

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

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 (e) “Burton Act” means Chapter 1333 of the Statutes of 1968,
15 as amended.

16 (f) “Burton Act lands” means all those lands within the project
17 area, or immediately adjacent to the project area, owned in fee by
18 the city and held subject to the Burton Act.

19 (g) “Burton Act transfer agreement” means that certain
20 agreement dated January 24, 1969, between the state and the city,
21 relating to the transfer of the Port of San Francisco from the state
22 to the city, and any amendments to that agreement in accordance
23 with its terms.

24 (h) “Burton Act trust” means the statutory trust imposed by the
25 Burton Act, and any additional restrictions on use and alienability
26 created by the Burton Act transfer agreement, by which the state

1 conveyed to the city, in trust and subject to certain terms,
2 conditions, and reservations, the state’s interest in certain tidelands,
3 including filled lands, and lands dedicated or acquired by the city
4 as assets of the trust. The Burton Act trust does not include the
5 requirements of Section 12 of the Burton Act.

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

9 Beginning at the intersection of the northeasterly line of
10 Underwood Avenue (formerly 21st Avenue, 80 feet wide) with
11 the southeasterly line of Arelious Walker Drive (formerly F Street,
12 or Fitch Street, 64 feet wide); thence southwesterly along the
13 southeasterly line of said Arelious Walker Drive 1400 feet to a
14 point laying on the northeasterly line of Bancroft Avenue (formerly
15 26th Avenue, 80 feet wide), said point being also the most westerly
16 corner of the lands designated and shown as “Parcel 1” on that
17 certain map entitled “Record of Survey – Hunters Point Shipyard”
18 and filed in Book “Z” of Maps, at pages 135 through 147,
19 Document No. 2000-G845126 in the office of the City and County
20 of San Francisco Recorder; thence southeasterly along the
21 northeasterly line of said Bancroft Avenue 2592 feet to the
22 northeasterly extension of the northwesterly line of Boalt Street
23 (formerly B Street, 64 feet wide); thence southwesterly along said
24 extension and said northwesterly line of said Boalt Street 35 feet
25 to a point laying on the boundary of those certain lands commonly
26 known as “Candlestick Point State Recreation Area” and described
27 under Exhibit “1” in that certain Quitclaim Deed from the City
28 and County of San Francisco to the State of California, recorded
29 in the office of County Recorder of said county in Book D633 of
30 Official Records, at Image 1952; thence generally southwesterly,
31 southeasterly, southerly and westerly along said boundary of said
32 “Candlestick Point State Recreation Area”, in all of its courses, to
33 a point on the San Francisco – San Mateo County boundary line
34 as said line is shown on that certain Board of Tide Land
35 Commissioners map entitled “Map of the Salt Marsh and Tide
36 Lands and Lands Lying Under Water South of Second Street”, a
37 copy of which is filed in Map Book “W”, pages 46 and 47, in the
38 office of the City and County of San Francisco Recorder, from
39 which point the point of beginning of said boundary described in
40 said Exhibit “1” bears North 44°39’58” East 103.85 feet, more or

1 less; thence westerly along said county line 15 feet, more or less,
2 to the southeasterly line of Harney Way as shown on that certain
3 map entitled “Map Showing the Opening of Harney Way from
4 Jamestown Avenue to County Line”, filed January 28, 1965, in
5 Map Book “U” at pages 64 and 65, in the office of the City and
6 County of San Francisco Recorder; thence continuing westerly
7 along said county line 178.79 feet; thence leaving said county line
8 North 44°39’58” East 592.16 feet; thence North 45°36’16” East
9 300.04 feet; thence North 56°25’37” East 104.39 feet; thence North
10 61°40’38” East 137.37 feet; thence North 76°48’21” East 159.25
11 feet to a point laying at the westerly terminus of the course labeled
12 “North 86°19’02” West 87.60 feet” on the northerly line of Harney
13 Way as shown on that certain Final Map entitled “Map of San
14 Francisco Executive Park II”, filed in Map Book “X”, pages 8
15 through 11, Document No. D168468, in the office of the City and
16 County of San Francisco Recorder; thence easterly along the
17 northerly line of said Harney Way, in all of its courses, to the
18 southwesterly line of the lands of Leonoudakis as described in that
19 certain document filed in the office of the City and County of San
20 Francisco in Reel I751 of Official Records, at Image 599,
21 Document No. 2004-H839983, (Lot 008, Assessor’s Block 5023);
22 thence northwesterly along said southwesterly line to the
23 southeasterly line of the lands of Leonoudakis as described in that
24 certain document filed in the office of the City and County of San
25 Francisco in Reel I751 of Official Records, at Image 598,
26 Document No. 2004-H839982, (Lot 8, Assessor’s Block 4977);
27 thence southwesterly and northwesterly along the southeasterly
28 and southwesterly lines of said lands of Leonoudakis to the most
29 southerly corner of the lands of the City and County of San
30 Francisco designated and shown as Lot 6 on Assessor’s Block
31 4977; thence northwesterly and northeasterly along the
32 southeasterly and northwesterly lines of said lands of the City and
33 County of San Francisco to the southwesterly corner of Lot 276,
34 as shown on that certain Parcel Map filed in Parcel Map Book 45
35 at page 10, Document No. 2001-G962714, in the office of the City
36 and County of San Francisco Recorder; thence northwesterly along
37 the boundary of said Lot 276, in all of its courses, to the most
38 northerly corner of said lot, being also a point laying on the
39 southwesterly line of Jamestown Avenue; thence northwesterly
40 along the southwesterly line of Jamestown Avenue 135 feet, more

1 or less, to a point; thence northeasterly and perpendicular to the
2 last course 89 feet to the intersection of the southeasterly line of
3 Coronado Street with the northeasterly line of Jamestown Avenue
4 as shown on that certain map entitled “Map Showing the Widening
5 and Extension of Jamestown Avenue from Hunters Point
6 Expressway to Redondo Street” filed in Map Book “U” at pages
7 60 through 63, in the office of the City and County of San
8 Francisco Recorder; thence southeasterly along said northeasterly
9 line of Jamestown Avenue 725 feet, more or less, to a point; thence
10 northeasterly along a line laying parallel and 350 feet southeasterly
11 of the southeasterly line of Griffith Street (formerly G Street, 64
12 feet wide), 660 feet to the Line of Ordinary High Tide of 1869 as
13 said line is shown, but not labeled, on that Board of Tide Land
14 Commissioners Block Map No. 9 filed in Map Book “W” at pages
15 11 through 13, in the office of the City and County of San
16 Francisco Recorder; thence northeasterly along said line, in all of
17 its courses, to the southwesterly line of the lands of the San
18 Francisco Housing Authority designated and shown as Lot 20 on
19 Assessor’s Block 4884; thence northwesterly along a line laying
20 parallel with and distant 100 feet northeasterly of the northeasterly
21 line of Gilman Avenue (formerly 31st Avenue, 80 feet wide), being
22 also the southwesterly line of said lands of the San Francisco
23 Housing Authority, to the northwesterly line of Hawes Street
24 (formerly H Street, 64 feet wide); thence northeasterly along said
25 northwesterly line of Hawes Street 1020 feet to the northeasterly
26 line of Carroll Avenue (formerly 27th Avenue, 80 feet wide);
27 thence southeasterly along said northeasterly line of Carroll Avenue
28 728 feet to a point laying on the southeasterly line of Griffith Street
29 (formerly G Street, 64 feet wide), said point laying also at a
30 deflection in the northwesterly boundary of said “Candlestick Point
31 State Recreation Area”; thence in a general northerly and westerly
32 direction, along the boundary of said “Candlestick Point State
33 Recreation Area” as described under Exhibit “1” in said Quitclaim
34 Deed recorded in the office of the City and County of San
35 Francisco Recorder, in Book D633 of Official Records, at page
36 1952, the following courses: northeasterly along said southeasterly
37 line of Griffith Street 760 feet to the southwesterly line of Yosemite
38 Avenue (formerly 24th Avenue, 80 feet wide); thence northwesterly
39 along said southwesterly line of Yosemite Avenue to the point of
40 beginning of that parcel of land described in the Quitclaim Deed

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

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

12 Excepting therefrom any portion lying outside said City and
13 County of San Francisco.

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

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

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

21 (m) “Department” means the Department of Parks and
22 Recreation.

