

1 [Approval of Port Lease for Living Classroom at Heron's Head Park.]

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3 **Resolution approving the Lease between the San Francisco Port Commission and**
4 **Literacy for Environmental Justice, a non-profit organization, for the Living Classroom**
5 **Project, located at Heron's Head Park, for a total term of ten years.**

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7 WHEREAS, In 1998, the San Francisco Port Commission ("Port") constructed on the
8 formerly undeveloped Pier 98 Heron's Head Park ("HHPark"), consisting of approximately 8
9 acres of wetland habitat, a fishing pier and 14 acres of upland open-space with trails, picnic
10 area and interpretive signs; and

11 WHEREAS, Literacy for Environmental Justice ("LEJ"), a non-profit environmental
12 organization located in the Bayview Hunter's Point neighborhood, has been operating
13 education and community/volunteer participation programs at HHPark under contract with the
14 Port since 1999; and

15 WHEREAS, In 2001, LEJ applied for and received a grant of \$898,000 from the San
16 Francisco Department of the Environment to construct at HHPark the "Living Classroom", a
17 one-story, 1,450 square-foot building incorporating sustainable design that is expected to be
18 certified as a Leader in Energy and Environmental Design in accordance with the City's Green
19 Building Ordinance (the "Project"); and

20 WHEREAS, The real property comprising HHPark is within the Port's jurisdiction, and
21 City Charter Section B3.581 (g) authorizes the Port Commission to enter into leases and
22 franchises for the use of real property within Port jurisdiction; and

23 WHEREAS, at its public meeting in January 2001, the Port Commission (by Resolution
24 01-02) authorized and directed Port staff to negotiate a lease and other necessary
25 agreements with LEJ relating to the Project; and

1 WHEREAS, The Project is consistent with the California Public Trust Doctrine, the
2 General Plan of the City and County of San Francisco, the San Francisco Planning Code, the
3 Waterfront Land Use Plan and the Bay Conservation and Development Commission Plans;
4 and

5 WHEREAS, Pursuant to requirements under the California Environmental Quality Act
6 (CEQA), the environmental effects of the HH Park project were analyzed by the San
7 Francisco Planning Department, in a Final Negative Declaration issued November 10, 1997
8 (File No. 1997.432E) which found that, with implementation of a mitigation measure specified
9 therein, the HH Park project would not have a significant adverse effect on the environment;
10 and

11 WHEREAS, Since the issuance of the Final Negative Declaration, two Addenda have
12 been issued by the San Francisco Planning Department to analyze the environmental impacts
13 of the Living Classroom addition to the HH Park proposed by LEJ, wherein the First
14 Addendum issued on July 26, 2002 analyzed a 1,250 square foot classroom facility, and the
15 Second Addendum issued on August 16, 2005 analyzed a 1,500 square foot classroom
16 facility; and

17 WHEREAS, In both Addenda to the Final Negative Declaration, the Planning
18 Department concluded that the addition and subsequent refinement of the LEJ classroom
19 facility would not result in any new significant impacts; no substantial changes in
20 environmental circumstances have occurred since the Final Negative Declaration was issued
21 in November 1997; and no new information has come to light that would indicate the potential
22 for new significant effects not addressed in the Final Negative Declaration, and therefore no
23 supplemental environmental review is required pursuant to the San Francisco Administrative
24 Code Section 31.35(d), and no supplemental or subsequent Negative Declaration is needed
25 pursuant to CEQA Guidelines Section 15162 and 15163; and

1 WHEREAS, The San Francisco Planning Commission certified the Waterfront Land
2 Use Plan Supplemental Environmental Impact Report ("SEIR") on February 15, 2001 (File No.
3 1999.377E), which identified certain mitigation measures applicable to projects in the
4 Southern waterfront area, and which will therefore be applicable to the LEJ Living Classroom
5 project at HH Park; and

