

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 16-38**

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of the City and County of San Francisco (City); and
- WHEREAS, under Charter Section B3.581, leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, there are numerous homeless individuals present in and around Port property; and
- WHEREAS, the Department of Homelessness and Supportive Housing (HSH) proposes to create a temporary Navigation Center on Port property (the “Central Waterfront Navigation Center”) to provide temporary housing and services to homeless individuals as they prepare to return home or to move into permanent housing; and
- WHEREAS, HSH wishes to enter into a Memorandum of Understanding (MOU) with the Port for use of a portion of 25<sup>th</sup> Street between Michigan Street and Louisiana Street for the Central Waterfront Navigation Center for a period of up to 42 months; and
- WHEREAS, under the proposed MOU, the Port will be paid rent consistent with the Port’s Parameter Rent Schedule; and
- WHEREAS, the proposed use of this portion of 25<sup>th</sup> Street requires that the Board of Supervisors first vacate this portion of the street, which is a dead-end street section not needed for access to adjacent property or to San Francisco Bay, for a temporary period of up to 42 months; and
- WHEREAS, this portion of 25th Street is not needed for public trust purposes, the Navigation Center is an acceptable interim use of Port property, and the Port will have the right to terminate the MOU upon six months’ notice if the property is needed for a public trust purpose; and
- WHEREAS, the Port is willing to enter into an MOU on the terms and conditions summarized in the attached Memorandum dated September 9, 2016, subject to the Board of Supervisors’ approval of the proposed street vacation ordinance and the operation of the Central Waterfront Navigation Center for up to 3 years under San Francisco Administrative Code Section 106.3(b); and

WHEREAS, the permitted uses in the MOU are temporary in nature and on September 8, 2016, the Planning Department issued a determination that the permitted uses in the MOU satisfied the criteria for a Class 3 Categorical Exemption pursuant to California Environmental Quality Act Guidelines Section 15303; now therefore be it;

RESOLVED, that the Port Commission hereby approves the proposed MOU between the Port and HSH on terms substantially consistent with those described in the attached Memorandum; and be it further

RESOLVED, that the Port Commission hereby finds that the use of the portion of 25th Street between Michigan Street and Louisiana Street for the temporary operation of the Central Waterfront Navigation Center is a permissible interim use of public trust lands because (i) this portion of 25th Street is not needed for public trust purposes and does not provide access to San Francisco Bay; (ii) the term of the MOU will not exceed 42 months and the Port will have the right to terminate the MOU if this site becomes necessary for public trust purposes; (iii) no permanent structures will be constructed that prevent future public trust uses on this site; and (iv) the Port will receive fair market value rent for the use of this site; and be it further

RESOLVED that following approval by the Director of HSH, the Port Commission authorizes the Executive Director of the Port, or her designee, to execute the MOU on terms substantially consistent with those described in the attached Memorandum; and be it further

RESOLVED that the Port Commission authorizes the Executive Director to enter into any additions, amendments or other modifications to the MOU that the Executive Director, in consultation with the City Attorney, determines are in the best interest of the Port, do not materially increase the obligations or liabilities of the Port or materially decrease the public benefits accruing to the Port, and are necessary and advisable to complete the transaction and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of any such documents.

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

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Secretary