

Staff Report 58

GRANTEE:

Treasure Island Development Authority

PROPOSED ACTION:

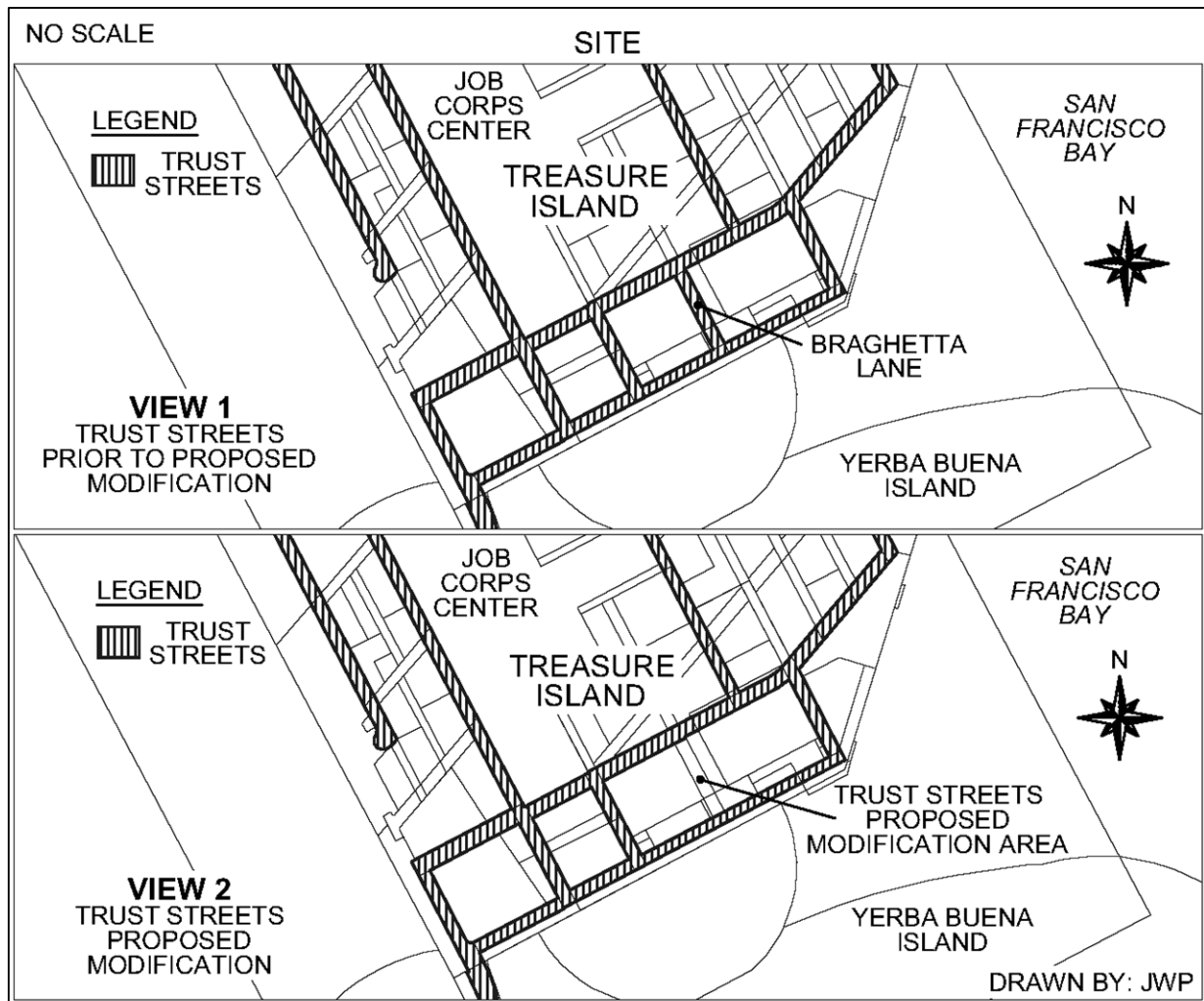
Approval of a deviation from the Trust Streets Diagram included as Exhibit N in the Compromise Title Settlement and Land Exchange Agreement for Treasure Island and Yerba Buena Island between the Commission and the Treasure Island Development Authority.

LOCATION:

Treasure Island, City and County of San Francisco (as shown in Figure 1 and Figure 2, below).

Figure 1. Location



Figure 2. Site Map

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

BACKGROUND

On October 14, 2014, the Commission approved a Compromise Title Settlement and Land Exchange Agreement for Treasure Island and Yerba Buena Island (Agreement) ([Item 102, October 14, 2014](#)) with the Treasure Island Development Authority (TIDA), the local entity authorized under state and federal law to accept and manage the lands making up the former Naval Station Treasure Island.

