

RESOLUTION NO. 67-2010

Adopted June 3, 2010

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PUBLIC TRUST EXCHANGE AGREEMENT BY AND AMONG THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY AND COUNTY OF SAN FRANCISCO, THE CALIFORNIA STATE LANDS COMMISSION AND THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION IN FURTHERANCE OF THE CANDLESTICK POINT – HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN PROJECT; HUNTERS POINT SHIPYARD AND BAYVIEW HUNTERS POINT REDEVELOPMENT PROJECT AREAS

BASIS FOR RESOLUTION

1. The Redevelopment Agency of the City and County of San Francisco (“Agency”) has approved, by Resolution Nos. 64-2010 and 61-2010, the Bayview Hunters Point Redevelopment Plan Amendment and the Hunters Point Shipyard Redevelopment Plan Amendment, respectively. The approval of these redevelopment plan amendments culminates years of public discussion, negotiations, and various actions of the Agency and the City and County of San Francisco (“City”) to bring about the revitalization of the Hunters Point Shipyard and Candlestick Point Activity Node (together, Candlestick Point and Phase 2 of the Hunters Point Shipyard are the “Project Site”).
2. Official actions of the City and Agency have included, among others, approvals of: the Conceptual Framework for the integrated development of the Project Site (Board of Supervisors Resolution No. 264-07; Agency Resolution No. 40-2007); the Second Amended and Restated Exclusive Negotiations and Planning Agreement, covering the Project Site (“Phase 2 ENA”); the Bayview Jobs, Parks and Housing Initiative (Proposition G, June 3, 2008); and, concurrently with this Resolution, a Disposition and Development Agreement (“DDA”) with CP Development Co., LP, a Delaware limited partnership (“Developer”), for the redevelopment of the Project Site (the “Project”).
3. On June 3, 2008, the City’s voters passed Proposition G, which: (i) adopted overarching policies for the revitalization of the Project Site; (ii) authorized the conveyance of the real property owned by the City at Candlestick Point under the jurisdiction of the City’s Recreation and Park Department (“RecPark”) provided that there is a binding commitment to replace the transferred property with other property of at least the same acreage that will be improved and dedicated as public parks or open space in the Project Site; and (iii) urged the City, the Agency and all other governmental agencies with jurisdiction to proceed expeditiously with revitalization of the Project Site.

4. Over the past several years, more than 230 public meetings, workshops and presentations have been held on every aspect of the Project. These public presentations have included meetings before the City Board of Supervisors ("Board of Supervisors"), the Agency Commission, the City's Planning Commission, other City commissions, the Mayor's Citizens Advisory Committee for the Hunters Point Shipyard Redevelopment Project Area, the Bayview Hunters Point Project Area Committee, and community groups.
5. In 2009, the State legislature approved and the Governor signed and filed with the Secretary of State Senate Bill Number 792 ("SB 792"), providing for the reconfiguration of the Candlestick Park State Recreation Area ("CP State Park Recreation Area") and improvement of the State's park lands, in connection with the development of the Project Site. SB 792 permits the exchange of certain public trust lands and the reconfiguration and improvement of CP State Recreation Area, in furtherance of State public trust, park and redevelopment purposes.
6. The City's Planning Department and the Agency have undertaken a planning and environmental review process for the Project and provided for appropriate public hearings. On June 3, 2010, the Planning Commission certified, by Motion No. 18096, and the Agency certified, by Resolution No. 58-2010, the Final Environmental Impact Report for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project as adequate, accurate, and objective and in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.). The City's Planning Commission has determined, by Resolution No. 18101, that the Project, and the various actions being taken by the City and the Agency to approve and implement the Project, are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1.
7. The DDA that the Agency is considering concurrently with this Resolution authorizes, among other things, up to 10,500 residential units, of which 32% will be offered at below-market-rate rates, approximately 336 acres of new and improved public parks and open spaces, up to 885,000 square feet of regional and neighborhood-serving retail space, up to 255,000 square feet of new and renovated replacement space for the Hunters Point Shipyard artists and a new arts center, up to 2.65 million square feet of commercial light industrial, research and development and office space, and land and supporting infrastructure for a new football stadium for the San Francisco 49ers ("49ers"). Section 1.2.1 of DDA. If the 49ers do not choose to build a new stadium in the Project Site, the Project includes a preferred non-stadium alternative, which would shift 1,625 housing units from Candlestick Point to the stadium site, provide for an additional 500,000 square feet of research and development space on the stadium site, and provide for approximately 326 acres of new and improved parks and open space. Section 1.2.2 of DDA. The Project is consistent with the Conceptual Framework, Proposition G, and the Phase 2 ENA.

