

Staff Report 56

APPLICANT:

City and County of San Francisco

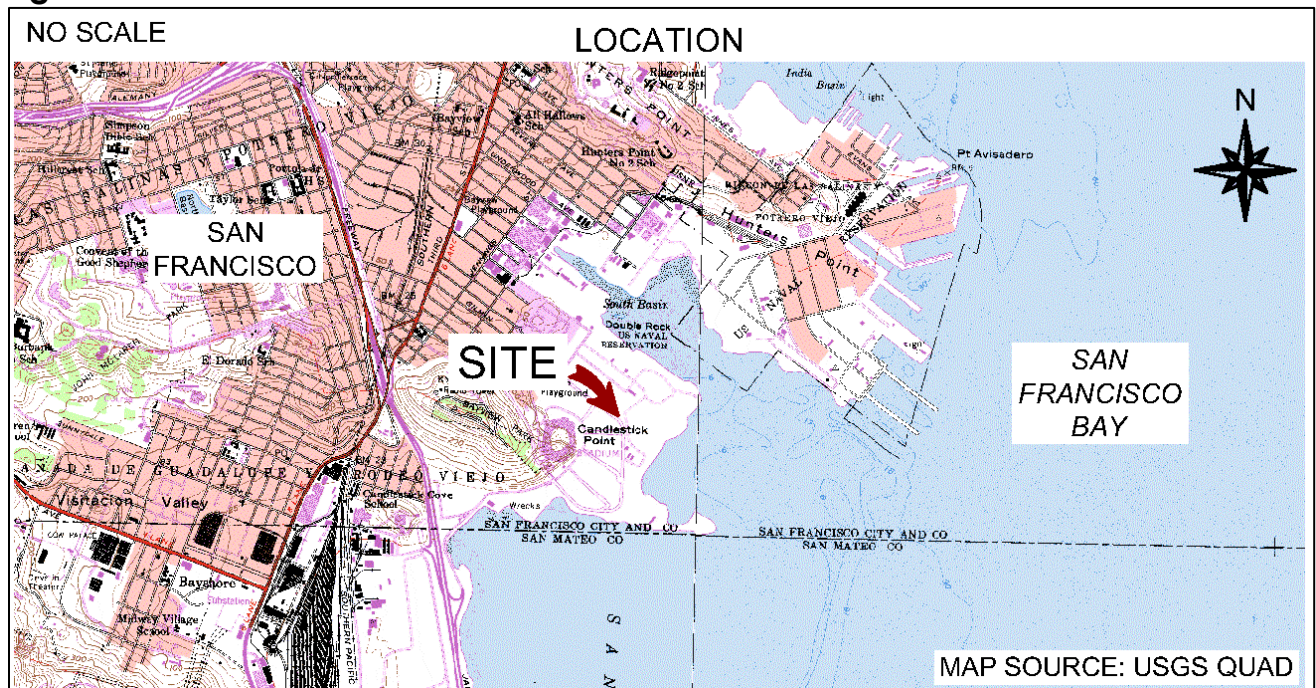
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

