

File No. 130903

Committee Item No. 11

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: 12/04/2013

Board of Supervisors Meeting

Date: 12/10/2013

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Victor Young

Date November 27, 2013

Completed by: Victor Young

Date 12/9/2013

1 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

2
3 **Resolution retroactively approving the Thirty Eighth Amendment to the Treasure Island**
4 **Land and Structures Master Lease between the Treasure Island Development Authority**
5 **and the United States Navy to extend the term for one year, for the period of December**
6 **1, 2013, through November 30, 2014; and amend the leased premises.**

7
8 WHEREAS, The Treasure Island Development Authority ("Authority") and the United
9 States of America, acting by and through the Department of the Navy (the "Navy"), entered
10 into master lease agreement no. N6247499RP42P12, dated November 19, 1998, for the
11 Authority to use and sublease certain land and structures on former Naval Station Treasure
12 Island (as amended from time to time, the "Land and Structures Master Lease") at no rent;
13 and,

14 WHEREAS, The Master Lease and amendments No. 1 through 37 are on file with the
15 Clerk of the Board of Supervisors in File No. 120736; and,

16 WHEREAS, The Land and Structures Master Lease enables the Authority to sublease
17 portions of the master leased area for interim uses and generate revenues to support the
18 interim uses and the future redevelopment of the former Naval Station Treasure Island; and

19 WHEREAS, The term of the Land and Structures Master Lease expires on November
20 30, 2013; and,

21 WHEREAS, The Authority wishes to extend the term of such lease for a period of one
22 (1) year beginning on December 1, 2013 and ending on November 30, 2014, unless sooner
23 terminated in accordance with the terms and conditions of the Master Lease; and,

24 WHEREAS, The Authority wishes to amend the Leased Premises of the Land and
25 Structures Master Lease to add to the Premises certain land and lots located throughout

1 Treasure Island, and as more specifically shown on Exhibit A-14, as attached to the proposed
2 Thirty Eighth Amendment; and,

3 WHEREAS, The Navy concurs with such amendment and the amendment has been
4 approved by the Authority Board of Directors at its May 8, 2013 meeting; and,

5 WHEREAS, The Board of Supervisors Resolution establishing the Authority, AB 699
6 and TIDA's Bylaws require that the Authority obtain Board of Supervisors approval of any
7 agreements having a term in excess of ten (10) years or anticipated revenues of \$1,000,000
8 or more; and,

9 WHEREAS, Because the cumulative term of the Land and Structures Master Lease
10 exceeds ten (10) years, the Authority is requesting that the Board of Supervisors approve the
11 Thirty Eighth Amendment to extend the term of such lease for a period of one (1) year
12 beginning on December 1, 2013 and ending on November 30, 2014, unless sooner
13 terminated in accordance with the terms and conditions of the Master Lease, and to add to the
14 Premises certain land and lots located throughout Treasure Island, and as more specifically
15 shown on Exhibit A-14, as attached to the proposed Thirty Eighth Amendment; now,
16 therefore, be it

17 RESOLVED, That the Board of Supervisors hereby retroactively approves and
18 authorizes the Director of Island Operations of the Authority or her designee to execute and
19 enter into the Thirty Eighth Amendment to the Land and Structures Master Lease in
20 substantially the form filed with the Clerk of the Board of Supervisors in File No. 130903, and
21 any additions, amendments or other modifications to such Thirty Eighth Amendment
22 (including, without limitation, its exhibits) that the Director of Island Operations of the Authority
23 or her designee determines, in consultation with the City Attorney, are in the best interests of
24 the Authority and do not otherwise materially increase the obligations or liabilities of the
25

1 Authority, and are necessary or advisable to effectuate the purpose and intent of this
2 resolution; and, be it

3 FURTHER RESOLVED, That within thirty (30) days of the lease amendment being fully
4 executed by all parties the Director of Island Operations of the Authority shall provide the final
5 lease amendment to the Clerk of the Board for inclusion into the official file.

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CITY & COUNTY OF SAN FRANCISCO



MIRIAN SAEZ
DIRECTOR OF ISLAND OPERATIONS

TREASURE ISLAND DEVELOPMENT AUTHORITY
ONE AVENUE OF THE PALMS,
2ND FLOOR, TREASURE ISLAND
SAN FRANCISCO, CA 94130
(415) 274-0660 FAX (415) 274-0299
WWW.SFTREASUREISLAND.ORG

September 18, 2013

Ms. Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 SEP 20 AM 11:45
AK

Dear Ms. Calvillo

The Treasure Island Development Authority ("TIDA") requests that the following six pieces of legislation be formally introduced at the Board of Supervisors and calendared for hearing and consideration of approval at the Boards earliest convenience:

- 130902 - Extension of the term of the Treasure Island South Waterfront Master Lease between TIDA and the United States Navy ("Navy").
- 130903 - Extension of the term and amendment of the Leased Premises of the Treasure Island Land and Structures Master Lease between TIDA and the Navy
- 130904 - Extension of the term of the Treasure Island Marina Master Lease between TIDA and the Navy
- 130905 - Extension of the term of the Treasure Island Childcare Center Master Lease between TIDA and the Navy
- 130906 - Extension of the term of the Treasure Island Events Venues Master Lease between TIDA and the Navy
- 130907 - Extension of the term of the Treasure Island Fire Fighting Training Center Master Lease between TIDA and the United States Navy

Please find enclosed one original and four copies of the materials for each item. Thank you for your attention to this matter. Should your office have any questions, please do not hesitate to contact me at 415-274-0669.

