

CALENDAR ITEM

C89

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AD 557

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**CONSIDER APPROVAL OF THE RECORD OF SURVEY FOR
THE SECOND CLOSING PHASE OF THE CANDLESTICK POINT STATE
RECREATION AREA RECONFIGURATION, IMPROVEMENT AND TRANSFER
AGREEMENT, CONCERNING LAND WITHIN CANDLESTICK POINT STATE
RECREATION AREA, 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

California State Lands Commission

BACKGROUND:

In April 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 (Park Transfer Agreement), involving lands within Candlestick Point and the former Hunters Point Naval Shipyard ([Calendar Item 67, April 6, 2011](#)). Both of those agreements were recorded on June 27, 2011, in the San Francisco County Recorder's Office. The agreements contemplate a series of phased recorded conveyances. Two phases of the Exchange Agreement and one phase of the Park Transfer Agreement have already closed escrow.

The Office of Community Investment and Infrastructure (Agency), which is the successor agency to the San Francisco Redevelopment Agency, has initiated a subsequent closing phase of the Park Transfer Agreement involving land along

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Harney Way and land within the Candlestick Park State Recreation Area as shown on Exhibit A.

PROPOSED RECORD OF SURVEY FOR SECOND CLOSING PHASE OF PARK TRANSFER AGREEMENT:

Prior to any Subsequent Closing Phase, the Agency must file a record of survey with the City and County of San Francisco that the Commission has reviewed and approved. As part of the second closing phase of the Park Transfer Agreement, the Commission will convey a narrow strip of land along Harney Way, currently under lease to the California Department of Parks and Recreation (Department) to the Agency. The Commission will receive a parcel called the Park Addition Public Trust Parcel that will be leased to the Department as part of the Candlestick Park State Recreation Area. Commission staff has reviewed the record of survey and recommends approval of the record of survey showing the second closing phase of the Park Transfer Agreement (Phase 2/2A).

The Agency has also submitted preliminary legal descriptions for the parcels involved in the second closing phase of the Park Transfer Agreement that have been reviewed by Commission staff.

Public Trust and State's Best Interests Analysis

Chapter 203 of the Statutes of 2009 authorized the Commission to enter into the Exchange and Park Transfer Agreements and required the Commission to make certain findings to approve the agreements. As part of the April 6, 2011 approval of the agreements, the Commission found (1) the exchange is consistent with and furthers the purpose of the public trust, (2) no substantial interference with public trust uses and purposes will ensue by virtue of the Exchange, and (3) the exchange is in the best interests of the statewide public. Approval of the record of survey and legal descriptions for the second closing phase of the Park Transfer Agreement is consistent with the Commission's previous approvals and findings.

EXHIBIT:

- A. Location and Site Map of the Second Closing Phase (Phase 2/2A)

OTHER PERTINENT INFORMATION:

1. The initial closing phase of the Exchange Agreement and Park Transfer Agreement closed escrow on July 30, 2014 ([Calendar Item 4, January 23, 2014](#)).

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2. The second closing phase for the Exchange Agreement closed escrow on December 5, 2014 ([Calendar Item 101, October 14, 2014](#)).
3. The proposed action is consistent with the Commission's 2016-2020 Strategic Plan Key Action 1.2.3 to promote public trust consistent waterfront development and revitalization, addressing sea-level rise and climate change in the planning process, and Key Action 1.3.3 to acquire property interests that enhance access to, or the resource value of, sovereign lands as trustee of the Kapiloff Land Bank Fund or through title settlements and existing land exchange authority.
4. The staff recommends that the Commission find that approval of the record of survey does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not a project under 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 record of survey is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.





AUTHORIZATION:

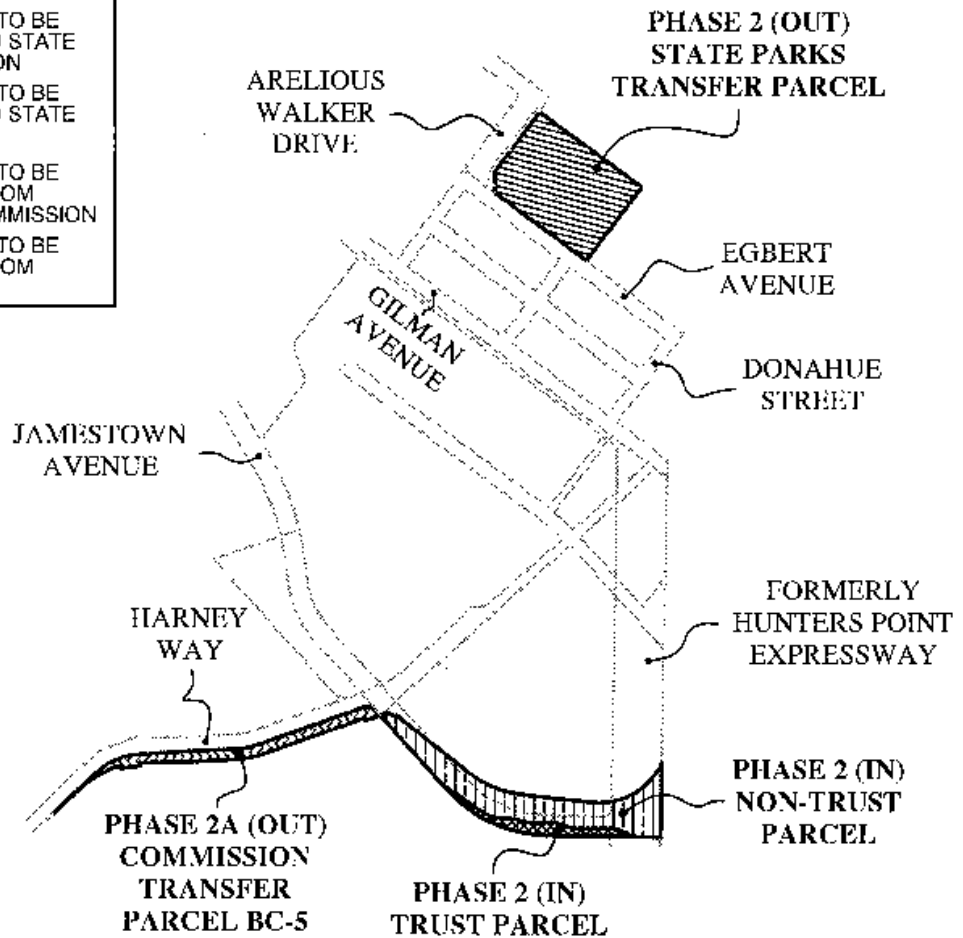
Approve the record of survey for the second closing phase of the Park Transfer Agreement, in substantially the same form that is on file at the Commission's Sacramento office.

NO SCALE

SITE

LEGEND

-  PROPOSED AREA TO BE TRANSFERRED TO STATE LANDS COMMISSION
-  PROPOSED AREA TO BE TRANSFERRED TO STATE PARKS
-  PROPOSED AREA TO BE TRANSFERRED FROM STATE LANDS COMMISSION
-  PROPOSED AREA TO BE TRANSFERRED FROM STATE PARKS



CANDLESTICK POINT STATE RECREATION AREA RECONFIGURATION, IMPROVEMENT AND TRANSFER AGREEMENT SECOND CLOSING PHASE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other 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.

Exhibit A

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 CANDLESTICK PT STATE RECREATION AREA RECONFIGURATION, IMPROVEMENT AND TRANSFER AGREEMENT SECOND CLOSING PHASE
 CITY & COUNTY OF SAN FRANCISCO



JWP 05/09/16