

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: ~~Candlestick Point~~ and 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, ~~thereby imposing a state-mandated local program.~~

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 an extension.

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

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-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) “Burton Act” means Chapter 1333 of the Statutes of 1968,
13 as amended.

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

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

22 (f)

23 (g) “Burton Act trust” means the statutory trust imposed by the
24 Burton Act, by which the state conveyed to the city, in trust and
25 subject to certain terms, conditions, and reservations, the state’s

1 interest in certain tidelands, including filled lands, and lands
2 dedicated or acquired by the city as assets of the trust.

3 ~~(g)~~

4 (h) “Candlestick Point” means all that real property ~~situated~~
5 ~~situate~~ in the City and County of San Francisco ~~commonly known~~
6 ~~as Candlestick Point~~. *Francisco, State of California, described as*
7 *follows:*

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

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

1 last course 89 feet to the intersection of the southeasterly line of
2 Coronado Street with the northeasterly line of Jamestown Avenue
3 as shown on that certain map entitled “Map Showing the Widening
4 and Extension of Jamestown Avenue from Hunters Point
5 Expressway to Redondo Street” filed in Map Book “U” at pages
6 60 through 63, in the office of the City and County of San Francisco
7 Recorder; thence southeasterly along said northeasterly line of
8 Jamestown Avenue 725 feet, more or less, to a point; thence
9 northeasterly along a line laying parallel and 350 feet
10 southeasterly of the southeasterly line of Griffith Street (formerly
11 G Street, 64 feet wide), 660 feet to the Line of Ordinary High Tide
12 of 1869 as said line is shown, but not labeled, on that Board of
13 Tide Land Commissioners Block Map No. 9 filed in Map Book
14 “W” at pages 11 through 13, in the office of the City and County
15 of San Francisco Recorder; thence northeasterly along said line,
16 in all of its courses, to the southwesterly line of the lands of the
17 San Francisco Housing Authority designated and shown as Lot
18 20 on Assessor’s Block 4884; thence northwesterly along a line
19 laying parallel with and distant 100 feet northeasterly of the
20 northeasterly line of Gilman Avenue (formerly 31st Avenue, 80
21 feet wide), being also the southwesterly line of said lands of the
22 San Francisco Housing Authority, to the northwesterly line of
23 Hawes Street (formerly H Street, 64 feet wide); thence
24 northeasterly along said northwesterly line of Hawes Street 1020
25 feet to the northeasterly line of Carroll Avenue (formerly 27th
26 Avenue, 80 feet wide); thence southeasterly along said
27 northeasterly line of Carroll Avenue 728 feet to a point laying on
28 the southeasterly line of Griffith Street (formerly G Street, 64 feet
29 wide), said point laying also at a deflection in the northwesterly
30 boundary of said “Candlestick Point State Recreation Area”;
31 thence in a general northerly and westerly direction, along the
32 boundary of said “Candlestick Point State Recreation Area” as
33 described under Exhibit “1” in said Quitclaim Deed recorded in
34 the office of the City and County of San Francisco Recorder, in
35 Book D633 of Official Records, at page 1952, the following
36 courses: northeasterly along said southeasterly line of Griffith
37 Street 760 feet to the southwesterly line of Yosemite Avenue
38 (formerly 24th Avenue, 80 feet wide); thence northwesterly along
39 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
14 to the most northerly corner of said parcel, said point laying in
15 the southwesterly line of Wallace Avenue (formerly 23rd Avenue,
16 80 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
24 Wallace Avenue to the southeasterly line of Hawes Street (formerly
25 H Street, 64 feet wide); thence northeasterly along said
26 southeasterly line of Hawes Street, 464 feet to the southwesterly
27 line of Underwood Avenue (formerly 21st Avenue, 80 feet wide);
28 thence leaving said "Candlestick Point State Recreation Area"
29 boundary, northeasterly 80 feet to the northeasterly line of said
30 Underwood Avenue; thence southeasterly along the northeasterly
31 line of said Underwood Avenue 75 feet to a point laying on said
32 "Candlestick Point State Recreation Area" boundary; thence along
33 said "Candlestick Point State Recreation Area" boundary the
34 following courses: northeasterly along a line parallel and distant
35 75 feet southeasterly from said southeasterly line of Hawes Street,
36 200 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 of
39 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 ~~(h)~~

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

18 ~~(i) “City reversionary interest” means the reversionary interest~~
 19 ~~retained by the city in the lands transferred to the state pursuant~~
 20 ~~to the quitclaim deed from the city to the State of California,~~
 21 ~~recorded January 24, 1984, at Reel D633, Image 1952 in the office~~
 22 ~~of the San Francisco City and County Recorder, under which the~~
 23 ~~transferred lands would revert to the city upon certain conditions~~
 24 ~~specified in the deed.~~

25 (j) “Commission” means the State Lands Commission.

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

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

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

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

33 (o) “Hunters Point submerged lands” means all that real property
 34 situated *situate* in the City and County of San Francisco that is
 35 presently submerged and is outside the boundaries of the shipyard,
 36 but within the boundaries of the Hunters Point Shipyard
 37 Redevelopment Area as shown in the redevelopment plan.
 38 *Francisco, State of California, described as follows:*

39 *Beginning at the intersection of the northeasterly prolongation*
 40 *of the southeasterly line of Earl Street (64 feet wide) with the 1948*

