

**STAFF REPORT  
C94**

A 17

04/19/18  
SB50-18-002  
P. Huber  
A. Kershen

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**CONSIDER AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE  
FOR A CONVEYANCE OF FEDERAL PUBLIC LANDS, ARRANGED BY THE  
COMMISSION, IN THE CITY AND COUNTY OF SAN FRANCISCO**

**AREA, LAND TYPE, AND LOCATION:**

196.38 acres, more or less, of federal public land in the city and county of San Francisco.

**INTRODUCTION TO SB 50:**

In October 2017, the Governor of California signed SB 50 (Allen, Chapter 535, Statutes of 2017) into law, which added sections 6223 and 27338 to the Government Code and section 8560 to the Public Resources Code. Section 8560 makes certain federal land conveyances void unless the Commission is provided with a right of first refusal or the right to arrange for the transfer of the land to another entity. The Commission must exercise its right of first refusal at a public meeting. If the Commission was provided with its right of first refusal and right to transfer to another entity but elects not to purchase or arrange for transfer, it must issue a certificate affirming compliance with the law. Section 6223 prohibits the recordation of a conveyance of federal public lands unless it is accompanied by a certificate of compliance. The right of first refusal does not apply to certain conveyances, including but not limited to, those associated with a habitat conservation plan, lands conveyed into or out of trust for a federally recognized Native American tribe, and certain land exchanges.

**BACKGROUND:**

The Treasure Island Development Authority (TIDA) is the federally designated Local Reuse Authority for the lands comprising the former Naval Station Treasure Island situated in San Francisco Bay and is the intended recipient for conveyances of these lands from the United States pursuant to the Federal Defense Base Closure and Realignment Act of 1990, as amended (Pub. L. No. 101-510 (1990)).

Treasure Island is an artificial island constructed from 1936 to 1939. The Navy occupied Treasure Island from the early 1940s until its decommissioning in 1997.

## STAFF REPORT NO. C94 (CONT'D)

Following the base closure, TIDA and the Navy entered into a Base Caretaker Cooperative Agreement, dated March 12, 1997. TIDA has managed and maintained the existing facilities on Treasure Island under lease from the Navy since then, except for a parcel managed by the U.S. Department of Labor (referred to as the "Job Corps Parcel" on Exhibit A).

The California Legislature created TIDA to accept conveyances of Treasure Island lands from the United States (Ch. 898, Stats. of 1997, as amended). The Legislature authorized the Commission and TIDA to negotiate a title settlement and land exchange to impress or confirm the Public Trust on those lands most useful for trust interests and the statewide public (Ch. 543, Stats. of 2004, as amended). In October 2014, the Commission approved the Compromise Title Settlement and Land Exchange Agreement for Treasure Island and Yerba Buena Island, effective November 14, 2014 ([Item C102, October 14, 2014](#)).

Pursuant to the laws and agreements described above, conveyance of Navy-owned Treasure Island lands follows a four-step process: the Navy performs environmental clean-up on its parcels; once complete, the Navy (or the Department of Labor) conveys the parcel to TIDA; TIDA then conveys to the Commission; and finally, the Commission reconveys the land to TIDA, impressing or confirming the Public Trust on the lands most useful for trust interests and terminating the trust on other lands for non-trust development.

The initial phase of the Exchange Agreement closed in 2015 following a Commission finding concerning environmental remediation on the lands to be exchanged ([Item C115, April 23, 2015](#)). A parcel conveyance from the Navy is now imminent, and a second phase of the Exchange Agreement is expected before the end of 2018. The un conveyed federal public lands on Treasure Island are described in Exhibit A.

### **STAFF ANALYSIS AND RECOMMENDATION:**

#### **Authority:**

Public Resources Code sections 6005 and 8560 and Government Code section 6223.

Because the Commission is a party to the Compromise Title Settlement and Exchange Agreement for Treasure Island and Yerba Buena Island, which contemplates conveyances of the subject federal parcels to TIDA, the Commission has arranged for the transfer of the lands to another entity. (Pub. Resources Code, § 8560, subd. (b)(2)(A).) Consequently, existing law requires the Commission to issue a certificate of compliance for this conveyance, affirming compliance with section 8560. (Pub. Resources Code, § 8560, subd. (b)(2)(D)(i).)

