

**CALENDAR ITEM  
C04**

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J. Porter  
K. Colson

**CONSIDER THE APPROVAL OF THE RECORD OF SURVEY FOR THE INITIAL CLOSING PHASE OF THE HUNTERS POINT SHIPYARD/CANDLESTICK POINT TITLE SETTLEMENT, PUBLIC TRUST EXCHANGE AND BOUNDARY LINE AGREEMENT AND THE CANDLESTICK POINT STATE RECREATION AREA RECONFIGURATION, IMPROVEMENT AND TRANSFER AGREEMENT, AND RELATED PARCEL BOUNDARY ADJUSTMENTS, CONCERNING LANDS WITHIN CANDLESTICK POINT AND THE FORMER HUNTERS POINT NAVAL SHIPYARD, CITY AND COUNTY OF SAN FRANCISCO**

**PARTIES:**

California Department of Parks and Recreation

Office of Community Investment and Infrastructure, successor agency to the San Francisco Redevelopment Agency

City and County of San Francisco

Port of San Francisco

California State Lands Commission

**BACKGROUND:**

On April 6, 2011, the California State Lands Commission (Commission) approved the Hunters Point Shipyard/Candlestick Point Title Settlement, Public Trust Exchange and Boundary Line Agreement (Exchange Agreement) and the Candlestick Point State Recreation Area Reconfiguration, Improvement and Transfer Agreement (Transfer Agreement), involving lands within Candlestick Point and the former Hunters Point Naval Shipyard (April 6, 2011 Calendar Item 67). Both of those Agreements were recorded on June 27, 2011, in the San Francisco County Recorder's Office.

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The Agreements were to be accomplished through a series of phased recorded conveyances subject to certain provisions, conditions of closing, and other terms and conditions of the Agreements. All the parties have been diligently working towards satisfying the conditions precedent for the Initial Closing Phase. Two of the items that the Commission has been requested to consider are the record of survey for the Initial Closing Phase and the proposed parcel boundary adjustments.

**Record of Survey for Initial Closing Phase**

One of the requirements in the Exchange Agreement is that the Office of Community Investment and Infrastructure, the successor agency to the San Francisco Redevelopment Agency (OCII) shall file with the City and County of San Francisco a record of survey showing the boundaries of the Public Trust Parcels and the Trust Termination Parcels to be conveyed in the Initial Closing Phase. The record of survey must be based on field surveys and shall establish the physical location of boundaries and shall define same with monuments appropriately placed. The record of survey must first be reviewed and approved by the Commission.

Commission staff has reviewed the record of survey provided by the OCII and believes that it accurately shows boundaries of the Public Trust Parcels and the Trust Termination Parcels to be conveyed in the Initial Closing Phase, a copy of which is on file at the Commission office. Staff recommends the Commission approve the record of survey for the Initial Closing Phase. The record of survey will be recorded as part of the close of escrow for the Initial Closing Phase.

**Parcel Boundary Adjustments**

As part of the April 6, 2011, Commission authorization, all of the legal descriptions for the conveyancing documents related to the Initial Closing Phase were approved. The Agreements acknowledged that a number of the development approvals within the subject area, including detailed infrastructure plans, subdivision maps, and parcel maps would be obtained after the effective date of the Agreements. Accordingly, minor adjustments to the boundaries of the Public Trust Parcels or Trust Termination Parcels as described in the exhibits to the Agreements were anticipated, and a mechanism to accomplish those adjustments were included as part of the Agreements.

The procedure for the parcel boundary adjustments requires that all affected parties consent to the adjustment. Then the Commission reviews any necessary

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maps, legal descriptions, surveys, or information. The Commission may approve the proposed parcel boundary adjustments if it determines the configuration of the Public Trust Parcels and Trust Termination Parcels after the adjustment would be consistent with the configuration shown on Exhibit B in all material respects (Exhibit 2 of the Exchange Agreement). If the Commission determines that the resulting configuration materially differs from Exhibit B, it could still approve the parcel boundary adjustments if it finds that the proposed configuration is substantially similar to the configuration shown in Section 25 of SB 792 (Chapter 203, Statutes of 2009) and makes any other findings with respect to the proposed configuration that may be required by SB 792.