1 *Bulkhead Line as shown on the map entitled “Real Estate Summary*
2 *Map NAVFAC Drawing No. 1045757” on file at the Department*
3 *of the Navy, WESTDIV, San Bruno, California; thence*
4 *southeasterly along said 1948 Bulkhead Line and the northeasterly*
5 *line of that certain property conveyed in declaration of taking,*
6 *Civil Action No. 22147 as shown on said summary map to a line*
7 *parallel with and 450 feet southeasterly of the southeasterly line*
8 *of Boalt Street (64 feet wide); thence southwesterly along said*
9 *parallel line to the northeasterly line of the land described in the*
10 *deed filed in Book 3677 of Official Records at page 349 in the*
11 *Office of the County Recorder of said county, said northeasterly*
12 *line being the arc of a curve, concave southwesterly and having*
13 *a radius of 1,800 feet; thence southeasterly and southerly along*
14 *said arc to the southeasterly prolongation of the northeasterly line*
15 *of Evans Avenue (80 feet wide); thence northwesterly along said*
16 *prolongation and said northeasterly line of Evans Avenue to the*
17 *1941 Bulkhead Line as shown on said summary map; thence*
18 *southerly along said 1941 Bulkhead Line to the northeasterly line*
19 *of that certain property conveyed in declaration of taking, Civil*
20 *Action No. 36272 as shown on said summary map; thence*
21 *southeasterly along said northeasterly line to said 1948 Bulkhead*
22 *Line as shown on said summary map; thence southerly along said*
23 *1948 Bulkhead Line to the line dividing the City and County of*
24 *San Francisco from the County of San Mateo; thence easterly*
25 *along said county line to the United States Pierhead Line as shown*
26 *on the map entitled “Hunters Point Naval Shipyard, General*
27 *Development Map, Key Map No. 1174922” on file at the*
28 *Department of the Navy, Western Division San Bruno, California;*
29 *thence northeasterly and northwesterly along said Pierhead Line*
30 *as shown on said General Development Map to said northeasterly*
31 *prolongation of the southeasterly line of said Earl Street (64 feet*
32 *wide); thence southwesterly along said prolongation of the*
33 *southeasterly line of said Earl Street to the said 1948 Bulkhead*
34 *Line and the point of beginning.*

35 (p) “Project” means the integrated development of a combination
36 of uses on Candlestick Point and the shipyard, including, but not
37 limited to, residential, commercial, *public trust*, and recreational
38 uses, in accordance with the redevelopment plan.

39 (q) “Project area” means the shipyard, *Hunters Point submerged*
40 *lands*, and Candlestick Point.

1 (r) "Proposition G" means Proposition G, also known as the
 2 "Mixed Use Development Project for Candlestick Point and
 3 Hunters Point Shipyard," approved by the voters of the city in June
 4 2008.

5 (s) "Public trust" or "trust" means the common law public trust
 6 for commerce, navigation, and fisheries.

7 (t) "Redevelopment plan" means the Hunters Point Shipyard
 8 Redevelopment Plan, and those portions of the Bayview-Hunters
 9 Point Redevelopment Plan pertaining to the redevelopment of
 10 Candlestick Point, adopted by the agency pursuant to Chapter 4.5
 11 (commencing with Section 33492) of the Community
 12 Redevelopment Law, as those plans may be amended from time
 13 to time.

14 (u) "*Reserved street area*" means a portion of the reserved
 15 streets.

16 (v) "*Reserved streets*" means all those portions of the trust
 17 lands that were reserved to the state for street purposes by the
 18 Board of Tidelands Commissioners pursuant to the "Act to survey
 19 and dispose of certain salt marsh and tide lands belonging to the
 20 State of California," Chapter 543 of the Statutes of 1868, as
 21 depicted on the map entitled "Map of the Salt Marsh and Tide
 22 Lands and Lands Lying Under Water South of Second Street and
 23 Situate in the City and County of San Francisco" prepared by the
 24 Board of Tide Land Commissioners and dated March 19, 1869.

25 (†)

26 (w) "Shipyard" or "Hunters Point Shipyard" means all that real
 27 property ~~situated~~ *situate* in the City and County of San Francisco
 28 ~~commonly referred to as the Hunters Point Naval Shipyard.~~
 29 *Francisco, State of California, described as follows:*

30 *Beginning at the intersection of the southeasterly line of Fitch*
 31 *Street (64 feet wide) with the northeasterly line of Palou Avenue*
 32 *(80 feet wide), said intersection also being in the southerly line of*
 33 *the Lands of Lowpensky as described in that document filed in the*
 34 *Office of the County Recorder of said County in Book D238 Official*
 35 *Records at page 80; thence easterly along the southerly line of*
 36 *said Lands of Lowpensky to the southeasterly corner of the said*
 37 *Lands of Lowpensky being also the southwesterly corner of the*
 38 *Lands of the Regents of University of California as described in*
 39 *that document filed in the Office of the County Recorder of said*
 40 *County in Book C562 Official Records at page 582; thence*

1 easterly, northerly and northwesterly along the southerly, easterly
2 and northeasterly lines of said Lands of the Regents to the
3 northwesterly corner of said Lands of the Regents and also being
4 the northeasterly corner of said Lands of Lowpensky. Thence
5 northwesterly along the northeasterly line of said Lands of
6 Lowpensky to the most westerly corner of said Lands of Lowpensky,
7 being also a point in the northeasterly line of said Palou Avenue;
8 thence northwesterly along the northeasterly line of said Palou
9 Avenue to the southeasterly line of Griffith Street (64 feet wide);
10 thence northeasterly along the southeasterly line of said Griffith
11 Street 200 feet to the southwesterly line of Oakdale Avenue (80.00
12 feet wide); thence northwesterly along the southwesterly line of
13 said Oakdale Avenue, 32 feet to the centerline of said Griffith
14 Street; thence northeasterly along the centerline of said Griffith
15 Street 600 feet to the centerline of McKinnon Avenue (80 feet
16 wide); thence southeasterly along the centerline of said McKinnon
17 Avenue 664 feet to the centerline of said Fitch Street (64 feet wide);
18 thence northeasterly along the centerline of said Fitch Street 320
19 feet to the northeasterly line of La Salle Avenue (80 feet wide);
20 thence southeasterly along the northeasterly line of said La Salle
21 Avenue, 632 feet to the northwesterly line of Earl Street (64 feet
22 wide) and an angle point in the northwesterly boundary of Inchon
23 Village as shown on the “Map of Inchon Village” filed in the Office
24 of the County Recorder of said County in Book 17 of Condominium
25 Maps at pages 112 through 130; thence southwesterly along the
26 northwesterly boundary of said Inchon Village to the centerline
27 of McKinnon Avenue (80 feet wide) and the most northerly corner
28 of the Lands of Crisp Building, Inc., described in that certain
29 document filed in the Office of the County Recorder of said County
30 in Book D767 Official Records at page 1051; thence southwesterly,
31 southeasterly and northeasterly along the northwesterly,
32 southwesterly and southeasterly lines of said Lands of Crisp
33 Building, Inc. to the most easterly corner of said Lands of Crisp
34 Building, Inc., being also the most southerly corner of the land
35 shown on the “Parcel Map of Inchon and Solomon Village” filed
36 in the Office of the County Recorder of said County in Book 17 of
37 Parcel Maps at page 77 and the centerline of said McKinnon
38 Avenue; thence northeasterly along the southeasterly line of said
39 Inchon and Solomon Village to the most easterly corner of said
40 Inchon and Solomon village and the southwesterly line of Innes