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

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

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

29 Beginning at the intersection of the northeasterly prolongation
30 of the southeasterly line of Earl Street (64 feet wide) with the 1948
31 Bulkhead Line as shown on the map entitled “Real Estate Summary
32 Map NAVFAC Drawing No. 1045757” on file at the Department
33 of the Navy, WESTDIV, San Bruno, California; thence
34 southeasterly along said 1948 Bulkhead Line and the northeasterly
35 line of that certain property conveyed in declaration of taking,
36 Civil Action No. 22147 as shown on said summary map to a line
37 parallel with and 450 feet southeasterly of the southeasterly line
38 of Boalt Street (64 feet wide); thence southwesterly along said
39 parallel line to the northeasterly line of the land described in the
40 deed filed in Book 3677 of Official Records at page 349 in the

1 Office of the County Recorder of said county, said northeasterly
2 line being the arc of a curve, concave southwesterly and having a
3 radius of 1,800 feet; thence southeasterly and southerly along said
4 arc to the southeasterly prolongation of the northeasterly line of
5 Evans Avenue (80 feet wide); thence northwesterly along said
6 prolongation and said northeasterly line of Evans Avenue to the
7 1941 Bulkhead Line as shown on said summary map; thence
8 southerly along said 1941 Bulkhead Line to the northeasterly line
9 of that certain property conveyed in declaration of taking, Civil
10 Action No. 36272 as shown on said summary map; thence
11 southeasterly along said northeasterly line to said 1948 Bulkhead
12 Line as shown on said summary map; thence southerly along said
13 1948 Bulkhead Line to the line dividing the City and County of
14 San Francisco from the County of San Mateo; thence easterly along
15 said county line to the United States Pierhead Line as shown on
16 the map entitled “Hunters Point Naval Shipyard, General
17 Development Map, Key Map No. 1174922” on file at the
18 Department of the Navy, Western Division San Bruno, California;
19 thence northeasterly and northwesterly along said Pierhead Line
20 as shown on said General Development Map to said northeasterly
21 prolongation of the southeasterly line of said Earl Street (64 feet
22 wide); thence southwesterly along said prolongation of the
23 southeasterly line of said Earl Street to the said 1948 Bulkhead
24 Line and the point of beginning.

25 (q) “Project” means the integrated development of a combination
26 of uses on Candlestick Point and the shipyard, including, but not
27 limited to, residential, commercial, public trust, and recreational
28 uses, in accordance with the redevelopment plan.

29 (r) “Project area” means the shipyard, Hunters Point submerged
30 lands, and Candlestick Point.

31 (s) “Proposition G” means Proposition G, also known as the
32 “Mixed Use Development Project for Candlestick Point and
33 Hunters Point Shipyard,” approved by the voters of the city in June
34 2008.

35 (t) “Public trust” or “trust” means the common law public trust
36 for commerce, navigation, and fisheries.

37 (u) “Redevelopment plan” means the Hunters Point Shipyard
38 Redevelopment Plan, and those portions of the Bayview-Hunters
39 Point Redevelopment Plan pertaining to the redevelopment of
40 Candlestick Point, adopted by the agency pursuant to Chapter 4.5

1 (commencing with Section 33492) of the Community
2 Redevelopment Law, as those plans may be amended from time
3 to time.

4 (v) "Reserved street area" means a portion of the reserved
5 streets.

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

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

18 Beginning at the intersection of the southeasterly line of Fitch
19 Street (64 feet wide) with the northeasterly line of Palou Avenue
20 (80 feet wide), said intersection also being in the southerly line of
21 the Lands of Lowpensky as described in that document filed in
22 the Office of the County Recorder of said County in Book D238
23 Official Records at page 80; thence easterly along the southerly
24 line of said Lands of Lowpensky to the southeasterly corner of the
25 said Lands of Lowpensky being also the southwesterly corner of
26 the Lands of the Regents of University of California as described
27 in that document filed in the Office of the County Recorder of said
28 County in Book C562 Official Records at page 582; thence
29 easterly, northerly and northwesterly along the southerly, easterly
30 and northeasterly lines of said Lands of the Regents to the
31 northwesterly corner of said Lands of the Regents and also being
32 the northeasterly corner of said Lands of Lowpensky. Thence
33 northwesterly along the northeasterly line of said Lands of
34 Lowpensky to the most westerly corner of said Lands of
35 Lowpensky, being also a point in the northeasterly line of said
36 Palou Avenue; thence northwesterly along the northeasterly line
37 of said Palou Avenue to the southeasterly line of Griffith Street
38 (64 feet wide); thence northeasterly along the southeasterly line
39 of said Griffith Street 200 feet to the southwesterly line of Oakdale
40 Avenue (80.00 feet wide); thence northwesterly along the

1 southwesterly line of said Oakdale Avenue, 32 feet to the centerline
2 of said Griffith Street; thence northeasterly along the centerline of
3 said Griffith Street 600 feet to the centerline of McKinnon Avenue
4 (80 feet wide); thence southeasterly along the centerline of said
5 McKinnon Avenue 664 feet to the centerline of said Fitch Street
6 (64 feet wide); thence northeasterly along the centerline of said
7 Fitch Street 320 feet to the northeasterly line of La Salle Avenue
8 (80 feet wide); thence southeasterly along the northeasterly line
9 of said La Salle Avenue, 632 feet to the northwesterly line of Earl
10 Street (64 feet wide) and an angle point in the northwesterly
11 boundary of Inchon Village as shown on the “Map of Inchon
12 Village” filed in the Office of the County Recorder of said County
13 in Book 17 of Condominium Maps at pages 112 through 130;
14 thence southwesterly along the northwesterly boundary of said
15 Inchon Village to the centerline of McKinnon Avenue (80 feet
16 wide) and the most northerly corner of the Lands of Crisp Building,
17 Inc., described in that certain document filed in the Office of the
18 County Recorder of said County in Book D767 Official Records
19 at page 1051; thence southwesterly, southeasterly and northeasterly
20 along the northwesterly, southwesterly and southeasterly lines of
21 said Lands of Crisp Building, Inc. to the most easterly corner of
22 said Lands of Crisp Building, Inc., being also the most southerly
23 corner of the land shown on the “Parcel Map of Inchon and
24 Solomon Village” filed in the Office of the County Recorder of
25 said County in Book 17 of Parcel Maps at page 77 and the
26 centerline of said McKinnon Avenue; thence northeasterly along
27 the southeasterly line of said Inchon and Solomon Village to the
28 most easterly corner of said Inchon and Solomon village and the
29 southwesterly line of Innes Avenue (80.00 feet wide); thence
30 northwesterly along the southwesterly line of said Innes Avenue
31 641 feet to the centerline of said Earl Street (64 feet wide); thence
32 northeasterly along the centerline of said Earl Street 40 feet to the
33 centerline of said Innes Avenue; thence southeasterly along the
34 centerline of said Innes Avenue 32 feet to the southeasterly line
35 of said Earl Street; thence northeasterly along the southeasterly
36 line of said Earl Street and its prolongation 3,151 feet to the 1948
37 Bulkhead Line as shown on the map entitled “Real Estate Summary
38 Map NAVFAC Drawing No. 1045757” on file at the Department
39 of the Navy, WESTDIV, San Bruno, California; thence
40 southeasterly along said 1948 Bulkhead Line and the northeasterly

