

# Staff Report 55

**LESSEE/SUBLESSOR:**

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California Department of Parks and Recreation

**SUBLESSEE:**

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City and County of San Francisco

**PROPOSED ACTION:**

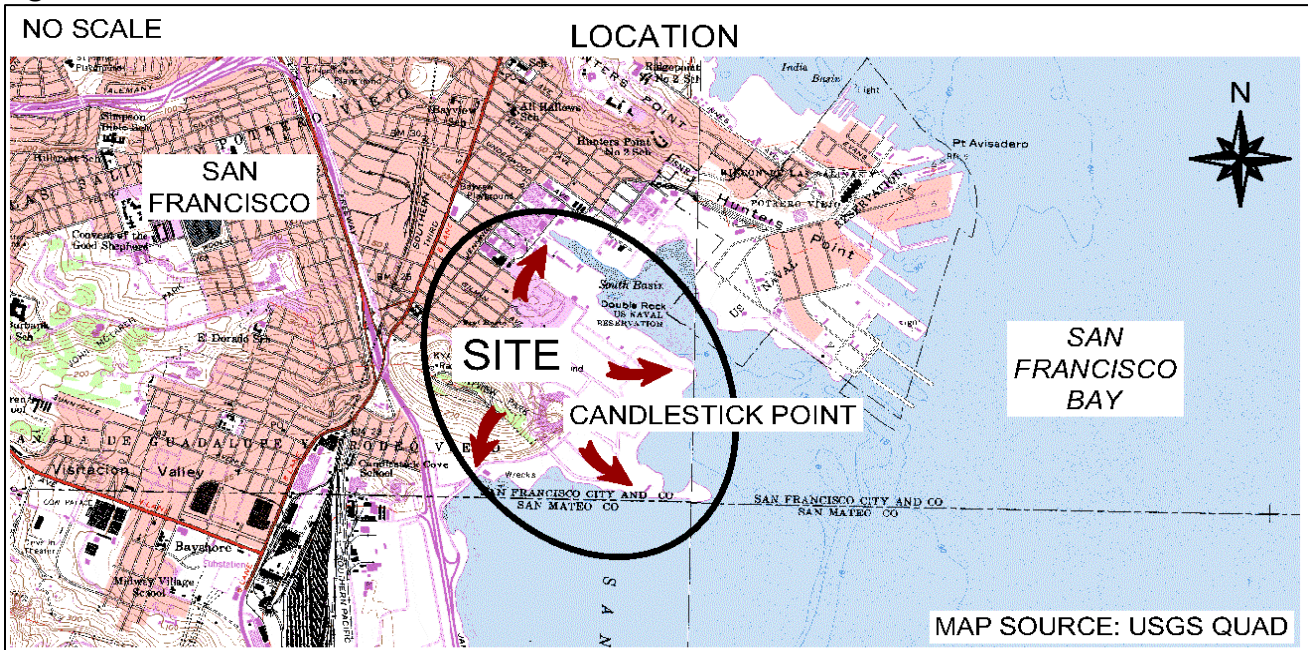
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Amendment of Lease and Endorsement of Sublease.

**AREA, LAND TYPE, AND LOCATION:**

Filled sovereign land within the Candlestick Point State Recreation Area in San Francisco, City and County of San Francisco (as shown in Figure 1).

