

File No. 100660

Committee Item No. 11

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date June 14, 2010

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU                                          |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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|---------------------------------------|--------------------------|----------------------------------------------------|
| * <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Agreement for the Transfer of Real Property</u> |
| * <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Public Trust Exchange Agreement</u>             |
| * <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Bayview Jobs, Parks and Housing Initiative</u>  |
| <input type="checkbox"/>              | <input type="checkbox"/> | _____                                              |
| <input type="checkbox"/>              | <input type="checkbox"/> | _____                                              |

Completed by: Alisa Somera Date June 11, 2010

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.



1 [Candlestick Point and Shipyard Phase 2 Redevelopment Project; Real Property Transfer and  
2 Public Trust Exchange.]  
3

4 **Resolution approving and authorizing the execution, delivery and performance of (1) a**  
5 **Real Property Transfer Agreement between the City and County of San Francisco and**  
6 **the Redevelopment Agency of the City and County of San Francisco for Certain City**  
7 **Property at Candlestick Point, and (2) a Title Settlement, Public Trust Exchange and**  
8 **Boundary Line Agreement between the City and County of San Francisco (acting by**  
9 **and through the Board of Supervisors and through the Port Commission), the**  
10 **Redevelopment Agency of the City and County of San Francisco, the California State**  
11 **Lands Commission and the California Department of Parks and Recreation, both**  
12 **agreements being in furtherance of the Candlestick Point and Phase 2 of the Hunters**  
13 **Point Shipyard Redevelopment Project.**

14  
15 WHEREAS, Improving the quality of life of the residents of Bayview Hunters Point  
16 ("BVHP"), is one of the City's highest priorities. Expediting the revitalization of BVHP will  
17 provide long overdue improvements to the BVHP community that will also benefit the City as a  
18 whole. Both the Hunters Point Shipyard and the Candlestick Activity Node, as defined in the  
19 Bayview Hunters Point Redevelopment Plan (the "Candlestick Site," together with Phase 2 of  
20 the Hunters Point Shipyard, the "Project Site"), are part of BVHP and together they make up  
21 the largest area of under-used land in the City; and,

22 WHEREAS, The Candlestick Site includes, among other things: (i) the Candlestick  
23 Point State Recreation Area (the "CP State Recreation Area"), much of which is severely  
24 under-improved, under-used and under-funded, and the restoration and improvement of which  
25 has been a long-term goal of BVHP residents, the City and the State; and (ii) the City-owned

1 stadium, currently named Candlestick Park (the "Existing Stadium"), which is home to the  
2 San Francisco 49ers and is nearing the end of its useful life; and,

3 WHEREAS, For many years, the City and the Redevelopment Agency of the City and  
4 County of San Francisco (the "Agency") have been working together to bring about the  
5 revitalization of the Shipyard and the Candlestick Site, and in early 2007, the City's Board of  
6 Supervisors and the Agency Commission endorsed a Conceptual Framework for the  
7 integrated development of these two areas; and,

8 WHEREAS, On June 3, 2008, the City's voters passed Proposition G, which:  
9 (i) adopted overarching policies for the revitalization of the Project Site; (ii) authorized the  
10 conveyance of the real property owned by the City at Candlestick Point under the jurisdiction  
11 of the City's Recreation and Park Department ("RecPark") provided that there is a binding  
12 commitment to replace the transferred property with other property of at least the same  
13 acreage that will be improved and dedicated as public parks or open space in the Project Site  
14 and further provided that the Board of Supervisors finds that the conveyance is consistent with  
15 the policies contained in Proposition G; and (iii) urged the City, the Agency and all other  
16 governmental agencies with jurisdiction to proceed expeditiously with revitalization of the  
17 Project Site. Proposition G satisfied the requirement of City's Charter 4.113 that no City park  
18 land may be sold for non-recreational purposes unless approved by a vote of the electors;  
19 and,

20 WHEREAS, In 2009, the State legislature approved and the Governor signed and filed  
21 with the Secretary of State Senate Bill Number 792 ("SB 792"), providing for the  
22 reconfiguration of the CP State Recreation Area and improvement of the State's park lands, in  
23 connection with the development of the Project Site. SB 792 permits the exchange of certain  
24 public trust lands and the reconfiguration and improvement of CP State Recreation Area, in  
25 furtherance of state public trust, park and redevelopment purposes; and,

1           WHEREAS, The City's Planning Department and the Agency have undertaken a  
2 planning and environmental review process for the Project (as defined below) and provided  
3 for appropriate public hearings before the Planning Commission and the Agency Commission;  
4 and,