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**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. The Commission's authorization to issue a certificate of compliance is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Staff recommends that the Commission also find that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The activity is exempt because CEQA does not apply to ministerial projects. After being provided with the right of first refusal or right to transfer to another entity, the Commission has no discretion whether to issue the certificate of compliance—it "shall issue a certificate of compliance."

Authority: Public Resources Code section 21080, subdivision (b)(1) and California Code of Regulations, title 14, section 15268, subdivision (a).

**EXHIBIT:**

- A. Land Description and Plat of unconveyed federal public lands on Treasure Island

**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, subdivision (b)(1) and California Code of Regulations, title 14, section 15268, subdivision (a), ministerial projects.

**AUTHORIZATION:**

Authorize the Executive Officer, or her designee, to issue a certificate of compliance with Public Resources Code section 8560 for the conveyance of 196.38 acres, more or less, of federal public land from the Department

STAFF REPORT NO. **C94** (CONT'D)

of the Navy and the Department of Labor to the Treasure Island  
Development Authority.

# EXHIBIT A

## LEGAL DESCRIPTION

### NAVY RETAINED PARCELS

All that certain real property situate in the City and County of San Francisco, State of California, being all of the "Job Corps Center" parcel and together with a portion of "Navy Retained Parcel 1", as said parcels are shown on that certain Record of Survey Map No. 8639, recorded November 10, 2015, Book FF of Survey Maps at Pages 152-173, as Document No. 2015K154702, Official Records of said County, and being more particularly described as follows:

#### **AREA 1**

**BEGINNING** at the northerly corner of Parcel SPT1.1 as shown on said map (see sheet 3 of 22);

Thence along the easterly line of said Parcel SPT1.1, South 28°02'51" East, 2217.30 feet;

Thence leaving said line, South 61°57'09" West, 54.42 feet to the **TRUE POINT OF BEGINNING** of this description;

Thence South 62°00'00" West, 24.72 feet along the common line of said Parcel SPT1.1 and said Navy Retained Parcel 1 to the northeasterly corner of Parcel N1.1.R1 as shown on said map (see sheet 3 of 22);

Thence along the common line of said Navy Retained Parcel 1 and said Parcel N1.1.R1 for the following seven (7) courses;

1. Continuing southwesterly along last said line, a distance of 193.70 feet;
2. North 28°10'00" West, 94.34 feet;
3. North 82°30'00" West, 69.22 feet;
4. South 62°00'00" West, 138.91 feet;
5. South 28°10'00" East, 14.46 feet;
6. South 62°00'00" West, 31.33 feet;
7. South 28°10'00" East, 299.60 feet to the common corner of said Navy Retained Parcel 1, said Parcel N1.1.R1 and said Parcel SPT1.1;

Thence leaving said common line and along the northerly common line of said Navy Retained Parcel 1 and said Parcel SPT1.1 the following two (2) courses;

1. South 62°00'00" West, 158.36 feet;
2. South 28°10'00" East, 31.41 feet to the northerly corner of Parcel N3.1 as described in that certain Grant Deed recorded \_\_\_\_\_;

Thence leaving said corner and along the common line of said Navy Retained Parcel 1 and said Parcel N3.1 the following six (6) courses;

1. South 61°50'00" West, 43.63 feet to the beginning of a non-tangent curve concave southerly, whose radius point bears South 03°57'25" West;
2. Easterly along said curve having a radius of 57.39 feet, through a central angle of 20°36'45", for an arc length of 20.65 feet;
3. South 28°10'00" East, 523.99 feet;
4. South 61°50'00" West, 231.48 feet;
5. South 04°46'26" East, 1.85 feet;
6. South 61°50'00" West, 137.58 feet to a point on the easterly line of Parcel SPT1.2 as shown on said map (see sheet 3 of 22), said point also being the common corner of said Navy Retained Parcel 1 and said Parcel N3.1;

Thence leaving said common corner and along the common line of said Parcel SPT1.2 and said Navy Retained Parcel 1 the following two (2) courses;

1. North 28°10'00" West, 542.33 feet;
2. South 62°00'00" West, 663.19 feet to the common corner of said Parcel SPT1.2 and Parcel N1.1.R4 as shown on said map (see sheet 3 of 22);

Thence leaving said common corner and along the common line of said Navy Retained Parcel 1 and said Parcel N1.1.R4 the following thirteen (13) courses;