Sincerely,

Mirian Saez
Director of Island Operations

Cc: file
Enclosures

**Treasure Island Development Authority
City and County of San Francisco**

Resolution Authorizing the Thirty Eighth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to Extend the Term and Amend the Leased Premises.

SUMMARY OF PROPOSED ACTION:

This item seeks approval and authorization to amend the Master Lease between the Treasure Island Development Authority (the "Authority") and the U.S. Navy (the "Navy") for the Land and Structures on former Naval Station Treasure Island to extend the Term of the Lease to November 30, 2014 and to Amend the Leased Premises to add certain land and lots located throughout Treasure Island.

BACKGROUND:

On November 19, 1998, the Treasure Island Development Authority (the "Authority") entered into Lease Agreement N6247499RP42P12 with the United States Navy (as amended from time to time, the "Land and Structures Master Lease"). The lease premises include certain buildings and grounds on former Naval Station Treasure Island, including land leased for sports fields and several facilities in the Authority's commercial leasing portfolio. The Authority does not pay any base rent under the Land and Structures Master Lease.

The term of the Land and Structures Master Lease will expire November 30, 2013. The proposed Thirty Eighth Amendment extends the term through November 30, 2014 on the same terms and conditions as the existing Land and Structures Master Lease. The proposed Thirty Eighth Amendment also amends the Leased Premises of the Land and Structures Master Lease to add to the Premises certain land and lots located throughout Treasure Island, and as more specifically shown on Exhibit A-14, as attached to the proposed Thirty Eighth Amendment document.

The Authority's Board of Directors approved the Thirty Eighth Amendment to the Land and Structures Master Lease at its May 8, 2013 meeting. Pursuant to the Board of Supervisors Resolution establishing the Authority, AB 699 and TIDA's Bylaws, Board of Supervisors approval is required of any contract or agreement entered into by the Authority with a term longer than ten years. Because the term of the Land and Structures Master Lease exceeds ten years, the Director of Island Operations requests approval of the Thirty Eighth Amendment from the Board of Supervisors to extend the term to November 30, 2014 on the same terms and conditions as the existing Master Lease.

RECOMMENDATION:

Approve the Thirty Eighth Amendment to the Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term to November 30, 2014.

Mirian Saez, Director of Island Operations

**THIRTY EIGHTH AMENDMENT
TO LEASE AGREEMENT N6247499RP42P12
BETWEEN
THE UNITED STATES OF AMERICA
AND
TREASURE ISLAND DEVELOPMENT AUTHORITY**

THIS LEASE AMENDMENT made this ____ day of _____ 2013, by and between the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, hereinafter called the "Government", and the TREASURE ISLAND DEVELOPMENT AUTHORITY, hereinafter called the "Lessee";

WHEREAS, the parties hereto, as of 19 November 1998, entered into Lease Agreement N6247499RP42P12 under the terms of which the Lessee uses certain real property for space located at the former Naval Station, Treasure Island; and

WHEREAS, the parties agree to amend the terms of the Lease Agreement.

NOW THEREFORE, in consideration of the terms, covenants and conditions hereinafter set forth; the following paragraphs to Lease N6247499RP42P12 are hereby amended to reflect the following changes;

1. Paragraph 2 **TERM**, delete in its entirety and the following paragraph is inserted therefore:

"The term of this Lease shall be for a period of one (1) year beginning on 1 December 2013 and ending on 30 November 2014, unless sooner terminated in accordance with the provisions of Paragraph 14, Termination."

2. Paragraph 1 **LEASED PREMISES**, add the following:

"Use of the open space surrounding Building 452 and Building 453 as shown as Item #1 on Exhibit A-14, attached hereto and made a part hereof. Building 452 and 453 is excluded from the Leased Premises."

"Use of Building 257, for the express purpose of demolition and pre-demolition activities, as shown as Item #2 on Exhibit A-14, attached hereto and made a part hereof."

"Use of lot underlying and surround Building 257 after demolition, as shown as Item #3 on Exhibit A-14, attached hereto and made a part hereof."

"Use of the lot surrounding Building 217, as shown as Item #4 on Exhibit A-14, attached hereto and made a part hereof. Building 217 is excluded from the Leased Premises."

"Use of the lot South of Building 330 and bordered by Avenue and 10th Street, as shown as Item #5 on Exhibit A-14, attached hereto and made a part hereof."

"Use of a portion of the lot bordered by 5th and Avenue N near Building 458, as shown as Item #6 on Exhibit A-14, attached hereto and made a part hereof."