1 Avenue (80.00 feet wide); thence northwesterly along the
2 southwesterly line of said Innes Avenue 641 feet to the centerline
3 of said Earl Street (64 feet wide); thence northeasterly along the
4 centerline of said Earl Street 40 feet to the centerline of said Innes
5 Avenue; thence southeasterly along the centerline of said Innes
6 Avenue 32 feet to the southeasterly line of said Earl Street; thence
7 northeasterly along the southeasterly line of said Earl Street and
8 its prolongation 3,151 feet to the 1948 Bulkhead Line as shown
9 on the map entitled "Real Estate Summary Map NAVFAC Drawing
10 No. 1045757" on file at the Department of the Navy, WESTDIV,
11 San Bruno, California; thence southeasterly along said 1948
12 Bulkhead Line and the northeasterly line of that certain property
13 conveyed in declaration of taking, Civil Action No. 22147 as shown
14 on said summary map 2,553 feet more or less to a point on a line
15 parallel with and 450 feet southeasterly of the southeasterly line
16 of Boalt Street (64 feet wide), thence southwesterly along said
17 parallel line a distance of 52 feet more or less to the northeasterly
18 line of the land described in the deed filed in Book 3677 of Official
19 Records at page 349 in the Office of the County Recorder of said
20 County, said northeasterly line being the arc of a curve, concave
21 southwesterly and having a radius of 1,800 feet; thence
22 southeasterly and southerly along said arc to the southeasterly
23 prolongation of the northeasterly line of Evans Avenue (80 feet
24 wide); thence northwesterly along said prolongation and said
25 northeasterly line of Evans Avenue, to the 1941 Bulkhead Line as
26 shown on said summary map; thence southerly along said 1941
27 Bulkhead Line, to the northeasterly line of that certain property
28 conveyed in declaration of taking, Civil Action No. 36272 as shown
29 on said summary map; thence southeasterly along said
30 northeasterly line to said 1948 Bulkhead Line as shown on said
31 summary map; thence southerly along said 1948 Bulkhead Line
32 to the line dividing the City and County of San Francisco from the
33 County of San Mateo; thence westerly along said county line 127
34 feet more or less to the southeasterly prolongation of the
35 northeasterly line of Bancroft Avenue (80 feet wide); thence
36 northwesterly along said prolongation and said northeasterly line
37 of said Bancroft Avenue 7,484 feet more or less to the southeasterly
38 line of said Fitch Street (64 feet wide); thence northeasterly along
39 the southeasterly line of said Fitch Street 2,800 feet to the point
40 of beginning.

1 ~~(v)~~
2 ~~(x)~~ “State” means the State of California, ~~or any political~~
3 ~~subdivision or instrumentality of the state.~~

4 ~~(w)~~
5 (y) “State property” means the property or interests in property
6 owned by the state located within the project area, and includes
7 both proprietary land and sovereign land.

8 ~~(x)~~
9 (z) “State recreation area” means the Candlestick Point State
10 Recreation Area.

11 ~~(y)~~ “Tidelands” means the lands lying below the elevation of
12 ordinary high water, ~~whether filled or unfilled, and includes~~
13 ~~submerged lands, unless specified otherwise.~~

14 ~~(z)~~
15 (aa) “Trustee” means the owner and trust administrator of trust
16 lands granted pursuant to this act or the Burton Act, and is either
17 the agency, with respect to lands owned by the agency, or the city,
18 with respect to lands owned by the city.

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

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

28 (a) The purpose of this act is to facilitate the productive reuse
29 of the lands within the areas of San Francisco known as Candlestick
30 Point and the former Hunters Point Naval Shipyard in a manner
31 that furthers the purposes of the public trust and the Community
32 Redevelopment Law. To effectuate this purpose, this act grants
33 the state’s sovereign interest in the lands comprising the shipyard
34 to the agency upon the transfer of those lands out of federal
35 ownership, and approves and authorizes the commission, provided
36 that it makes the necessary findings supporting the exchange, to
37 carry out an exchange of lands that will place or confirm the public
38 trust on lands within the project area with substantial value for the
39 public trust, and terminate the public trust in project area lands
40 that are no longer useful for trust purposes. This act also authorizes

1 the department to enter into an agreement to transfer certain lands
2 within the Candlestick Point State Recreation Area to the agency
3 or the city, provided that the agreement provides an overall benefit
4 to the state recreation area and meets certain other conditions set
5 forth in this act.

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

26 (c) In 1939, the United States began acquiring lands for purposes
27 of constructing and operating what came to be known as the
28 Hunters Point Naval Shipyard. The shipyard was used primarily
29 as a United States Navy industrial operation for the modification,
30 maintenance, and repair of ships. The shipyard was closed in 1974,
31 resulting in adverse economic impacts on the economic base of
32 the surrounding Bayview Hunters Point neighborhood. Pursuant
33 to Section 2824(a) of the National Defense Authorization Act for
34 fiscal year 1991, as amended by Section 2834 of the National
35 Defense Authorization Act for fiscal year 1994, the United States
36 Navy is authorized to convey the shipyard, or portions of the
37 shipyard, to the city or to a local reuse authority approved by the
38 city. The agency is the approved local reuse authority for the
39 shipyard. Pursuant to a 2004 conveyance agreement with the
40 agency, the United States Navy has conveyed a portion of the

1 shipyard to the agency and has agreed to transfer the remainder to
2 the agency following hazardous materials remediation.

