

1 [Homeless Development Initiative Agreement - Treasure Island/Yerba Buena Island]

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3 **Resolution approving the Amended and Restated Base Closure Homeless Assistance**  
4 **Agreement with the Treasure Island Homeless Development Initiative; adopting**  
5 **findings that the agreement is consistent with the City's General Plan and the Eight**  
6 **Priority Policies of City Planning Code Section 101.1.**

7

8 WHEREAS, Former Naval Station Treasure Island is a military base located on  
9 Treasure Island and Yerba Buena Island (together, the "Base"), which is currently owned by  
10 the United States of America ("the Federal Government" or the "Navy"); and,

11 WHEREAS, The Base was selected for closure and disposition by the Base  
12 Realignment and Closure Commission ("BRAC") in 1993, acting under Public Law 101-510,  
13 and its subsequent amendments; and,

14 WHEREAS, The United States Department of Defense designated the City and County  
15 of San Francisco ("City") as the Local Redevelopment Authority ("LRA") responsible for the  
16 conversion of the Base under the federal disposition process; and,

17 WHEREAS, The Board of Supervisors adopted Resolution No. 573-94 on July 2, 1994,  
18 electing to be governed by a process prescribed by the Federal Government in the Base  
19 Closure Community Redevelopment and Homeless Assistance Act of 1994 (the "Homeless  
20 Assistance Act"), which requires the LRA to propose a plan for using Base resources to assist  
21 homeless persons as part of its preparation of a strategic land use plan for the reuse and  
22 development of the Base; and,

23 WHEREAS, The Homeless Assistance Act requires the LRA to prepare (i) a proposed  
24 legally binding agreement that provides for the use of buildings, property and other resources  
25 on and off the Base to assist homeless persons in the community, which will become effective

1 after completion of environmental review under the California Environmental Quality Act  
2 ("CEQA") and the National Environmental Policy Act; (ii) information regarding how the draft  
3 Reuse Plan for the Base addresses homelessness in the community; and (iii) a summary of  
4 public comments regarding the above-mentioned documents (collectively, the "Homeless  
5 Assistance Submission"); and,

6 WHEREAS, The Treasure Island Homeless Development Initiative ("TIHDI") is a  
7 collaborative, consisting of non-profit organizations ("TIHDI Member Organizations"), that was  
8 formed in June 1994 for the purpose of utilizing the structural and economic development  
9 resources of the Base to fill gaps in the continuum of care for homeless individuals and  
10 families in the City; and,

11 WHEREAS, TIHDI submitted a Notice of Interest to the LRA on November 1, 1995  
12 requesting the use of certain buildings on the Base and proposing various programs on the  
13 Base to serve homeless and economically disadvantaged persons; and,

14 WHEREAS, In 1996, the City and TIHDI negotiated a Base Closure Homeless  
15 Assistance Agreement and Option to Lease Real Property (the "Homeless Assistance  
16 Agreement") as part of the Homeless Assistance Submission, which describes the terms  
17 under which TIHDI and TIHDI Member Organizations (i) could utilize up to 375 units of  
18 existing former military housing on an interim basis, (ii) would be granted certain rights to new  
19 housing opportunities as part of the reuse and development of the Base, (iii) would receive  
20 certain rights to economic development opportunities, (iv) would participate in a permanent  
21 employment program related to activities on the Base, and (v) could receive certain financial  
22 support and facilities; and,

23 WHEREAS, The Board of Supervisors adopted Resolution No. 672-96 on July 25,  
24 1996, endorsing a draft Reuse Plan for the Base and authorizing the submission of the draft  
25 Reuse Plan and the Homeless Assistance Submission to the Department of Defense and the

1 United States Department of Housing and Urban Development ("HUD") as required under the  
2 Homeless Assistance Act; and,

3 WHEREAS, HUD approved the draft Reuse Plan and the Homeless Assistance  
4 Submission on November 26, 1996; and,

5 WHEREAS, On June 13, 1997, the Board of Supervisors adopted Resolution No. 566-  
6 97 endorsing an amendment to the Homeless Assistance Agreement to allow for the transfer  
7 of certain Navy personal property to TIHDI, and the Homeless Assistance Agreement, as  
8 amended, is referred to in this Resolution as the "1996 TIHDI Agreement"; and,

9 WHEREAS, In 1997, the Base closed and the Treasure Island Development Authority  
10 ("TIDA") was created to replace the City as the LRA and to serve as a single entity  
11 responsible for the reuse and development of the Base; and,