1 line of that certain property conveyed in declaration of taking,
2 Civil Action No. 22147 as shown on said summary map 2,553 feet
3 more or less to a point on a line parallel with and 450 feet
4 southeasterly of the southeasterly line of Boalt Street (64 feet
5 wide), thence southwesterly along said parallel line a distance of
6 52 feet more or less to the northeasterly line of the land described
7 in the deed filed in Book 3677 of Official Records at page 349 in
8 the Office of the County Recorder of said County, said
9 northeasterly line being the arc of a curve, concave southwesterly
10 and having a radius of 1,800 feet; thence southeasterly and
11 southerly along said arc to the southeasterly prolongation of the
12 northeasterly line of Evans Avenue (80 feet wide); thence
13 northwesterly along said prolongation and said northeasterly line
14 of Evans Avenue, to the 1941 Bulkhead Line as shown on said
15 summary map; thence southerly along said 1941 Bulkhead Line,
16 to the northeasterly line of that certain property conveyed in
17 declaration of taking, Civil Action No. 36272 as shown on said
18 summary map; thence southeasterly along said northeasterly line
19 to said 1948 Bulkhead Line as shown on said summary map; thence
20 southerly along said 1948 Bulkhead Line to the line dividing the
21 City and County of San Francisco from the County of San Mateo;
22 thence westerly along said county line 127 feet more or less to the
23 southeasterly prolongation of the northeasterly line of Bancroft
24 Avenue (80 feet wide); thence northwesterly along said
25 prolongation and said northeasterly line of said Bancroft Avenue
26 7,484 feet more or less to the southeasterly line of said Fitch Street
27 (64 feet wide); thence northeasterly along the southeasterly line
28 of said Fitch Street 2,800 feet to the point of beginning.

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

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

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

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

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

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

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

9 (a) The purpose of this act is to facilitate the productive reuse
10 of the lands within the areas of San Francisco known as Candlestick
11 Point and the former Hunters Point Naval Shipyard in a manner
12 that furthers the purposes of the public trust and the Community
13 Redevelopment Law. To effectuate this purpose, this act grants
14 the state’s sovereign interest in the lands comprising the shipyard
15 to the agency upon the transfer of those lands out of federal
16 ownership, and approves and authorizes the commission, provided
17 that it makes the necessary findings supporting the exchange, to
18 carry out an exchange of lands that will place or confirm the public
19 trust on lands within the project area with substantial value for the
20 public trust, and terminate the public trust in project area lands
21 that are no longer useful for trust purposes. This act also authorizes
22 the director on behalf of the department to enter into an agreement
23 to transfer certain lands within the Candlestick Point State
24 Recreation Area to the agency or the city, provided that the
25 agreement provides an overall benefit to the state recreation area
26 and meets certain other conditions set forth in this act.

27 (b) The project area, including both the shipyard and Candlestick
28 Point, encompasses lands that were historically tidelands subject
29 to the public trust, as well as historic uplands that were not subject
30 to the trust. Beginning in 1861, certain of the area’s tidelands were
31 conveyed into private ownership by the state pursuant to various
32 state statutes. Portions of those tidelands were subsequently filled
33 and reclaimed. The trust status of portions of the reclaimed
34 tidelands is uncertain. Due to differences in the various statutes
35 authorizing the conveyance of certain portions of the tidelands
36 into private ownership, as well as other historical circumstances,
37 some of the reclaimed tidelands, including lands located well inland
38 from the current shoreline, have remained subject to the public
39 trust, while other reclaimed tidelands, including most of the lands
40 adjacent to the shoreline, may have been freed from the trust. In

1 addition, a portion of the lands that are subject to the trust consist
2 of reserved streets that were mapped but never built, and a railroad
3 right-of-way, forming a grid pattern that is not consistent with the
4 existing or planned street system for the lands, and most of these
5 lands are no longer useful for trust purposes.

6 (c) In 1939, the United States began acquiring lands for purposes
7 of constructing and operating what came to be known as the
8 Hunters Point Naval Shipyard. The shipyard was used primarily
9 as a United States Navy industrial operation for the modification,
10 maintenance, and repair of ships. The shipyard was closed in 1974,
11 resulting in adverse economic impacts on the economic base of
12 the surrounding Bayview Hunters Point neighborhood. Pursuant
13 to Section 2824(a) of the National Defense Authorization Act for
14 fiscal year 1991, as amended by Section 2834 of the National
15 Defense Authorization Act for fiscal year 1994, the United States
16 Navy is authorized to convey the shipyard, or portions of the
17 shipyard, to the city or to a local reuse authority approved by the
18 city. The agency is the approved local reuse authority for the
19 shipyard. Pursuant to a 2004 conveyance agreement with the
20 agency, the United States Navy has conveyed a portion of the
21 shipyard to the agency and has agreed to transfer the remainder to
22 the agency following hazardous materials remediation.

23 (d) The state's sovereign interest in the filled tidelands at
24 Candlestick Point consists primarily of reserved streets and portions
25 of a former railroad right-of-way. In 1958, the state, through the
26 1958 Act, authorized the sale of a portion of these lands to the city
27 for the purpose of developing a sports stadium. The state received
28 consideration for the sale. The intent of the 1958 Act was to
29 terminate the public trust on the transferred lands, but the statute
30 required that the lands be used only for purposes of general
31 statewide interest. Pursuant to the 1958 Act, the city acquired the
32 lands free of the trust and constructed the stadium commonly
33 referred to as Candlestick Park, which is now nearing the end of
34 its useful life.

35 (e) In 1968, the Legislature enacted the Burton Act, which
36 granted the state's remaining interest in tidelands within the city,
37 including the state's sovereign interests in the portion of
38 Candlestick Point outside of the stadium site, to the city, subject
39 to the public trust and the Burton Act trust. In 1973, the Legislature
40 authorized the department to acquire and develop real property at

1 Candlestick Point for the state park system. The state subsequently
2 acquired private lands along the shoreline of Candlestick Point to
3 create the Candlestick Point State Recreation Area. In 1984, the
4 city conveyed back to the state those lands within the state
5 recreation area boundaries that the city had acquired under the
6 1958 Act and the Burton Act. The state recreation area was the
7 first California state park unit developed in an urban environment
8 and is a critical component of the state park system. At present,
9 however, much of the state recreation area is underutilized and in
10 need of substantial restoration and improvement.

11 (f) The shipyard and Candlestick Point are adjacent to one
12 another and are located on either side of South Basin, with a
13 common boundary at Yosemite Slough. Together, they comprise
14 approximately 760 acres and make up the largest area of underused
15 land in the city. The shipyard, once a source of economic
16 opportunity for the surrounding Bayview Hunters Point community,
17 has stood dilapidated and abandoned for over 30 years and now
18 stands as a barrier to public health, open space, and the waterfront,
19 and a blight on one of San Francisco's poorest communities. The
20 revitalization of Candlestick Point has been contemplated for over
21 10 years to create much needed economic and public benefits,
22 affordable housing for Bayview Hunters Point residents, and other
23 tangible benefits to the Bayview Hunters Point community. The
24 stadium at Candlestick Point is nearing the end of its useful life
25 and is in need of replacement, the nearby public housing
26 development at Alice Griffith requires a complete rebuilding, and
27 the restoration and improvement of the adjoining state recreation
28 area has been a long-time goal of the state, the city, and the
29 Bayview Hunters Point community.