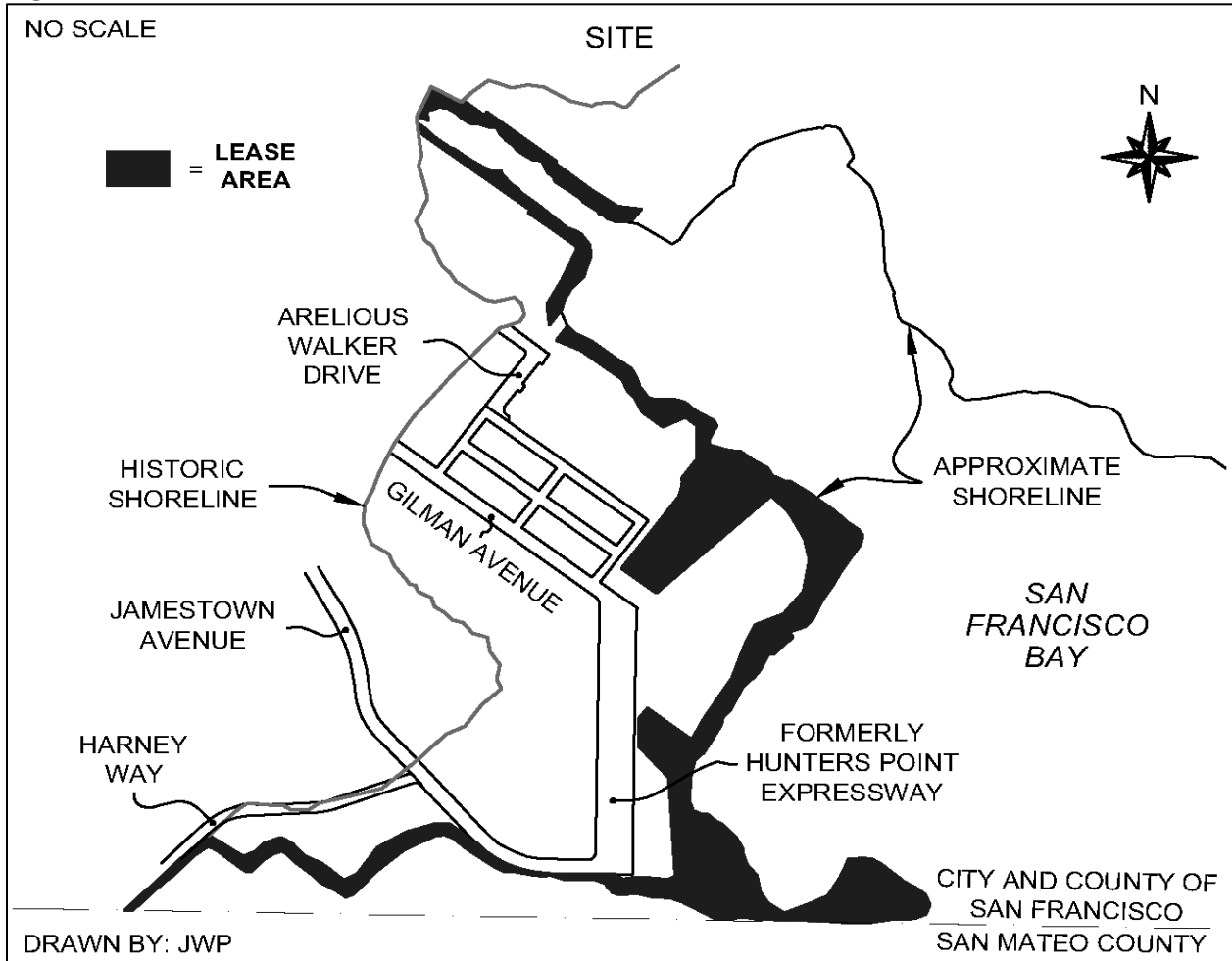
**Figure 1. Location**



**AUTHORIZED USE:**

Public recreational uses at Candlestick Point State Recreational Area, restoration and remediation of Yosemite Slough, and sublease to the City and County of San Francisco for the Bayview Vehicle Triage Center (Bayview VTC) (location shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

**Lease:** 66 years, beginning July 1, 2014.

**Sublease:** 2 years.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interests.

**PROPOSED AMENDMENT:**

Authorize use of the Bayview VTC for the duration identified in the Sublease to be endorsed. In this case, two additional years through January 2026.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On April 6, 2011, the Commission authorized Lease No. PRC 6414, a General Lease – Public Agency Use to the Lessee as a result of a Title Settlement, Public Trust Land Exchange and Boundary Line Agreement ([Item 67, April 6, 2011](#)). On October 21, 2021, the Commission authorized amendment of the lease and endorsement of a sublease for the temporary (2-year) use of an existing paved parking lot and installation of public utilities for the development, operation, and maintenance of a Low Barrier Navigation Center ([Item 30, October 21, 2021](#)). The sublease will expire in January 2024. The City and County of San Francisco (Sublessee) has applied for consideration of a new sublease with the Lessee for 2 years, through January 2026. The Lessee has approved the Sublessee's request and is now requesting the Commission's endorsement of the sublease.

San Francisco and the Bay Area remain in a housing affordability crisis. Approximately 7,700 people are unhoused, and of those 4,000 are unsheltered. In July 2023, 1,058 inhabited vehicles were identified, including 507 inhabited vehicles in San Francisco Supervisorial District 10, which encompasses Candlestick Point State Recreation Area. Since 2021, the site (more commonly known as the Bayview Vehicle Triage Center or VTC), has served 113 unique households. Fifteen guests have moved into permanent housing and 88 guests have had problems resolved through screening.

