

AB 1273 PIERS 30-32 REVITALIZATION ACT (ASSEMBLYMEMBER TING)



ROLE OF LEGISLATURE

Public trust policy is ultimately the province of the Legislature:

“The power of the state to control, regulate and utilize its navigable waterways and the lands lying beneath them, when acting within the terms of the trust, is absolute

It is a political question, within the wisdom and power of the Legislature, acting within the scope of its duties as trustee, to determine whether public trust uses should be modified or extinguished.”

(Marks v. Whitney, 6 Cal.3d at 260-261.)

ROLE OF LEGISLATURE

- Power to determine use of trust lands is sometimes delegated:
 - Generally to State Lands Commission
 - In San Francisco, to Port (Burton Act)
- Legislature can also set trust policy through a regulatory regime, as with *McAteer-Petris* for the Bay
- Unique circumstances call for specific legislation. Examples:
 - Former military bases
 - Seawall Lots, including SWL 330
 - Piers 30-32

RATIONALE FOR AB 1273

- Existing legislative trust policy for Piers 30-32 (AB 1389) should be amended to reflect current circumstances
- BCDC and SLC staffs recommended that the City and the Warriors seek a legislative trust determination

AB 1273

**(AS CONSIDERED BY ASSEMBLY
NATURAL RESOURCES)**

AB 1273 FINDINGS

AB 1273 legislative findings (Section 4) describing unique site conditions:

- 13-acre pier structure used for surface parking, deep draft berthing
- Limited remaining useful life (10 years)
 - Est. removal cost: \$45 million
 - Rehabilitation: over \$100 million
 - FMV of improved pier is only \$30 million
- Other attempts to develop pier have failed
- Designated for mixed use development in Waterfront Plan and BCDC Special Area Plan



AB 1273 (AT ASSEMBLY NATURAL RESOURCES)

- Eliminated the authorization for 300,000 square feet of non-trust general office development and authorized non-maritime office only for the primary tenants of the multi-purpose venue
- Made a legislative trust finding and authorized the use of the Piers 30-32 trust lands and for a project that includes a multi-purpose venue, subject to CEQA compliance, and provided the project includes:
 - Public access to and views of the Bay
 - A significant program for maritime uses which may include:
 - A city fireboat station
 - Deep draft berthing on the east edge of the piers
 - Water-based transit (such as a water taxi)
 - Guest berths
 - Parking designed to maintain views and public access.
 - At least 50% of retail is visitor-serving

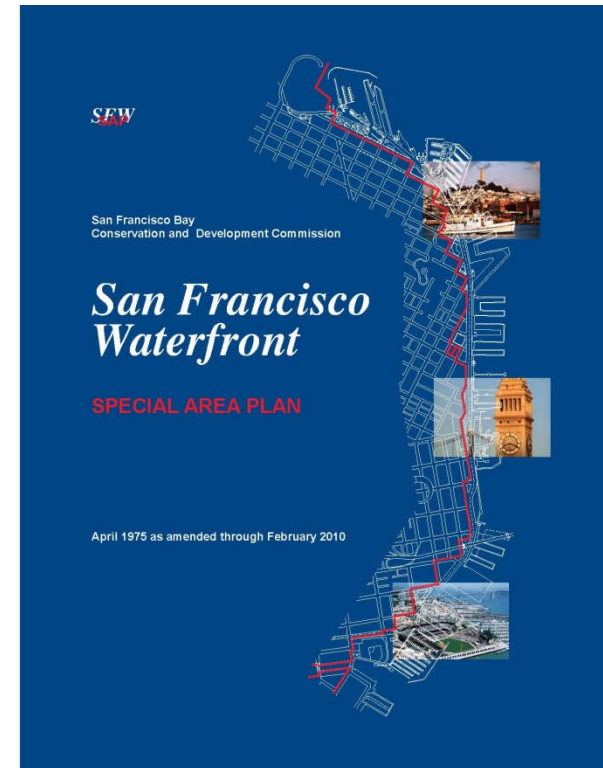
AB 1273 (AT ASSEMBLY NATURAL RESOURCES)

- Allowed sale of Seawall Lot 330 provided the sale proceeds are dedicated to the Piers 30-32 substructure, public access, or maritime improvements
- Allowed any acts undertaken pursuant to the bill to be validated by a court

AB 1273 (AT ASSEMBLY NATURAL RESOURCES)

From Section 7 of AB 1273 (at Assembly Natural Resources):

“...nothing in this act is intended to limit the discretion of BCDC to approve or deny permits for the projects described in this act in a manner consistent with the McAteer-Petris Act, the Bay Plan, the Special Area Plan, and this act, or to limit the discretion of BCDC to enforce permits issued for the projects described in this act.”