Commission staff has reviewed surveys and legal descriptions related to the proposed parcel boundary adjustments. Commission staff recommends that the Commission approve the proposed parcel boundary adjustments and find that the configuration of the Public Trust Parcels and Trust Termination Parcels after the parcel boundary adjustments would be consistent with the configuration shown on Exhibit B in all material respects.

**EXHIBITS:**

- A. Location and Site Map
- B. Illustrative Plat Public Trust and Trust Termination Lands

**OTHER PERTINENT INFORMATION**

The staff recommends that the Commission find that approval of the subject (1) record of survey and (2) parcel boundary adjustments do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that approval of the subject (1) record of survey and (2) parcel boundary adjustments are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060,

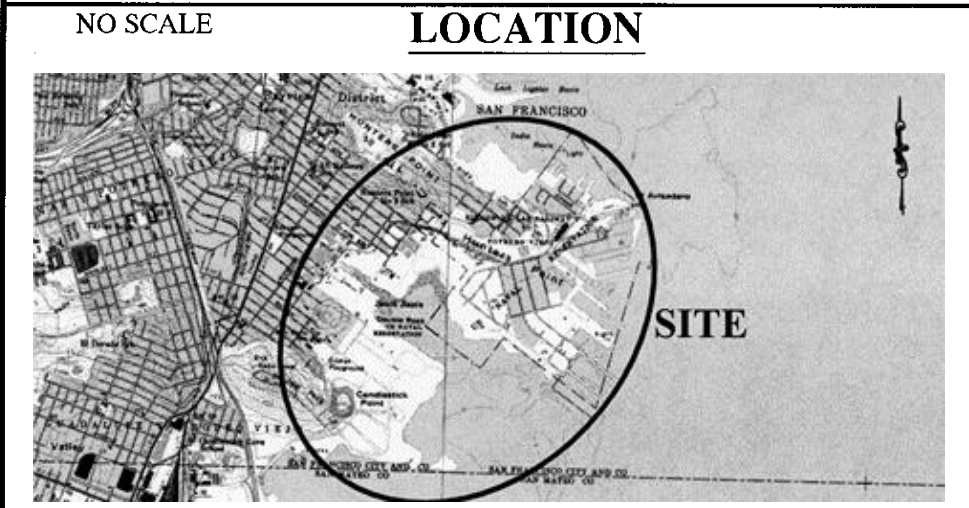
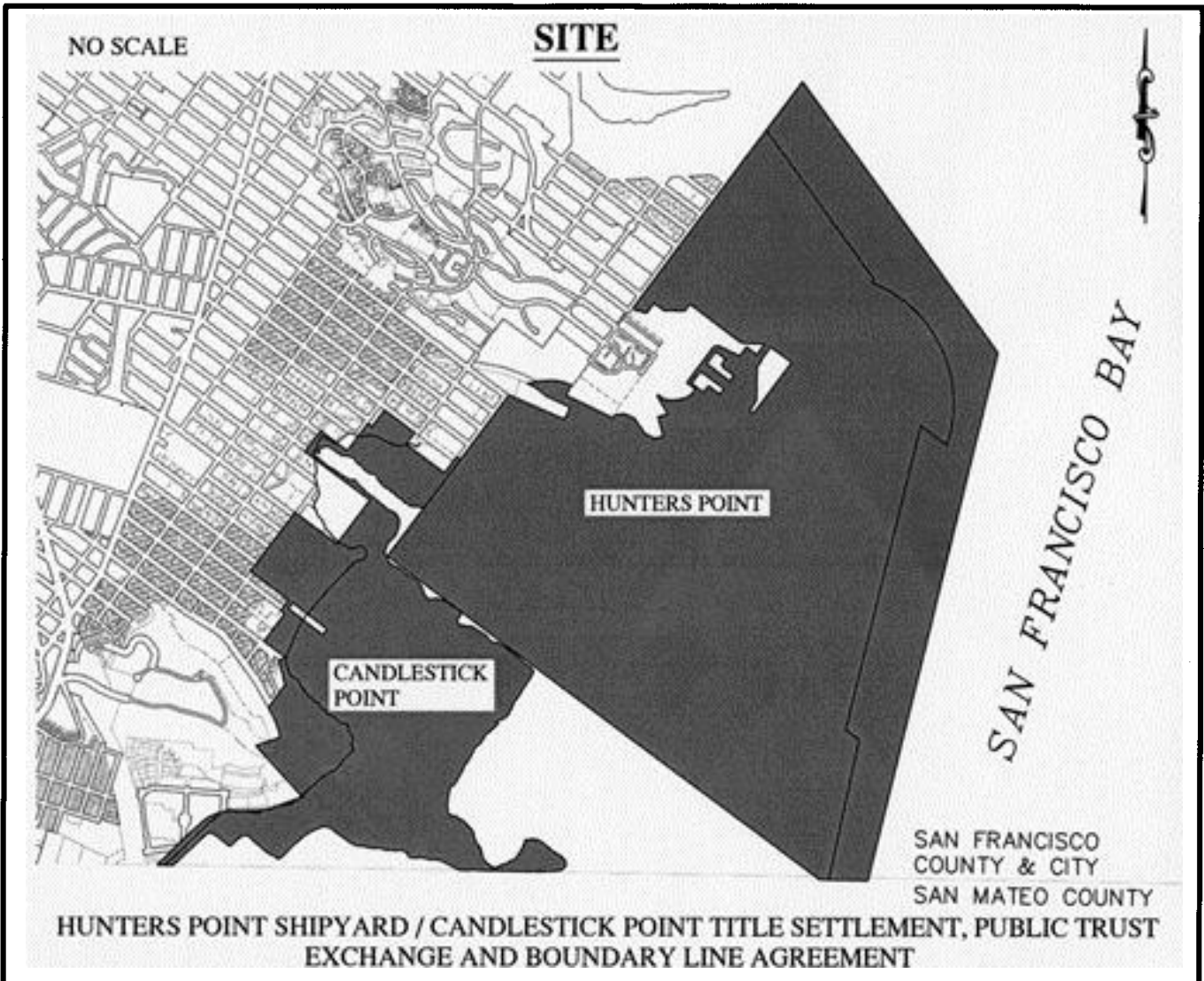
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subdivision (c)(3), because the subject activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Approve the record of survey showing the boundaries of the Public Trust Parcels and the Trust Termination Parcels to be conveyed in the Initial Closing Phase, on file in the Sacramento Office of the Commission.