The Sublessee would continue to provide a safe space for the VTC guests to park vehicles and get access to services, including restrooms, showers, and food. The VTC is staffed 24 hours a day, seven days a week. VTC staff includes service

practitioners familiar with vehicle residency who provide onsite social services to connect guests with housing assistance, health services, and public benefits where the guests reside and ensure the site is safe. In addition, janitorial service is provided at the site. Food delivery and hygiene services (porta-potties and shower services) are also provided. Additional support services, including transportation needs, power, and water resources are under evaluation by the Sublessee.

Guidelines, procedures, and policies have been developed for site operations. These include items such as people and vehicle sign-in and sign-out procedures, vehicle standards with recommendations from the State and local fire departments, length of stay and duration of absence policies. The VTC guests are required to sign participation agreements outlining the mentioned guidelines before receiving admittance to the site.

The Sublessee has developed the site to include site striping, site lighting, mobile shower and toilet trailers, potable water hose bibbs, recreational vehicle (RV) sewer discharge service, power device charging stations, trash containers, site operator offices and storage, designated accessible RV sites and pathways, and perimeter fencing.

The site striping included blackout of unwanted existing paint lines, and painting of new site lines. This included the addition of numbered parking and crossing off the unavailable parking spaces to maintain spatial distances. The site striping also included lettering required by the fire department. The site lighting included new solar poles that have been installed throughout the site and driveway to provide adequate lighting for the VTC.

The Sublessee anticipates the installation of utility grade electric power to the VTC site, established by Pacific Gas and Electric, and in preparation has applied for a proposed lease for utility and access in support of the VTC. These improvements are being considered as part of a separate lease application by the City of San Francisco which is also being considered by the Commission on this December 5, 2023 agenda.

Mobile shower and toilet trailers are available to guests for health and hygiene. These come in sets of four to eight units within a mobile trailer. The shower and toilets connect into the existing sewer system located at the site. The RV sewer discharge service allows guests who own RVs to discharge into a mobile pumping truck for offsite discharge. The power device charging stations are for the VTC guests to charge their mobile devices and have been installed adjacent to the existing restrooms. Trash containers have been provided throughout the site for guests' waste disposal, which are collected on a weekly basis. The site operator's temporary office has been parked on site to monitor guests, and storage

containers have been provided to store health and safety supplies for guests. Perimeter fencing has been installed. Approximately 46 guests currently utilize the site. Thus far, fifteen (15) VTC guests have been placed into permanent housing and four have been placed into shelter or transitional housing. Overall, housing placements are anticipated to increase with the provision of electric utilities. The proposed amendments will facilitate the sublease.

The use of Public Trust lands for long term private, residential use is generally inconsistent with the purposes of the trust and can significantly impair the public's right to use and access trust lands. However, while filled sovereign lands have traditionally not been used for addressing homelessness, the Commission has authority to approve such uses where "it appears that the execution of such leases and the operations thereunder will not interfere with the trust upon which such lands are held or substantially impair the public rights to navigation and fishing." (*San Francisco Baykeeper, Inc. v. State Lands Comm.*, (2015) 242 Cal.App.4th 202, 232).

Staff believes the proposed, new sublease for operation of the site will not substantially interfere with, or impair, Public Trust uses and values at this location. The proposed endorsement is for a limited 2-year duration and does not grant long term or permanent rights to the property. The Commission managed parcel subject to the VTC sublease is one portion of the larger Recreational Area, which presents ample access to Public Trust lands within the recreational area. The California Department of Parks and Recreation Final General Plan anticipates park enhancements to begin soon after the expiration of the 2-year sublease that will improve the recreational opportunities and ecological values within the area. In addition, the Sublessee has developed a schedule for resident transition and relocation and VTC demobilization within six months of the proposed sublease expiration to aid in restoring the site. In the interim, the sublease would allow the Sublessee to continue to improve vehicular and pedestrian safety for people visiting the Candlestick Point State Recreational Area, the surrounding community, and the unhoused utilizing the site. Further, the new sublease will allow the Sublessee to provide VTC guests the ability to have continued access to social services and utilities. The continuance of refuse collection and sanitation will help protect the environment and Public Trust resources. Maintaining clearance of the adjacent roadways, by providing space for inhabited vehicles, will ensure public access is provided to the adjoining state recreation area and the Bay. Overall, staff finds endorsement of the sublease and short-term use of sovereign land at this time to be a statewide benefit and in the best interests of the State.