AB 1273
ASSEMBLY NATURAL
RESOURCES AMENDMENTS

**(NEGOTIATED WITH STATE LANDS, BCDC AND
ASSEMBLY NATURAL RESOURCES COMMITTEE STAFF)**

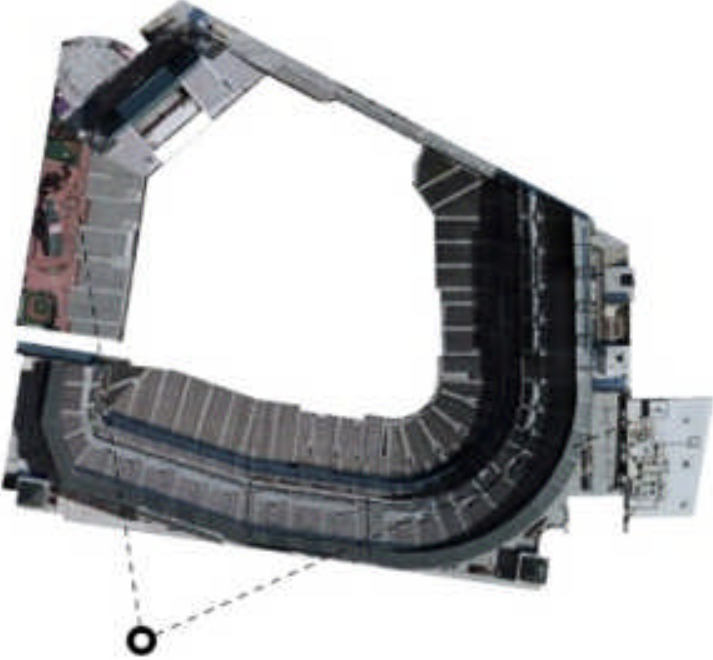
MULTIPLE SIGNIFICANT VIEWS OF THE BAY



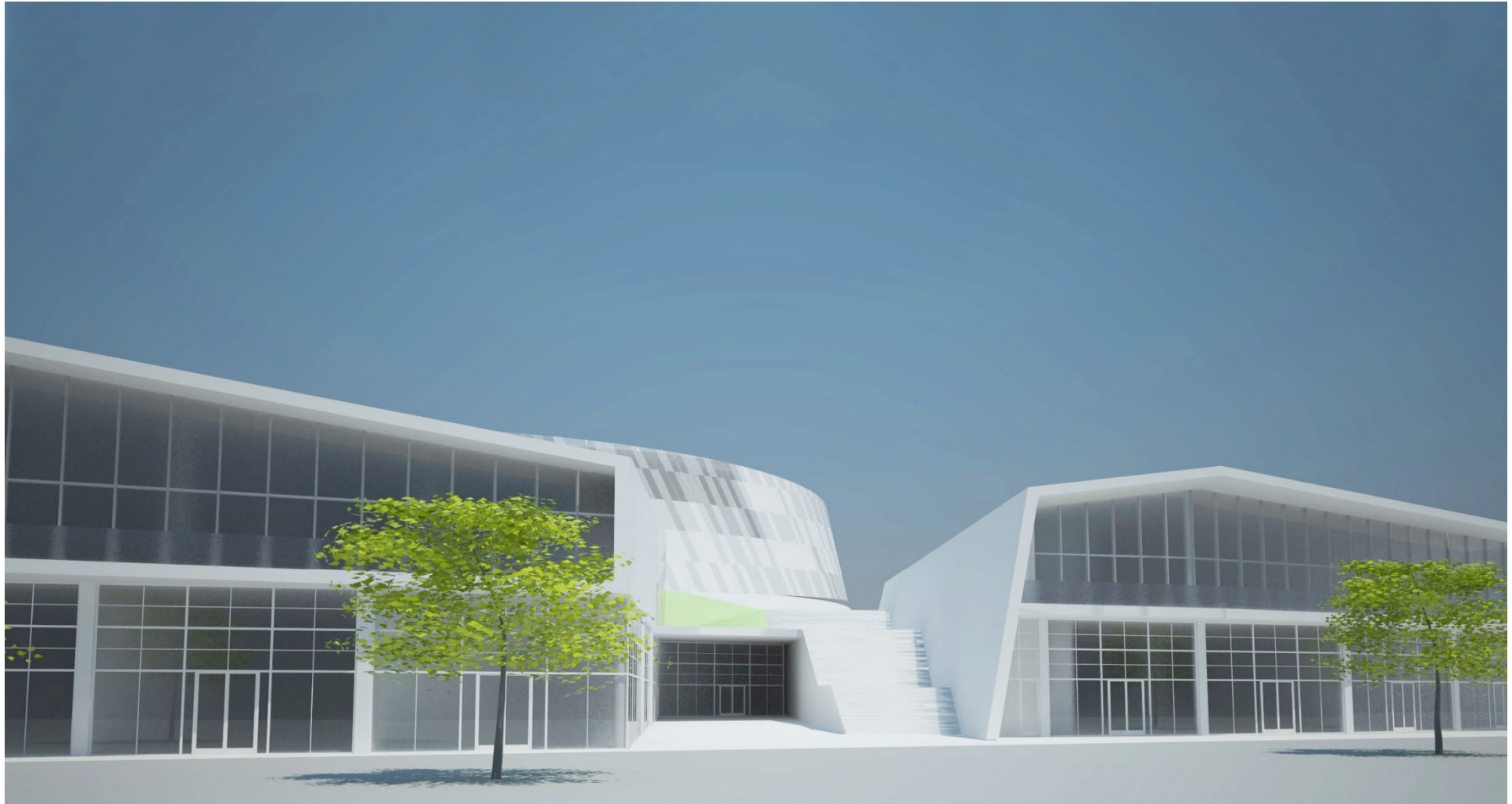
ELEVATED VIEWS



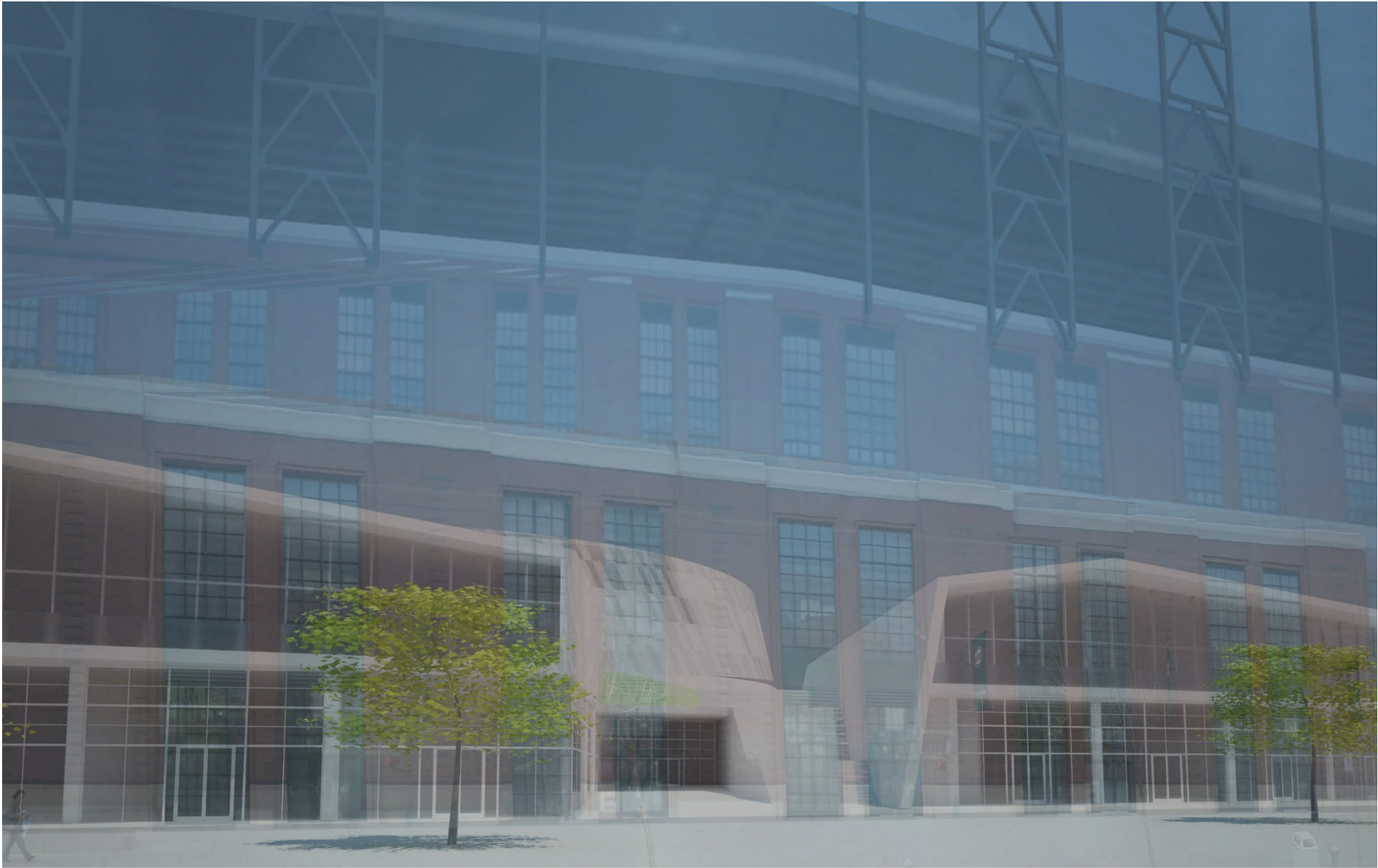
LOCATED TO MINIMIZE INTERFERENCE WITH PUBLIC VIEWS OF THE BAY



VIEW FROM SEAWALL LOT 330







SIGNIFICANT PUBLIC PLAZAS

MAIN ST PASSAGE

BAY VIEW CORRIDOR
PEDESTRIAN LINK TO EMBARCADERO

EVENT PLAZA

FLEXIBLE EVENT SPACE
ACCESS STAIR TO EMBARCADERO
ARENA ENTRY
RESTAURANT TERRACE