8. To implement the Project, the Agency, the City and Developer have negotiated, among other agreements, a title settlement, public trust exchange and boundary line agreement (“Public Trust Exchange Agreement”) by and between the Agency, the California State Lands Commission (“State Lands”), the City acting by and through the Board of Supervisors and through the San Francisco Port Commission, and the California Department of Parks and Recreation (“State Parks”).
9. The purpose of this Public Trust Exchange Agreement is to settle certain boundary and title disputes related to the common law public trust for commerce, navigation, and fisheries (“Public Trust”), and to establish and reconfigure the location of lands subject to the Public Trust and lands free of the Public Trust, through the conveyances, boundary line agreements, and disclaimers provided for in the Public Trust Exchange Agreement, in furtherance of the Project and the purposes of the Public Trust.
10. The Public Trust Exchange Agreement provides a mechanism for implementing the Public Trust exchange permitted under SB 792, and contemplates that the public trust exchange as described in the Public Trust Exchange Agreement (“Public Trust Exchange”) will occur in phases upon the satisfaction of certain conditions and subject to the approval of the State Lands Commission. The lands to be included in the Public Trust Exchange lie within eight separate areas, and the parties to the Public Trust Exchange Agreement will effectuate the Public Trust Exchange through a series of conveyances of the lands within those areas, as provided in the Public Trust Exchange Agreement.
11. Following the Public Trust Exchange, the entire waterfront within the Project Site, as well as certain interior lands that have high Public Trust values, will be subject to the Public Trust. The Agency (or, for certain streets, the City) will hold all of the Public Trust lands outside of the CP State Park Recreation Area as trustee, in accordance with the statutory grant in SB 792. The lands that will be removed from the Public Trust under the Public Trust Exchange Agreement have been cut off from navigable waters, are no longer needed or required for the promotion of the Public Trust, and constitute a relatively small portion of the granted public trust lands within the City. The lands removed from the Public Trust, outside of the CP Park State Recreation Area, will be conveyed to the Agency.
12. Consistent with the requirements of SB 792, the Public Trust Exchange Agreement contains provisions to ensure that public access is provided to Public Trust lands and that views of the San Francisco Bay from certain Public Trust lands are protected.
13. The Agency Commission hereby finds that the Public Trust Exchange Agreement is part of the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project for purposes of compliance with CEQA.

14. In Resolution No. 59-2010, adopted on June 3, 2010, the Agency Commission adopted findings that various actions related to the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project were in compliance with CEQA. These findings are on file with the Secretary of the Agency and are incorporated herein by reference. Said findings are in furtherance of the actions contemplated in this Resolution and are made part of this Resolution by reference herein.

RESOLUTION


ACCORDINGLY, IT IS RESOLVED that Resolution No. 59-2010, adopted by the Agency Commission on June 3, 2010, sets forth the Agency's CEQA Findings for this action; and

IT IS FURTHER RESOLVED that the Redevelopment Agency of the City and County of San Francisco approves of the Public Trust Exchange Agreement, substantially in the form lodged with the Agency General Counsel; and

IT IS FURTHER RESOLVED that the Redevelopment Agency of the City and County of San Francisco authorizes and urges its Executive Director, prior to execution, to make changes and take any and all steps, including but not limited to the attachment of exhibits and the making of corrections, as necessary or appropriate to consummate the Public Trust Exchange Agreement; provided, however, that such changes and steps do not materially increase the burdens and responsibilities of the Agency or materially decrease the benefits to the Agency; and

IT IS FURTHER RESOLVED that the Redevelopment Agency of the City and County of San Francisco authorizes its Executive Director to take all actions as needed, to the extent permitted under applicable law and the Public Trust Exchange Agreement, to effectuate the Agency's performance under the Public Trust Exchange Agreement.

APPROVED AS TO FORM:



James B. Morales
Agency General Counsel