5           WHEREAS, There have been more than 230 public meetings, workshops and  
6 presentations over the past three years on every aspect of the Project, including meetings  
7 before the Agency Commission, the Planning Commission, the Board of Supervisors and  
8 other City commissions and advisory and community groups; and,

9           WHEREAS, The Planning Commission and the Agency Commission, respectively,  
10 have certified the completion of a Final Environmental Impact Report for the Project (the  
11 "EIR") in compliance with CEQA and the CEQA Guidelines; and,

12           WHEREAS, The Planning Commission determined that the Project, and the various  
13 actions being taken by the City and the Agency to approve and implement the Project, are  
14 consistent with the General Plan and with the Eight Priority Policies of City Planning Code  
15 Section 101.1, and made findings in connection therewith (the "General Plan Consistency  
16 Determination"), a copy of which is on file with the Clerk of the Board of Supervisors in File  
17 No. \_\_\_\_\_ and is incorporated into this Resolution by reference; and,

18           WHEREAS, After years of planning and negotiations, and following certification the  
19 EIR, the Agency entered a disposition and Development Agreement (the "DDA") with  
20 CP Development Co., a Delaware limited partnership ("Developer"), for the redevelopment of  
21 the Project Site (the "Project"). The Project, as further described in the DDA, includes up to  
22 10,500 residential units, of which 32% will be offered at below market affordable rates,  
23 approximately 336 acres of new and improved public parks and open spaces, up to 885,000  
24 square feet of regional and neighborhood-serving retail space, up to 255,000 square feet of  
25 new and renovated replacement space for the Shipyard artists and a new arts center, up to

1 2,650,000 square feet of commercial light industrial, research and development and office  
2 space, and land and supporting infrastructure for a new football stadium for the San Francisco  
3 49ers. If the 49ers do not choose to build a new stadium in the Project Site, the Project  
4 includes a preferred non-stadium alternative, which would shift 1,625 housing units from  
5 Candlestick Point to the stadium site, provide for an additional 500,000 square feet of  
6 research and development space on the stadium site, and provide for approximately 326  
7 acres of new and improved parks and open space. The Project is consistent with the  
8 Conceptual Framework and Proposition G; and,

9 WHEREAS, Concurrently with this Resolution, the Board of Supervisors is considering  
10 a series of actions and approvals in furtherance of the Project, including the adoption of  
11 amendments to the Hunters Point Shipyard Redevelopment Plan and the Bayview Hunters  
12 Point Redevelopment Plan and various other actions to implement the Project. In accordance  
13 with such actions, this Board adopted Resolution No. \_\_\_\_\_, concerning findings  
14 pursuant to the California Environmental Quality Act (California Public Resources Code  
15 sections 21000 et seq.), which resolution is on file with the Clerk of the Board of Supervisors  
16 in File No. 100572 and is incorporated into this Resolution by reference; and,

17 WHEREAS, To implement the Project, the Agency, the City and Developer have  
18 negotiated, among other agreements: (i) an Agreement for the Transfer of Real Property,  
19 dated as of June 3, 2010, by and between the City, acting by and through RecPark, and the  
20 Agency (the "RecPark Land Transfer Agreement"), and (ii) a title settlement, public trust  
21 exchange and boundary line agreement (the "Public Trust Exchange Agreement"; together  
22 with the RecPark Land Transfer Agreement, the "City Land Agreements"), by and between  
23 the Agency, the California State Lands Commission ("State Lands"), the City acting by and  
24 through the Board of Supervisors and through the San Francisco Port Commission, and the  
25 California Department of Parks and Recreation ("State Parks"). A copy of the RecPark Land

1 Transfer Agreement and the Public Trust Exchange Agreement are on file with the Clerk of  
2 the Board under File No. 100660; and,

3 WHEREAS, On \_\_\_\_\_, 2010, the RecPark Commission recommended  
4 that the Board of Supervisors approve the RecPark Land Transfer Agreement, and on  
5 \_\_\_\_\_, 2010, the Port Commission recommended that the Board of Supervisors  
6 approve the Public Trust Exchange Agreement; and,

7 WHEREAS, Under the RecPark Land Transfer Agreement, the City agrees to transfer  
8 to the Agency at no cost the City's interest in the real property at Candlestick Point, including  
9 the land currently leased to the San Francisco 49ers, and the Agency agrees to accept the  
10 same on an "As-Is With All Faults" condition. The Agency agrees to use and dispose of this  
11 property in furtherance of the Project and for no other purpose, and in accordance with the  
12 requirements of Proposition G, including the requirement that the property currently under the  
13 jurisdiction of RecPark (the "RecPark Property") not be transferred for development until there  
14 is a binding commitment to create new public park or open space land areas at least equal in  
15 size to the portion of the RecPark Property to be conveyed or used for non-recreational  
16 purposes, as more particularly described in Proposition G; and,

