

**CALENDAR ITEM
C47**

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D. Brown, J. Lucchesi

**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO EXECUTE A
REIMBURSEMENT AGREEMENT WITH THE
SAN FRANCISCO REDEVELOPMENT AGENCY TO PROVIDE TITLE SETTLEMENT/
BOUNDARY LINE/ LAND EXCHANGE SUPPPORT SERVICES RELATED TO THE
HUNTER'S POINT SHIPYARD/CANDLESTICK REDEVELOPMENT PROJECT**

Party:

San Francisco Redevelopment Agency
One South Van Ness Avenue, Fifth Floor,
San Francisco, CA 94103

BACKGROUND

The Hunter's Point Shipyard/Candlestick Redevelopment Project (Project) involves a proposed development on approximately 702 acres of waterfront lands within the City and County of San Francisco. The Project includes a mixed-use development with a range of residential, retail, office, research and development, civic and community uses, and parks and recreational open space. The Project also includes a new stadium for the San Francisco 49ers National Football League team, a 300-slip marina, and improvements to the Candlestick Point State Recreation Area.

Portions of the Project area within Candlestick Point involve sovereign tide and submerged lands under the direct jurisdiction of the CSLC. Most of these sovereign lands are currently leased to the California Department of Parks and Recreation (State Parks) for the Candlestick Point State Recreation Area. Other portions of the Project area within Candlestick Point involve sovereign tide and submerged lands, which have been granted, in trust, to the City and County of San Francisco, pursuant to the Burton Act (Chapter 1333, Statutes of 1968, as amended).

Hunters Point Shipyard involves lands that were historic uplands and lands that were formerly tide and submerged lands. The State Lands Commission, on behalf of the State, asserts sovereign public trust property rights in portions of the Hunters Point

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Shipyard. The Shipyard was closed by the United States in 1974. Pursuant to a 2004 conveyance agreement with the San Francisco Redevelopment Agency (Agency), the United States Navy has conveyed a portion of the Shipyards to the Agency and has agreed to transfer the remainder to the Agency following remediation of hazardous materials. Pursuant to Chapter 203, Statutes of 2009 (SB 792, Leno), any State interest remaining in the lands at Hunters Point Shipyard have been granted, in trust, to the Agency.

As provided for in Chapter 203, Statutes of 2009, implementation of the Project will require the Commission to consider and approve a title settlement/boundary line/land exchange agreement between the Commission, the Agency, the City of San Francisco, the Port of San Francisco and State Parks, In addition, in conjunction with a land exchange, State Parks will be required to obtain a lease from the Commission for use of public trust lands within Candlestick Point for the State Recreation Area. Representatives of the Agency, the developer, State Parks staff, CSLC staff, and the Office of the Attorney General are currently negotiating the terms of a possible title settlement/boundary line/land exchange agreement, as contemplated by Chapter 203, Statutes of 2009.

PROPOSED:

The purpose of the proposed Reimbursement Agreement is to reimburse Commission staff for providing support services during the negotiations and preparation of the proposed title settlement/boundary line/land exchange agreement. Specifically, the scope of work includes, but is not limited to: land exchange negotiations; review for public trust consistency; review for granting statute consistency; legal review; title and boundary analysis, including a photogrammetric mean high tide line survey; review and analysis of land appraisals; participation in public meetings/working groups; preparation of state legislation to effectuate a title settlement and land exchange; site visits; document preparation; negotiation of terms and conditions for a proposed lease with State Parks; review of project impacts on the Public Trust, when necessary; preparation of field reports, office technical review services, and coordination with other governmental agencies.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. Public Resources Code Section 6703

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, Section 15060(c)(3) because the activity is not a project as defined by Public Resources Code Section 21065 and Title 14, California Code of Regulations, Section 15378
2. Authorize the Executive Officer or his designee to execute a reimbursement agreement with the San Francisco Redevelopment Agency to provide boundary line/title settlement/land exchange services to assist in the Hunter's Point Shipyard/Candlestick Redevelopment Project.