

**CALENDAR ITEM
C45**

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08/19/15
PRC 6127.1
A. Franzoia

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Hudson Bay Park Plaza, LLC

ASSIGNEE:

Burlingame Bay, LLC

AREA, LAND TYPE, AND LOCATION:

1.978 acres, more or less, of filled and partially filled tidelands in San Francisco Bay adjacent to the Sanchez Channel and Burlingame Lagoon, Burlingame, San Mateo County.

AUTHORIZED USE:

Use and maintenance of an existing segment of the San Francisco Bay Trail including paved walkways, bike paths, viewing areas, benches, trash containers, and commercial parking.

LEASE TERM:

24 years, beginning July 1, 2006.

CONSIDERATION:

\$39,017 per year, with an annual California Consumer Price Index (CCPI) adjustment as provided for in the lease.

OTHER PERTINENT INFORMATION:

1. Lessee/Assignor owns the upland adjoining the lease premises.
2. On November 21, 2006, the Commission authorized a General Lease-Commercial Use to CA-Bay Park Plaza Limited Partnership, a Delaware Limited Partnership.
3. On February 20, 2015, the Commission authorized an Assignment of Lease from CA-Bay Park Plaza Limited Partnership to Hudson Bay Park Plaza, LLC (Lessee/Assignor), pursuant to an Asset Purchase Agreement, dated December 6, 2014.

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4. On July 9, 2015, Lessee/Assignor entered into a Purchase and Sale Agreement with Burlingame Bay, LLC, a Delaware limited liability company (Assignee). Lessee/Assignor is applying for an assignment of Lease No. PRC 6127.1 to Assignee.
5. Assignee was formed on June 26, 2015, by its sole member H&QAP Global Innovation Center, LLC, a Delaware limited liability company (H&QAP). On July 14, 2015, Assignee became registered and authorized to transact intrastate business in California.
6. Staff has reviewed Assignees organizational structure and Limited Liability Company Agreement, dated June 26, 2015. Staff has also reviewed Assignee's financial information including audited financial statements of various investment funds of which H&QAP is a Member, Partner, or Manager for fiscal years ended December 31, 2012, and December 31, 2013.
7. The staff recommends that the Commission find that the subject assignment of lease does not have a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject assignment of lease is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 6127.1, a General Lease – Commercial Use, effective upon the close of sale from Hudson Bay Park

CALENDAR ITEM NO. **C45** (CONT'D)

Plaza, LLC, to Burlingame Bay, LLC. All other terms and conditions of the lease shall remain in effect without amendment.