17 WHEREAS, Under the RecPark Land Transfer Agreement, the Agency covenants and  
18 agrees to convey the RecPark Property to Developer as and when required under the DDA,  
19 subject to satisfaction of the conditions of transfer set forth in the DDA, including the  
20 requirements of Proposition G. With the foregoing covenant and agreement, the Board of  
21 Supervisors finds that the requirements set forth in Section 6 of Proposition G have been  
22 satisfied; and,

23 WHEREAS, Under the RecPark Land Transfer Agreement, the City has no obligation  
24 to convey, and the Agency has no obligation to accept, all or any part of the property currently  
25 leased to the 49ers before the 49ers lease terminates or expires and the 49ers vacate the

1 leased premises. Promptly following the 49ers departure, the City will convey the leased  
2 premises to the Agency as contemplated by the RecPark Land Transfer Agreement; and,

3 WHEREAS, Under the RecPark Land Transfer Agreement, the City agrees that it will  
4 not amend the City's existing lease with the 49ers to extend the term beyond the current  
5 outside termination date (May 2023), unless the extension is approved by the Agency,  
6 Developer, and State Parks; and,

7 WHEREAS, There is no cash consideration paid by the Agency to the City for the  
8 property transferred to the Agency under the RecPark Land Transfer Agreement. The  
9 Agency's covenant and agreement to use the Property for the development of the Project is  
10 valid and binding consideration for the City's conveyance of the Property. The Board of  
11 Supervisors finds and agrees that the public interest or necessity demands, and will not be  
12 inconvenienced by, the conveyance of the real property to the Agency as contemplated by the  
13 RecPark Land Transfer Agreement. The City further finds and agrees that the City will  
14 receive significant value from the development of the Project, including the many public and  
15 community benefits and the parks and open spaces to be provided by the Project; and,

16 WHEREAS, The purpose of this Public Trust Exchange Agreement is to settle certain  
17 boundary and title disputes related to the common law public trust for commerce, navigation,  
18 and fisheries ("Public Trust"), and to establish and reconfigure the location of lands subject to  
19 the Public Trust and lands free of the Public Trust, through the conveyances, boundary line  
20 agreements, and disclaimers provided for in the Public Trust Agreement, in furtherance of the  
21 Project and the reconfiguration of CP State Recreation Area; and,

22 WHEREAS, The Public Trust Exchange Agreement provides a mechanism for  
23 implementing the Public Trust exchange permitted under SB 792, and contemplates that the  
24 public trust exchange as described in the Public Trust Exchange Agreement (the "Public Trust  
25 Exchange") will occur in phases upon the satisfaction of certain conditions and subject to the



1 approval of the State Lands Commission. The lands to be included in the Public Trust  
2 Exchange lie within the eight separate areas, and the parties to the Public Trust Exchange  
3 Agreement will effectuate the Public Trust Exchange through a series of conveyances of the  
4 lands within those areas, as provided in the Public Trust Exchange Agreement; and,

5 WHEREAS, Following the Public Trust Exchange, the entire waterfront within the  
6 Project Site, as well as certain interior lands that have high Public Trust values, will be subject  
7 to the Public Trust. The Agency (or, for certain streets, the City) will hold all of the Public  
8 Trust lands outside of the CP State Recreation Area as trustee, in accordance with the  
9 statutory grant in SB 792. The lands that will be removed from the Public Trust under the  
10 Trust Exchange Agreement have been cut off from navigable waters, are no longer needed or  
11 required for the promotion of the Public Trust, and constitute a relatively small portion of the  
12 granted public trust lands within the City. The lands removed from the Public Trust, outside of  
13 the CP State Recreation Area, will be conveyed to the Agency; and,

14 WHEREAS, Consistent with the requirements of SB 792, the Public Trust Exchange  
15 Agreement contains provisions to ensure that public access is provided to Public Trust lands  
16 and that views of the Bay from certain Public Trust lands are protected; and now, therefore,  
17 be it,

18 RESOLVED, That the Board of Supervisors finds that the City Land Agreements are  
19 consistent with the General Plan and with the Eight Priority Policies of City Planning Code  
20 Section 101.1 for the reasons set forth in General Plan Consistency Determination, and, be it