NATIVE GRASSES
QUEUING

**MAIN ST
PASSAGE**

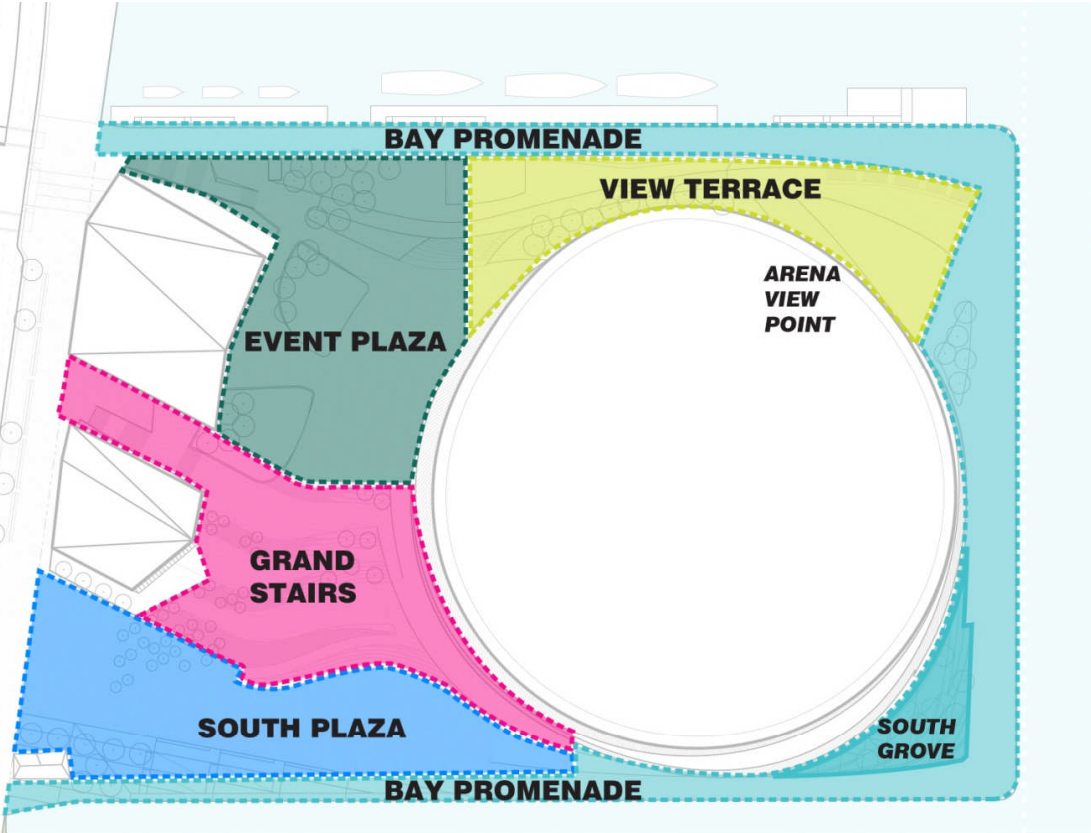
GRAND STAIR

ACCESS TO UPPER VENUE ENTRY
AMPHITHEATER SEATING
TERRACED GARDENS
RAIN GARDENS
PALM GROVE

SOUTH PLAZA

BOARDWALK TERRACE
EVENT PLAZA
LARGE EVENTS /
PERFORMANCES
THEATER ENTRY
PALM GROVE

THE EMBARCADERO



BAY PROMENADE

WORKING WATERFRONT
FIRE BOATS
WATER TAXI DOCK
FERRY DOCK
CRUISE PORT OF CALL
PEDESTRIAN & CYCLE PROMENADE
FISHING

SOUTH GROVE

COASTAL PLANTING
NATIVE LANDSCAPE
TERRACED SEATING
VIEWING PLATFORM

VIEW TERRACE

BAY BRIDGE AND CITY
VIEW
BASKETBALL VIEW POINT
NATIVE PLANTING
LAWN TERRACE