**CLIMATE CHANGE:**

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The facilities are located adjacent to San Francisco Bay, in a tidally influenced site vulnerable to flooding at current sea levels; therefore, this area will likely be at a higher risk of flood exposure given projected scenarios of sea level rise.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance in 2018* to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

**Table 1. Projected Sea Level Rise for San Francisco**

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal areas. Climate change and sea level rise will further influence coastal areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced. The combination of increased wave action, storm activity, and sea level rise could result in additional damage or degradation to the park facilities.

The combination of these projected conditions could increase the likelihood of damage to the lease area, but not within the temporary term of the lease.

Regular maintenance of the facilities may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the lease, the Lessee/Sublessor

acknowledges that the lease premises are located in an area that may be subject to the effects of climate change, including sea level rise.

**ENVIRONMENTAL JUSTICE:**

Consistent with the Commission's Environmental Justice Policy, staff reviewed environmental justice data that indicated high pollution burdens to the surrounding communities. These burdens may result in impacts to health such as asthma, low birth weight, and cardiovascular disease. In addition, the same data showed high burdens related to groundwater threats, impaired waters, solid waste, and hazardous waste. Furthermore, the data revealed that the neighboring communities are disadvantaged. As part of an environmental justice outreach and engagement effort, staff contacted environmental justice organizations in Bayview-Hunters Point on August 22, 2023, providing notification of the proposed endorsement of a sublease and requesting input. The outreach included a brief description of the sublease and conveyed a desire to learn from the perspectives of the local community.

Staff received a letter from Bayview Hill Neighborhood Association urging the Commission not to support endorsement of the sublease. The letter provides the following reasons as to why the sublease should not be extended "poor execution, unfulfilled promises, harmful to the health of BVHP (Bayview Hunters Point), and fiscally irresponsible." Staff also received an email from the Coalition on Homelessness supporting the sublease endorsement. They indicate that the VTC provided a huge improvement from an environmental and humanitarian perspective.

On October 4, 2023, Commission staff joined the City and Parks staff at a site visit of the VTC. The site visit included interviewing on-site service providers, touring the site, and developing a context for the planned uses over the sublease period. Staff's impression is that the site appears well maintained, facilities adequate, guests are provided appropriate space for accommodation and storage, and service providers seem motivated to help guests, prioritizing those with children. Staff learned from the service providers the challenges guests often face such as fear of transitioning to a permanent home when they consider their inhabited vehicle as their "home."

Staff understands that establishing the VTC and its associated infrastructure has created challenges which the Sublessee is addressing. Planning for permanent electric power by Pacific Gas and Electric Company continues and a permit application for portable power generation is being considered by the Bay Area Air Quality Management District. Lighting is provided by solar systems, and adjustments

have been made to decrease light pollution. The Sublessee engages with community stakeholders monthly to hear and address concerns.

**CONCLUSION:**

For all the reasons above, staff believes the endorsement of a sublease for the temporary use of sovereign land in support of transitioning unhoused people living in their vehicles will not interfere with, or impair, Public Trust values and resources at this time and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. The Sublessee has no right to a new sublease or other entitlement.
2. The City and County of San Francisco Board of Supervisors approved (11-0) entering to the sublease with Parks on October 3, 2023 ([Item 230974, October 3, 2023](#)). Parks, consistent with the Public Contract Code, will submit the sublease to the Department of General Services for approval.
3. This action is consistent with the "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic and Environmental Justice," "Committing to Collaborative Leadership," and "Leading Climate Activism" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
4. Staff recommends that the Commission find that the proposed amendment and endorsement of sublease is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

**APPROVAL OBTAINED:**

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City and County of San Francisco



## **APPROVAL REQUIRED:**

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California Department of Parks and Recreation

## **EXHIBITS:**

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- A. Amendment to Lease 6414
- B. Endorsement of Sublease

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

For all the above reasons, staff believes that the amendment to lease and endorsement of a sublease will not substantially impair Public Trust resources and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize the Executive Officer or designee to execute an amendment to lease 6414 and an endorsement of a sublease between Parks and the City for a period of 2 years for the temporary use of an existing paved parking lot and public utilities for the Bayview Vehicle Triage Center.