21 FURTHER RESOLVED, That in order to effectuate the redevelopment of the Project  
22 Site, and consistent with the requirements of Proposition G, the Board of Supervisors  
23 approves the City Land Agreements, and authorizes the City's execution, delivery and  
24 performance of the City Land Agreements substantially in the form in the Board's file; and, be  
25 it

1           FURTHER RESOLVED, That all actions heretofore taken by the officers of the City  
2 with respect to the City Land Agreements are hereby approved, confirmed and ratified; and,  
3 be it

4           FURTHER RESOLVED, That the Board of Supervisors authorizes the Mayor and the  
5 City Administrator, together with any affected City department, to enter into any amendments  
6 or modifications to the City Land Agreements that they determine, in consultation with the City  
7 Attorney, are in the best interest of the City, do not materially decrease the benefits to or  
8 materially increase the obligations or liabilities of the City, and are in compliance with all  
9 applicable laws, including the City Charter.

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5.18.10 Draft

AGREEMENT FOR TRANSFER OF REAL ESTATE  
EXISTING STADIUM SITE

by and between

CITY AND COUNTY OF SAN FRANCISCO,

as Transferor

and

REDEVELOPMENT AGENCY  
OF CITY AND COUNTY OF SAN FRANCISCO,

as Transferee

\_\_\_\_\_, 2010

SAN FRANCISCO  
FILED

BAYVIEW JOBS, PARKS AND HOUSING INITIATIVE 2007 NOV 20 PM 3:05

**Section 1. Title.**

DEPARTMENT OF ELECTIONS

This Initiative shall be known and may be cited as the "Bayview Jobs, Parks and Housing Initiative."

**Section 2. Findings.**

The People of the City and County of San Francisco (the "City") make the following findings:

(a) Improving the quality of life of the residents of the Bayview Hunters Point community (the "Bayview") is one of the City's highest priorities. Expediting the revitalization of the Bayview will provide long overdue improvements that also will benefit the City as a whole. Both the Hunters Point Shipyard (the "Shipyard") and Candlestick Point are part of the Bayview and together make up the largest area of underused land in the City. Combining planning and development for the remainder of the Shipyard that is not already underway (the "Shipyard Property") and Candlestick Point as an integrated revitalization project will provide hundreds of acres of much needed public parks and public open space, significant jobs and economic development opportunities, particularly for residents and businesses of the Bayview, and a substantial number of new affordable and market-rate housing units, including a mix of rental and for-sale units. Integrated development of these areas can also provide a world-class site for a new stadium for the San Francisco Forty Niners (the "49ers"), including improvements in transportation and other infrastructure. The Shipyard Property and Candlestick Point, subject to any final adjustments as described in Section 9, are referred to in this Initiative as the "Project Site." A map of these two areas is attached for reference as Exhibit A.

May 18, 2010 Draft

**Recorded at the Request of and  
When Recorded Mail to:**

Jennifer Lucchesi, Esq.  
Staff Counsel

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, California 95825-8202

STATE OF CALIFORNIA  
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Document entitled to free  
Recordation Pursuant to  
Government Code Section 27383  
NO TAX DUE

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[Space Above for Recorder's Use]

APN's \_\_\_\_\_  
SLC No. \_\_\_\_\_  
AD No. \_\_\_\_\_

**HUNTERS POINT SHIPYARD/CANDLESTICK POINT  
TITLE SETTLEMENT, PUBLIC TRUST EXCHANGE  
AND BOUNDARY LINE AGREEMENT**

This HUNTERS POINT SHIPYARD/CANDLESTICK POINT TITLE SETTLEMENT, PUBLIC TRUST EXCHANGE AND BOUNDARY LINE AGREEMENT ("Agreement") is dated for reference as of \_\_\_\_\_, 2010. The parties to this Agreement (each individually a "Party," and collectively "Parties") are the State of California, acting by and through the State Lands Commission ("Commission"); the State of California, acting by and through the Department of Parks and Recreation ("State Parks"); the Redevelopment Agency of the City and County of San Francisco, a public body, corporate and politic ("Agency"); the City and County of San Francisco, a municipal corporation, acting by and through its Board of Supervisors ("City"); and the City and County of San Francisco, a municipal corporation, acting by and through its Port Commission ("Port"). This Agreement is entered into pursuant to Chapter 203 of the Statutes of 2009 ("SB 792").

**RECITALS**

A. This Agreement concerns real property located in the City of San Francisco within the area commonly known as the former Hunters Point Naval Shipyard ("Shipyard") and within the area commonly known as Candlestick Point. The area that is subject to this Agreement ("Subject Area"), described in Exhibit 1 ("Legal Description of Subject Area") and