RAIN GARDENS

MAXIMUM FEASIBLE PUBLIC ACCESS AS DETERMINED BY BCDC



FREE PUBLIC VIEWS INTO VENUE



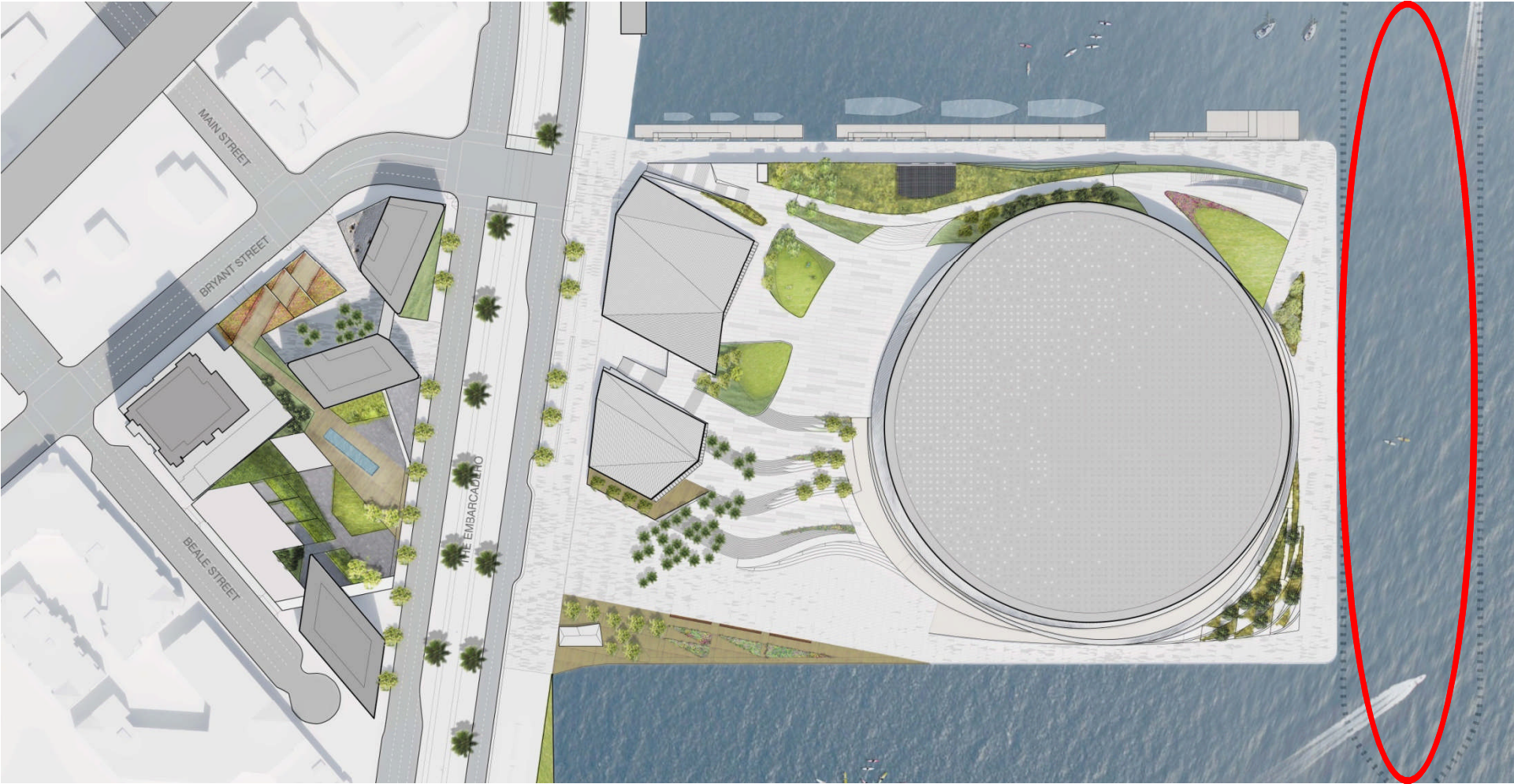
VIEWS OF THE BAY BRIDGE FROM INSIDE



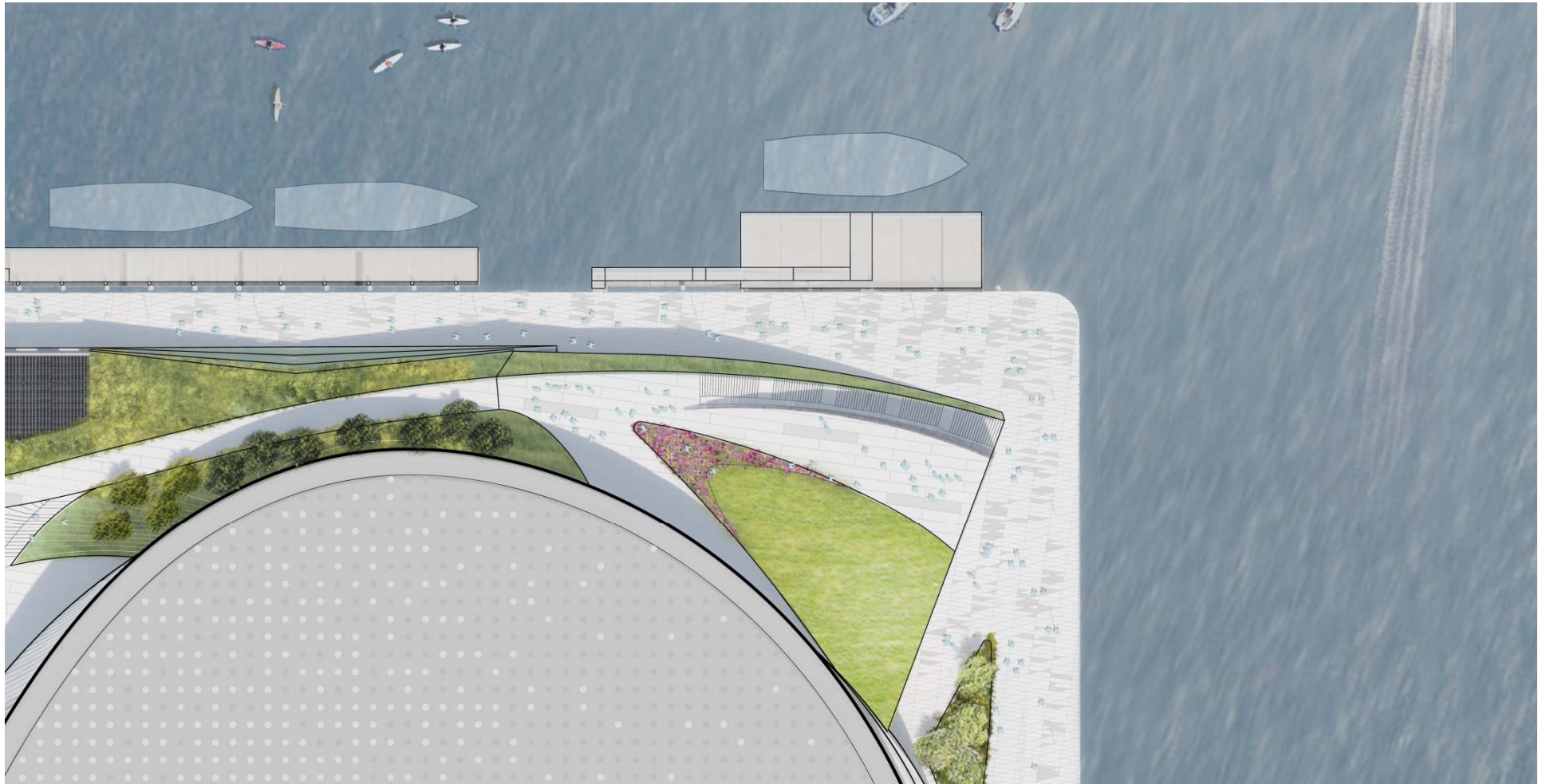
CITY FIRE BOAT STATION OR OTHER MARITIME USES ON NORTH SIDE OF PIER 30



BERTH FOR CRUISE SHIPS AND OTHER DEEP DRAFT VESSELS



WATER TAXI OR FERRY LANDING



OTHER AB 1273 ASSEMBLY NATURAL RESOURCES AMENDMENTS

- A free or low-cost community room
- Non-maritime office is limited to 70,000 sf
