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

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

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

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

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

WHEREAS, at its public meeting in January 2001, the Port Commission (by Resolution 01-02) authorized and directed Port staff to negotiate a lease and other necessary agreements with LEJ relating to the Project; and
WHEREAS, The Project is consistent with the California Public Trust Doctrine, the General Plan of the City and County of San Francisco, the San Francisco Planning Code, the Waterfront Land Use Plan and the Bay Conservation and Development Commission Plans; and

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

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

WHEREAS, In both Addenda to the Final Negative Declaration, the Planning Department concluded that the addition and subsequent refinement of the LEJ classroom facility would not result in any new significant impacts; no substantial changes in environmental circumstances have occurred since the Final Negative Declaration was issued in November 1997; and no new information has come to light that would indicate the potential for new significant effects not addressed in the Final Negative Declaration, and therefore no supplemental environmental review is required pursuant to the San Francisco Administrative Code Section 31.35(d), and no supplemental or subsequent Negative Declaration is needed pursuant to CEQA Guidelines Section 15162 and 15163; and
WHEREAS, The San Francisco Planning Commission certified the Waterfront Land Use Plan Supplemental Environmental Impact Report ("SEIR") on February 15, 2001 (File No. 1999.377E), which identified certain mitigation measures applicable to projects in the Southern waterfront area, and which will therefore be applicable to the LEJ Living Classroom project at HH Park; and

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

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

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

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

WHEREAS, The Living Classroom will be a valuable environmental resource for the Bayview Hunter's Point community as well as the City and County of San Francisco; now, therefore, be it
RESOLVED, That this Board of Supervisors has reviewed and considered the Final
Negative Declaration, including the Addendum, and finds that it reflects the independent
judgment and analysis of the Planning Department, and that it is adequate, accurate and
complete, and based on its review of the record, further finds that: (1) modifications
incorporated into the Project as a result of the lease transaction approved herein will not
require important revisions to the Final Negative Declaration; (2) no substantial changes have
occurred with respect to the circumstances under which the Project is undertaken which
would require major revisions to the Final Negative Declaration due to the involvement of new
significant environmental effects; (3) no new information of substantial importance to the
Project has become available which would indicate the Project will have significant effects not
discussed in the Final Negative Declaration; and, hereby approves the imposition on this
Project of mitigation measures identified in the SEIR that are generally applicable to projects
in the Southern Waterfront; and, be it

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

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

FURTHER RESOLVED, that the Board of Supervisors authorizes the Executive
Director to enter into any additions, amendments or other modifications to the Lease
(including, without limitation, preparation and attachment of, or changes to, any or all of the
exhibits and ancillary agreements) that the Executive Director, in consultation with the City Attorney, determines is in the best interest of the Port, do not alter the rent or the Port's projected income from the Project, do not materially increase the obligations or liabilities of the Port or City or materially decrease the public benefits accruing to the Port, and are necessary or advisable to complete the transactions which the Lease contemplates and effectuates the purpose and intent of this resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of the Lease and any such amendments to such document; and, be it

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

FURTHER RESOLVED, that the Board of Supervisors approves, confirms and ratifies all prior actions taken by the officials, employees and agents of the Port Commission or the City with respect to this Lease.
Resolution approving the Lease between the San Francisco Port Commission and Literacy for Environmental Justice, a non-profit organization, for the Living Classroom Project, located at Heron’s Head Park, for a total term of ten years.

January 31, 2006 Board of Supervisors — ADOPTED
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

I hereby certify that the foregoing Resolution was ADOPTED on January 31, 2006 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

02.03.06
Date Approved

Mayor Gavin Newsom