area as necessary to reflect any conveyances made
22 pursuant to this section.

23 ~~(c) The consideration for the interests in state property conveyed~~
24 ~~pursuant to subdivision (a) shall include the provision of future~~
25 ~~revenue to fund the operation and maintenance for all or part of~~
26 ~~the state recreation area, and shall additionally include one or more~~
27 ~~of the following:~~

28 ~~(1) Monetary consideration, which shall be dedicated and used~~
29 ~~for planning, improvement, maintenance, or operation of the state~~
30 ~~recreation area.~~

31 ~~(2) The cost of planning and constructing improvements to the~~
32 ~~state recreation area that enhance its use as a public park.~~

33 ~~(3) Land within the project area to be added to the state~~
34 ~~recreation area.~~

35 ~~(4) The amount of any reimbursement paid to the state by or on~~
36 ~~behalf of the city or the agency for the state's legal, transactional,~~
37 ~~planning, or other costs associated with actions carried out pursuant~~
38 ~~to this section.~~

39 (d)

(c) Notwithstanding any other provision of law, the director, on behalf of the department, and the commission, may acquire, convey, or transfer real property pursuant to the agreement authorized by this section, provided that the other requirements of this section are met, and the fair market value of any real property acquired or transferred has been determined by an appraisal prepared by the commission, ~~the Real Estate Services Division of the Department of General Services,~~ or prepared by an independent appraiser certified by the Office of Real Estate Appraisers pursuant to Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code, *and approved by the commission or the Real Estate Services Division of the Department of General Services.* For purposes of compliance with this subdivision, the director may rely on an appraisal prepared in connection with a trust exchange authorized by this act.

(d) *If the commission holds an interest in any of the lands to be removed from the state recreation area, the commission shall be a party to any agreement authorized by this section.*

(e) The agreement authorized by this section may be combined with a trust exchange agreement authorized by this act. Pursuant to a trust exchange agreement, the department may transfer to the commission any lands or interests in lands within the reconfigured state recreation area that are to be subject to the public trust, and may receive and accept from the commission lands within the reconfigured state recreation area that are to be free of the public trust. Notwithstanding any other provision of law, the commission may lease to the department for state park purposes any trust lands it owns within the reconfigured state recreation area for a term not exceeding 66 years.

(f) The requirements of this section shall govern an agreement entered into, or conveyance made pursuant to the agreement, and shall supersede any other provision of law pertaining to the department's authority to acquire or transfer real property, or to enter into an agreement to acquire or transfer real property, including, but not limited to, Article 1 (commencing with Section 11000) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code, and Chapter 1 (commencing with Section 5001) and Chapter 1.695 (commencing

with Section 5096.500) of Division 5 of the Public Resources Code.

(g) Notwithstanding anything to the contrary in Section 5002.2 of the Public Resources Code, the department is not required to revise the general plan for the state recreation area prior to taking any action pursuant to this section, including, but not limited to, the approval of an agreement authorized by this section, the acquisition, conveyance or transfer of interests in real property pursuant to such agreement, or the modification of the state recreation area boundary. Nothing in this subdivision shall be construed as exempting the development of new facilities within the state recreation area from compliance with the general plan revision requirements of Section 5002.2 of the Public Resources Code.

(h) (1) *Neither the director, on behalf of the department, nor the commission shall convey out of state ownership an interest in land within the state recreation area pursuant to this section prior to the receipt by the state of consideration meeting the value requirements of paragraph (1) of subdivision (a), except as provided in this subdivision.*

(2) *For consideration in the form of construction of future park improvements or in the form of the provision of future funding for operation and maintenance, a binding and enforceable commitment to construct the improvements or to provide the funding shall be deemed to satisfy the requirements of this subdivision if the director determines that adequate financial assurances have been provided to ensure that work will be completed or the funds will be provided, as specified in the agreement. Financial assurances under this paragraph may include, without limitation, performance or other surety bonds, insurance, or financial guarantees.*

(3) (A) *The agreement may provide for phased conveyances if the total consideration received by the state, or committed in accordance with paragraph (2) of this subdivision, at or before each phase meets the value requirements of paragraph (1) of subdivision (a) with respect to the state property conveyed in that phase and any prior phases. For purposes of implementing this paragraph, if the consideration is based on fair market value, the director shall use the fair market value of the state recreation area lands as determined by the director at the time the agreement is approved.*

1 (B) If the agreement provides for phased conveyances, the
2 consideration tendered to the state at each phased closing may be
3 in any of the forms set forth in paragraph (2) of subdivision (a),
4 or any combination of those forms, as may be established by the
5 agreement, if the agreement requires consideration meeting all of
6 the requirements of paragraph (2) of subdivision (a) to be tendered
7 prior to the final closing. For purposes of this subparagraph, final
8 closing means a closing after which all of the state property within
9 the state recreation area to be conveyed under the agreement will
10 have been conveyed.