3 (d) The state’s sovereign interest in the filled tidelands at
4 Candlestick Point consists primarily of ~~paper reserved~~ streets and
5 portions of a former railroad right-of-way. In 1958, the state,
6 through the 1958 Act, authorized the sale of a portion of these
7 lands to the city for the purpose of developing a sports stadium.
8 The 1958 Act terminated the public trust on the transferred lands,
9 but required that they be used only for purposes of general
10 statewide interest. Pursuant to the 1958 Act, the city acquired the
11 lands free of the trust and constructed the stadium commonly
12 referred to as Candlestick Park, which is now nearing the end of
13 its useful life.

14 (e) In 1968, the Legislature enacted the Burton Act, which
15 granted the state’s remaining interest in tidelands within the city,
16 including the state’s sovereign interests in the portion of
17 Candlestick Point outside of the stadium site, to the city, subject
18 to the public trust and the Burton Act trust. In 1973, the Legislature
19 authorized the department to acquire and develop real property at
20 Candlestick Point for the state park system. The state subsequently
21 acquired private lands along the shoreline of Candlestick Point to
22 create the Candlestick Point State Recreation Area. In 1984, the
23 city conveyed back to the state those lands within the state
24 recreation area boundaries that the city had acquired under the
25 1958 Act and the Burton Act, ~~subject to the city’s reversionary~~
26 ~~interest~~. The state recreation area was the first California state park
27 unit developed in an urban environment and is a critical component
28 of the state park system. At present, however, much of the state
29 recreation area is underutilized and in need of substantial
30 restoration and improvement.

31 (f) The shipyard and Candlestick Point are ~~in close proximity~~
32 ~~adjacent~~ to one another, ~~separated only by~~ and are located on
33 ~~either side of South Basin, with a common boundary at Yosemite~~
34 ~~Slough and South Basin~~. Together, they comprise approximately
35 760 acres and make up the largest area of underused land in the
36 city. The shipyard, once a source of economic opportunity for the
37 surrounding Bayview Hunters Point community, has stood
38 dilapidated and abandoned for over 30 years and now stands as a
39 barrier to public health, open space, and the waterfront, and a blight
40 on one of San Francisco’s poorest communities. The revitalization

1 of Candlestick Point has been contemplated for over 10 years to
2 create much needed economic and public benefits, affordable
3 housing for Bayview Hunters Point residents, and other tangible
4 benefits to the Bayview Hunters Point community. The stadium
5 at Candlestick Point is nearing the end of its useful life and is in
6 need of replacement, the nearby public housing development at
7 Alice Griffith requires a complete rebuilding, and the restoration
8 and improvement of the adjoining state recreation area has been
9 a long-time goal of the state, the city, and the Bayview Hunters
10 Point community.

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

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

37 (i) In 2007, the city and the agency undertook a new, integrated
38 planning effort for the shipyard and Candlestick Point, which
39 resulted in the adoption of a conceptual framework for
40 development. The conceptual framework calls for a mixed use

1 project on the project area that will provide, among other things,
2 much needed parks and open space, including a major renovation
3 of the state recreation area to enhance access by residents and
4 visitors to the waterfront; new business and employment
5 opportunities; new housing opportunities affordable for residents
6 of the neighboring Bayview Hunters Point community; a site for
7 a new sports stadium on the shipyard, with alternative uses if the
8 San Francisco Forty Niners elect to build a new stadium elsewhere;
9 and other economic and public benefits for the community and the
10 city as a whole and the statewide public.

11 (j) In June 2008, the voters of the city approved Proposition G,
12 the “Mixed Use Development Project for Candlestick Point and
13 Hunters Point Shipyard.” Proposition G repealed Propositions D
14 and F and promulgated city policy encouraging the timely
15 development of the project area with a mixed-use project including:
16 over 300 acres of public park and open space; between 8,500 and
17 10,000 homes; about 700,000 square feet of retail space; about
18 2,150,000 square feet of green office, science and technology,
19 research and development, and industrial space; a possible arena
20 or other public performance site; a site in the shipyard for a new
21 stadium for the San Francisco Forty Niners; and additional green
22 office, science and technology, research and development, and
23 industrial space, or additional housing, if a new stadium is not
24 built. Proposition G specifically contemplated a mix of stacked
25 flats, attached town homes and, in appropriately selected locations,
26 low-rise, mid-rise, and high-rise towers, to help ensure the
27 economic feasibility of the development and provide a varied urban
28 design. Proposition G also made it city policy that the project be
29 consistent with the following objectives: producing tangible
30 community benefits for residents of the Bayview Hunters Point
31 neighborhood and the city; reconnecting the shipyard and
32 Candlestick Point with the Bayview Hunters Point neighborhood
33 and protecting the Bayview Hunters Point neighborhood character
34 for existing residents; producing substantial new housing, both
35 affordable and market-rate, and encouraging the rebuilding of the
36 Alice Griffith Housing Development; incorporating environmental
37 sustainability; encouraging the San Francisco Forty Niners to
38 remain in San Francisco; and requiring the project to be financially
39 sound, with or without a new stadium.

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

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

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

39 (n) Several historic buildings in the shipyard have been
40 identified by the State Historic Preservation Officer as contributors

1 to the Hunters Point Commercial Drydock Historic District. These
2 contributor buildings convey a sense of the shipyard's early
3 maritime history, enhance the open-space experience along the
4 waterfront, and should be preserved and restored. Uses of the
5 contributor buildings that support their preservation and restoration,
6 but which are not otherwise consistent with the trust, may be
7 authorized under certain conditions set forth in this act.