1. Continuing southwesterly along last said line, a distance of 23.44 feet;

2. North 34°00'00" West, 190.58 feet;
3. North 38°43'00" West, 175.96 feet;
4. South 89°26'00" West, 316.54 feet;
5. South 73°16'00" West, 102.93 feet;
6. South 18°58'00" East, 468.08 feet;
7. North 62°00'00" East, 223.26 feet;
8. South 28°10'00" East, 522.34 feet;
9. North 62°00'00" East, 54.84 feet;
10. South 28°10'00" East, 142.72 feet;
11. South 62°00'00" West, 54.84 feet;
12. South 28°10'00" East, 635.72 feet;
13. South 62°00'00" West, 699.30 feet to the common corner of said Parcel N1.1.R4 and said Parcel SPT1.1;

Thence leaving said common corner and along the common line of said Navy Retained Parcel 1 and said Parcel SPT1.1 southwesterly along last said line, a distance of 65.75 feet to the common corner of said Parcel SPT1.1 and Parcel STT1.1 as shown on said map (see sheet 3 of 22);

Thence leaving said common corner and along the common line of said Navy Retained Parcel 1 and said Parcel STT1.1 southwesterly along last said line, a distance of 95.70 feet to the common corner of said Parcel SPT1.1 and said Parcel STT1.1;

Thence leaving said common corner and along the common line of said Navy Retained Parcel 1 and said Parcel SPT1.1 southwesterly along last said line, a distance of 156.98 feet to the common corner of said Parcel SPT1.1 and Parcel STT1.1 as shown on said map (see sheet 3 of 22);

Thence leaving said common corner and along the common line of said Navy Retained Parcel 1 and said Parcel STT1.1 southwesterly along last said line, a distance of 126.32 feet to the common corner of said Parcel SPT1.1 and Parcel STT1.1;

Thence leaving said common corner and along the common line of said Navy Retained Parcel 1 and said Parcel SPT1.1 the following thirteen (13) courses;

1. Continuing southwesterly along last said line, a distance of 39.13 feet;
2. South 55°00'00" West, 374.26 feet;
3. North 28°02'51" West, 1,721.35 feet;
4. North 16°57'09" East, 1,522.75 feet;
5. North 61°57'09" East, 1,446.49 feet;
6. North 18°20'00" East, 101.78 feet to the beginning of a tangent curve to the right;
7. Along said curve having a radius of 327.50 feet, through a central angle of 54°57'29", for an arc length of 314.14 feet;
8. South 16°42'31" East, 60.00 feet to the beginning of a non-tangent curve concave southeasterly, whose radius point bears South 16°42'31" East;
9. Southwesterly along said curve having a radius of 267.50 feet, through a central angle of 54°57'29", for an arc length of 256.59 feet;
10. South 18°20'00" West, 121.66 feet;
11. South 28°10'00" East, 41.62 feet;
12. South 73°02'51" East, 1,377.57 feet;
13. South 28°02'51" East, 238.56 feet to the **TRUE POINT OF BEGINNING**.

Containing 138.71 acres more or less

## **AREA 2**

**BEGINNING** at the northerly corner of Parcel SPT1.1 as shown on said map (see sheet 3 of 22);

Thence along the easterly line of said Parcel SPT1.1, South 28°02'51" East, 3913.86 feet;



Thence leaving said line, South 61°54'49" West, 54.42 feet to the **TRUE POINT OF BEGINNING** of this description;

Thence along the common line of said Parcel SPT1.1 and said Navy Retained Parcel 1 the following five (5) courses;

1. South 28°02'51" East, 653.61 feet;
2. South 62°00'00" West, 256.93 feet;
3. South 28°10'00" East, 46.04 feet;
4. South 62°00'00" West, 321.82 feet;
5. South 28°10'00" East, 16.72 feet to the northerly corner of Parcel N3.2 as shown in that certain Grant Deed recorded \_\_\_\_\_;

Thence along the common line of said Navy Retained Parcel 1 and said Parcel N3.2 the following three (3) courses;

1. South 61°50'00" West, 59.68 feet;
2. South 28°10'00" East, 97.12 feet;
3. South 61°50'00" West, 15.32 feet to the northeasterly corner of Parcel N1.1.R5 as shown on said map (see sheet 3 of 22);

Thence along the common line of said Navy Retained Parcel 1 and said Parcel N1.1.R5 the following five (5) courses;

1. South 62°00'00" West, 98.14 feet;
2. South 28°10'00" East, 70.00 feet;
3. South 62°00'00" West, 191.28 feet;
4. North 28°10'00" West, 93.61 feet;
5. South 40°20'00" West, 461.31 feet to a point on the northerly line of Parcel SPT1.3 as shown on said map (see sheet 3 of 22);