The Agreement includes a Trust Streets Diagram that details the configuration of proposed streets subject to the Public Trust. These streets will be available to the

public for accessing Public Trust lands on Treasure Island and, pursuant to Section 7 of the Agreement, TIDA may not approve a plan or permit for the construction of public streets within the Public Trust lands unless the proposed streets materially conform to the configuration depicted in the Trust Streets Diagram. However, pursuant to Section 9 of the Agreement, deviations from the Trust Streets Diagram are allowable if the Commission finds that the final street layout within the TIDA property will provide access to the Public Trust lands on Treasure Island and be consistent with the beneficial use of the Public Trust lands, including, but not limited to, roadway access to serve the public along the western shoreline of Treasure Island.

Recently, TIDA and the City and County of San Francisco prepared a final subdivision map for development of the southeastern shore of Treasure Island. Under this map, a small length of street subject to the Public Trust and included in the Trust Streets Diagram has been eliminated to increase the size of the adjacent public parking lot. The proposed larger parking lot is also subject to the Trust and will serve Trust lands both as a parking lot and as a public plaza and event space. TIDA has requested that the Commission approve a deviation from the Trust Streets Diagram to allow implementation of the proposed development as detailed in the final subdivision map.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Section 9 of the Agreement allows TIDA to implement development which does not materially conform to Exhibit N (the Trust Streets Diagram) if the Commission finds that:

the final layout of the streets within the TIDA property will provide access to the public trust lands and be consistent with the beneficial use of the public trust lands, including, but not limited to, roadway access to serve the public along the western shoreline of Treasure Island.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Consistent with Section 9 of the Agreement, staff has reviewed the proposed deviation from the Trust Streets Diagram to determine if the proposed layout of the

streets will provide access to adjacent Public Trust lands and be consistent with the beneficial use of the public trust lands.

The proposed deviation from the Trust Streets Diagram will lead to the development of a larger, multi-use parking lot that will provide parking and event space. Additionally, though under the proposed deviation a section of street that would have provided access to Public Trust lands will no longer be developed, there are four other streets in the area that will continue to provide access to the adjacent Public Trust lands. As such, the proposed deviation will have minimal impact on the public's ability to access the Public Trust lands, and the proposed deviation does not change the existing street access to the western shoreline of Treasure Island.

Overall, the proposed deviation will provide additional parking and event space facilitating increased use of Public Trust lands without diminishing the public's ability to access trust lands. Therefore, staff believes that the proposed deviation from the Trust Streets Diagram will provide access to the Public Trust lands and be consistent with the beneficial use of the Public Trust lands. As such, staff recommends the Commission make the findings detailed in Section 9 of the Agreement and approve the proposed deviation from the Trust Streets Diagram.

CONCLUSION:

For all the reasons above, staff believes finding that the final layout of the streets within the TIDA property will provide access to the Public Trust lands and be consistent with the beneficial use of the Public Trust lands, including, but not limited to, roadway access to serve the public along the western shoreline of Treasure Island will not substantially interfere with Public Trust needs at this location; is consistent with the common law Public Trust Doctrine and the Agreement; and is in the best interests of the people of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the deviation from the Trust Streets Diagram 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.
2. This proposed action is consistent with the "Meeting Evolving Public Trust Needs" and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021–2025 Strategic Plan.

3. Staff recommends that the Commission find that approval of the deviation from the Trust Streets Diagram is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary disputes. The project is a component of the implementation of the Agreement that settles a good faith and bona fide dispute as to the State's interest within the TIDA property. The Agreement is a compromise of the contested issues of law and evidence upon which the dispute is based, and is in lieu of the costs, delay, and uncertainties of title and boundary litigation, and is consistent with and authorized by the requirements of law.

Authority: Public Resources Code section 21080.11.

EXHIBIT:

A. Proposed Trust Streets Diagram

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 statutorily exempt project pursuant to Public Resources Code section 21080.11, settlement of title and boundary disputes; that the project is a component of the implementation of the Agreement that settles a good faith and bona fide dispute as to the State's interest within the TIDA property; and that the Agreement is a compromise of the contested issues of law and evidence upon which the dispute is based, and is in lieu of the costs, delay, and uncertainties of title and boundary litigation, and is consistent with and authorized by the requirements of law.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the approval of a deviation from the Trust Streets Diagram will not substantially interfere with Public Trust needs and values at this location; is consistent with the common law Public Trust doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Find that the final layout of streets within the TIDA property will provide access to the Public Trust lands and be consistent with the beneficial use of the Public Trust lands, including, but not limited to, roadway access to serve the public along the western shoreline of Treasure Island.
2. Approve the proposed deviation from the Trust Streets Diagram.