12 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended  
13 Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter  
14 1333 of the Statutes of 1968 (the "Conversion Act"), the California Legislature (i) granted to  
15 the Board of Supervisors the authority to designate TIDA as a redevelopment agency under  
16 California Community Redevelopment Law with authority over the Base; and (ii) with respect  
17 to those portions of the Base that are subject to the public trust for commerce, navigation and  
18 fisheries (the "Public Trust"), vested in TIDA the authority to administer the Public Trust as to  
19 such property in accordance with the terms of the Conversion Act; and,

20 WHEREAS, Under the Conversion Act and TIDA's Articles of Incorporation and  
21 Bylaws, TIDA, acting by and through its Board of Directors (the "TIDA Board"), has the power,  
22 subject to applicable laws, to sell, lease, exchange, transfer, convey or otherwise grant  
23 interests in or rights to use or occupy all or any portion of the Base; and,

24 WHEREAS, After a competitive bid process, the TIDA Board selected Treasure Island  
25 Community Development, LLC ("TICD") as the proposed master developer of the Base and

1 entered into exclusive negotiations with TICD relating to a Disposition and Development  
2 Agreement ("TICD DDA") and other transaction documents; and,

3 WHEREAS, Since endorsement of the Reuse Plan and selection of TICD as the  
4 proposed master developer, TIDA has undertaken an extensive public process to further  
5 refine the land use plan for the Base, which has included over 220 public meetings before the  
6 TIDA Board, the Treasure Island/Yerba Buena Island Citizens Advisory Board ("CAB"), the  
7 Board of Supervisors, the Planning Commission, and in other public forums; and,

8 WHEREAS, In 2006, a Development Plan and Term Sheet for the Redevelopment of  
9 Naval Station Treasure Island (as amended from time to time, the "Updated Development  
10 Plan") between TIDA and TICD was endorsed by the CAB, the TIDA Board and the Board of  
11 Supervisors, which, among other things, (i) describes the updated land use plan for the Base,  
12 (ii) describes the basic terms of the proposed TICD DDA, and (iii) addresses how the terms of  
13 the 1996 TIHDI Agreement are intended to be incorporated into the proposed redevelopment  
14 of the Base (the "Project"); and,

15 WHEREAS, TIDA has negotiated an Economic Development Conveyance  
16 Memorandum of Agreement with the Navy for the transfer of the Base to TIDA as the  
17 designated LRA; and,

18 WHEREAS, TIDA and TIHDI have implemented significant policies of the 1996 TIHDI  
19 Agreement through (i) interim subleases between TIDA and TIHDI or TIHDI Member  
20 Organizations for TIHDI administrative space, the childcare center and 250 existing housing  
21 units on Treasure Island; (ii) contracts between TIDA and TIHDI Member Organizations for  
22 landscaping, janitorial and other services; (iii) the creation of the TIHDI Job Broker Program;  
23 and (iv) the formation of a joint venture among TIHDI, Toolworks (a TIHDI Member  
24 Organization) and Wine Valley Catering to manage TIDA's special events venues at the Base;  
25 and,

1 WHEREAS, In 2010, the Board of Supervisors unanimously endorsed a Term Sheet  
2 between TIDA and TIHDI for the Amended and Restated Base Closure Homeless Assistance  
3 Agreement (the "TIHDI Term Sheet"), a copy of which is on file with the Clerk of the Board of  
4 Supervisors in File No. 100428 and incorporated herein by reference; and,

5 WHEREAS, The TIHDI Term Sheet was the basis for the parties' negotiation of an  
6 amendment and restatement of the 1996 TIHDI Agreement (the "Amended and Restated  
7 TIHDI Agreement" or "TIHDI Agreement") that outlines TIHDI's participation in the  
8 development project via housing, economic development and support components and,  
9 among other things, reflects the updated land use plan, development program, housing plan  
10 and financing plan described in the TICD DDA and other terms negotiated between TIDA and  
11 TIHDI, a copy of which is on file with the Clerk of the Board of Supervisors in File No.

12 \_\_\_\_\_, which is hereby declared to be a part of this Resolution as if set forth fully  
13 herein; and,

14 WHEREAS, The proposed TIHDI Agreement is consistent with the TIHDI Term Sheet  
15 as well as the proposed development program and economic assumptions included in the  
16 TICD DDA and TIHDI's current interim uses and activities on the Base; and,

17 WHEREAS, The TIHDI Agreement was presented to the CAB at duly noticed public  
18 meetings on March 22, 2011 and \_\_\_\_\_, 2011, and on \_\_\_\_\_, 2011  
19 the CAB voted to endorse the TIHDI Agreement; and,

20 WHEREAS, The TIHDI Agreement was presented to the TIDA Board at duly noticed  
21 public meetings on March 22, 2011 and \_\_\_\_\_, 2011, and on  
22 \_\_\_\_\_, 2011 the TIDA Board voted to approve the TIHDI Agreement; and,

