

1 [Homeless Development Initiative Agreement - Treasure Island]

2 **Resolution approving the amended and restated Base Closure Homeless Assistance**
3 **Agreement with the Treasure Island Homeless Development Initiative.**
4

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

10 WHEREAS, Treasure Island was selected for closure and disposition by the Base
11 Realignment and Closure Commission ("BRAC") in 1993, acting under Public Law 101-510,
12 and its subsequent amendments; and,

13 WHEREAS, The United States Department of Defense designated the City and County
14 of San Francisco ("City") as the Local Reuse Authority ("LRA") responsible for the conversion
15 of the Base under the federal disposition process; and,

16 WHEREAS, The Board of Supervisors adopted Resolution No. 573-94 on July 2, 1994,
17 electing to be governed by a process prescribed by the Federal Government in the Base
18 Closure Community Redevelopment and Homeless Assistance Act of 1994 (the "Homeless
19 Assistance Act"), which requires the LRA to propose a plan for using Base resources to assist
20 homeless persons as part of its preparation of a strategic land use plan for redevelopment of
21 the Base; and,

22 WHEREAS, The Homeless Assistance Act requires the LRA to prepare (i) a proposed
23 legally binding agreement that provides for the use of buildings, property and other resources
24 on and off the Base to assist homeless persons in the community, which will become effective
25 after completion of environmental review under the California Environmental Quality Act

1 ("CEQA") and the National Environmental Policy Act ("NEPA"); (ii) information regarding how
2 the draft Reuse Plan for the Base addresses homelessness in the community; and (iii) a
3 summary of public comments regarding the above-mentioned documents (collectively, the
4 "Homeless Assistance Submission"); and,

5 WHEREAS, The Treasure Island Homeless Development Initiative ("TIHDI") is a
6 collaborative, consisting of non-profit organizations ("TIHDI Member Organizations"), that was
7 formed in June 1994 for the purpose of utilizing the structural and economic development
8 resources of the Base to fill gaps in the continuum of care for homeless individuals and
9 families in the City; and,

10 WHEREAS, TIHDI submitted a Notice of Interest to the LRA on November 1, 1995
11 requesting the use of certain buildings on the Base and proposing various programs on the
12 Base to serve homeless and economically disadvantaged persons; and,

13 WHEREAS, In 1996, the City and TIHDI negotiated a Base Closure Homeless
14 Assistance Agreement and Option to Lease Real Property (the "Homeless Assistance
15 Agreement") as part of the Homeless Assistance Submission, which describes the terms
16 under which TIHDI and TIHDI Member Organizations (i) could utilize up to 375 units of
17 existing former military housing on an interim basis, (ii) would be granted certain rights to new
18 housing opportunities as part of redevelopment of the Base, (iii) would receive certain rights to
19 economic development opportunities, (iv) would participate in a permanent employment
20 program related to activities on the Base, and (v) could receive certain financial support and
21 facilities; and,

22 WHEREAS, The Board of Supervisors adopted Resolution No. 672-96 on July 25,
23 1996, endorsing a draft Reuse Plan for the Base and authorizing the submission of the draft
24 Reuse Plan and the Homeless Assistance Submission to the Department of Defense and the
25 United States Department of Housing and Urban Development ("HUD") as required under the

1 Homeless Assistance Act; and,

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

4 WHEREAS, On June 13, 1997, the Board of Supervisors adopted Resolution No. 566-
5 97 endorsing an amendment to the Homeless Assistance Agreement to allow for the transfer
6 of certain Navy personal property to TIHDI, and the Homeless Assistance Agreement, as
7 amended, is referred to in this Resolution as the "1996 TIHDI Agreement"; and,

8 WHEREAS, In 1997, the Base closed and the Treasure Island Development Authority
9 (the "Authority") was created to replace the City as the LRA and to serve as a single entity
10 responsible for the redevelopment of the Property; and,

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

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

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

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

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

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

18 WHEREAS, The Authority has negotiated an Economic Development Conveyance
19 Memorandum of Agreement with the Navy for the transfer of the Property to the Authority as
20 the designated LRA; and,

21 WHEREAS, The Authority and TIHDI have implemented significant policies of the 1996
22 TIHDI Agreement through (i) interim subleases between the Authority and TIHDI or TIHDI
23 Member Organizations for TIHDI administrative space, the childcare center and 250 existing
24 housing units on Treasure Island; (ii) contracts between the Authority and TIHDI Member
25 Organizations for landscaping, janitorial and other services; (iii) the creation of the TIHDI Job