EXHIBIT A

PRC 6127.1

LAND DESCRIPTION

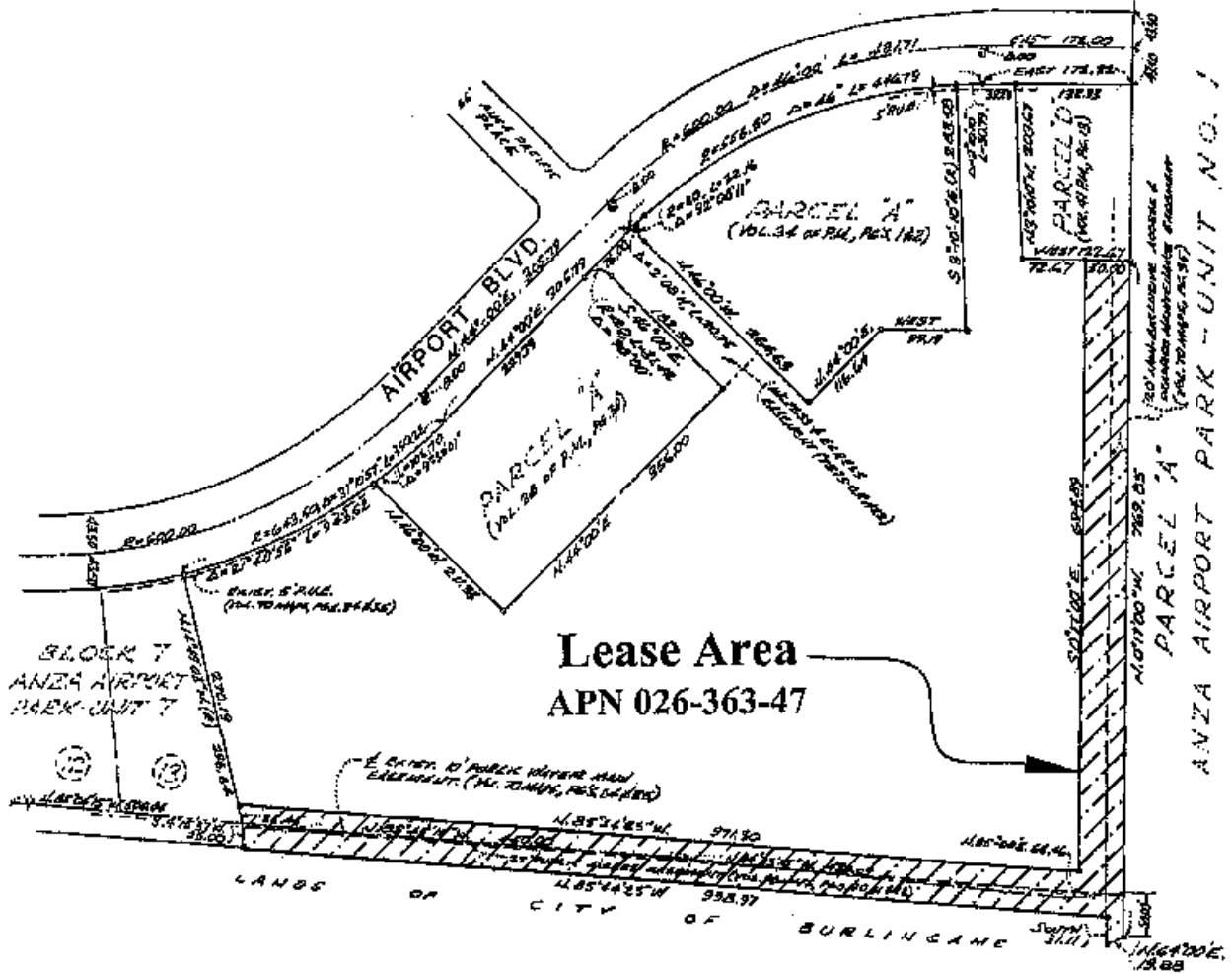
All that certain real property situate within the City of Burlingame, County of San Mateo, State of California, described as follows:

BEGINNING at the most Southerly corner of Lot 13 in Block 7, as shown on that certain map entitled "ANZA AIRPORT PARK UNIT NO. 7, CITY OF BURLINGAME, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California, on January 15, 1979 in Book 98 of Maps at pages 90, 91 and 92; thence from said described point of beginning along the Southerly line of said Block 7, South 85° 44' 23" East 998.97 feet; thence South 31.11 feet to the most Southerly corner of said Block 7; thence along the Easterly line of said Block 7 North 64° 00' East 19.88 feet; thence North 0° 17' 00" West 689.30 feet to the Northeasterly corner of said Block 7; thence along the most Easterly line of Parcel "E", as said Parcel "E" is shown on that certain Parcel map entitled "PARCEL MAP BEING A RESUBDIVISION OF LOTS 5 AND 6, BLOCK NO. 8; ANZA AIRPORT PARK - UNIT NO. 6 (R.S.M. VOL. 70, PG. 35) BURLINGAME, SAN MATEO COUNTY, CALIFORNIA", which map was recorded in Book 41 of Parcel Maps at page 13, on February 10, 1973, in the office of the Recorder of San Mateo County, California; thence continuing along last said course along the said Easterly line of Parcel "E", North 0° 17' 00" West 80.55 feet to the Southeasterly corner of Parcel "D", as said Parcel "D" is shown on said described Parcel Map; thence along the South line of said Parcel "D", West 50.00 feet to a point; thence leaving said South line of Parcel "D", South 0° 17' 00" East 80.55 feet to a point on the Northerly line of said Block 7; thence continuing along last course, along a line within said Block 7, South 0° 17' 00" East 614.34 feet; thence North 85° 44' 23" West 971.30 feet to a point on the Easterly line of said Lot 13; thence along said Easterly line of said Lot 13 South 14° 49' 03" East 26.45 feet; thence South 4° 15' 37" West 25.00 feet to the said described point of beginning.

END OF DESCRIPTION

NO SCALE

SITE



ANZA PARK, CITY OF BURLINGAME

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6127.1
 BURLINGAME BAY, LLC.
 APN 026-363-47
 GENERAL LEASE -
 COMMERCIAL USE
 SAN MATEO COUNTY



DJH 07/29/2015

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.