- Site is available to the Port or its designee for public trust-consistent events 15 days per year, including 3 days inside the venue, including free and low-cost events
- A plan to address sea level rise
- Periodic reporting to State Lands, every five years

**ADDITIONAL AMENDMENTS
NEGOTIATED WITH BCDC AND
STATE LANDS (MAY 2013)**

NEGOTIATED AMENDMENTS OFFERED TO SENATE NATURAL RESOURCES

- State Lands Commission (rather than the Port) must find the Project consistent with AB 1273
- A limit of 20,000 sf venue-supporting non-trust retail
- The maximum amount of parking will be determined by BCDC and will be designed to minimize conflicts with bicyclists and pedestrians
- BCDC is authorized to approve a package of off-site public benefits after conducting a public process with the Port:

Examples of public benefits: rehabilitation of a nearby Port historic resource, Bay fill removal to create new views and bicycle/pedestrian improvements in the vicinity of the Project

- City is required to study distributed parking solutions that minimize impacts on the Embarcadero in CEQA
- BCDC may establish a maximum number of parking spaces on the pier

**ADDITIONAL AMENDMENTS
ADOPTED BY SENATE NATURAL
RESOURCES (JUNE 2013)**

ADDITIONAL AMENDMENTS ADOPTED BY SENATE NATURAL RESOURCES

Based on the Senate Natural Resources Committee
Analysis:

- Eliminates the legislative trust finding for the Project and authorizes the State Lands Commission to make a trust determination regarding the Project after CEQA is complete
- Authorizes the State Lands Commission to find that the Project is in the “best interests of the State”

STATUS OF AB 1273

- Assembly Floor Vote 59-10
- Passed Senate Natural Resources 7-0-2 (June 25)
- Likely next stop – re-referral to Senate
Appropriations – early August
- Must seek concurring vote in Assembly
- If passed, Governor to consider bill in October