30 (g) Until 2007, efforts to redevelop the shipyard and Candlestick
31 Point proceeded separately from one another. In 1997, the agency
32 and the city adopted the Hunters Point Shipyard Redevelopment
33 Plan to provide for the economic revitalization of the shipyard
34 upon its transfer out of federal ownership. In anticipation of the
35 transfer of the shipyard to the agency, the Legislature enacted the
36 Hunters Point Shipyard Conversion Act of 2002 (Chapter 464 of
37 the Statutes of 2002), and the Hunters Point Shipyard Public Trust
38 Exchange Act (Chapter 435 of the Statutes of 2003), which together
39 granted in trust to the agency all of the state's sovereign interest
40 in certain lands within and adjacent to the shipyard and authorized

1 a shipyard-wide public trust exchange, subject to certain terms and
2 conditions.

3 (h) Chapter 1046 of the Statutes of 1998, which repealed and
4 added Section 5006.8 of the Public Resources Code, was enacted
5 for the purpose of facilitating the redevelopment of Candlestick
6 Point in accordance with Propositions D and F, which were
7 approved by voters of the city on June 3, 1997. Those measures
8 authorized development of a stadium, retail and entertainment
9 center, and associated support uses on the site. In 2006, the city
10 and the agency adopted the Bayview Hunters Point Redevelopment
11 Plan, which included provision for a stadium project consistent
12 with Propositions D and F. Subsequently, the primary tenants of
13 the stadium, the San Francisco Forty Niners, announced their
14 intention to build a new stadium in a location other than
15 Candlestick Point.

16 (i) In 2007, the city and the agency undertook a new, integrated
17 planning effort for the shipyard and Candlestick Point, which
18 resulted in the adoption of a conceptual framework for
19 development. The conceptual framework calls for a mixed use
20 project on the project area that will provide, among other things,
21 much needed parks and open space, including a major renovation
22 of the state recreation area to enhance access by residents and
23 visitors to the waterfront; new business and employment
24 opportunities; new housing opportunities affordable for residents
25 of the neighboring Bayview Hunters Point community; a site for
26 a new sports stadium on the shipyard, with alternative uses if the
27 San Francisco Forty Niners elect to build a new stadium elsewhere;
28 and other economic and public benefits for the community and the
29 city as a whole and the statewide public.

30 (j) In June 2008, the voters of the city approved Proposition G,
31 the “Mixed Use Development Project for Candlestick Point and
32 Hunters Point Shipyard.” Proposition G repealed Propositions D
33 and F and promulgated city policy encouraging the timely
34 development of the project area with a mixed-use project including:
35 over 300 acres of public park and open space; between 8,500 and
36 10,000 homes; about 700,000 square feet of retail space; about
37 2,150,000 square feet of green office, science and technology,
38 research and development, and industrial space; a possible arena
39 or other public performance site; a site in the shipyard for a new
40 stadium for the San Francisco Forty Niners; and additional green

1 office, science and technology, research and development, and
2 industrial space, or additional housing, if a new stadium is not
3 built. Proposition G specifically contemplated a mix of stacked
4 flats, attached town homes and, in appropriately selected locations,
5 low-rise, mid-rise, and high-rise towers, to help ensure the
6 economic feasibility of the development and provide a varied urban
7 design. Proposition G also made it city policy that the project be
8 consistent with the following objectives: producing tangible
9 community benefits for residents of the Bayview Hunters Point
10 neighborhood and the city; reconnecting the shipyard and
11 Candlestick Point with the Bayview Hunters Point neighborhood
12 and protecting the Bayview Hunters Point neighborhood character
13 for existing residents; producing substantial new housing, both
14 affordable and market-rate, and encouraging the rebuilding of the
15 Alice Griffith Housing Development; incorporating environmental
16 sustainability; encouraging the San Francisco Forty Niners to
17 remain in San Francisco; and requiring the project to be financially
18 sound, with or without a new stadium.

19 (k) This legislation is necessary for the successful redevelopment
20 of the project area and to realize the resulting public benefits,
21 including, but not limited to, the elimination of blight, the provision
22 of affordable housing, the creation of new public open space, and
23 increased public access to the waterfront. This legislation is also
24 needed to improve the configuration of the public trust lands in
25 furtherance of trust purposes.

26 (l) The existing configuration of trust and nontrust lands within
27 the project area is such that the purposes of the public trust cannot
28 be fully realized. A substantial portion of the reclaimed trust lands
29 are interior lands that have been cut off from access to navigable
30 waters, or are reserved streets laid out in a grid pattern that is not
31 useful to the trust. Most of these lands are no longer needed or
32 required for the promotion of the public trust. Other lands within
33 the project area adjacent to the waterfront or otherwise of high
34 value to the public trust are currently not subject to the public trust.
35 Absent a trust exchange, substantial portions of the lands within
36 the shipyard that are located along the waterfront or are otherwise
37 of high value to the public trust would be free of the public trust,
38 would not be required to be put to uses consistent with the public
39 trust, and could be cut off from public access. In addition, certain
40 interior lands not useful for trust purposes would be restricted and

1 could not be used for residential or other nontrust uses essential
2 to the redevelopment of the project area.

3 (m) A trust exchange resulting in the configuration of trust lands
4 substantially similar to that depicted on the diagram in Section 25
5 of this act maximizes the overall benefits to the trust, without
6 interfering with trust uses or purposes. Following the exchange,
7 the entire waterfront within the project area, as well as certain
8 interior lands that have high trust values, will be subject to the
9 public trust. The lands that will be removed from the trust pursuant
10 to the exchange have been cut off from navigable waters, are no
11 longer needed or required for the promotion of the public trust,
12 and constitute a relatively small portion of the granted lands within
13 the city. This act requires the commission to ensure that the lands
14 added to the trust pursuant to the exchange have a monetary value
15 equal to or greater than the monetary value of the lands taken out
16 of the trust.

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

26 (o) The hillside open space provides substantial value to the
27 trust as an open space and recreational resource affording
28 exceptional views of San Francisco Bay and the waterfront. To
29 protect the trust value of the hillside open-space area, it is important
30 that significant view corridors to the waterfront be protected and
31 adequate public access be provided in the manner set forth in this
32 act.

33 (p) The state recreation area is presently in need of substantial
34 improvement, restoration, and reconfiguration. A substantial
35 portion of the park currently serves as a parking area for stadium
36 events. In other areas, the park does not contain enough land
37 adjacent to the shoreline to provide the desired level of public
38 access. The park lacks needed improvements, and many of the
39 improvements that do exist are in a state of disrepair. Proposition
40 G calls for improving and restoring the state recreation area,

1 including enhancing access to the waterfront for public use,
2 providing views of San Francisco Bay, and extending the Bay Trail
3 system through the park. This act approves a reconfiguration of
4 the state recreation area and to that end authorizes the director to
5 enter into an agreement for the transfer of state recreation area
6 ~~lands to be added to the state recreation area~~ to the agency or the
7 city in exchange for ~~other lands~~, park improvements, funding for
8 park operation and maintenance, *lands to be added to the state*
9 *recreation area*, and other consideration, provided the agreement
10 will result in an overall benefit to the park and meets the other
11 requirements of this act regarding the transfer of state recreation
12 area lands.

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

16 SEC. 3. Section 5006.8 of the Public Resources Code is
17 repealed.

18 SEC. 4. Chapter 464 of the Statutes of 2002, The Hunters Point
19 Shipyard Conversion Act of 2002, as amended by Chapter 435 of
20 the Statutes of 2003, is repealed.

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

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

28 (b) Upon conveyance by the federal government to the agency
29 of any piers or other appurtenances located in part on Hunters
30 Point submerged lands, the grant of the state's right, title, and
31 interest in the Hunters Point submerged lands to the city pursuant
32 to the Burton Act is revoked, and all of the state's right, title, and
33 interest in those lands is granted to and vested in the agency,
34 subject to the public trust and the terms and conditions of this act.