11 SEC. 27. The following diagram is a part of this act:

1 PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE
2 INSERTED

1 SEC. 27.5. Nothing in this act shall be construed as requiring
2 the director or the commission to enter into any agreement
3 authorized by this act.

4 ~~SEC. 28. (a) The Legislature finds and declares that the project~~

5 *SEC. 28. (a) The Legislature finds that the lands conveyed to*
6 *the city pursuant to the 1958 Act have been cut off from water*
7 *access, are relatively small in area, have been filled and reclaimed*
8 *as part of a highly beneficial program of harbor development, and*
9 *are no longer useful for public trust purposes. The Legislature*
10 *further finds and confirms that the lands conveyed pursuant to the*
11 *1958 Act are free from the public trust.*

12 *(b) The Legislature finds and declares that the project will*
13 *further the important statewide interests in redevelopment, the*
14 *elimination of blight, the provision of affordable housing*
15 *opportunities, the generation of new sales tax revenues, property*
16 *taxes and other tax revenues to the state and state agencies, the*
17 *creation of thousands of new jobs, and enhanced access of the*
18 *public to use and enjoy the state recreation area, and that the*
19 *development of the project will further the statewide purposes*
20 *contemplated in Section 3 of the 1958 Act. The Legislature further*
21 *finds and declares that it is necessary and in furtherance of*
22 *important statewide interests for any restrictions or other*
23 *encumbrances on title arising from Section 3 of the 1958 Act to*
24 *be eliminated so as to facilitate disposition of property within the*
25 *project area in furtherance of development of the project.*

26 ~~(b)~~

27 *(c) At the request of the city or the agency, the executive officer*
28 *of the commission shall, on behalf of the state, reasonably*
29 *cooperate with the requesting parties to cause to be prepared and*
30 *recorded any necessary deeds, patents, agreements, or other*
31 *instruments for the purpose of removing any deed restrictions or*
32 *other encumbrances on title arising from Section 3 of the 1958*
33 *Act.*

34 SEC. 29. Section 3 of Chapter 2 of the Statutes of 1958 of the
35 First Extraordinary Session is repealed.

36 SEC. 30. Chapter 1046 of the Statutes of 1998 is repealed.

37 SEC. 31. An exchange or other agreement made pursuant to
38 this act is hereby found to be of statewide significance and
39 importance. Therefore, no ordinance, charter provision, or other

1 provision of local law inconsistent with this act applies to that
2 exchange or agreement.

3 *SEC. 31.5. (a) Notwithstanding any other provision of law,*
4 *the requirements of subdivision (f) of Section 10310 of Title 14 of*
5 *the California Code of Regulations shall be deemed satisfied for*
6 *any part of the project requiring a San Francisco Bay Conservation*
7 *and Development Commission (BCDC) permit if the agency*
8 *submits in a form acceptable to the BCDC an approved*
9 *development and disposition agreement for the project, any*
10 *required amendments to the redevelopment plan, and city final*
11 *approval of all conforming amendments to the city's general plan,*
12 *planning code, and zoning maps.*

13 *(b) Notwithstanding any other provision of law, the requirement*
14 *of subdivision (g) of Section 66605 of the Government Code and*
15 *of Section 11721, Appendix F of Title 14 of the California Code*
16 *of Regulations, that an applicant for a BCDC permit demonstrate*
17 *adequate legal interest in the underlying property shall be deemed*
18 *satisfied if the agency submits in a form acceptable to the BCDC*
19 *an agreement authorized by Section 23 or 26 of this act, provided*
20 *the agreement is fully executed, all parties with an interest in the*
21 *property are parties to the agreement, and the terms of the*
22 *agreement allow the applicant to undertake the proposed*
23 *construction and uses for which the permit is sought.*