Thence leaving said line and along the common line of said Navy Retained Parcel 1 and said Parcel N1.1.R4 the following six (6) courses;

1. North 28°10'00" West, 568.17 feet;
2. North 62°00'00" East, 255.94 feet;
3. North 28°10'00" West, 44.11 feet;
4. North 62°00'00" East, 58.23 feet;
5. North 28°10'00" West, 247.43 feet;
6. North 62°00'00" East, 61.58 feet to the common corner of said Parcel N3.1 and said Parcel N1.1.R4;

Thence leaving said common corner and continuing along the common line of said Parcel N3.1 and said Navy Retained Parcel 1 the following three (3) courses;

1. Northeasterly along last said line, a distance of 263.12 feet;
2. North 28°10'00" West, 100.26 feet;
3. North 61°50'00" East, 154.77 feet to the southwest corner of Parcel N1.1.R2 as shown on said map (see sheet 3 of 22);

Thence along the common line of said Navy Retained Parcel 1 and said Parcel N1.1.R2 North 62°00'00" East, 288.39 feet to the southeast corner of said Parcel N1.1.R2;

Thence leaving said corner and along the common line of said Parcel SPT1.1 and said Navy Retained Parcel 1 and continuing northeasterly along last said line, a distance of 291.71 feet to the **TRUE POINT OF BEGINNING**.