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

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

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

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

9 (c) With respect to the Hunters Point submerged lands, upon
10 conveyance by the federal government to the agency of any piers
11 or other appurtenances located in part on the Hunters Point
12 submerged lands, at which time any prior grant of the state's right,
13 title, and interest in the Hunters Point submerged lands to the city
14 pursuant to the Burton Act shall be deemed revoked and the lands
15 shall cease to be subject to the Burton Act trust.

16 SEC. 8. (a) The agency may use, conduct, operate, maintain,
17 manage, administer, regulate, improve, lease, and control
18 (collectively referred to as "use") the trust lands and do all things
19 necessary in connection with that authority that conform with the
20 terms of this act and the public trust. Except as provided in this
21 act, the agency shall use the trust lands only in a manner that is
22 consistent with, necessary and convenient for, or incidental or
23 ancillary to, the purposes of the public trust.

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

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

33 SEC. 10. There is reserved in the people of the state the right
34 to hunt and fish in and over the waters on the trust lands, together
35 with the right of convenient access to the waters over the trust
36 lands for those purposes.

37 SEC. 11. The state shall reserve from the grant made in Section
38 6 of this act, and from any other conveyance pursuant to this act
39 of the state's interest, or any portion of the state's interest, in any
40 lands, all minerals and all mineral rights in the lands of every kind

1 and character now known to exist or hereafter discovered,
2 including, but not limited to, oil and gas and rights thereto, together
3 with the sole, exclusive, and perpetual right to explore for, remove,
4 and dispose of those minerals by any means or methods suitable
5 to the state or to its successors and assignees, except that,
6 notwithstanding the Burton Act or Section 6401 of the Public
7 Resources Code, this reservation shall not include the right of the
8 state or its successors or assignees in connection with any mineral
9 exploration, removal, or disposal activity, to do either of the
10 following:

11 (a) Enter upon, use, or damage the surface of the lands or
12 interfere with the use of the surface by a grantee or by the grantee's
13 successors or assignees. However, a lease, franchise, permit, or
14 license of the property shall contain a provision specifying at least
15 one point from which, and the manner in which, the right of ingress
16 or egress to the subsurface deposits may be exercised, which point
17 or points may be outside the area of the leasehold, franchise,
18 permit, or license, as long as the point or points are adequate to
19 permit the rights reserved to the state to be exercised.

20 (b) Conduct any mining activities of any nature whatsoever
21 above a plane located 500 feet below the surface of the lands
22 without the prior written permission of a grantee of the lands or
23 the grantee's successors or assignees.

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

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

32 (b) No amendment or revocation, in whole or in part, of the
33 granted rights in the trust lands, or any transfer of trust lands
34 between the agency and the city, shall impair or affect the rights
35 or obligations of third parties, including debt, security, or bond
36 holders, lessees, lenders for value, and holders of contracts
37 conferring the right to the use or occupation of, or the right to
38 conduct operations upon or within, the trust lands, arising from
39 leases, contracts, or other instruments lawfully entered into prior
40 to the effective date of the amendment, revocation, or transfer. For

1 purposes of this section, the term “bonds” includes, without
2 limitation, tax increment bonds, revenue bonds, certificates of
3 participation, and any other bonds or forms of indebtedness secured
4 by or payable from, in whole or in part, revenues derived from
5 trust lands.

6 (c) If a lease, contract, or other instrument described in
7 subdivision (b) is in effect on the effective date of an amendment
8 or revocation of the granted rights in the trust lands, the state, at
9 its option exercised by and through the commission, may succeed
10 to the agency’s interest in the lease, contract, or instrument.
11 Otherwise, the agency’s interest in the instrument, property, and
12 revenue shall continue during the term or other period during which
13 the instrument shall remain in effect. If a lease, contract, or other
14 instrument described in subdivision (b) is in effect on the effective
15 date of a transfer of trust lands between the agency and the city,
16 the transferee shall succeed to the transferor’s interest in the lease,
17 contract, or other instrument, unless the agency and the city agree
18 otherwise. An action taken by the state, or a transfer of trust lands
19 between the agency and the city, shall not cause the agency or the
20 city to breach or default under a lease, contract, or instrument in
21 effect on the effective date of an amendment or a revocation. All
22 bonds or securities issued by the agency or the city and payable
23 out of revenues from the trust lands shall continue to be so payable,
24 directly or indirectly, and secured in all respects as provided in the
25 proceedings for their issuance, and the revenues of the trust lands
26 shall be pledged and applied to the payment of the bonds or
27 securities in all respects as though no amendment or revocation
28 had taken place.

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

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

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

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

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

11 SEC. 15. (a) Notwithstanding any other provision of this act
12 or the Burton Act, the buildings, or any portion of a building,
13 identified by the State Historic Preservation Officer as contributors
14 to the Hunters Point Commercial Drydock Historic District,
15 commonly known as the Gatehouse (Building 204), Pumphouse
16 2 (Building 205), Pumphouse 3 (Building 140), and the Tool and
17 Paint Building (Building 207), may be used or leased for purposes
18 not otherwise consistent with the public trust, provided the trustee
19 makes a finding that there are no trust uses available that would
20 allow for the restoration and preservation of the space. A lease
21 renewal, extension, or granting of a new lease for a nontrust
22 purpose shall require a new finding that no trust uses are then
23 available that would allow for the restoration and preservation of
24 the building, or a part of it.

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

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

38 SEC. 16. (a) The agency shall deposit all moneys collected
39 by the agency arising out of the use or operation of any of the trust
40 lands, including all revenues derived from leases or other rights

1 to use or occupy the lands, into a special fund maintained by the
2 agency. The agency shall use the money in or belonging to the
3 fund only for uses and purposes consistent with the public trust
4 and the requirements of this act.

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

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

13 SEC. 17. (a) The agency may exchange portions of the trust
14 lands with a state agency, political subdivision, person, entity, or
15 corporation, or the United States or a political subdivision of the
16 United States, for other lands, if the agency determines, and the
17 commission adopts a resolution finding and declaring, all of the
18 following:

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

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

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

32 (4) The lands or interests in lands to be acquired by the agency
33 in the exchange will provide a significant benefit to the public
34 trust.

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

36 (b) Upon adoption of the resolution by the commission, the
37 lands conveyed by the agency shall be free from the public trust,
38 and the lands received by the agency in exchange shall be held
39 subject to the public trust and to the terms of this act.

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

4 SEC. 18. Upon written agreement between the agency and the
5 city, acting by and through its Port Commission, the agency may
6 transfer to the city some or all of the trust lands in which the agency
7 holds fee title, provided that the commission has approved the
8 transfer. All of the right, title, and interest granted to the agency
9 under this act in any lands transferred to the city under this section
10 shall, upon transfer, be granted to and vest in the city. The city
11 shall hold the transferred lands subject to the public trust and shall
12 assume authority as trustee over those lands. Lands transferred to
13 the city pursuant to this section shall be subject to the Burton Act
14 trust and shall cease to be subject to the terms and conditions of
15 this act, except that Sections 13 and 15 of this act shall remain
16 applicable to those lands. Nothing in this section shall preclude
17 the city from including trust lands held by the city as part of an
18 exchange authorized by this act.

19 SEC. 19. (a) Notwithstanding the restriction on alienation in
20 the Burton Act or any other provision of law, upon approval by
21 the commission, the city may transfer to the agency some or all of
22 the Burton Act lands. All of the right, title, and interest granted to
23 the city under the Burton Act in any lands transferred to the agency
24 under this section shall, upon transfer, be granted to and vest in
25 the agency. The agency shall hold the transferred lands subject to
26 the public trust and the requirements of this act, and shall assume
27 authority as trust administrator over those lands. Lands transferred
28 to the agency under this section shall cease to be subject to the
29 Burton Act trust.