24 *(c) This section does not affect the BCDC's jurisdiction and*
25 *authority, or its discretion to approve, disapprove, or condition a*
26 *permit application subject to this section in accordance with*
27 *applicable law.*

28 *SEC. 32. (a) Nothing in this act may be construed to nullify*
29 *the city or the agency's obligations for increasing, improving, and*
30 *preserving the community's supply of low- and moderate-income*
31 *housing imposed by the Community Redevelopment Law,*
32 *including, but not limited to, the requirements of Sections 33334.2*
33 *and 33413 of the Health and Safety Code.*

34 *(b) Nothing in this act shall be construed as creating an*
35 *exemption from or in any way modifying the requirements of the*
36 *California Environmental Quality Act (Division 13 (commencing*
37 *with Section 21000) of the Public Resources Code).*

38 *SEC. 33. Nothing in this act may be construed to authorize*
39 *residential uses or other nontrust uses on public trust land except*
40 *as provided in Sections 14 and 15.*

1 SEC. 33.5. *This act shall not be construed as creating a cloud*
2 *on title to any real property within the project area in which the*
3 *state has no claim of interest.*

4 SEC. 34. A deed, patent, agreement, or other instrument
5 executed in furtherance of this act, or an action of the city, state,
6 or agency, to approve the use, lease, or conveyance of a city, state,
7 or agency property subject to this act, or any portion thereof, or to
8 approve project agreements, grant entitlements or permits, or issue
9 bonds or other indebtedness in connection with the use and
10 development of that property, shall be conclusively presumed to
11 be valid unless held to be invalid in an appropriate proceeding in
12 a court of competent jurisdiction to determine the validity of the
13 agreement commenced within 60 days after the recording of the
14 agreement.

15 SEC. 35. (a) An action may be brought under Chapter 4
16 (commencing with Section 760.010) of Title 10 of Part 2 of the
17 Code of Civil Procedure to establish title to any lands conveyed
18 pursuant to this act, or by the parties to any agreement entered into
19 pursuant to this act to confirm the validity of the agreement.
20 Notwithstanding Section 764.080 of the Code of Civil Procedure,
21 the statement of decision in the action shall include a recitation of
22 the underlying facts and a determination as to whether the
23 conveyance or agreement meets the requirements of this act,
24 Sections 3 and 4 of Article X of the California Constitution, if
25 applicable, and any other law applicable to the validity of the
26 agreement.

27 (b) For purposes of Section 764.080 of the Code of Civil
28 Procedure and unless otherwise agreed in writing, an agreement
29 entered into pursuant to this act shall be deemed to be entered into
30 on the date it is executed by the executive officer of the
31 commission, or, if the commission is not a party, by the director,
32 who shall be the last of the parties to sign prior to the signature of
33 the Governor. The effective date of the agreement shall be deemed
34 to be the date on which it is executed by the Governor pursuant to
35 Section 6107 of the Public Resources Code.

36 (c) An action may be brought under Chapter 9 (commencing
37 with Section 860) of Title 10 of Part 2 of the Code of Civil
38 Procedure to determine the legality and validity of a deed, patent,
39 agreement, or other instrument executed in furtherance of or
40 authorized by this act, or an action of the city or agency to use,

1 lease, or convey any property, or to approve project agreements,
2 grant entitlements or permits, or issue bonds or other indebtedness
3 in connection with the use and development of that property.
4 Before the filing of an action, the Attorney General, the director,
5 and the executive officer of the commission shall be provided
6 written notice of the action and a copy of the complaint. An action
7 authorized by this subdivision may be combined with an action
8 authorized by subdivision (a).

9 SEC. 36. If a provision of this act, or its application to a person,
10 property, or circumstance, is held invalid by a court, the invalidity
11 or inapplicability of that provision shall not affect any other
12 provision of this act or the application of that provision to any
13 other person, property, or circumstance, and the remaining portions
14 of this act shall continue in full force and effect, unless enforcement
15 of this act as so modified by and in response to that invalidation
16 would be grossly inequitable under all of the circumstances, or
17 would frustrate the fundamental purposes of this act.

18 SEC. 37. The Legislature finds and declares that, because of
19 the unique circumstances applicable only to the lands described
20 in this act, a statute of general applicability cannot be enacted
21 within the meaning of subdivision (b) of Section 16 of Article IV
22 of the California Constitution. Therefore, this special statute is
23 necessary.