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

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

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

36 SEC. 3. Section 5006.8 of the Public Resources Code is
37 repealed.

38 SEC. 4. Chapter 464 of the Statutes of 2002, The Hunters Point
39 Shipyard Conversion Act of 2002, as amended by Chapter 435 of
40 the Statutes of 2003, is repealed.

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

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

8 (b) Upon conveyance by the federal government to the agency
9 of any piers or other appurtenances located in part on Hunters
10 Point submerged lands, the grant of the state's right, title, and
11 interest in the Hunters Point submerged lands to the city pursuant
12 to the Burton Act ~~shall be~~ *is* revoked, and all of the state's right,
13 title, and interest in those lands ~~shall be~~ *is* granted to and vested
14 in the agency, subject to the public trust and the terms and
15 conditions of this act.

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

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

25 (a) On January 1, 2010, with respect to trust lands ~~owned~~ *held*
26 *in fee* by the agency on that date.

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

29 (c) With respect to the Hunters Point submerged lands, upon
30 conveyance by the federal government to the agency of any piers
31 or other appurtenances located in part on the Hunters Point
32 submerged lands, *at which time any prior grant of the state's right,*
33 *title, and interest in the Hunters Point submerged lands to the city*
34 *pursuant to the Burton Act shall be deemed revoked and the lands*
35 *shall cease to be subject to the Burton Act trust.*

36 SEC. 8. (a) The agency may use, conduct, operate, maintain,
37 manage, administer, regulate, improve, lease, and control
38 (collectively referred to as "use") the trust lands and do all things
39 necessary in connection with that authority that conform with the
40 terms of this act and the public trust. Except as provided in this

1 act, the agency shall use the trust lands only in a manner that is
2 consistent with, necessary and convenient for, or incidental or
3 ancillary to, the purposes of the public trust.

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

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

13 SEC. 10. There is reserved in the people of the state the right
14 to hunt and fish in and over the waters on the trust lands, together
15 with the right of convenient access to the waters over the trust
16 lands for those purposes.

17 SEC. 11. The state shall reserve from the grant made in Section
18 6 of this act, and from any other conveyance pursuant to this act
19 of the state's interest, or any portion of the state's interest, in any
20 lands, all minerals and all mineral rights in the lands of every kind
21 and character now known to exist or hereafter discovered,
22 including, but not limited to, oil and gas and rights *thereto*, together
23 with the sole, exclusive, and perpetual right to explore for, remove,
24 and dispose of those minerals by any means or methods suitable
25 to the state or to its successors and assignees, except that,
26 notwithstanding the Burton Act or Section 6401 of the Public
27 Resources Code, this reservation shall not include the right of the
28 state or its successors or assignees in connection with any mineral
29 exploration, removal, or disposal activity, to do either of the
30 following:

31 (a) Enter upon, use, or damage the surface of the lands or
32 interfere with the use of the surface by a grantee or by the grantee's
33 successors or assignees. However, a lease, franchise, permit, or
34 license of the property shall contain a provision specifying at least
35 one point from which, and the manner in which, the right of ingress
36 or egress to the subsurface deposits may be exercised, which point
37 or points may be outside the area of the leasehold, franchise,
38 permit, or license, as long as the point or points are adequate to
39 permit the rights reserved to the state to be exercised.

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

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

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

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

27 (c) If a lease, contract, or other instrument described in
28 subdivision (b) is in effect on the effective date of an amendment
29 or revocation *of the granted rights in the trust lands*, the state, at
30 its option exercised by and through the commission, may succeed
31 to the agency's interest in the lease, contract, or instrument.
32 Otherwise, the agency's interest in the instrument, property, and
33 revenue shall continue during the term or other period during which
34 the instrument shall remain in effect. *If a lease, contract, or other*
35 *instrument described in subdivision (b) is in effect on the effective*
36 *date of a transfer of trust lands between the agency and the city,*
37 *the transferee shall succeed to the transferor's interest in the lease,*
38 *contract, or other instrument, unless the agency and the city agree*
39 *otherwise*. An action taken by the state, *or a transfer of trust lands*
40 *between the agency and the city*, shall not cause the agency or the

1 *city* to breach or default under a lease, contract, or instrument in
2 effect on the effective date of an amendment or a revocation. All
3 bonds or securities issued by the agency *or the city* and payable
4 out of revenues from the trust lands shall continue to be so payable,
5 directly or indirectly, and secured in all respects as provided in the
6 proceedings for their issuance, and the revenues of the trust lands
7 shall be pledged and applied to the payment of the bonds or
8 securities in all respects as though no amendment or revocation
9 had taken place.

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

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

20 (b) The proposed lease is of a duration of no more than five
21 years and ~~can be terminated~~ *provides that the agency shall have*
22 *the right to terminate the lease* in favor of trust uses as trust needs
23 arise.

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

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

31 SEC. 15. (a) Notwithstanding any other provision of this act
32 or the Burton Act, the buildings, or any portion of a building,
33 identified by the State Historic Preservation Officer as contributors
34 to the Hunters Point Commercial Drydock Historic District,
35 commonly known as the Gatehouse (Building 204), Pumphouse
36 2 (Building 205), Pumphouse 3 (Building 140), and the Tool and
37 Paint Building (Building 207), may be used or leased for purposes
38 not otherwise consistent with the public trust, provided the trustee
39 makes a finding that there are no trust uses available that would
40 allow for the restoration and preservation of the space. A lease

1 renewal, extension, or granting of a new lease for a nontrust
2 purpose shall require a new finding that no trust uses are then
3 available that would allow for the restoration and preservation of
4 the building, or a part of it.

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

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

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

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

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

34 SEC. 17. (a) The agency may exchange portions of the trust
35 lands with a state agency, political subdivision, person, entity, or
36 corporation, or the United States or a political subdivision of the
37 United States, for other lands, if the agency determines, and the
38 commission adopts a resolution finding and declaring, all of the
39 following:

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

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

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 to be acquired by the agency
15 in the exchange will provide a significant benefit to the public
16 trust.