30 (b) Notwithstanding subdivision (a), no later than the date on
31 which the redevelopment plan terminates as to the entirety of the
32 project area or January 1, 2050, whichever is earlier, the agency
33 shall transfer any trust lands in which it holds fee title to the city
34 and the city shall become the sole grantee of the trust lands, unless
35 the commission approves a later date by which the agency shall
36 transfer trust lands to the city. The city shall hold the transferred
37 trust lands subject to the Burton Act trust and the lands shall cease
38 to be subject to the terms and conditions of this act, except that
39 Sections 13 and 15 of this act shall remain applicable to those
40 lands. This subdivision shall not apply to any trust lands for which

1 fee title is held by the state. This subdivision shall not affect the
2 rights and obligations of the agency pursuant to the Community
3 Redevelopment Law.

4 SEC. 20. The Legislature hereby approves an exchange of
5 public trust lands within the project area, whereby certain trust
6 lands that meet the criteria set forth in this act and therefore are
7 not now useful for public trust purposes will be freed from the
8 public trust and of the associated restrictions on use and alienation,
9 and certain other lands that are not now public trust lands and that
10 are useful for public trust purposes will be made subject to the
11 public trust, provided that the commission determines that the
12 exchange furthers the public trust and approves the exchange and
13 that all of the following conditions are met:

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

17 (b) The lands to be subject to the public trust are configured so
18 as to be accessible from the streets as finally configured in the
19 project area.

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

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

24 SEC. 21. All lands exchanged into the trust under this act shall
25 be held by the trustee subject to the public trust and the applicable
26 statutory trust, and all lands exchanged out of the trust under this
27 section shall be free of the public trust and the applicable statutory
28 trust.

29 SEC. 22. The precise boundaries of the lands to be taken out
30 of the trust and the lands to be put into the trust pursuant to the
31 exchange shall be determined by the trustee or trustees with
32 authority over the lands to be exchanged, subject to the approval
33 of the commission. The commission is authorized to settle by
34 agreement with the trustees any disputes as to the location of the
35 mean high tide line in its last natural state, the boundaries of
36 tidelands conveyed into private ownership pursuant to various
37 statutes, and any other boundary lines which the commission deems
38 necessary to effectuate the exchange.

39 SEC. 23. (a) The commission is authorized to approve an
40 exchange of public trust lands within the project area that meets

1 the requirements of this act. Pursuant to this authority, the
2 commission shall establish appropriate procedures for effectuating
3 the exchange. The procedures shall include, but are not limited to,
4 provisions for ensuring that lands or interests in lands at the
5 shipyard are not exchanged into the trust until either of the
6 following has occurred:

7 (1) All remedial action necessary to protect human health and
8 the environment with respect to the hazardous substances on the
9 land has been completed as determined by the United States
10 Environmental Protection Agency, the California Department of
11 Toxics Substances Control, and the regional water quality control
12 board, pursuant to the Federal Facilities Agreement for the shipyard
13 dated January 22, 1992, as amended, and the United States has
14 provided a warranty in accordance with Section 9620(h)(3)(A) of
15 Title 42 of the United States Code.

16 (2) The United States has obtained a warranty deferral, approved
17 by the Governor in accordance with Section 9620(h)(3)(C) of Title
18 42 of the United States Code, involving land for which the
19 commission has determined to execute a certificate of acceptance
20 of title, and the commission finds that sufficient liability measures
21 and implementation measures will be in place upon the completion
22 of the exchange. Prior to approving a warranty deferral, the
23 Governor and the Department of Toxic Substances Control, the
24 regional water quality control board, or other appropriate state
25 oversight agency with expertise in hazardous materials remediation
26 shall confer and consult with the commission to reasonably ensure
27 that the terms of the warranty deferral and underlying documents
28 and agreements provide sufficient standards and financial
29 assurances to ensure that the remediation of any affected trust lands
30 will be completed in a manner consistent with the intended public
31 trust use of these lands and in a reasonable period of time.

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

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

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

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

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

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

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

26 (7) Streets and other transportation facilities located on public
27 trust lands shall be designed to be compatible with the public trust
28 and to serve primarily public trust purposes of access to shoreline
29 improvements and shoreline circulation rather than serving nontrust
30 purposes.

31 (8) Any surveys or legal descriptions required for the parcels
32 in conjunction with the exchange shall be approved by the
33 commission.

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

36 (10) The exchange otherwise complies with the requirements
37 of this act.

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

1 (12) The exchange is otherwise in the best interest of the
2 statewide public.

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

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

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

11 (A) The final trust configuration maintains reasonable public
12 pedestrian and vehicular access between the hillside open space
13 and the waterfront, and in addition, between the top of the hillside
14 open space and other areas of the city.

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

18 (C) Direct vehicular and pedestrian access from the lower
19 portions of the shipyard to the top of the hillside open space area
20 is provided.

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

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

29 (F) Street parking on the parkway adjacent to the top of the
30 hillside open space may not be restricted for residential parking
31 and shall remain accessible to the public for regional and statewide
32 use. In addition, adequate parking areas accessible to the public
33 to support regional and statewide use of the hillside open space
34 shall be dedicated in an area adjacent to the lower portion of the
35 hillside open space. Public access to the hillside open space and
36 the availability of parking accessible to the public shall be
37 publicized with appropriate signage.

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

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

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

9 (3) Convey to the trustee or trustees by patent all of the right,
10 title, and interest of the state in lands that are to be subject to the
11 public trust and the applicable statutory trust upon completion of
12 an exchange of lands as authorized by this act and as approved by
13 the commission, subject to the terms, conditions, and reservations
14 as the commission may determine are necessary to meet the
15 requirements of this act.

16 (4) Receive and accept from the department any lands or
17 interests in lands within the state recreation area, as it may be
18 reconfigured by the director pursuant to Section 26, that are to be
19 subject to the public trust upon completion of an exchange of lands
20 as authorized by this act and as approved by the commission.

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

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

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

35 (g) Nothing in this act shall be construed as conditioning or
36 otherwise limiting the authority of the state, the city, or the agency
37 to undertake a public trust exchange or other conveyance authorized
38 by any other provision of law, including, but not limited to, Section
39 17 of this act.

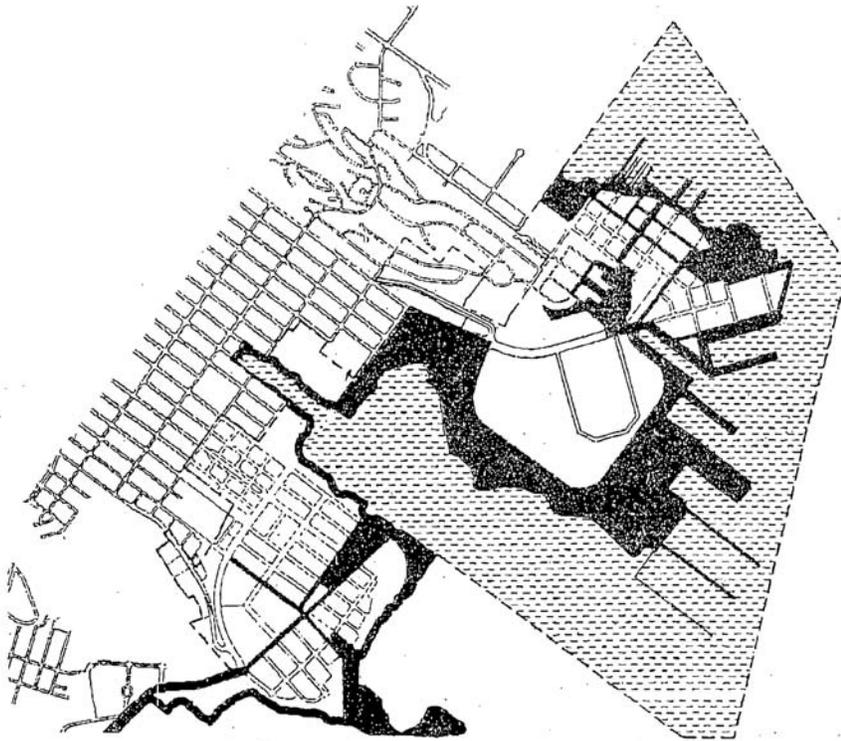
1 SEC. 24. An exchange of public trust land pursuant to Section
2 23 of this act may proceed in multiple phases, provided that with
3 respect to each phase, the commission, in addition to the findings
4 required by Section 23 of this act, finds both of the following:

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

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

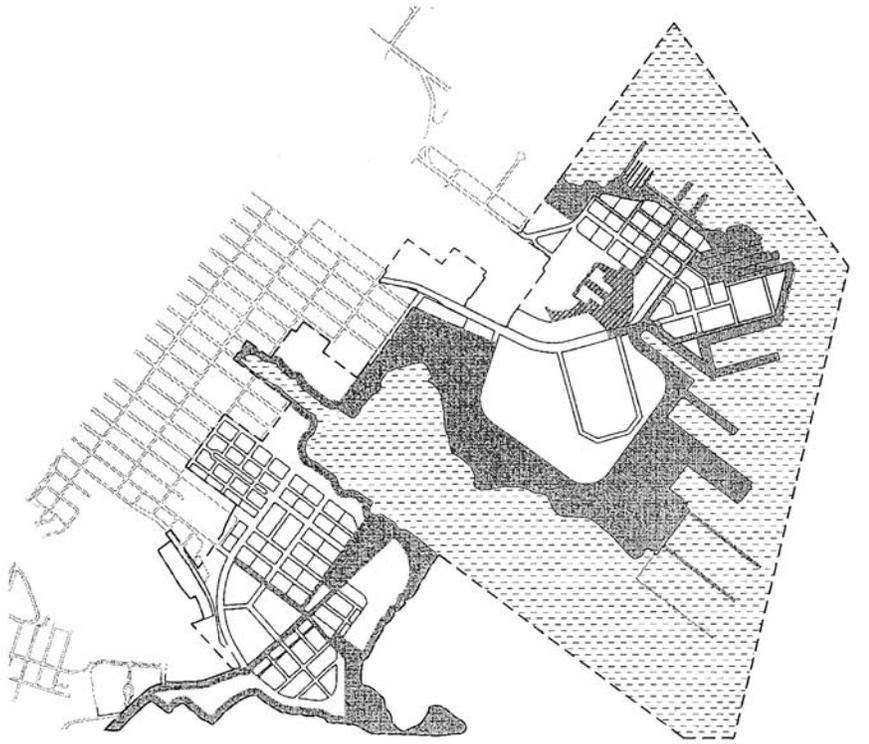
22 SEC. 25. The following diagram is a part of this act:

HUNTERS-POINT SHIPYARD / GANDLESTICK-POINT
PUBLIC TRUST EXCHANGE



-  LANDS SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
-  "HILLSIDE OPEN SPACE" SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
-  SUBMERGED LANDS SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
-  PROJECT AREA
-  APPROXIMATE SHORELINE

HUNTERS POINT SHIPYARD / CANDLESTICK POINT
PUBLIC TRUST EXCHANGE



-  LANDS SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
-  "HILLSIDE OPEN SPACE" SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
-  SUBMERGED LANDS SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
-  PROJECT AREA
-  APPROXIMATE SHORELINE



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) (A) The state will receive consideration *consisting of the*
27 *forms set forth in paragraph (2) and* having a value that equals or
28 exceeds the greater of either of the following:

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

30 (ii) ~~Forty million dollars (\$40,000,000)~~ *Fifty million dollars*
31 *(\$50,000,000)*. If the state property is to be conveyed in phases
32 pursuant to paragraph (3) of subdivision ~~(g)~~ *(h)*, the minimum
33 consideration under this clause shall be prorated for the state
34 property conveyed at each phase, in proportion to the total area of
35 state property to be conveyed under the agreement.

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

- 1 (2) The form of consideration for the state property conveyed
2 pursuant to paragraph (1) ~~shall consist~~ *consists* of the following:
- 3 (A) The provision of future funding for the operation and
4 maintenance ~~of all or part~~ of the state recreation area.
- 5 (B) The cost of planning and constructing improvements to the
6 state recreation area that enhance its use as a public park, which
7 may include, without limitation, walking and biking trails, picnic
8 facilities, recreational equipment, piers, overlooks, visitor centers,
9 amphitheaters, entryways, restrooms, concession facilities, site
10 furnishings, landscaping, habitat restoration, infrastructure, and
11 improvements to protect the state recreation area from the effects
12 of sea level rise, *provided that these sea level rise improvements*
13 *primarily benefit the state recreation area.*
- 14 (C) Land within the project area to be added to the state
15 recreation area.
- 16 (D) The amount of any reimbursement paid to the state by or
17 on behalf of the city or the agency for the state's legal,
18 transactional, planning, or other costs associated with actions
19 carried out pursuant to this section.
- 20 (E) Monetary consideration, if determined appropriate by the
21 director; and if the monetary consideration received under this
22 paragraph is dedicated and used for planning, improvement,
23 maintenance, or operation of the state recreation area.
- 24 (3) The agreement will provide an overall benefit to the state
25 recreation area *and will further the objective of preserving the*
26 *park's natural, scenic, cultural, and ecological values for present*
27 *and future generations.*
- 28 (4) The reconfiguration of the state recreation area will
29 substantially conform to the configuration shown on the diagram
30 included as Section 27 of this act, *and as more particularly*
31 *illustrated on the map on file with the city's planning department*
32 *entitled "Proposed State Park Land Exchange" and dated*
33 *September 3, 2009, for the area depicted on the map;* provided,
34 however, that the director may agree to additional modifications
35 of the park configuration if the modifications are consistent with
36 the overall financial feasibility of the project and the director
37 determines that the modifications are necessary to fulfill the state
38 recreational purposes of the state recreation area, taking into
39 account public access, circulation and parking needs; wildlife

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

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

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

15 (7) *It is the intent of this act that approximately 20 percent of*
16 *the total consideration value required by paragraph (1) be in the*
17 *form of operation and maintenance funding pursuant to*
18 *subparagraph (A) of paragraph (2). If the agreement contains a*
19 *lower amount of operation and maintenance funding, the director*
20 *shall provide a report to the Legislature explaining the reasons*
21 *for determining that the lower amount is appropriate in light of*
22 *the overall benefits of the agreement.*

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

26 (c) Notwithstanding any other provision of law, the director, on
27 behalf of the department, and the commission, may acquire,
28 convey, or transfer real property pursuant to the agreement
29 authorized by this section, provided that the other requirements of
30 this section are met, and the fair market value of any real property
31 acquired or transferred has been determined by an appraisal
32 prepared by the commission, ~~prepared by an independent appraiser~~
33 ~~certified by the Office of Real Estate Appraisers pursuant to Part~~
34 ~~3 (commencing with Section 11300) of Division 4 of the Business~~
35 ~~and Professions Code, and or an appraisal~~ approved by the
36 commission or the Real Estate Services Division of the Department
37 of General Services *and prepared by an independent appraiser*
38 *certified by the Office of Real Estate Appraisers pursuant to Part*
39 *3 (commencing with Section 11300) of Division 4 of the Business*
40 *and Professions Code.* For purposes of compliance with this

1 subdivision, the director may rely on an appraisal prepared in
2 connection with a trust exchange authorized by this act.