“Use of a portion of the lot bordered by Bldg 293 and Avenue M and 5th Avenue, as shown as Item #7 on Exhibit A-14, attached hereto and made a part hereof.”

“Use of lot east of the former Building 92 and west of Avenue M, located approximately between 3rd and 5th streets, as shown as Item #8 on Exhibit A-14, attached hereto and made a part hereof.”

All other terms and conditions of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have, on the respective dates set forth above duly executed this amendment to the Lease as of the day and year first above written.

UNITED STATES OF AMERICA

TREASURE ISLAND DEVELOPMENT
AUTHORITY

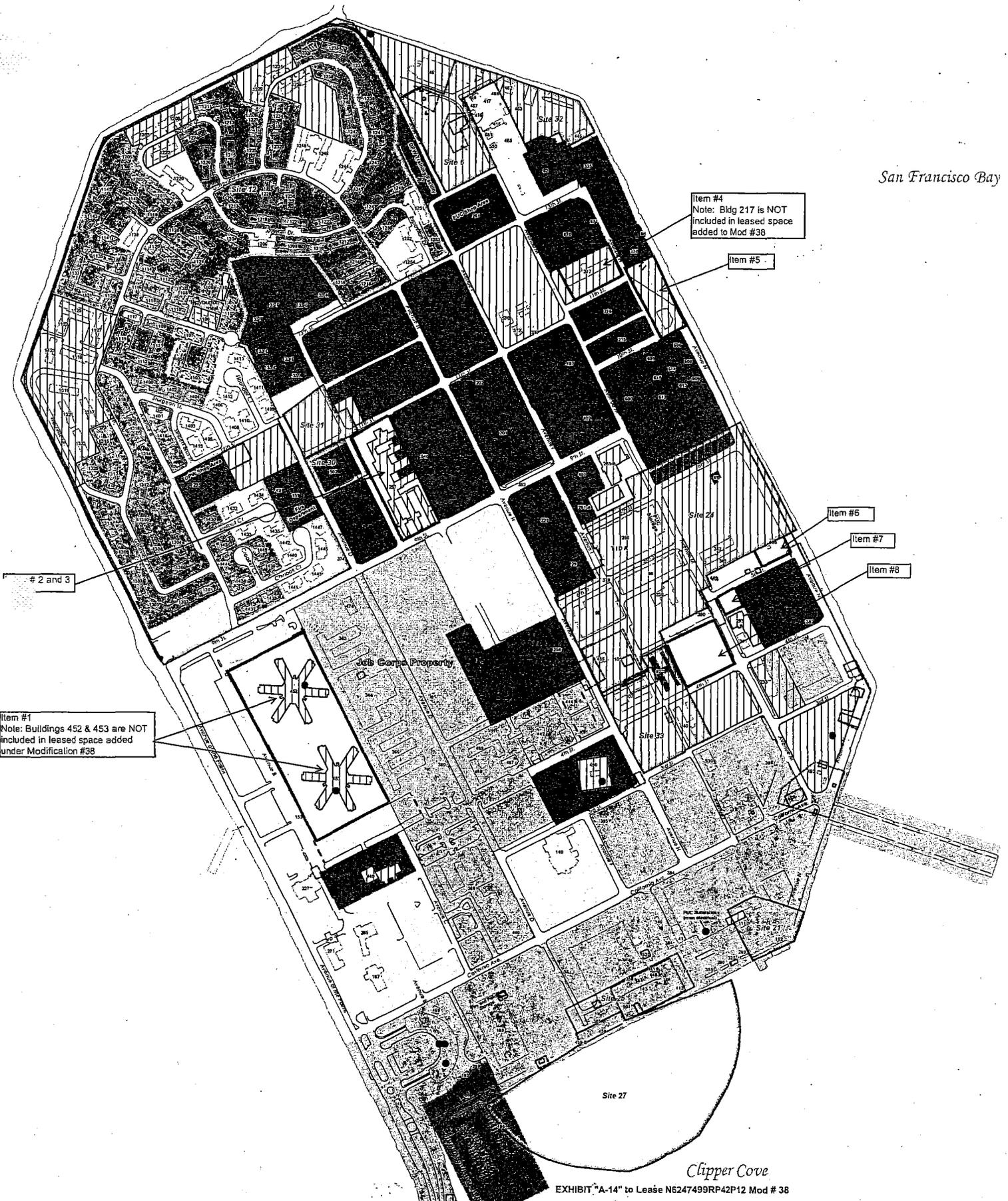
Title _____

Title _____

APPROVED AS TO FORM:

CITY ATTORNEY

San Francisco Bay



Item #4
Note: Bldg 217 is NOT
included in leased space
added to Mod #38

Item #5

Item #6

Item #7

Item #8

2 and 3

Item #1
Note: Buildings 452 & 453 are NOT
included in leased space added
under Modification #38

Job Corps Property

Site 27

Clipper Cove

EXHIBIT "A-14" to Lease N6247499RP42P12 Mod # 38