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

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

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

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

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

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

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

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

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

38 (b) The lands to be subject to the public trust are configured so
39 as to be accessible from the streets as finally configured in the
40 project area.

1 (c) The exchange otherwise complies with the requirements of
2 this act.

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

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

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

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

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

37 (2) The United States has obtained a warranty deferral, approved
38 by the Governor in accordance with Section 9620(h)(3)(C) of Title
39 42 of the United States Code, involving land for which the
40 commission has determined to execute a certificate of acceptance

1 of title, and the commission finds that sufficient liability measures
2 and implementation measures will be in place upon the completion
3 of the exchange. *Prior to approving a warranty deferral, the*
4 *Governor and the Department of Toxic Substances Control, the*
5 *regional water quality control board, or other appropriate state*
6 *oversight agency with expertise in hazardous materials remediation*
7 *shall confer and consult with the commission to reasonably ensure*
8 *that the terms of the warranty deferral and underlying documents*
9 *and agreements provide sufficient standards and financial*
10 *assurances to ensure that the remediation of any affected trust*
11 *lands will be completed in a manner consistent with the intended*
12 *public trust use of these lands and in a reasonable period of time.*

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

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

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

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

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

37 (5) The configuration of trust lands within the project area upon
38 completion of the exchange is substantially similar to the
39 configuration shown on the diagram in Section 25 of this act,
40 includes all lands within the project area that are presently below

1 mean high tide, and consists of lands suitable to be impressed with
2 the public trust.

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

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

11 (8) Any surveys or legal descriptions required for the parcels
12 in conjunction with the exchange shall be approved by the
13 commission.

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

16 (10) The exchange otherwise complies with the requirements
17 of this act.

18 (11) The exchange is consistent with and furthers the purpose
19 of the public ~~land~~ trust and this act.

20 (12) The exchange is otherwise in the best interest of the
21 statewide public.

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

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

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

30 (A) The final trust configuration maintains reasonable public
31 pedestrian and vehicular access between the hillside open space
32 and the waterfront, and in addition, between the top of the hillside
33 open space and other areas of the city.

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

37 (C) Direct vehicular and pedestrian access from the lower
38 portions of the shipyard to the top of the hillside open space area
39 is provided.

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

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

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

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

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

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

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

35 (4) *Receive and accept from the department any lands or*
36 *interests in lands within the state recreation area, as it may be*
37 *reconfigured pursuant to Section 26, that are to be subject to the*
38 *public trust upon completion of an exchange of lands as authorized*
39 *by this act and as approved by the commission.*

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

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

12 ~~(e)~~

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

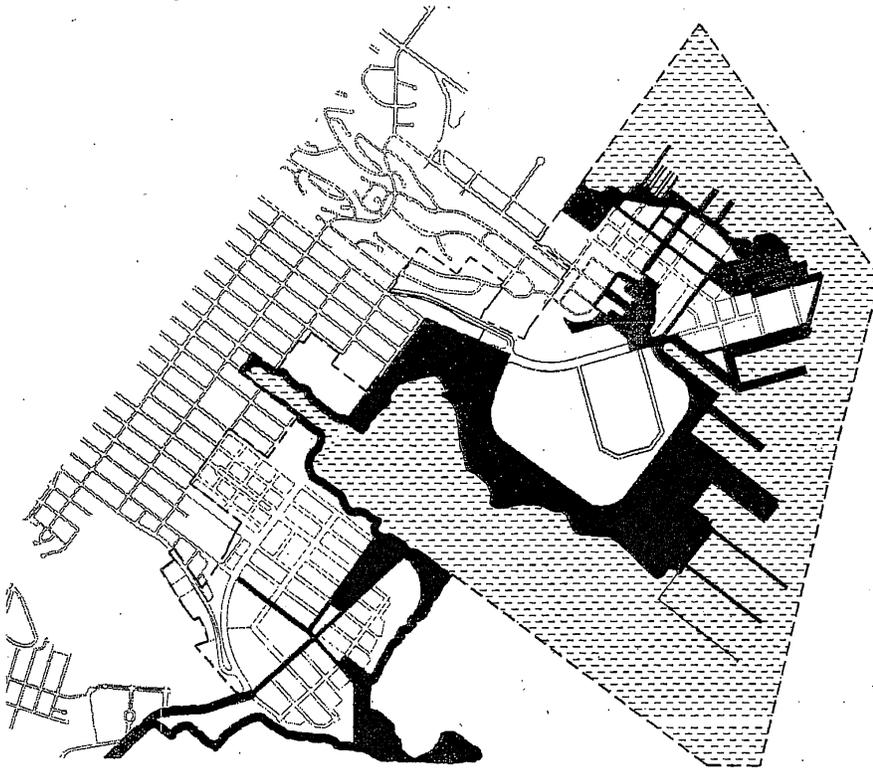
18 SEC. 24. *An exchange of public trust land pursuant to Section*
19 *23 of this act may proceed in multiple phases, provided that with*
20 *respect to each phase, the commission, in addition to the findings*
21 *required by Section 23 of this act, finds both of the following:*

22 (a) *The cumulative monetary value of all of the lands or interests*
23 *in lands exchanged into the trust in the ~~current and previous~~*
24 *proposed and completed phases is equal to or greater than the*
25 *cumulative monetary value of all of the lands or interests in lands*
26 *exchanged out of the trust in the ~~current and previous proposed~~*
27 *and completed phases. ~~For purposes of calculating the value of~~*
28 *any lands added to or removed from the trust in an earlier phase*
29 ~~*of the exchange*~~ *If, in connection with the approval of the exchange*
30 *agreement or a completed phase of the exchange, the commission*
31 *has previously determined the value of any lands that have been*
32 *or are proposed to be exchanged, the commission, for purposes*
33 *of making the finding required by this subdivision, shall utilize the*
34 *value of those lands as previously determined by the commission*
35 ~~*at the time of the commission's approval of the earlier phase,*~~
36 *adjusted for inflation in a manner approved by the commission.*