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

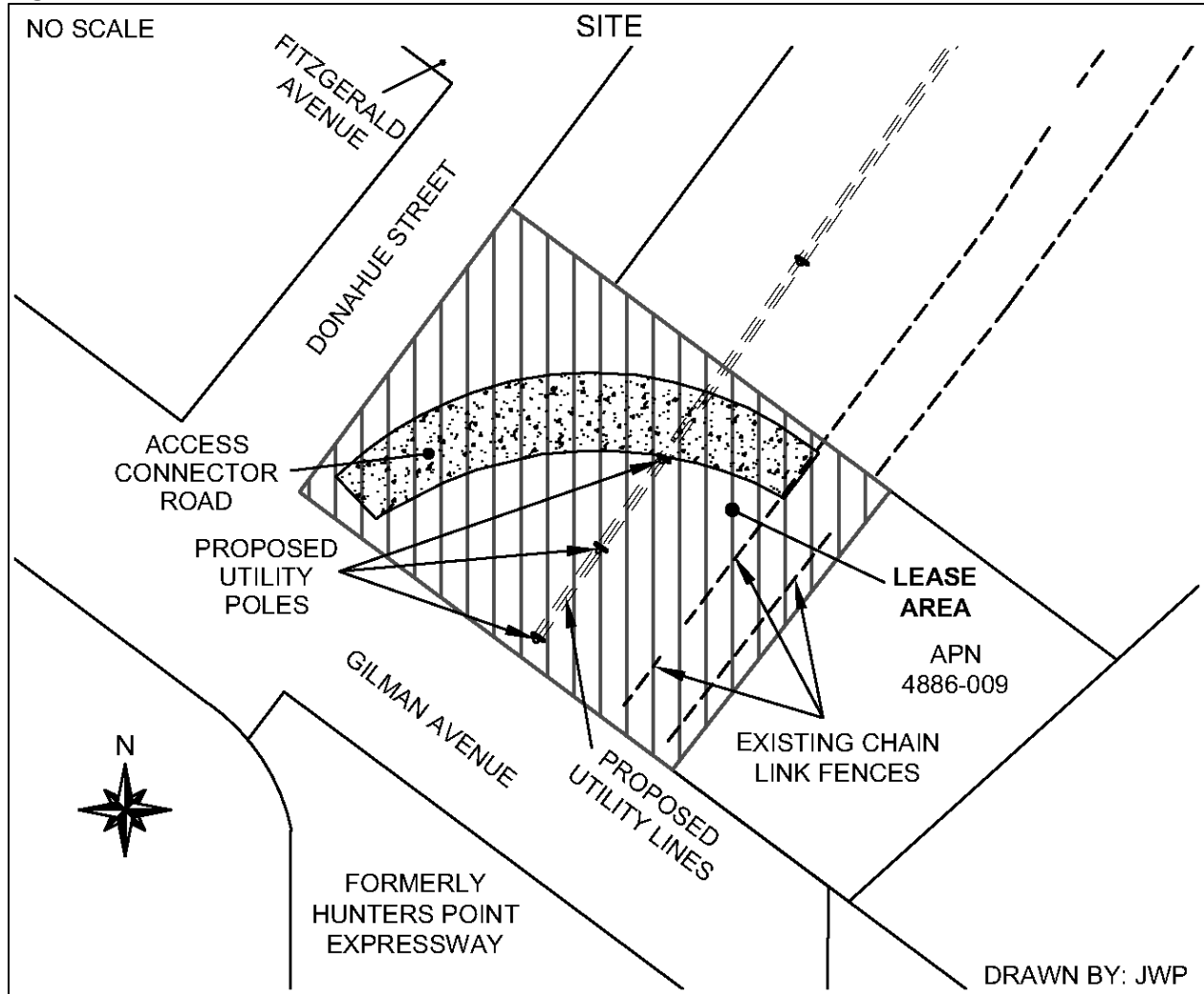
Figure 1. Location



AUTHORIZED USE:

Use and improvement of appurtenant facilities necessary for the operation of the Bayview Vehicle Triage Center, including access roadways, chain link fencing, utility poles, lines, and conduit (as shown in Figure 2).

Figure 2. Site Map



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

TERM:

One year; beginning January 11, 2024; provided that Lessee shall have one option to extend the term by one additional year based on the terms herein by notifying Lessor of Lessee's election to exercise the option, and extend the term, no fewer than 60 days prior to the expiration of the initial term.

CONSIDERATION:

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

STAFF ANALYSIS AND RECOMMENDATION:

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 INTEREST:

PARCEL BACKGROUND:

Beginning in 1861, certain of the tidelands within the area now encompassing the Candlestick Point State Recreational Area (CPSRA) were conveyed into private ownership by the State of California pursuant to various state statutes. Portions of those tidelands were subsequently filled and reclaimed. By the mid-20th century, through purchase and application of the Burton Act (Ch. 1333, stats. 1968), the Applicant had obtained ownership over numerous parcels within the current CPSRA.

In 1973, the Legislature authorized the California Department of Parks and Recreation (State Parks) to acquire and develop real property at Candlestick Point for the state park system. State Parks subsequently prepared a park acquisition plan including areas near and along the shoreline of Candlestick Point and acquired certain private lands within the acquisition plan area to create CPSRA. In 1984, the City quitclaimed to the Commission those lands within the CPSRA boundary that the City had previously acquired under the Burton Act. A portion of the lands described in the 1984 quitclaim are currently leased to State Parks as Lease Number PRC 6414.

