

## Senate Bill No. 1641

### CHAPTER 1046

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

[Approved by Governor September 30, 1998. Filed  
with Secretary of State September 30, 1998.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1641, Burton. Candlestick Park.

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

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

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

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

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature hereby finds and declares that the project, as defined in Section 5006.8 of the Public Resources Code, will further general statewide purposes, such as the elimination of

blight and the redevelopment of the proposed project area, the generation of new sales tax revenues, property taxes, and other tax revenues to the state and state agencies, the creation of thousands of new jobs, and enhanced access of the public to use and enjoy the Candlestick Park Recreation Area, including, but not limited to, the statewide purposes specified in Chapter 2 of the Statutes of 1958, First Extraordinary Session.

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

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

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

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

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

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

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

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

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

(b) Notwithstanding any other provision of law, the director may enter into agreements, on those terms and conditions that the director determines to be in the best interests of the state, concerning the development and operation of the project. The agreements may provide for, without limitation, easements, exchanges, quit claims, leases, operating agreements, special use permits, or agreements for the conveyance of fee title of any property interests of the department within the recreation area. The department shall receive at least fair market value for the property interests conveyed

by the department. The department may execute leases, operating agreements, and special use permits regarding proprietary lands within the state property for terms not exceeding 66 years. The director may change the boundaries of the recreation area as necessary to reflect the agreements contemplated by this section.

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

(1) The State Lands Commission may enter into agreements, including agreements providing for termination of the public trust or the termination of any trust imposed by Chapter 1333 of the Statutes of 1968, as amended, or both, for the exchange of trust land within the project area whereby any of the lands that are subject to the trust may be exchanged for other land inside or outside the project area that is at least equal or greater in value, which is useful for trust purposes, and that is in a location approved by the State Lands Commission, if the findings set forth in Section 5 of Chapter 310 of the Statutes of 1987 are made, or, for those lands that are not included in Chapter 1333 of the Statutes of 1968, as amended, if the requirements of Section 6307 are satisfied.

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

(A) The area has been filled and reclaimed.

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

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

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

(3) In any case in which the state, pursuant to this section, conveys filled tidelands or submerged lands to the city, the state shall reserve all minerals and all mineral rights in the lands of every kind and character now known to exist or hereafter discovered, including, but not limited to, oil and gas and rights thereto, together with the sole, exclusive, and perpetual right to explore for, remove, and dispose of those minerals by any means or methods suitable to the state or to its successors and assignees, except that, notwithstanding Chapter 1333 of the Statutes of 1968, as amended, or Section 6401, this reservation shall not include the right of the state or its successors or assignees in connection with any mineral exploration, removal, or disposal activity, to do either of the following:

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

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

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

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

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

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

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

(A) Monetary consideration.

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

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

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

(E) Any combination of the foregoing.

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

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

SEC. 5. An action may be brought under Chapter 4 (commencing with Section 760.010) of Title 10 of Part 2 of the Code of Civil Procedure by the parties to any agreement entered into pursuant to Section 5006.8 of the Public Resources Code to confirm the validity of an agreement entered into pursuant to that section. In addition to the recitations and determinations required by Section 764.080 of the Code of Civil Procedure, the statement of decision in the action shall include a recitation of the underlying facts, and a determination whether the agreement meets the requirements of Section 5006.8 of the Public Resources Code, Sections 3 and 4 of Article X of the California Constitution, and any other law applicable to the validity of the agreement.