

1 [Sharing Agreement with TIHDI Regarding Housing Units on Treasure Island]
 2 APPROVING AND AUTHORIZING THE TREASURE ISLAND DEVELOPMENT AUTHORITY
 3 TO EXECUTE A REVENUE SHARING AGREEMENT WITH THE TREASURE ISLAND
 4 HOMELESS DEVELOPMENT INITIATIVE REGARDING THE TEMPORARY USE OF 112
 5 HOUSING UNITS ON TREASURE AND YERBA BUENA ISLANDS IN CONNECTION WITH
 6 THE JOHN STEWART COMPANY SUBLEASE.

7 WHEREAS, On May 2, 1997, the Board of Supervisors (the "Board") passed
 8 Resolution No. 380-97, authorizing the Mayor's Treasure Island Project Office to establish a
 9 nonprofit public benefit corporation known as the Treasure Island Development Authority (the
 10 "Authority") to act as a single entity focused on the planning, redevelopment, reconstruction,
 11 rehabilitation, reuse and conversion of former Naval Station Treasure Island (the "Base") for
 12 the public interest, convenience, welfare and common benefit of the inhabitants of the City
 13 and County of San Francisco; and,

14 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended
 15 Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter
 16 1333 of the Statutes of 1968 (the "Act"), the California legislature (i) designated the Authority
 17 as a redevelopment agency under California redevelopment law with authority over the Base
 18 upon approval of the City's Board of Supervisors, and, (ii) with respect to those portions of the
 19 Base which are subject to the Tidelands Trust, vested in the Authority the authority to
 20 administer the public trust for commerce, navigation and fisheries as to such property; and,

21 WHEREAS, The Tidelands Trust prohibits the sale of trust property into private
 22 ownership, generally requires that Tidelands Trust property be accessible to the public and
 23 encourages public-oriented uses of trust property that, among other things, attract people to
 24 the waterfront, promote public recreation, protect habitat and preserve open space; and,

25
 MAYOR WILLIE L. BROWN, JR., SUPERVISORS AMMIANO, YEE, YAKI, BIERMAN and
 BROWN, LENO, KATZ, NEWSOM
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1 WHEREAS, Pursuant to the Base Closure Community Redevelopment and Homeless
2 Assistance Act of 1994, the Treasure Island Homeless Development Initiative ("TIHDI") and
3 the San Francisco Redevelopment Agency negotiated a Base Closure Homeless Assistance
4 Agreement and Option to Sublease Real Property, which was endorsed by the City's Board of
5 Supervisors and approved by the United States Department of Housing and Urban
6 Development (as such agreement is finally approved and adopted by the Authority and the
7 City, the "TIHDI Agreement"); and,

8 WHEREAS, Under the TIHDI Agreement, TIHDI, among other things, is granted the
9 right, upon the satisfaction of certain conditions precedent, to have one or more of its member
10 organizations sublease up to 90 of the housing units on Yerba Buena Island (41 of which are
11 to remain available to the Authority for up to five years (the "41 YBI Units") and up to 285
12 housing units on Treasure Island for homeless San Franciscans, as more particularly
13 described in the TIHDI Agreement (together, the "TIHDI Units"); and,

14 WHEREAS, The Authority and TIHDI have negotiated a Sublease of the first 86 of a
15 total of 222 housing units to be used by TIHDI in the immediate future; and,

16 WHEREAS, The Authority seeks to have up to 766 of the Base-Wide Housing Units
17 rehabilitated, marketed and leased to residential tenants in order to (i) generate revenues for
18 the operation and improvement of the Base, thereby reducing the likelihood that the City's
19 General Fund revenues will have to be used for such purposes, (ii) alleviate the critical
20 shortage of housing in the City, (iii) encourage San Francisco life/safety personnel and other
21 employees (including teachers) providing important services to the Base, and students and
22 faculty of a consortium of San Francisco's higher education institutions, to live on the Base,
23 (iv) develop a critical mass of persons who live and work on the Base by creating a residential
24 community that reflects the socioeconomic and cultural diversity of the City and the San
25 Francisco Bay Area, and (v) prevent the further physical deterioration of these housing units

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1 by entering into a Sublease, Development, Marketing and Property Management Agreement
2 (the "Agreement") with the John Stewart Company ("JSCO"); and,