Containing 21.12 acres more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

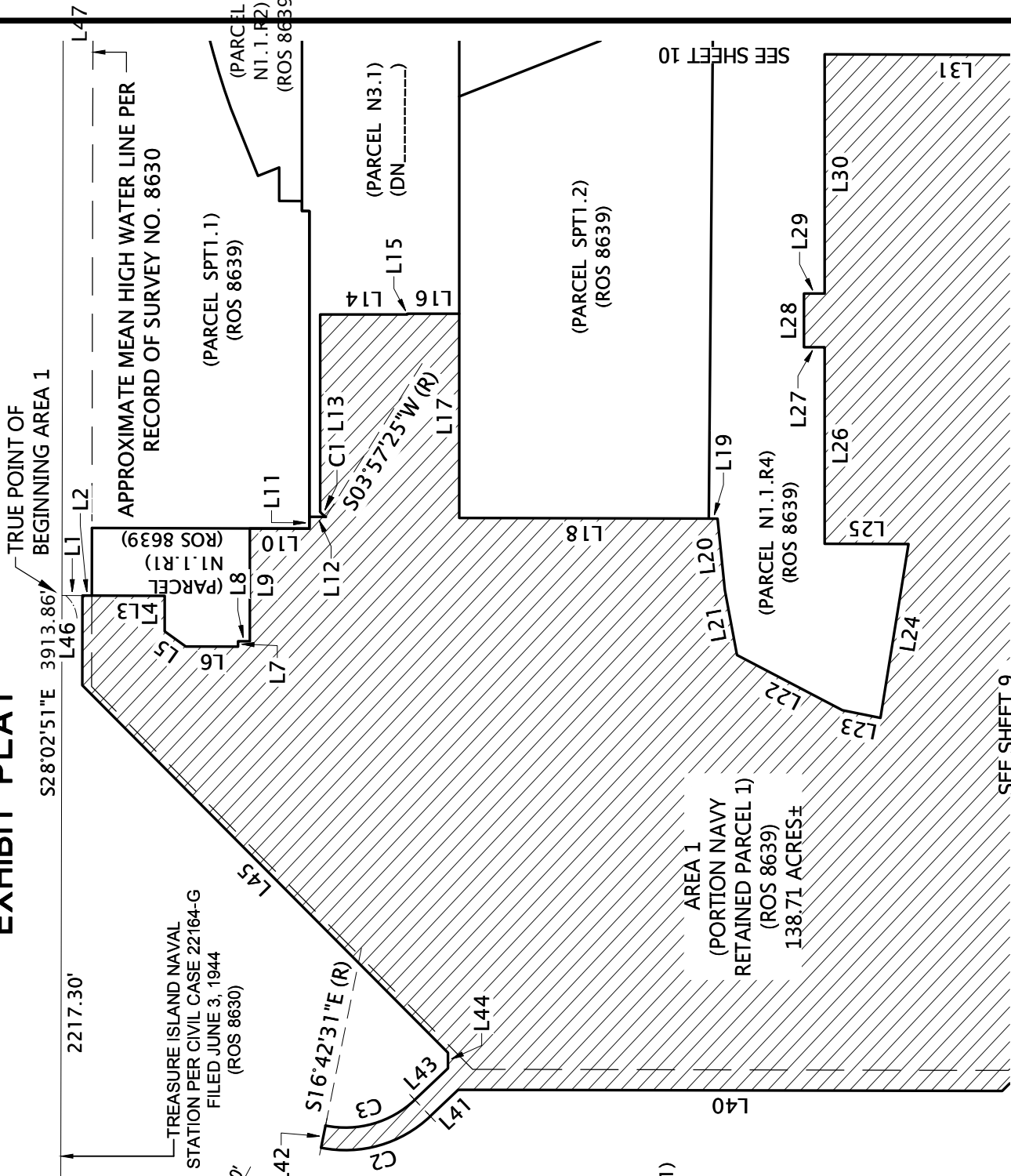
\_\_\_\_\_  
Alex M. Calder, PLS 8863



03/14/2018  
Date

**END OF DESCRIPTION**

# EXHIBIT PLAT



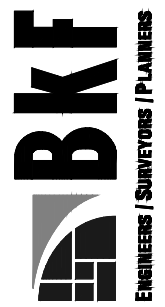
- REFERENCES**
- ROS 8630 - RECORD OF SURVEY 8630 BOOK FF SURVEYS, PAGES 62-78
  - ROS 8639 - RECORD OF SURVEY 8639 BOOK FF SURVEYS, PAGES 152-173

- ABBREVIATIONS**
- (R) RADIAL BEARING
  - NAVY RETAINED AREA

(PARCEL SPT1.1)  
(ROS 8639)



255 SHORELINE DR  
SUITE 200  
REDWOOD CITY, CA 94065  
650-482-6300  
650-482-6399 (FAX)



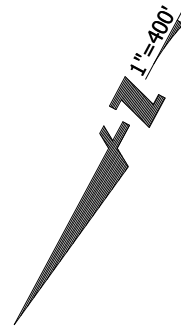
Subject EXHIBIT A  
 PLAT TO ACCOMPANY DESCRIPTION  
 Job No. 20140015  
 By DCJ Date 03/14/18 Chkd. AMC  
 SHEET 8 OF 12