In April 2011, the Commission approved the Hunters Point Shipyard/Candlestick Point Title Settlement, Public Trust Exchange and Boundary Line Agreement ([Item 67, April 6, 2011](#)). The Agreement requires the Commission to transfer certain parcels to the Applicant to facilitate the Hunters Point Shipyard and Candlestick Point Phase II Project, a redevelopment of more than 700 acres of waterfront land and the redevelopment of CPSRA. The lands proposed for Lease are identified as parcel BC-3 in the Agreement and are still managed by the Commission, but are scheduled to be transferred to the Applicant in a future transfer phase. The lands proposed for lease have been developed and redeveloped over many decades

and have, in more recent history, served as parking and access to parking for the former Candlestick Park football stadium.

FACILITATING THE VTC:

Immediately to the northwest of the proposed Leased lands are lands leased to State Parks under Lease Number PRC 6414. On October 21, 2021, the Commission authorized a lease amendment and endorsement of sublease between the Applicant and State Parks to develop a Low Barrier Navigation Center on filled sovereign lands known as the Bayview Vehicle Triage Center (VTC). ([Item 30, October 21, 2021](#)). Since 2021, the VTC has provided support and social services for unhoused guests. An application to endorse a new sublease between the Applicant and State Parks is being considered in a separate action on this current meeting agenda.

A challenge in operating the VTC has been the installation of electric utility service, by Pacific Gas and Electric, for the VTC site and its residents. The Applicant is awaiting approval of a utility design plan that ,

To navigate for seasonal flooding that limited site access in 2021 at the primary entrance point, an existing connector road has been used to avoid low lying areas of the former Hunters Point Expressway (Expressway). The Applicant anticipates improving the access roadway, as a part of its maintenance, with an asphalt roadbase to allow durable access for fire trucks and other first responders. In the event the Expressway is flooded, the access roadway is the only ingress or egress to the VTC. In addition, two existing chain linked fences, previously unauthorized, control access to the VTC and are included in this proposed lease.

Staff believes issuance of the proposed lease will not substantially interfere with the Public Trust resources in this area. As indicated above, the lease premises has long been filled, reclaimed tidelands and is subject to a future exchange to the Applicant. The improvements will service the VTC, which is anticipated to close no later than 2026, at which time State Parks will commence upgrades to the CSPRA. The Applicant has submitted a plan and timeline for rehousing guests on the VTC and demobilizing the facility, starting in June 2025. The proposed lease does not limit access to Public Trust uses within the CPSRA. For these reasons, staff believes that approval of the lease will not substantially interfere with Public Trust resources and is appropriate.

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 and 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 under Lease PRC 6414 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.

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 seems 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 RV their "home."

Staff understands that establishing the VTC and its associated infrastructure has created challenges which the City is addressing. Planning for durable electric power by Pacific Gas and Electric Company continues and a permit application for portable power generation is pending. Lighting is provided by solar systems, and adjustments have been made to decrease light pollution. The City engages with community stakeholders monthly to hear and address concerns.

CONCLUSION:

For all the reasons above, staff believes issuance of a one-year lease with the option for a one-year extension for the temporary use of sovereign land in support

of the VTC 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:

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 Lessee has no right to a new lease or any other proposed entitlement or use of the property.
2. 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.
3. **Existing Access Roadway and Chain Link Fence:** Staff recommends that the Commission find that this activity 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.

Proposed Utility Poles and Lines, and Connector Road: Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

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

RECOMMENDED ACTION:

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 through the combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301, and Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

For all the above reasons, staff believes that the lease will not impact Public Trust resources and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning January 11, 2024, for a term of one year, provided that Lessee shall have one option to extend the term by one additional year; for the use and improvement of appurtenant facilities necessary for the operation of the Bayview Vehicle Triage Center, including access roadways, chain link fencing, utility poles, lines, and conduit on filled sovereign land adjacent to the Candlestick Point State Recreation Area in San Francisco, City and County of San Francisco; consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.