3 WHEREAS, Pursuant to an Agreement between TIHDI and the Authority in
4 substantially the final form of the agreement filed with the Clerk of the Board in File No.
5 990130 (the "Sharing Agreement"), TIHDI will allow the Authority and JSCO to use
6 up to 112 Units (the "Borrowed Units") of the 334 Units that could otherwise be available to
7 TIHDI, for the term of the Agreement with JSCO; and,

8 WHEREAS, In return, TIHDI is to receive 40% of the Percentage Rent otherwise
9 payable to the Authority under the Agreement generated from the use of such Borrowed Units
10 and 50% of the Percentage Rent otherwise payable to the Authority generated from the use of
11 the 41 YBI Units during the 6th and 7th year of the Agreement; and,

12 WHEREAS, Under the Sharing Agreement, the Authority also has certain obligations to
13 return the Borrowed Units and the 41 YBI Units to TIHDI at the end of the Term of the
14 Agreement in good condition and repair, and to allow TIHDI to use any replacement reserves
15 remaining at the expiration of the Agreement allocable to the Borrowed Units or the 41 YBI
16 Units to prepare such Units for future use and occupancy by TIHDI; and,

17 WHEREAS, Pursuant to the requirements of the California Environmental Quality Act,
18 California Public Resources Code, Sections 21000 et seq., ("CEQA"), the Guidelines for
19 Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et seq.,
20 ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter
21 31"), entitled Environmental Quality, the San Francisco Planning Department prepared two (2)
22 categorical exemptions affecting the decision by this Board of Supervisors to approve the
23 agreement that is the subject of this resolution; and,

24 WHEREAS, On September 24, 1997, the Planning Department issued a Categorical
25 Exemption under Guidelines sections 15301(a) and 15301(d) on the basis that the renovation
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1 and occupancy by civilians of approximately 204 existing Series 1400 housing units would not
2 result in a change in use or intensity from previous uses; and,

3 WHEREAS, On November 3, 1997, the Planning Department issued a Categorical
4 Exemption under Guidelines sections 15301, 15303 and 15304(e) and a General Rule
5 Exclusion under Guidelines section 15061(b)(3) for the interim reuse of all facilities on
6 Treasure Island, including but not limited to housing units, on the basis that interim uses that
7 are consistent with the intensity and use of said facilities as documented in the 1995 Existing
8 Conditions Report would not nor could not have a reasonable probability to cause or
9 contribute to a significant effect on the environment; and,

10 WHEREAS, Both categorical exemptions have been filed with the Clerk of the Board in
11 File No. 990130 and the 1995 Existing Conditions Report is on file with the
12 Secretary of the Authority; Now, therefore, be it

13 RESOLVED, That the Board hereby approves and authorizes the Authority to enter into
14 the Sharing Agreement; and, be it

15 FURTHER RESOLVED, That the Board authorizes the Authority to enter into
16 modifications to the Sharing Agreement (including, without limitation, the attachment or
17 modification of exhibits) that are in the best interests of the Authority and the City, do not
18 materially change the terms of the Sharing Agreement, and are necessary and advisable to
19 effectuate the purpose and intent of this resolution.

20
21 RECOMMENDED

22
23 
24 ANNEMARIE CONROY
25 Executive Director
Treasure Island Development Authority

MAYOR WILLIE L. BROWN, JR., SUPERVISORS AMMIANO, YEE, YAKI, BIERMAN and
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City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

Tails

Resolution

File Number: 990130

Date Passed:

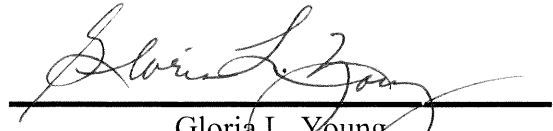
Resolution approving and authorizing the Treasure Island Development Authority to execute a revenue sharing agreement with the Treasure Island Homeless Development Initiative regarding the temporary use of 112 housing units on Treasure and Yerba Buena Islands in connection with the John Stewart Company sublease.

February 22, 1999 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

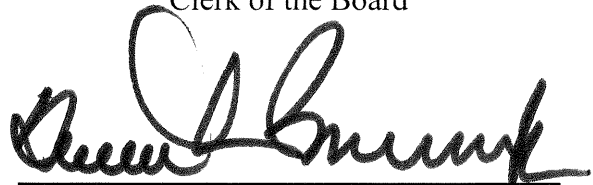
File No. 990130

I hereby certify that the foregoing Resolution was ADOPTED on February 22, 1999 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

MAR - 5 1999

Date Approved


Mayor Willie L. Brown Jr.

File No. 990130 continued...