# EXHIBIT PLAT

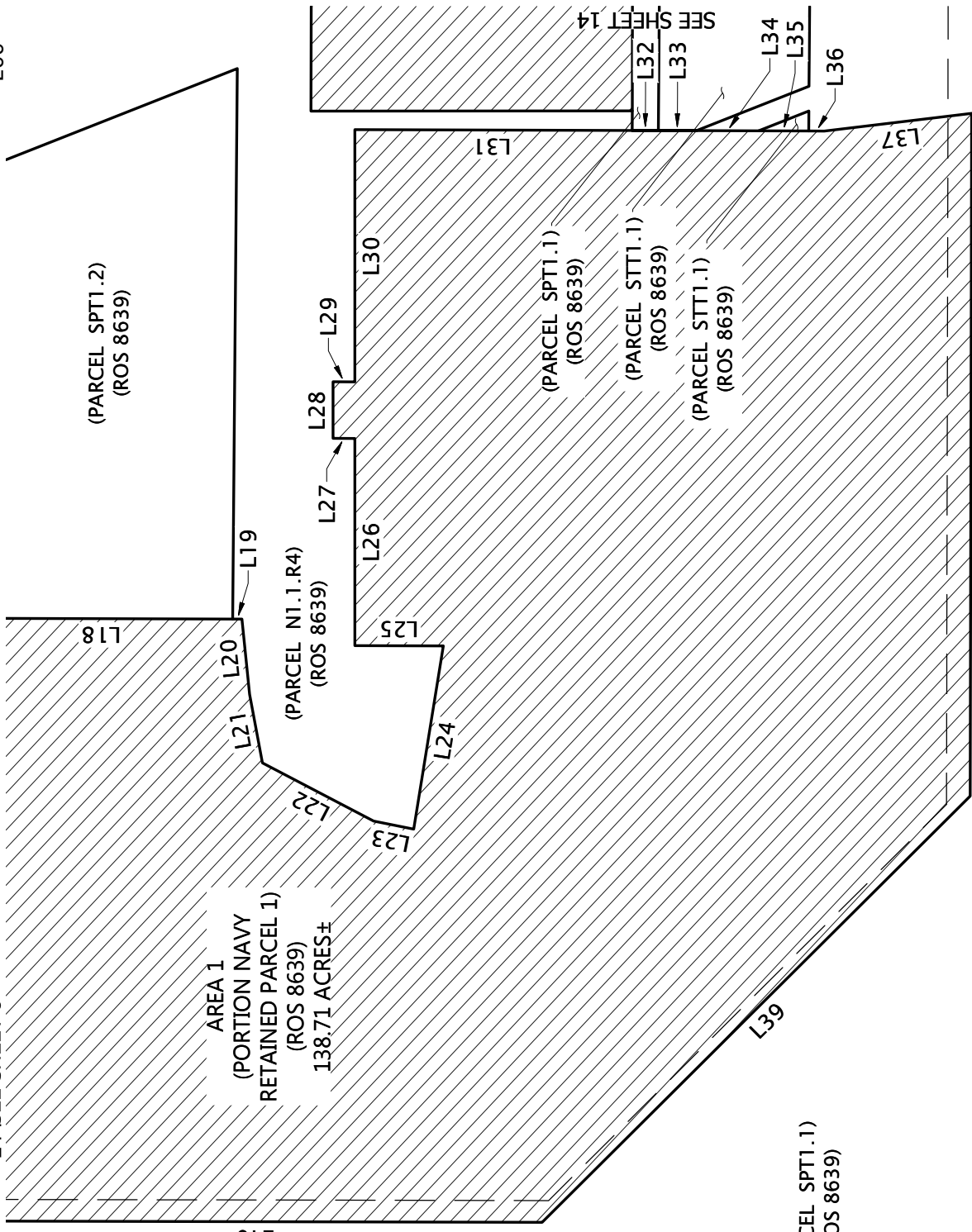
L4 SEE SHEET 8

L66

(PARCEL SPT1.1)  
(ROS 8639)



AREA 1  
(PORTION NAVY  
RETAINED PARCEL 1)  
(ROS 8639)  
138.71 ACRES±



**ABBREVIATIONS**

(R) RADIAL BEARING

NAVY RETAINED AREA

(PARCEL SPT1.1)  
(ROS 8639)

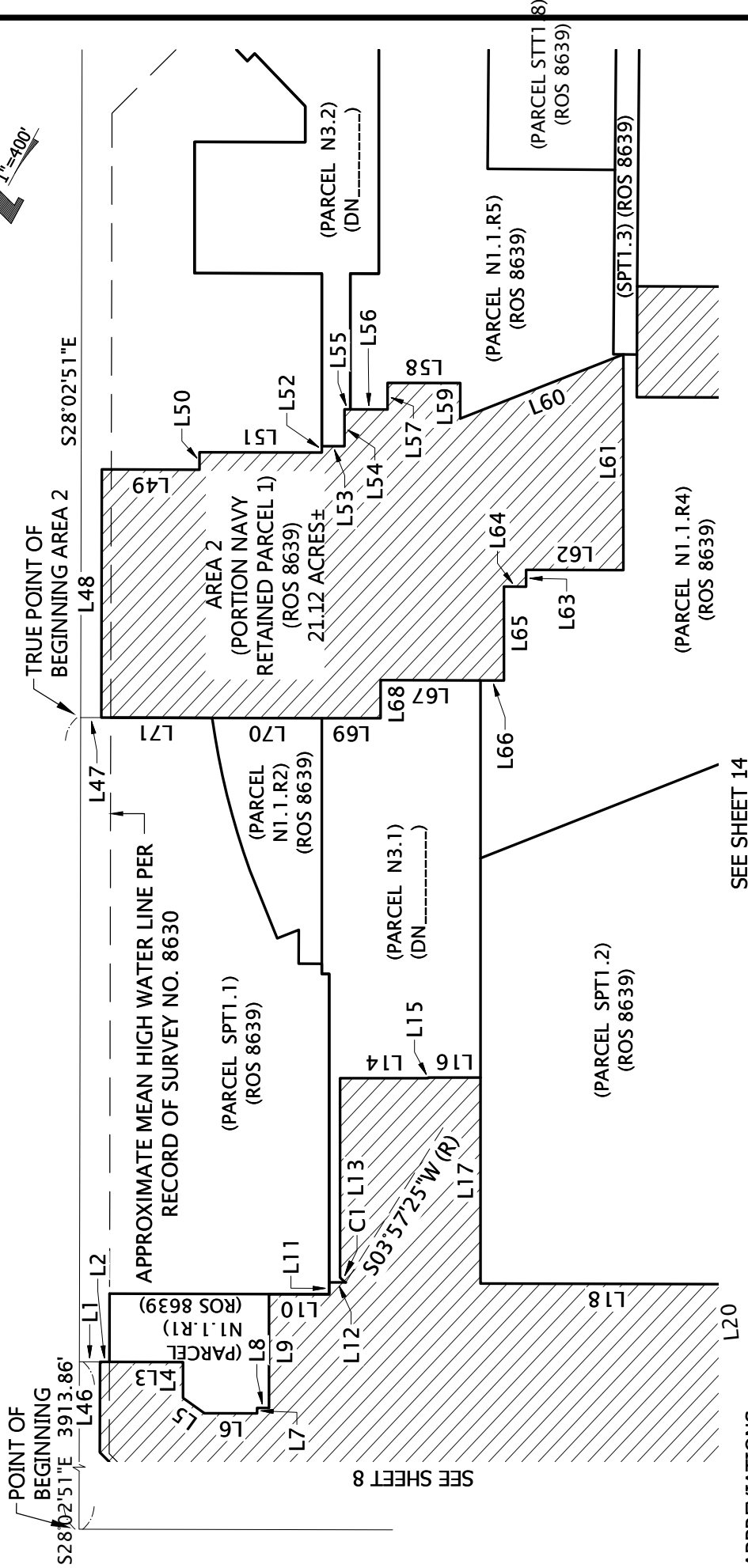
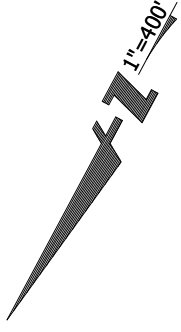
(PARCEL SPT1.1)  
(ROS 8639)