**EXHIBIT A**

RECORDED AT THE REQUEST OF  
AND WHEN RECORDED MAIL TO:  
STATE OF CALIFORNIA  
State Lands Commission  
Attn: Title Unit  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

**STATE OF CALIFORNIA  
OFFICIAL BUSINESS**

Document entitled to free  
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*SPACE ABOVE THIS LINE FOR RECORDER'S USE*

A.P.N. 4886-009  
County: San Francisco

**STATE OF CALIFORNIA  
STATE LANDS COMMISSION**

**THIRD AMENDMENT OF LEASE NO. PRC 6414**

**WHEREAS**, the State of California, acting through the State Lands Commission, hereinafter called Lessor, and, the California Department of Parks and Recreation hereinafter called the Lessee, have heretofore entered into an agreement designated as Lease No. PRC 6414 (Lease), authorized by the State Lands Commission on April 6, 2011, whereby Lessor granted to Lessee a General Lease – Public Agency Use covering certain State lands situated in the Candlestick Point State Recreation Area (CPSRA), City and County of San Francisco; and

**WHEREAS**, the City and County of San Francisco Department of Homelessness and Supportive Housing (City) proposed a Safe Parking Area and Bayview Vehicle Triage Center (VTC), within the CPSRA, on an existing underutilized paved parking lot with driveway including existing public utilities consisting of an 8-inch diameter water line, 3-inch diameter sanitary sewer line and sewer lift station, and electrical conduit; and

**WHEREAS**, on October 21, 2022, the Lessor endorsed a sublease between the Lessee and City for the development and operation of the VTC for a period of two years, and authorized a second amendment of the Lease to authorize the VTC; and

**WHEREAS**, the VTC has operated on the Lease and allowed the City to actively provide aid and assistance to unhoused members of the community for nearly two years, and

**WHEREAS**, the Lessee is amenable to entering a new sublease with the City, for a period of two additional years, the temporary use of the VTC conditioned on the coordinated effort of the City departments in providing high quality municipal services to ensure safety and cleanliness in the CPSRA; and

**WHEREAS**, Section 4, Paragraph 15(e) provides that the Lease may be terminated and its terms, covenants and conditions amended, revised or supplemented only by mutual written agreement of the Lessor and the Lessee (hereinafter referred to as the Parties); and

**WHEREAS**, by reason of the foregoing, it is now the desire of the Parties to amend the Lease.

**NOW THEREFORE**, the Parties hereto agree as follows:

1. Lease Section 1, Term is amended by striking out "Sublease: 2 years" and replacing with "Sublease for the duration endorsed by the Lessor."
2. Lease Section 1, Authorized Improvements is amended by removal of the words identified by strikeout, ". . . and Temporary ~~(2-year)~~ Improvements for the Bayview . . .

The effective date of this Amendment to the Lease shall be, December 5, 2023.

This Amendment is a portion of Lease No. PRC 6414, with a beginning date of July 1, 2014, consisting of four (4) sections with a total of (19) pages.

All other terms and conditions of the Lease shall remain in full force and effect.

This Amendment will become binding on the Lessor only when duly executed on behalf of the State Lands Commission of the State of California. This Amendment may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment as of the dates hereafter affixed.

LESSEE:  
CALIFORNIA DEPARTMENT OF  
PARKS AND RECREATION

LESSOR:  
STATE OF CALIFORNIA  
STATE LANDS COMMISSION

By: \_\_\_\_\_

By: \_\_\_\_\_

BRIAN DEWEY

ROBERT BRIAN BUGSCH

Title: Assistant Deputy Director

Title: Chief, Land Management Division

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ACKNOWLEDGMENT**

Execution of this document was authorized by  
the California State Lands Commission on

\_\_\_\_\_  
(Month Day Year)

**EXHIBIT B - SUBLEASE ENDORSEMENT**

**STATE OF CALIFORNIA –  
STATE LANDS COMMISSION**

Pursuant to Commission Staff Report No. \_\_\_\_\_, dated December 5, 2023, the herein Sublease between the California Department of Parks and Recreation and the City and County of San Francisco, under a portion of State Lease 6414, is hereby approved.

By: \_\_\_\_\_

**ROBERT BRIAN BUGSCH, Chief  
Land Management Division**