

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 16-0195

WHEREAS, The City and County of San Francisco (City) owns certain real property presently under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) consisting of a portion of SFPUC Parcel No. 55 located at 207 Skyline Boulevard in San Francisco, California (Premises), near Lake Merced; and

WHEREAS, The City, by and through the SFPUC and the Recreation Center For the Handicapped, Inc., a California not-for-profit corporation (Original Tenant), entered into a 25-year Indenture of Lease dated February 9, 1971 (Original Lease) at a rental rate of \$1 per year, with an option to extend the lease term for a 25-year period; and

WHEREAS, The Original Tenant built improvements, including a swimming pool complex, on the Premises and has occupied the Premises pursuant to the Original Lease to operate a recreational and rehabilitation center for persons with disabilities and for related services and programs; and

WHEREAS, The Original Tenant exercised its option to extend the Original Lease term for a period of 25 years and the Original Lease expires on February 8, 2021; and

WHEREAS, the Original Tenant's successor-in-interest, the Pomeroy Recreation and Rehabilitation Center (Tenant), seeks a new 25-year lease with an option to extend the lease term for an additional 25-year period of 25 (Amended Lease); and

WHEREAS, Tenant's programs are considered an important community benefit; and

WHEREAS, Under the revised Real Estate Guidelines adopted by SFPUC Resolution No. 15-0013, any non-profit entity with a charitable purpose may be eligible for discounted rates for the use of land or improvements owned by the SFPUC; and

WHEREAS, Any capital improvements that the lessee may contemplate in the future are unknown at this time, no CEQA review is required at this time. At the time that any improvements are known, the lessee would be required to consult with the City Department of Building Inspection and potentially such improvements may require CEQA review; and

WHEREAS, Tenant is a non-profit entity with a charitable purpose and has met all other requirements under Resolution No. 15-0013; and

WHEREAS, Tenant's use benefits the SFPUC's primary utility purpose under Section 5.3.2 of the 2015 Real Estate Guidelines by relieving the SFPUC of the costs of maintaining and securing the Premises; and

WHEREAS, The SFPUC desires to enter into the Amended Lease, allowing Tenant to continue its existing use of the Premises; now, therefore, be it

RESOLVED, That this Commission hereby approves the terms and conditions of the Amended Lease; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to seek approval by the Board of Supervisors and Mayor of the Amended Lease and, upon such approval, to execute the Amended Lease; and be it

FURTHER RESOLVED, That, upon approval by Board of Supervisors and Mayor, this Commission authorizes the SFPUC General Manager and the City's Director of Property to take any and all other steps they or the City Attorney believe are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of this resolution; and are in compliance with all applicable laws, including the City Charter; and be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves and authorizes all actions heretofore taken by any City official in connection with this Amended Lease; and be it

FURTHER RESOLVED, That, upon approval by the Board of Supervisors and Mayor, this Commission hereby authorizes the SFPUC General Manager to enter into any amendments or modifications to the Lease, including without limitation, the exhibits, that the General Manager determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Amended Lease or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of September 13, 2016.



Secretary, Public Utilities Commission