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

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

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*
15 *areas within Candlestick Point free of the public trust and the*
16 *applicable statutory trust. A sale made pursuant to this section*
17 *shall not be effective unless and until the commission, at a regular*
18 *open meeting with the proposed sale as a properly scheduled*
19 *agenda item, finds 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*
26 *in conjunction with or subsequent to a land exchange authorized*
27 *by 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,*
7 *without limitation, a sale, lease, transfer, or other conveyance of*
8 *land or 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*
12 *statutory trust as part of an exchange authorized by this act or*
13 *otherwise 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*
23 *to transfer convey to the agency or the city an interest in a the state*
24 *property held by the department within the state recreation area*
25 *so removed, provided that the director makes in writing all of the*
26 *following findings:*

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

34 (2) The agreement ~~shall~~ *will* provide an overall benefit to the
35 state recreation area.

36 (3) ~~(A) The reconfiguration of the state recreation area shall~~
37 *will* substantially conform to the configuration shown on the
38 diagram included as Section 27 of this act; provided, however,
39 that the director may agree to additional modifications of the park
40 configuration if the modifications are consistent with the overall

1 financial feasibility of the project and the director determines that
2 the modifications are necessary to fulfill the state recreational
3 purposes of the state recreation area, taking into account public
4 access, circulation and parking needs;; wildlife habitat values;;
5 future sea level rise and the proposed responses thereto;; and other
6 relevant factors.

7 ~~(B) If, at the time an agreement authorized by this section is~~
8 ~~entered into, the agency has not acquired title to any portion of the~~
9 ~~lands within the shipyard that are to be added to the state recreation~~
10 ~~area, the director may find that the requirements of this paragraph~~
11 ~~are met with respect to those lands if the agreement obligates the~~
12 ~~agency to transfer the lands to the department following the~~
13 ~~agency's acquisition of the lands, and the other consideration~~
14 ~~received by the department meets the requirements of paragraph~~
15 ~~(1) and subdivision (c).~~

16 *(4) The project, including the reconfiguration of the state*
17 *recreation area and taking into account any mitigation measures*
18 *incorporated into the project, will not result in a significant adverse*
19 *effect on biological resources, and will include habitat*
20 *enhancement measures to benefit migratory birds and other*
21 *wildlife.*

22 *(5) Any applicable requirements of the Land and Water*
23 *Conservation Fund Act of 1965 (16 U.S.C. Sec. 4601-4 et seq.)*
24 *have been satisfied.*

25 *(6) If the lands to be conveyed include lands owned by the*
26 *commission, the commission is party to the agreement.*

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

30 (c) The consideration for *the interests in* state property
31 ~~transferred conveyed~~ pursuant to subdivision (a) ~~may consist of~~
32 ~~any~~ shall include the provision of future revenue to fund the
33 operation and maintenance for all or part of the state recreation
34 area, and shall additionally include one or more of the following,
35 or any combination thereof following:

36 (1) Monetary consideration, which shall be dedicated and used
37 for planning, improvement, maintenance, or operation of the state
38 recreation area.

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

1 ~~(3) Provisions for future revenue to fund the operation and~~
2 ~~maintenance for all or part of the state recreation area.~~

3 ~~(4) Other nonmonetary consideration, including, but not limited~~
4 ~~to, relinquishment of the city reversionary interest.~~

5 ~~(5)~~

6 (3) Land within the project area to be added to the state
7 recreation area.

8 ~~(6)~~

9 ~~(4) The cost amount of any reimbursement paid to the state by~~
10 ~~or on behalf of the city or the agency for its the state's legal,~~
11 ~~transactional, planning, or other costs associated with actions~~
12 ~~carried out pursuant to this section.~~

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

26 (e) The agreement authorized by this section may be combined
27 with a trust exchange agreement authorized by this act. ~~For~~
28 ~~purposes of compliance with subdivision (d), the department may~~
29 ~~rely on an appraisal prepared in connection with a trust exchange~~
30 ~~authorized by this act.~~ *Pursuant to a trust exchange agreement,*
31 *the department may transfer to the commission any lands or*
32 *interests in lands within the reconfigured state recreation area*
33 *that are to be subject to the public trust, and may receive and*
34 *accept from the commission lands within the reconfigured state*
35 *recreation area that are to be free of the public trust.*
36 *Notwithstanding any other provision of law, the commission may*
37 *lease to the department for state park purposes any trust lands it*
38 *owns within the reconfigured state recreation area for a term not*
39 *exceeding 66 years.*

1 (f) *Nothing in this act shall be construed as compelling the*
2 *director or the commission to enter into any agreement authorized*
3 *by this act.*

