

File No. 150783

Committee Item No. 11

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date September 9, 2015

Board of Supervisors Meeting

Date 9/15/15

Cmte Board

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Completed by: Linda Wong Date September 4, 2015
Completed by: Linda Wong Date 9/10/15

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[Master Lease Amendment - United States Navy - Treasure Island Childcare]

Resolution approving Amendment No. 11 to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year, for the period of December 1, 2015, through November 30, 2016.

WHEREAS, The Treasure Island Development Authority ("Authority") and the United States of America, acting by and through the Department of the Navy (the "Navy"), entered into Master Lease No. N6871102RP02P09, dated October 1, 2001, for the Authority to use and sublease certain land and structures on former Naval Station Treasure Island (as amended from time to time, the "Childcare Master Lease") at no rent; and

WHEREAS, The Childcare Master Lease enables the Authority to sublease the land and structures to Catholic Charities for the purpose of operating a Childcare Center on Treasure Island; and

WHEREAS, The term of the Childcare Master Lease expires on November 30, 2015; and

WHEREAS, The Authority wishes to extend the term of such lease for a period of one (1) year beginning on December 1, 2015, and ending on November 30, 2016, unless sooner terminated in accordance with the terms and conditions of the Master Lease; and

WHEREAS, The Navy concurs with such amendment and the amendment has been approved by the Authority Board of Directors at its July 8, 2015, meeting; and

WHEREAS, The Board of Supervisors Resolution establishing the Authority, AB 699 and TIDA's Bylaws require that the Authority obtain Board of Supervisors approval of any

1 agreements having a term in excess of ten (10) years or anticipated revenues of \$1,000,000
2 or more; and

3 WHEREAS, Because the cumulative term of the Childcare Master Lease exceeds ten
4 (10) years, the Authority is requesting that the Board of Supervisors approve the Eleventh
5 Amendment to extend the term of such lease for a period of one (1) year beginning on
6 December 1, 2015, and ending on November 30, 2016, unless sooner terminated in
7 accordance with the terms and conditions of the Master Lease; now, therefore, be it

8 RESOLVED, That the Board of Supervisors hereby approves and authorizes the
9 Treasure Island Director or his designee to execute and enter into the Eleventh Amendment
10 to the Childcare Master Lease in substantially the form filed with the Clerk of the Board of
11 Supervisors in File No. 150783, and any additions, amendments or other modifications to
12 such Eleventh Amendment (including, without limitation, its exhibits) that the Treasure Island
13 Director or his designee determines, in consultation with the City Attorney, are in the best
14 interests of the Authority and do not otherwise materially increase the obligations or liabilities
15 of the Authority, and are necessary or advisable to effectuate the purpose and intent of this
16 resolution, and, be it

17 FURTHER RESOLVED, That within thirty (30) days of the Eleventh Amendment being
18 fully executed by all parties, the Treasure Island Development Authority shall provide the final
19 Eleventh 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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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July 17, 2015

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

Dear Ms. Calvillo

The Treasure Island Development Authority ("TIDA") requests formal introduction and assignment of the following five pieces of legislation at the Board of Supervisor's earliest convenience:

- Extension of the term of the Treasure Island South Waterfront Master Lease between TIDA and the United States Navy ("Navy")
- Extension of the term of the Treasure Island Land and Structures Master Lease between TIDA and the Navy
- Extension of the term of the Treasure Island Marina Master Lease between TIDA and the Navy
- Extension of the term of the Treasure Island Childcare Center Master Lease between TIDA and the Navy
- Extension of the term of the Cooperative Agreement 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 contact me at 415-274-0665.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Summerville".

Peter Summerville

Cc: file

Enclosures

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

Resolution approving Amendment No. 11 to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year, for the period of December 1, 2015, through November 30, 2016.

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 Childcare Center on former Naval Station Treasure Island to extend the Term of the Lease to November 30, 2016.

BACKGROUND:

On October 1, 2001, the Authority entered into Lease Number N6871102RP02P09 with the United States Navy (as amended from time to time, the "Childcare Master Lease"). The lease premises include land and structures that are subleased to Catholic Charities for the purpose of operating a Childcare Center on Treasure Island. The Authority does not pay any Base Rent under the Childcare Master Lease, and the Authority uses the subleasing and permit revenues to support the interim operation of Treasure Island. The Master Lease is renewed yearly.

The term of the Childcare Master Lease will expire on November 30, 2015. This Amendment will extend the term to November 30, 2016 on the same terms and conditions as the existing Master Lease.

The Authority's Board of Directors approved the Eleventh Amendment to the Childcare Master Lease at its July 8, 2015 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 Childcare Master Lease will exceed ten years, the Director of Island Operations requests approval of the Eleventh Amendment from the Board of Supervisors to extend the term to November 30, 2016 on the same terms and conditions as the existing Master Lease.

RECOMMENDATION:

Approve the Eleventh Amendment to the Childcare Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term to November 30, 2016.

Robert Beck, Treasure Island Directors

**ELEVENTH AMENDMENT
TO LEASE AGREEMENT N6871102RP02P09
BETWEEN
THE UNITED STATES OF AMERICA
AND
TREASURE ISLAND DEVELOPMENT AUTHORITY**

THIS LEASE AMENDMENT made this _____ day of _____ 2015, 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 1 October 2001, entered into Lease Agreement N6871102RP02P09 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 N6871102RP02P09 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 2015 and ending on 30 November 2016, unless sooner terminated in accordance with the provisions of Paragraph 14, Termination"

2. Paragraph 19 **SUBMISSION OF NOTICES**, delete Government's address and insert the following:

Government: Navy BRAC PMO West
33000 Nixie Way
Building 50 Attn: Real Estate
San Diego, CA 92147

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