255 SHORELINE DR  
SUITE 200  
REDWOOD CITY, CA 94065  
650-482-6300  
650-482-6399 (FAX)

Subject EXHIBIT A  
PLAT TO ACCOMPANY DESCRIPTION  
 Job No. 20140015  
 By DCJ Date 03/14/18 Chkd. AMC  
 SHEET 9 OF 12

# EXHIBIT PLAT



## ABBREVIATIONS

(R) RADIAL BEARING

NAVY RETAINED AREA 

255 SHORELINE DR  
 SUITE 200  
 REDWOOD CITY, CA 94065  
 650-482-6300  
 650-482-6399 (FAX)



Subject EXHIBIT A  
 PLAT TO ACCOMPANY DESCRIPTION  
 Job No. 20140015  
 By DCJ Date 03/14/18 Chkd. AMC  
 SHEET 10 OF 12

# LEGAL DESCRIPTION

## Job Corps Parcel

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A portion of Treasure Island Naval Station described as follows:

Beginning at monument "C-2" located in California Avenue as said monument and Avenue are shown on the horizontal and vertical control plan drawing number 80091, Department of the Navy, Naval Facilities Engineering Command; thence South 73°19'05" West 122.27 feet to the True Point of Beginning;

thence North 63°13'30" East 398.15 feet;  
thence North 26°50'27" West 508.75 feet;  
thence North 63°14'50" East, 370.50 feet;  
thence North 26°50'27" West. 318.77 feet;  
thence North 63°14'35" East, 506.20 feet;  
thence North 26°47'45" West, 292.20 feet;  
thence South 63°11'40" West, 576.30 feet;  
thence North 26°50'27" West, 549.65 feet  
thence North 63°09'33" East, 124.50 feet;  
thence north 26°50'27" West, 504.02 feet;  
thence south 62°58'50" West, 809.93 feet;  
thence South 26°50'27" East, 1545.00 feet;  
thence North 63°09'33" East, 2.05 feet;  
thence South 25°25'40" East, 624.64 feet to the True Point of Beginning

Containing 36.55 acres more or less

This description has been prepared by me or under my direction in conformance with the Professional Land Surveyor's Act.