Approve the parcel boundary adjustments and find that the configuration of the Public Trust Parcels and Trust Termination Parcels after the parcel boundary adjustments would be consistent with the configuration shown on Exhibit B in all material respects.

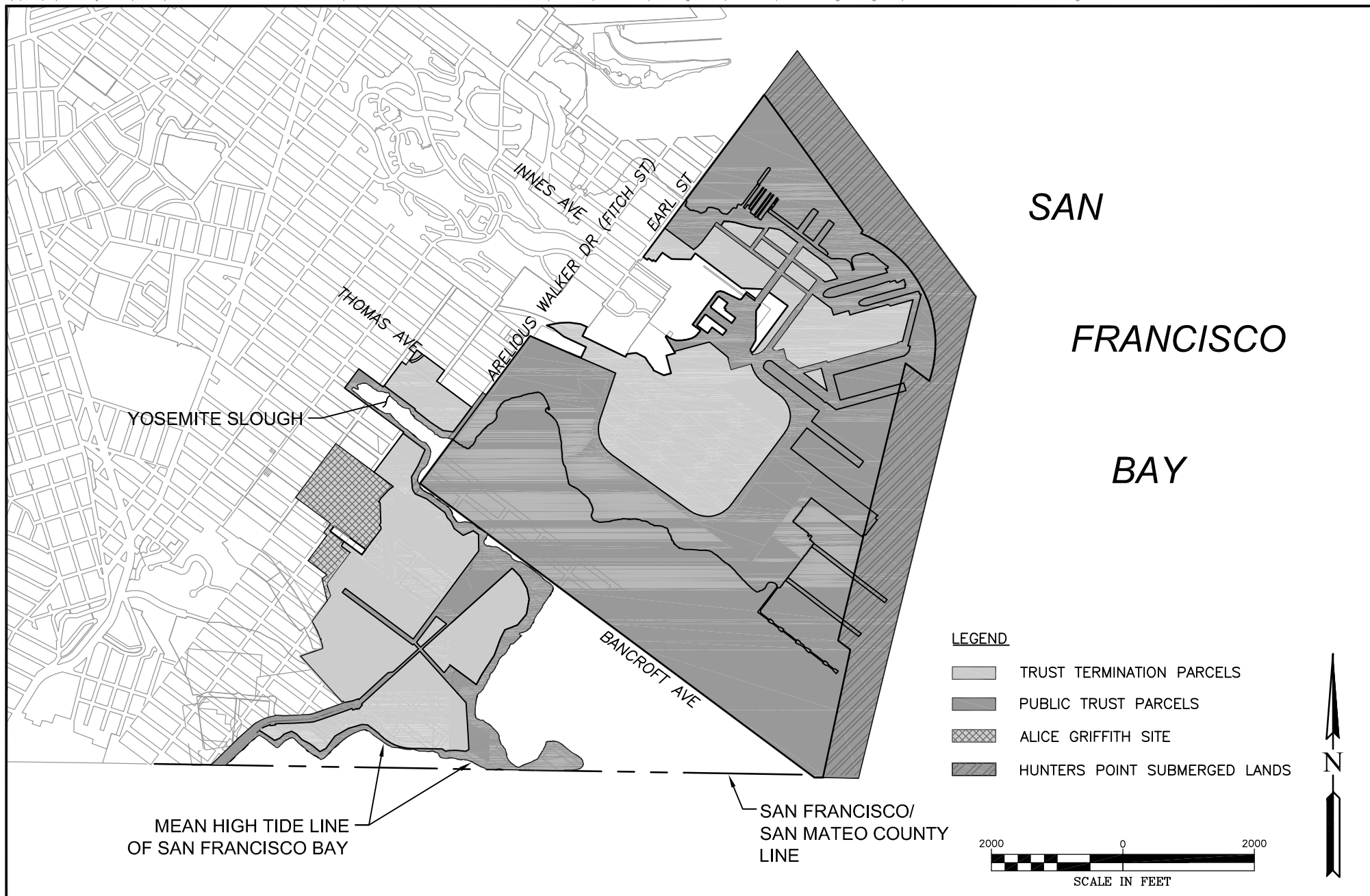


**Exhibit A**  
W 26279 / AD 557  
HUNTERS POINT SHIPYARD /  
CANDLESTICK POINT  
TITLE SETTLEMENT,  
EXCHANGE & B.L.A.  
CITY & COUNTY OF  
SAN FRANCISCO



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the premises, is based on unverified information provided by the parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



<p><b>WINZLER &amp; KELLY</b> 417 Montgomery Street, Suite 700 San Francisco, CA 94104 tel (415) 283-4970 ♦ fax (415) 283-4980 ♦ www.w-and-k.com</p>		HPS CP TITLE SETTLEMENT, PUBLIC TRUST EXCHANGE, AND BOUNDARY LINE AGREEMENT		EXHIBIT <b>2</b> 1 OF 1
		ILLUSTRATIVE PLAT OF PUBLIC TRUST AND TRUST TERMINATION LANDS		
DRAWN BY: JMS	FILE NO:			
REVISION DATE: 30 MAR 2011	SCALE: AS SHOWN			