23 WHEREAS, TIDA's organizational documents require TIDA to obtain approval from the  
24 Board of Supervisors prior to entering into contracts with a term of more than 10 years or \$1  
25 million or more in anticipated revenue; and,

1           WHEREAS, The TIHDI Agreement is anticipated to have a term in excess of 10 years;  
2 and,

3           WHEREAS, On \_\_\_\_\_, 2011, the Planning Commission by Motion No.  
4 \_\_\_\_\_ and the TIDA Board of Directors by Resolution No. \_\_\_\_\_, as  
5 co-lead agencies, certified the completion of the Final Environmental Impact Report for the  
6 Project, of which the TIHDI Agreement forms a part; and,

7           WHEREAS, On \_\_\_\_\_, 2011, the TIDA Board of Directors, by Resolution  
8 No. \_\_\_\_\_, adopted environmental findings pursuant to the California  
9 Environmental Quality Act ("CEQA") with respect to approval of the Project, including a  
10 mitigation monitoring and reporting program and a statement of overriding considerations;  
11 and,

12           WHEREAS, On \_\_\_\_\_, 2011, the Planning Commission, by Motion No.  
13 \_\_\_\_\_, adopted environmental findings pursuant to CEQA with respect to  
14 approval of the Project, including a mitigation monitoring and reporting program and a  
15 statement of overriding considerations; and,

16           WHEREAS, The Planning Commission determined that the Project, and the various  
17 actions being taken by the City and the TIDA Board of Directors to approve and implement the  
18 Project, are consistent with the General Plan and with the Eight Priority Policies of City  
19 Planning Code Section 101.1, and made findings in connection therewith (the "General Plan  
20 Consistency Determination"), a copy of which is on file with the Clerk of the Board of  
21 Supervisors in File No. \_\_\_\_\_, and is incorporated into this Resolution by  
22 reference; and,

23           WHEREAS, The Board of Supervisors has reviewed and considered the information  
24 contained in the General Plan Consistency Determination, and concurrently with this  
25 Resolution is adopting said findings as its own, and said findings are on file with the Clerk of

1 the Board of Supervisors in File No. \_\_\_\_\_, and incorporated into this Resolution  
2 by reference; and,

3 WHEREAS, Concurrently with this Resolution, the Board of Supervisors has adopted  
4 Resolution No. \_\_\_\_\_, adopting findings under CEQA, including the adoption of a  
5 mitigation monitoring and reporting program and a statement of overriding considerations in  
6 connection with the development of the Project, which resolution is on file with the Clerk of the  
7 Board of Supervisors in File No. \_\_\_\_\_, and incorporated herein by reference;  
8 now, therefore, be it

9 RESOLVED, That the Board of Supervisors finds that the TIHDI Agreement is  
10 consistent with the General Plan and the Eight Priority Policies of City Planning Code Section  
11 101.1 for the reasons set forth in the General Plan Consistency Determination; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors hereby approves the TIHDI  
13 Agreement and authorizes the Redevelopment Director for TIDA ("Director") to execute,  
14 deliver and perform the TIHDI Agreement substantially in the form in the Board of  
15 Supervisors' file; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors authorizes and urges the  
17 Director, prior to execution of the TIHDI Agreement, to make changes and take any and all  
18 steps, including but not limited to, the attachment of exhibits and the making of corrections, as  
19 the Director determines, in consultation with the City Attorney, are necessary or appropriate to  
20 consummate the TIHDI Agreement in accordance with this Resolution; provided, however,  
21 that such changes and steps do not materially decrease the benefits to or materially increase  
22 the obligations or liabilities of TIDA or the City, and are in compliance with all applicable laws;  
23 and, be it

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1           FURTHER RESOLVED, That all actions heretofore taken by TIDA and the City and  
2 their officers, employees, and agents with respect to the TIHDI Agreement are hereby  
3 approved, confirmed and ratified; and, be it

4           FURTHER RESOLVED, That the Board of Supervisors authorizes and urges all  
5 officers, employees, and agents of TIDA and the City to take any and all steps as they deem  
6 necessary or appropriate, to the extent permitted by applicable law, in order to consummate  
7 the TIHDI Agreement in accordance with this Resolution, including execution of subsequent  
8 documents, or to otherwise effectuate the purpose and intent of this Resolution and TIDA's  
9 performance under the TIHDI Agreement; and, be it

10          FURTHER RESOLVED, That the Board of Supervisors authorizes the Director to enter  
11 into any amendments or modifications to the TIHDI Agreement that the Director determines, in  
12 consultation with the City Attorney, are in the best interest of TIDA and the City, do not  
13 materially decrease the benefits to or materially increase the obligations or liabilities of TIDA  
14 and the City, and are in compliance with all applicable laws.