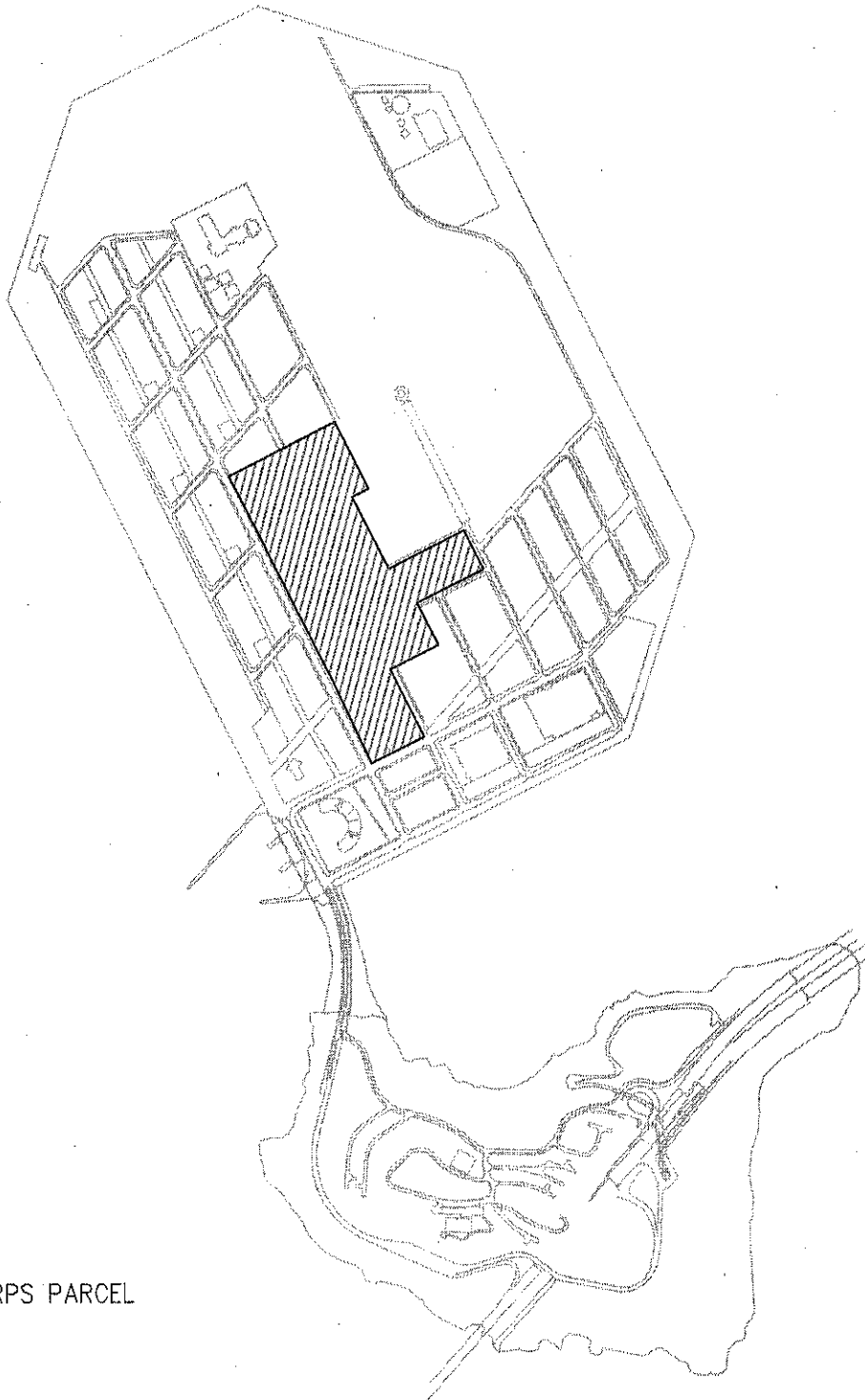


Billy Martin PLS 5797 expires 6-30-2016

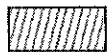
273125.2



TRUST EXCHANGE AGREEMENT  
FOR TREASURE ISLAND AND  
YERBA BUENA ISLAND



LEGEND

 JOB CORPS PARCEL



CONSULTING ENGINEER & SURVEYOR  
 10000 S. DEER CREEK ROAD, SUITE 100, DENVER, CO 80231  
 PHONE: 303.751.1000 FAX: 303.751.1001  
 WWW.BKF.COM



Subject PLAT ACCOMPANYING LEGAL  
DESCRIPTION OF JOB CORPS PARCEL  
 Job No. 20060077-10  
 By LKY Date 5/16/12 Chkd. TMA Sheet 1 of 1