

1 [Endorsement of Term Sheet with the Treasure Island Homeless Development Initiative]

2
3 **Resolution endorsing the Term Sheet for the Amended and Restated Base Closure**
4 **Homeless Assistance Agreement with the Treasure Island Homeless Development**
5 **Initiative.**

6
7 WHEREAS, Former Naval Station Treasure Island is a military base located on
8 Treasure Island and Yerba Buena Island (together, the "Base" or the "Property"), which is
9 currently owned by the United States of America ("the Federal Government" or the "Navy");
10 and,

11 WHEREAS, Treasure Island 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 Reuse Authority ("LRA") responsible for the conversion
16 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 redevelopment of
22 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 ("NEPA"); (ii) information regarding how
3 the draft Reuse Plan for the Base addresses homelessness in the community; and (iii) a
4 summary of public comments regarding the above-mentioned documents (collectively, the
5 "Homeless Assistance Submission"); and,

6 WHEREAS, The Treasure Island Homeless Development Initiative ("TIHDI") is a
7 collaborative, currently consisting of 9 non-profit organizations ("TIHDI Member
8 Organizations"), that was formed in June 1994 for the purpose of utilizing the structural and
9 economic development resources of the Base to fill gaps in the continuum of care for
10 homeless individuals and 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 redevelopment of the Base, (iii) would receive certain rights to
20 economic development opportunities, (iv) would participate in a permanent employment
21 program related to activities on the Base, and (v) could receive certain financial support and
22 facilities; and,

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

1 Reuse Plan and the Homeless Assistance Submission to the Department of Defense and the
2 United States Department of Housing and Urban Development ("HUD") as required under the
3 Homeless Assistance Act; and,

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

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

10 WHEREAS, In 1997, the Base closed and the Authority was created to replace the City
11 as the LRA and to serve as a single entity responsible for the redevelopment of the Property;
12 and,

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

21 WHEREAS, The Board of Supervisors approved the designation of the Authority as a
22 redevelopment agency with powers over the Property under the Conversion Act in Resolution
23 No. 43-98, dated February 6, 1998; and,

1 WHEREAS, Under the Conversion Act and the Authority's Articles of Incorporation and
2 Bylaws, the Authority, acting by and through its Board of Directors (the "Authority Board"), has
3 the power, subject to applicable laws, to sell, lease, exchange, transfer, convey or otherwise
4 grant interests in or rights to use or occupy all or any portion of the Property; and,

5 WHEREAS, After a competitive bid process, the Authority Board selected Treasure
6 Island Community Development, LLC ("TICD") as the proposed master developer of the
7 Property and entered into exclusive negotiations with TICD relating to a Disposition and
8 Development Agreement ("TICD DDA") and other transaction documents; and,

9 WHEREAS, Since endorsement of the Reuse Plan and selection of TICD as the
10 proposed master developer, the Authority has undertaken an extensive public process to
11 further refine the land use plan for the Property, which has included over 220 public meetings
12 before the Authority Board, the Treasure Island/Yerba Buena Island Citizens Advisory Board
13 ("TICAB"), the Board of Supervisors, the Planning Commission, and in other public forums;
14 and,

15 WHEREAS, In 2006, a Development Plan and Term Sheet for the Redevelopment of
16 Naval Station Treasure Island (as amended from time to time, the "Updated Development
17 Plan") between the Authority and TICD was endorsed by the TICAB, the Authority Board and
18 the Board of Supervisors, which, among other things, (i) describes the updated land use plan
19 for the Property, (ii) describes the basic terms of the proposed TICD DDA, and (iii) addresses
20 how the terms of the 1996 TIHDI Agreement are intended to be incorporated into the
21 proposed redevelopment of the Property (the "Project"); and,

22 WHEREAS, The Authority is negotiating an Economic Development Conveyance
23 Memorandum of Agreement with the Navy, subject to completion of necessary environmental
24

1 review under CEQA and NEPA, for the transfer of the Property to the Authority as the
2 designated LRA; and,

3 WHEREAS, Because environmental review is pending, the 1996 TIHDI Agreement has
4 not been executed; however, the Authority and TIHDI have implemented significant policies of
5 the 1996 TIHDI Agreement through (i) interim subleases between the Authority and TIHDI or
6 TIHDI Member Organizations for TIHDI administrative space, the childcare center and 250
7 existing housing units on Treasure Island, (ii) contracts between the Authority and TIHDI
8 Member Organizations for landscaping, janitorial and other services, (iii) the creation of the
9 TIHDI Job Broker Program, and (iv) the formation of a joint venture among TIHDI, Toolworks
10 (a TIHDI Member Organization) and Wine Valley Catering to manage the Authority's special
11 events venues at the Property; and,