4 ~~(f)~~

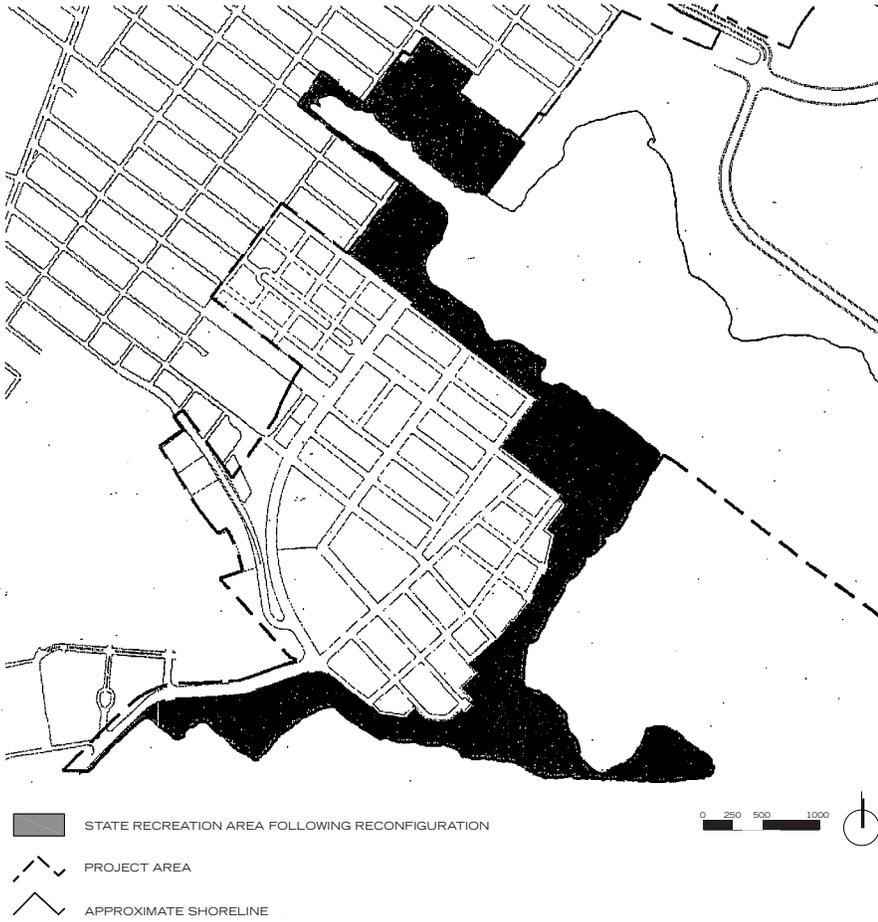
5 (g) The requirements of this section shall govern an agreement
6 entered into, or conveyance made pursuant to the agreement, and
7 shall supersede any other provision of law pertaining to the
8 department's authority to acquire or transfer real property, or to
9 enter into an agreement to acquire or transfer real property,
10 including, but not limited to, Article 1 (commencing with Section
11 11000) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
12 Government Code, Part 11 (commencing with Section 15850) of
13 Division 3 of Title 2 of the Government Code, and *Chapter 1*
14 *(commencing with Section 5001) and Chapter 1.695 (commencing*
15 *with Section 5096.500) of Division 5 of the Public Resources*
16 *Code.*

17 ~~(g)~~

18 (h) Notwithstanding anything to the contrary in Section 5002.2
19 of the Public Resources Code, the department is not required to
20 revise the general plan for the state recreation area prior to taking
21 any action pursuant to this section, including, but not limited to,
22 the approval of an agreement authorized by this section, the
23 acquisition, conveyance or transfer of interests in real property
24 pursuant to such agreement, or the modification of the state
25 recreation area boundary. Nothing in this subdivision shall be
26 ~~construed as creating an exemption from the requirements of the~~
27 ~~California Environmental Quality Act (Division 13 (commencing~~
28 ~~with Section 21000) of the Public Resources Code), or as construed~~
29 *as exempting the development of new facilities within the state*
30 *recreation area from compliance with the general plan revision*
31 *requirements of Section 5002.2 of the Public Resources Code.*

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

CANDLESTICK POINT STATE RECREATION AREA
RECONFIGURATION



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

4 SEC. 28. (a) The Legislature finds and declares that the project
5 will further the important statewide interests in redevelopment,
6 the elimination of blight, the provision of affordable housing
7 opportunities, the generation of new sales tax revenues, property
8 taxes and other tax revenues to the state and state agencies, the
9 creation of thousands of new jobs, and enhanced access of the
10 public to use and enjoy the state recreation area, and that the
11 development of the project will further the statewide purposes
12 contemplated in Section 3 of the 1958 Act. The Legislature further
13 finds and declares that it is necessary and in furtherance of
14 important statewide interests for any restrictions or other
15 encumbrances on title arising from Section 3 of the 1958 Act to
16 be eliminated so as to facilitate disposition of property within the
17 project area in furtherance of development of the project.

18 (b) At the request of the city or the agency, the executive officer
19 of the commission shall, on behalf of the state, reasonably
20 cooperate with the requesting parties to cause to be prepared and
21 recorded any necessary deeds, patents, agreements, or other
22 instruments for the purpose of removing any deed restrictions or
23 other encumbrances on title arising from Section 3 of the 1958
24 Act.

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

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

28 ~~SEC. 30.5. It is the intent of the Legislature to approve and~~
29 ~~authorize an exchange of lands made pursuant to this act provided~~
30 ~~that the final diagram for the exchange is included in this act.~~

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

36 SEC. 32. (a) Nothing in this act may be construed to nullify
37 the city or the agency's obligations for increasing, improving, and
38 preserving the community's supply of low- and moderate-income
39 housing imposed by the Community Redevelopment Law,

1 including, but not limited to, the requirements of Sections 33334.2
2 and 33413 of the Health and Safety Code.

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

7 SEC. 33. Nothing in this act may be construed to authorize ~~the~~
8 residential ~~use~~ *uses* or other nontrust uses on public trust land
9 except as provided in Sections 14 and 15.

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

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

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

1 to be the date on which it is executed by the Governor pursuant to
2 Section 6107 of the Public Resources Code.

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

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

25 SEC. 37. The Legislature finds and declares that, because of
26 the unique circumstances applicable only to the lands described
27 in this act, a statute of general applicability cannot be enacted
28 within the meaning of subdivision (b) of Section 16 of Article IV
29 of the California Constitution. Therefore, this special statute is
30 necessary.

31 ~~SEC. 38. No reimbursement is required by this act pursuant to~~
32 ~~Section 6 of Article XIII B of the California Constitution because~~
33 ~~the only costs that may be incurred by a local agency or school~~
34 ~~district are the result of a program for which legislative authority~~
35 ~~was requested by that local agency or school district, within the~~
36 ~~meaning of Section 17556 of the Government Code and Section~~
37 ~~6 of Article XIII B of the California Constitution.~~

1 _____
2 **CORRECTIONS:**
3 **Text—Pages 25, 37, 43, and 44.**
4 _____

O