

MINUTE ITEM

This Calendar Item No. C19 was approved as
Minute Item No. 19 by the California State Lands
Commission by a vote of 3 to 0 at its
12-03-07 meeting.

**CALENDAR ITEM
C19**

A 13, 19

12/03/07

S 03, 08

PRC 2315

WP 2315.9

J. McComas

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, California 94102

AREA, LAND TYPE, AND LOCATION:

Filled sovereign lands located in San Mateo Canal, within the San Francisco Bay,
San Mateo County.

AUTHORIZED USE:

Continued use and maintenance of an existing paved public access roadway and
fill slopes between Bayshore Freeway and a stadium, formerly known as
Candlestick Park.

LEASE TERM:

20 years, beginning December 11, 2007.

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
interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000. Applicant may
satisfy all or part of the insurance requirements through maintenance of a self
insurance program as outlined in the Lease.

OTHER PERTINENT INFORMATION:

1. On December 11, 1958, the Commission authorized the issuance of a 49-
year Right-of-Way easement for the construction, maintenance and use of
an access roadway connecting the Bayshore Freeway and the Municipal
Stadium, including the right to make slopes, cuts, fills and other protective

CALENDAR ITEM NO. C19 (CONT'D)

works, including sewers. The lease area consisted of approximately 1.14 acres being described as 11 parcels.

2. Lease parcels one through four are located within lands transferred in trust to the city and county of San Francisco pursuant to Chap. 1333, Stats., 1968 and as amended (G-11-00) and are no longer under the leasing jurisdiction of the State Lands Commission. Parcels five through 11 are within San Mateo County and remain under the jurisdiction of the Commission and have been improved with the paved access road and fill slopes.
3. The city and county of San Francisco operate and maintain the public access roadway (Harney Way) and fill slopes and will continue to be the responsible party.
4. The original lease to the city and county of San Francisco for the paved public access roadway and fill slopes was executed in 1958 and therefore predates the CEQA, so it cannot be exempted as existing facilities. However, the improvements have been in place for 49 years, and the use of the road and fill slopes has not changed during that time, and will not change during the future lease term other than for maintenance and protective works as described in the lease. There are not sensitive resources in the area of the lease. Therefore, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all state school lands and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and

CALENDAR ITEM NO. C19 (CONT'D)

criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

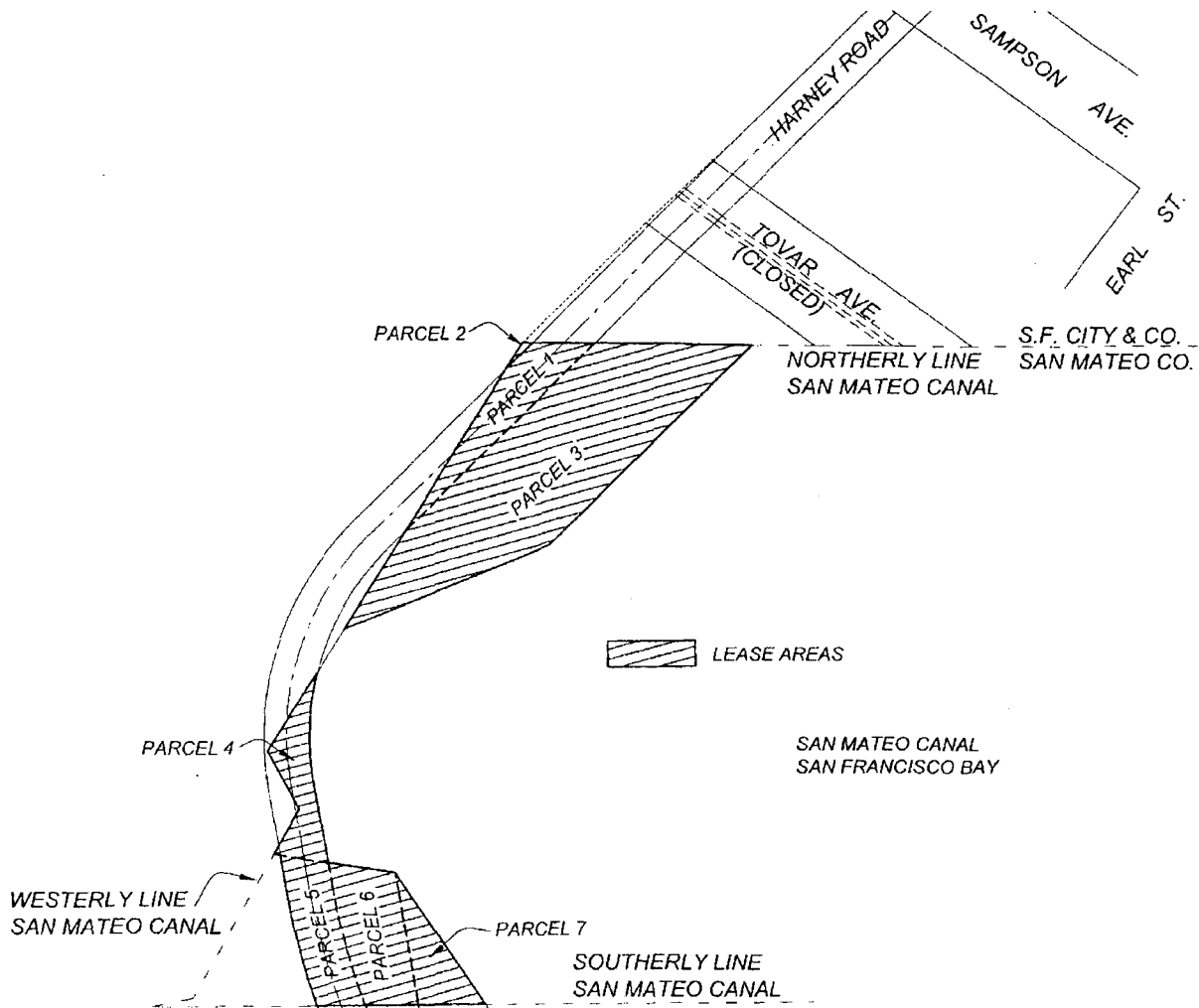
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY AND COUNTY OF SAN FRANCISCO OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING DECEMBER 11, 2007, FOR A TERM OF 20 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PAVED PUBLIC ACCESS ROADWAY AND FILL SLOPES AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000. APPLICANT MAY SATISFY ALL OR PART OF THE INSURANCE REQUIREMENT THROUGH MAINTENANCE OF A SELF INSURANCE PROGRAM AS OUTLINED IN THE LEASE.

NO SCALE

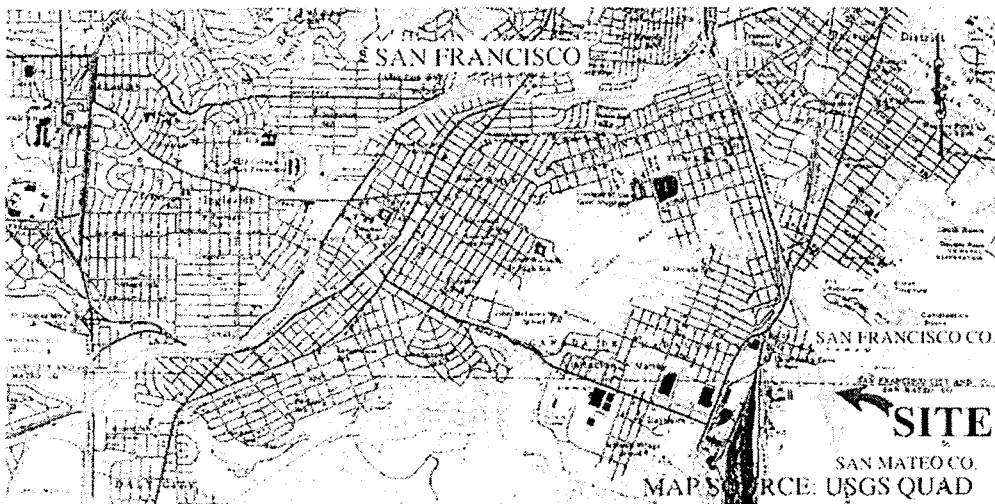
SITE



CITY AND COUNTY OF SAN FRANCISCO

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

WP 2315.9
 S.F. CITY & CO.
 GENERAL LEASE
 PUBLIC AGENCY USE
 SAN MATEO COUNTY



JAK 11/07

CALENDAR PAGE

MINUTE PAGE