

1 [Approval of Addendum to Port Lease for Living Classroom at Heron’s Head Park]

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3 **Resolution approving an Addendum to Lease No. 13816 with Literacy for**
4 **Environmental Justice for Construction, Maintenance, and Operation of a Living**
5 **Classroom Building at Heron’s Head Park.**
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8 WHEREAS, In 1998, the San Francisco Port Commission (“Port”) constructed Heron’s
9 Head Park (HHP), consisting of wetland habitat, upland open space, trails, interpretive signs,
10 and a fishing pier on the formerly undeveloped Pier 98; 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 HHP under contract to the Port
14 since 1999; and,

15 WHEREAS, In 2001, LEJ applied for a received at grant of \$898,000 from the San
16 Francisco Department of the Environment to construct at HHP the “Living Classroom”, a one-
17 story, 1,450 square-foot building, incorporating sustainable design that will meet the criteria
18 for certification as a Leader in Energy and Environmental Design (the “Project”) at HHP; and,

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

22 WHEREAS, At its public meeting of September 27, 2005, the Port Commission (by
23 Resolution 05-64) approved a lease with LEJ (the “Lease”) for the construction, maintenance,
24 and operation of the Project for a term of ten years; and
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1 WHEREAS, At its public meeting of January 20, 2006 the Board of Supervisors (by
2 Resolution 60-06) approved the Lease and the transactions which the Lease contemplates;
3 and,

4 WHEREAS, Since Board of Supervisors' approval of the Lease, LEJ has diligently
5 worked to resolve potential permitting issues, complete construction plans, select and
6 negotiate construction contracts, and secure all insurance and bonds required of LEJ and its
7 contractors; and,

8 WHEREAS, LEJ has met all but one of the conditions precedent to lease execution:
9 the requirement to obtain a "Materialman's Completion Bond"; and,

10 WHEREAS, the Port has determined that the required completion bond is not
11 commercially available for this project because LEJ is a small non-profit organization with
12 limited assets; and,

13 WHEREAS, The Port desires to revise the lease to remove the requirement that LEJ
14 obtain a "Materialman's Completion Bond", and add new requirements regarding
15 commencement, termination, use of a third-party funds administrator, and other revisions to
16 incorporate current standard lease provisions; and,

17 WHEREAS, At its public meeting on August 14, 2007, the Port Commission approved
18 revision of Lease No. 13816 in substantially the form on file with the Clerk of the Board; now,
19 therefore, be it

20 RESOLVED, That the Board of Supervisors approves the addendum to the Lease and
21 related documents (including without limitation the terms of any exhibits and ancillary
22 agreements to the extent incorporated or referenced in the Lease) in substantially the form on
23 file with the Clerk of the Board; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
25 Director or her designee to execute all such appropriate documentation as she deems

1 necessary for appropriate to implement this Resolution in a form approved by the City
2 Attorney's office.

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