1 Broker Program; and (iv) the formation of a joint venture among TIHDI, Toolworks (a TIHDI
2 Member Organization) and Wine Valley Catering to manage the Authority's special events
3 venues at the Property; and,

4 WHEREAS, In 2010, the Board of Supervisors unanimously endorsed a Term Sheet
5 between the Authority and TIHDI for the Amended and Restated Base Closure Homeless
6 Assistance Agreement (the "TIHDI Term Sheet"), a copy of which is on file with the Clerk of
7 the Board of Supervisors in File No. 100428; and,

8 WHEREAS, The TIHDI Term Sheet was the basis for the parties' negotiation of an
9 amendment and restatement of the 1996 TIHDI Agreement (the "Amended and Restated
10 TIHDI Agreement" or "TIHDI Agreement") that outlines TIHDI's participation in the
11 redevelopment project via housing, economic development and support components and,
12 among other things, reflects the updated land use plan, development program, housing plan
13 and financing plan described in the TICD DDA and other terms negotiated between the
14 Authority and TIHDI, a copy of which is on file with the Clerk of the Board of Supervisors in
15 File No. _____, which is hereby declared to be a part of this Resolution as if set
16 forth fully herein; and,

17 WHEREAS, The proposed TIHDI Agreement is consistent with the approved TIHDI
18 Term Sheet as well as the proposed development program and economic assumptions
19 included in the TICD DDA and TIHDI's current interim uses and activities on the Property;
20 and,

21 WHEREAS, The TIHDI Agreement was presented to the TICAB at duly noticed public
22 meetings on March 22, 2011 and _____, 2011, and on _____, 2011
23 the TICAB voted ___ to ___ endorse the TIHDI Agreement; and,

24 WHEREAS, The TIHDI Agreement was presented to the Authority Board at duly
25 noticed public meetings on March 22, 2011 and _____, 2011, and on

1 _____, 2011 the Authority Board voted ___ to ___ endorse the TIHDI Agreement;
2 and,

3 WHEREAS, The Authority's organizational documents require the Authority to obtain
4 approval from the Board of Supervisors prior to entering into contracts with a term of more
5 than 10 years or \$1 million or more in anticipated revenue; and,

6 WHEREAS, The TIHDI Agreement is anticipated to have a term in excess of 10 years;
7 and,

8 WHEREAS, Concurrently with this Resolution, the Board of Supervisors has adopted
9 Resolution No. _____, adopting findings under CEQA, including the adoption of a
10 mitigation monitoring and reporting program and a statement of overriding considerations in
11 connection with the development of the Project, which resolution is on file with the Clerk of the
12 Board of Supervisors in File No. _____, and incorporated herein by reference;
13 now, therefore, be it

14 RESOLVED, That the Board of Supervisors hereby approves the TIHDI Agreement
15 and authorizes the Director of Redevelopment for the Authority ("Redevelopment Director") to
16 execute, deliver and perform the TIHDI Agreement substantially in the form in the Board of
17 Supervisors' file; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors authorizes and urges the
19 Redevelopment Director, prior to execution of the TIHDI Agreement, to make changes and
20 take any and all steps, including but not limited to, the attachment of exhibits and the making
21 of corrections, as the Redevelopment Director determines, in consultation with the City
22 Attorney, are necessary or appropriate to consummate the TIHDI Agreement in accordance
23 with this Resolution; provided, however, that such changes and steps do not materially
24 decrease the benefits to or materially increase the obligations or liabilities of the Authority or
25 the City, and are in compliance with all applicable laws; and, be it

1 FURTHER RESOLVED, That all actions heretofore taken by the Authority and the City
2 and their officers, employees, and agents with respect to the TIHDI Agreement are hereby
3 approved, confirmed and ratified; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors authorizes and urges all
5 officers, employees, and agents of the Authority and the City to take any and all steps as they
6 deem necessary or appropriate, to the extent permitted by applicable law, in order to
7 consummate the TIHDI Agreement in accordance with this Resolution, including execution of
8 subsequent documents and acceptance of real property from the Navy, or to otherwise
9 effectuate the purpose and intent of this Resolution and the Authority's performance under the
10 EDC MOA; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors authorizes the Redevelopment
12 Director to enter into any amendments or modifications to the TIHDI Agreement that the
13 Redevelopment Director determines, in consultation with the City Attorney, are in the best
14 interest of the Authority and the City, do not materially decrease the benefits to or materially
15 increase the obligations or liabilities of the Authority and the City, and are in compliance with
16 all applicable laws.