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

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

17 (f) The requirements of this section shall govern an agreement
18 entered into, or conveyance made pursuant to the agreement, and
19 shall supersede any other provision of law pertaining to the
20 department's authority to acquire or transfer real property, or to
21 enter into an agreement to acquire or transfer real property,
22 including, but not limited to, Article 1 (commencing with Section
23 11000) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
24 Government Code, Part 11 (commencing with Section 15850) of
25 Division 3 of Title 2 of the Government Code, and Chapter 1
26 (commencing with Section 5001) and Chapter 1.695 (commencing
27 with Section 5096.500) of Division 5 of the Public Resources
28 Code, *or as those provisions may be hereafter amended.*

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

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

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

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

27 (B) If the agreement provides for phased conveyances, the
28 consideration tendered to the state at each phased closing may be
29 in any of the forms set forth in paragraph (2) of subdivision (a),
30 or any combination of those forms, as may be established by the
31 agreement, if the agreement requires consideration meeting all of
32 the requirements of paragraph (2) of subdivision (a) to be tendered
33 prior to the final closing. For purposes of this subparagraph, final
34 closing means a closing after which all of the state property within
35 the state recreation area to be conveyed under the agreement will
36 have been conveyed.

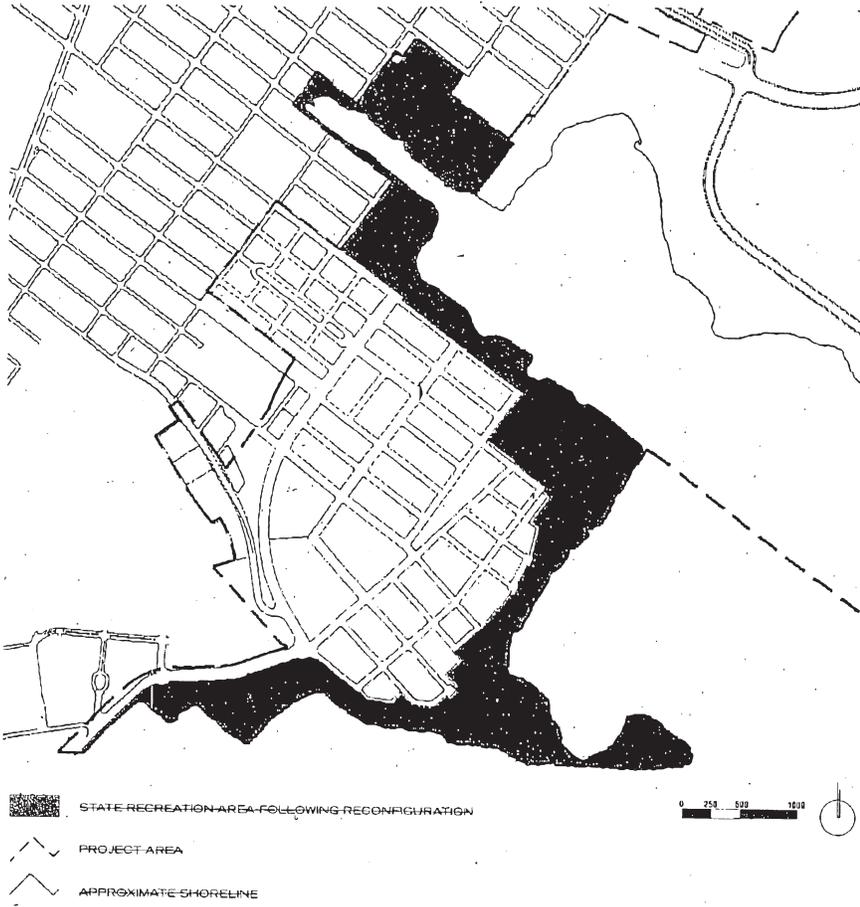
37 (i) *Any monetary consideration received by the department*
38 *pursuant to an agreement authorized by this section shall be*
39 *deposited in a separate account maintained by the department and*

1 *shall be expended only for planning, improvement, maintenance,*
2 *or operation of the state recreation area.*

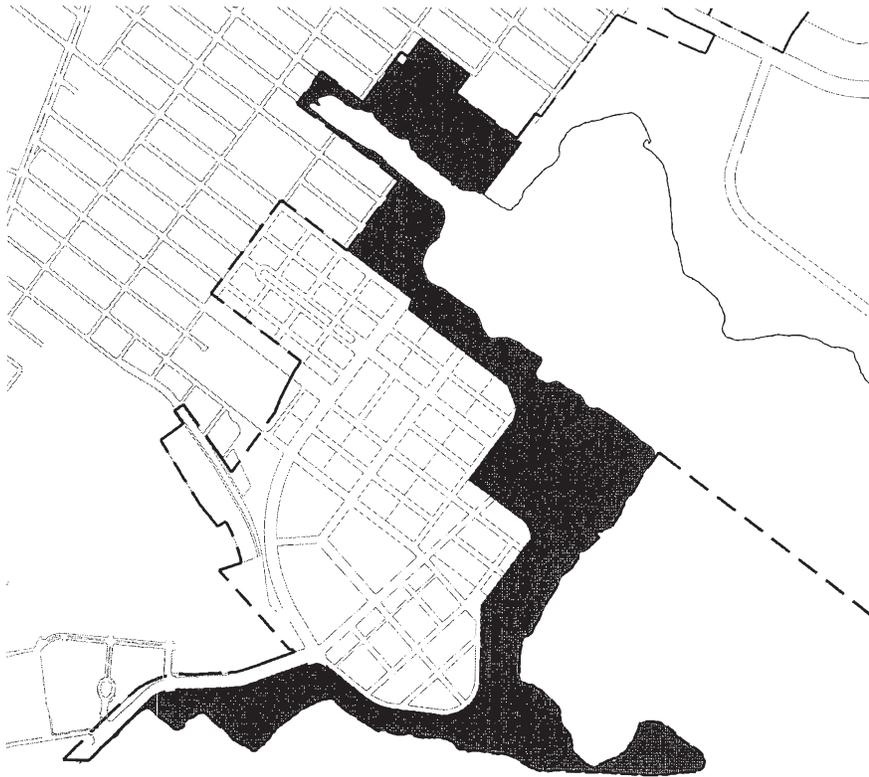
3 *(j) In order to allow public review of and comment on the*
4 *findings required by subdivision (a), the director shall cause*
5 *proposed findings to be published in the California Regulatory*
6 *Notice Register no less than 30 days prior to making final findings.*
7 *The director shall also cause the final findings to be published in*
8 *the California Regulatory Notice Register.*

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

CANDLESTICK POINT STATE RECREATION AREA
RECONFIGURATION



CANDLESTICK POINT STATE RECREATION AREA
RECONFIGURATION



-  STATE RECREATION AREA FOLLOWING RECONFIGURATION
-  PROJECT AREA
-  APPROXIMATE SHORELINE



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

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

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

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

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

35 SEC. 31. An exchange or other agreement made pursuant to
36 this act is hereby found to be of statewide significance and
37 importance. Therefore, no ordinance, charter provision, or other
38 provision of local law inconsistent with this act applies to that
39 exchange or agreement.

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

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

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

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

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

36 SEC. 33. Nothing in this act may be construed to authorize
37 residential uses or other nontrust uses on public trust land except
38 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. *It is the intent of the Legislature that the department*
 19 *shall give strong consideration to keeping open Candlestick Park*
 20 *State Recreation Area any time the department undertakes the*
 21 *process of identifying state parks or state recreation areas for*
 22 *closure, whether seasonal, partial, full, or otherwise. This*
 23 *consideration is based upon the funding provided in Section 26*
 24 *for operation and maintenance of Candlestick Park State*
 25 *Recreation Area.*

26 ~~SEC. 37:~~

27 SEC. 38. The Legislature finds and declares that, because of
 28 the unique circumstances applicable only to the lands described
 29 in this act, a statute of general applicability cannot be enacted
 30 within the meaning of subdivision (b) of Section 16 of Article IV
 31 of the California Constitution. Therefore, this special statute is
 32 necessary.

33

34

35 CORRECTIONS:

36 Tip-in Text—Pages 33 and 42.

37

O