

## STAFF REPORT

### C84

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02/27/18

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G 11-01.6  
R. Boggiano

### **CONSIDER APPROVAL OF A RECORD OF SURVEY AND LEGAL DESCRIPTIONS FOR THE PIER 70 COMPROMISE TITLE SETTLEMENT AND LAND EXCHANGE AGREEMENT, CONCERNING LANDS WITHIN THE PIER 70 AREA, CITY AND COUNTY OF SAN FRANCISCO**

#### **PARTIES:**

City and County of San Francisco, acting by and through the San Francisco Port Commission

State of California, acting by and through the California State Lands Commission

#### **BACKGROUND:**

In November 2017, the Commission approved the Compromise Title Settlement and Land Exchange Agreement for Pier 70 (Agreement), subject to the Commission approving the record of survey and legal descriptions at a future properly-noticed public meeting ([Item 77, November 29, 2017](#)). The Agreement involves real property situated in the City and County of San Francisco within the area known as Pier 70.

As part of the Agreement, the Commission or Executive Officer must approve any surveys or legal descriptions required for the exchange. Staff had not reviewed the record of survey and legal descriptions prior to the November 2017 Commission meeting. While the legislation authorizing the Agreement allows the Executive Officer to approve the record of survey and legal descriptions, the Commission, pursuant to staff's recommendation, retained authority to approve these elements of the Agreement. Staff has since reviewed the record of survey and legal descriptions that show or describe the boundaries of the Public Trust Lands and Trust Termination Lands to be conveyed as part of the Agreement and recommends that the Commission approve the documents. The adjacent submerged lands were not included in the Record of Survey because they will not be transferred during the initial closing. The Commission or the Executive Officer will review and approve the record of survey depicting the adjacent submerged lands at a future date.

#### **Public Trust and State's Best Interests Analysis**

Chapter 477, Statutes of 2011, authorized the Commission to enter into the Agreement and required the Commission to make certain findings to approve the

STAFF REPORT NO. **C84** (CONT'D)

agreements. As described in the November 2017 Staff Report, the facts support each of the necessary findings the Commission must make, including that the Agreement is otherwise in the best interests of the State and is otherwise consistent with the common law Public Trust Doctrine. Approval of the record of survey and legal descriptions is consistent with the Commission's November 2017 approval and findings.

**EXHIBIT:**

- A. Location and Site Map of Public Trust and Trust Termination Lands

**OTHER PERTINENT INFORMATION:**

1. The proposed action is consistent with Key Action 1.2.3 of the Commission's Strategic Plan 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.
2. Approval of the record of survey and land descriptions is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. The approval of the record of survey and land descriptions is required as a condition of the Commission's authorization for the Pier 70 Compromise Title Settlement and Land Exchange Agreement, as stated in Item 77 of the November 29, 2017 meeting.

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**AUTHORIZATION:**

1. Approve the record of survey and legal descriptions for the Pier 70 Compromise Title Settlement and Land Exchange Agreement, in substantially the same form as those on file at the Commission's Sacramento office.
2. Find that all of the surveys and legal descriptions necessary for the initial closing of the Pier 70 Compromise Title Settlement and Land Exchange Agreement have been approved by the Commission.

NO SCALE

# SITE



## SAN FRANCISCO BAY

- TRUST
- NON TRUST
- XXX BLOCK NUMBERS
- XX HISTORIC BUILDINGS
- PUEBLO LINE OF 1883
- PIER 70 AREA (PER AB 418)
- ADJACENT SUBMERGED LANDS

### PIER 70 LAND EXCHANGE

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

G11-01  
PIER 70  
LAND EXCHANGE  
CITY AND COUNTY OF  
SAN FRANCISCO



DJF 2/9/2018