6 WHEREAS, At its public meeting of September 27, 2005, the Port Commission (by
7 Resolution 05-64) approved a lease with LEJ (the "Lease") for the construction, maintenance
8 and operation of the Project for a term of ten years, which Lease incorporates the mitigation
9 measures set forth in the SEIR and is on file with the Clerk of the Board of Supervisors in File
10 No. 060118 and hereby declared to be a part of this resolution as if set forth fully herein; and

11 WHEREAS, Charter Section 9.118 (c) requires the Board of Supervisors to approve
12 leases of real property for a period of ten or more years or having anticipated revenue to the
13 City of one million dollars or more; and

14 WHEREAS, LEJ's programs have brought thousands of youth and adults to study and
15 appreciate one of the few remaining wetlands in the City and County of San Francisco and
16 have contributed many thousands of hours of volunteer work to maintain HHPark and its
17 wetlands; and

18 WHEREAS, LEJ has demonstrated commitment and experience in providing culturally
19 relevant environmental education programs for urban youth, drawing youth directly from the
20 community that HHPark is intended to serve to participate as employees, interns and student
21 leaders; and

22 WHEREAS, The Living Classroom will be a valuable environmental resource for the
23 Bayview Hunter's Point community as well as the City and County of San Francisco; now,
24 therefore, be it

1 RESOLVED, That this Board of Supervisors has reviewed and considered the Final
2 Negative Declaration, including the Addendum, and finds that it reflects the independent
3 judgment and analysis of the Planning Department, and that it is adequate, accurate and
4 complete, and based on its review of the record, further finds that: (1) modifications
5 incorporated into the Project as a result of the lease transaction approved herein will not
6 require important revisions to the Final Negative Declaration; (2) no substantial changes have
7 occurred with respect to the circumstances under which the Project is undertaken which
8 would require major revisions to the Final Negative Declaration due to the involvement of new
9 significant environmental effects; (3) no new information of substantial importance to the
10 Project has become available which would indicate the Project will have significant effects not
11 discussed in the Final Negative Declaration; and, hereby approves the imposition on this
12 Project of mitigation measures identified in the SEIR that are generally applicable to projects
13 in the Southern Waterfront; and, be it

14 FURTHER RESOLVED, that the Board of Supervisors approves the Lease and the
15 transactions which the Lease contemplates (including without limitation the terms of any
16 exhibits and ancillary agreements to the extent incorporated or referenced in the Lease); and,
17 be it

18 FURTHER RESOLVED, that the Board of Supervisors authorizes the Executive
19 Director of the Port (the "Executive Director") to execute the Lease upon satisfaction or waiver
20 of the conditions precedent set forth in the Lease in substantially the form presented to this
21 Board and in such final form as is approved by the Executive Director in consultation with the
22 City Attorney; and, be it

23 FURTHER RESOLVED, that the Board of Supervisors authorizes the Executive
24 Director to enter into any additions, amendments or other modifications to the Lease
25 (including, without limitation, preparation and attachment of, or changes to, any or all of the

1 exhibits and ancillary agreements) that the Executive Director, in consultation with the City
2 Attorney, determines is in the best interest of the Port, do not alter the rent or the Port's
3 projected income from the Project, do not materially increase the obligations or liabilities of the
4 Port or City or materially decrease the public benefits accruing to the Port, and are necessary
5 or advisable to complete the transactions which the Lease contemplates and effectuates the
6 purpose and intent of this resolution, such determination to be conclusively evidenced by the
7 execution and delivery by the Executive Director of the Lease and any such amendments to
8 such document; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
10 Director to execute and enter into any additional documents as she deems necessary or
11 appropriate, in consultation with the City Attorney, to consummate the transactions
12 contemplated hereby or to otherwise effectuate the purpose and intent of this resolution, such
13 determination to be conclusively evidenced by the execution and delivery by the Executive
14 Director of any such documents; and, be it

15 FURTHER RESOLVED, that the Board of Supervisors approves, confirms and ratifies
16 all prior actions taken by the officials, employees and agents of the Port Commission or the
17 City with respect to this Lease.

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