12 WHEREAS, The Authority and TIHDI have worked collaboratively to prepare a Term
13 Sheet for the Amended and Restated Base Closure Homeless Assistance Agreement (the
14 "TIHDI Term Sheet"), a copy of which is on file with the Clerk of the Board of Supervisors in
15 File No. 100428, which is hereby declared to be a part of this resolution as if set forth
16 fully herein; and,

17
18 WHEREAS, The TIHDI Term Sheet will become the basis for the parties' negotiation of
19 an amendment and restatement of the 1996 TIHDI Agreement (the "Amended and Restated
20 TIHDI Agreement") that will outline TIHDI's participation in the redevelopment project via
21 housing, economic development and support components and, among other things, reflect the
22 updated land use plan, development program and financing plan described in the Updated
23 Development Plan and other terms to be negotiated between the Authority and TIHDI; and,

1 WHEREAS, The proposed TIHDI Term Sheet is consistent with the proposed
2 development program and economic assumptions included in the Updated Development Plan
3 and TIHDI's current interim uses and activities on the Property; and,

4 WHEREAS, The TIHDI Term Sheet was presented to the TICAB at a duly noticed
5 public meeting on April 6, 2010, and on April 6, 2010, the TICAB voted 15 to 0
6 endorse the TIHDI Term Sheet; and,

7 WHEREAS, The TIHDI Term Sheet was presented to the Authority Board at a duly
8 noticed public meeting on April 7, 2010, and on April 7, 2010, the Authority Board
9 voted 7 to 0 endorse the TIHDI Term Sheet; and,

10 WHEREAS, The TIHDI Term Sheet is not a binding agreement that commits the
11 Authority or the City to proceed with the approval or implementation of the Project, but it
12 outlines the terms on which the Authority, the City, and TIHDI will negotiate in good faith to
13 reach agreement on the final Amended and Restated TIHDI Agreement; and,

14 WHEREAS, The Project, as ultimately proposed by the Authority, the City, TIHDI and
15 TICD, will be subject to a process of thorough public review and input and all necessary and
16 appropriate approvals; that process must include environmental review under CEQA and, if
17 applicable, NEPA, before the Authority or the City may consider approving the Project; the
18 Project will require discretionary approvals by a number of government bodies after public
19 hearings and environmental review, including by the Authority Board and the City's Board of
20 Supervisors; and,

21 WHEREAS, Nothing in this resolution commits, or shall be deemed to commit, the
22 Authority, the City, or any other public agency to approve or implement any project, and they
23 may not do so, until environmental review of the project as required under CEQA and, if
24 applicable, NEPA, has been completed; accordingly, the references to "the Project" (or the
25

1 like) in this resolution mean a proposed project subject to future environmental review and
2 consideration by the Authority, the City, and other public agencies; further, the Authority, the
3 City, and any other public agency with jurisdiction over any part of the Project each shall have
4 the absolute discretion before approving the Project to: (i) make such modifications to the
5 Project as may be necessary to mitigate significant environmental impacts; (ii) select other
6 feasible alternatives to avoid or substantially reduce significant environmental impacts; (iii)
7 require the implementation of specific measures to mitigate any specific impacts of the
8 Project; (iv) balance the benefits of the Project against any significant environmental impacts
9 before taking final action if such significant impacts cannot otherwise be avoided; or (v)
10 determine whether or not to proceed with the Project; now, therefore, be it

11 RESOLVED, That the Board of Supervisors hereby endorses the TIHDI Term Sheet
12 and urges City and Authority staff, including the Planning Department and the Office of
13 Economic and Workforce Development, to continue environmental review and planning for the
14 Project and the negotiation of the Amended and Restated TIHDI Agreement and other
15 transaction documents consistent with the TIHDI Term Sheet; and, be it

16 FURTHER RESOLVED, That any and all actions taken by City and Authority staff
17 consistent with the intent of this resolution are hereby ratified and approved.



City and County of San Francisco

**Tails
Resolution**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100428

Date Passed: May 18, 2010

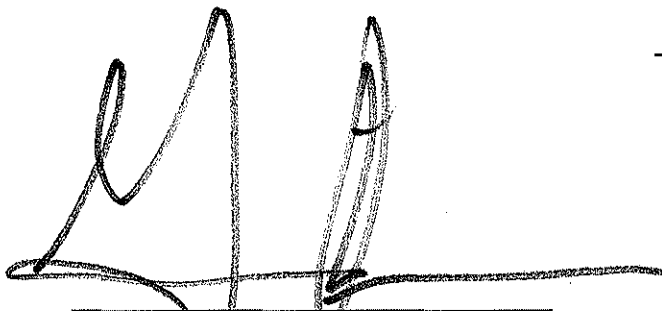
Resolution endorsing the Term Sheet for the Amended and Restated Base Closure Homeless Assistance Agreement with the Treasure Island Homeless Development Initiative.


May 18, 2010 Board of Supervisors - ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100428

I hereby certify that the foregoing Resolution was ADOPTED on 5/18/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom

Angela Calvillo
Clerk of the Board

5/27/2010

Date Approved