

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170905-112

WHEREAS, The Pier 70 Master Plan was endorsed by the Port Commission in 2010 following a three-year public engagement process; and,

WHEREAS, FC Pier 70, LLC (Forest City or Developer) was selected as the Master Developer of Pier 70 through a competitive process ; and,

WHEREAS, California Government Code section 65864 *et seq.* (the Development Agreement Statute) and San Francisco Administrative Code Chapter 56 authorize the City to enter into a development agreement regarding the development of real property; and,

WHEREAS, In 2013, the Port Commission and the Board of Supervisors endorsed a term sheet, outlining the proposed land plan and transaction terms for future development of Pier 70; and,

WHEREAS, Developer filed an application with the City's Planning Department for approval of a development agreement relating to a mixed-use project on the 35-acre Pier 70 site under San Francisco Administrative Code Chapter 56, and the City and Developer negotiated a development agreement; and,

WHEREAS, The proposed project (Project) would create 2,100 new housing units, 30% of which would be permanently affordable, 1.4 million gross square feet of new office space, 400,000 gross square feet of ground floor retail space, over nine acres of public open space, and would preserve and rehabilitate three historic buildings; and,

WHEREAS, The Developer has developed and will implement a Transportation Demand Management Plan that results in the Project producing 20% fewer driving trips than identified by the project's Transportation Impact Study and promotes measures that encourage sustainable modes of travel such as transit, bicycling and walking; and,

WHEREAS, Under the terms of the Development Agreement, the Developer shall pay the Transportation Sustainability Fee, which will contribute to transportation projects that expand connectivity, reliability, and capacity within the area surrounding the project; and,

WHEREAS, The Pier 70 Mixed-Use District Project (Case No. 2014-001272ENV) Final Environmental Impact Report (FEIR) was certified by the San Francisco Planning Commission in Motion No. 19976 on August 24, 2017; on that same date, in Motion No. 19977 the San

Francisco Planning Commission adopted CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) (collectively, the Pier 70 CEQA Findings); and,

WHEREAS, The Pier 70 project requires horizontal infrastructure development, including the design and creation of new streets; and,

WHEREAS, An Interagency Cooperation Agreement articulates the Project's responsibility to construct and various city agencies', including the SFMTA's, authority to review and approve the horizontal infrastructure plans; now, therefore be it

RESOLVED, The SFMTA Board of Directors adopts the Pier 70 Mixed-Use District Project CEQA findings as its own, and to the extent the above actions are associated with any mitigation measures, the SFMTA Board of Directors adopts those measures as conditions of this approval; a copy of the Planning Commission Resolution, the CEQA findings, and the CEQA determination are on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and are incorporated herein by reference; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors does hereby consent to the Pier 70 Development Agreement with FC Pier 70, LLC, including the Transportation Plan, between the City and the Developer substantially in the form and terms as outlined in the Development Agreement with respect to the items under the SFMTA's jurisdiction, and authorizes the SFMTA Director of Transportation to execute the SFMTA Consent to the Development Agreement for Pier 70 on behalf of this Board; pending approval by the Board of Supervisors and, be it

FURTHER RESOLVED, That subject to approval from the Board of Supervisors, the SFMTA Board of Directors does hereby consent to the Interagency Cooperation Agreement between the City, the Port Commission, and the Developer, with respect to the items under the SFMTA's jurisdiction, and authorizes the SFMTA Director of Transportation to execute the SFMTA Consent to Interagency Cooperation Agreement on behalf of this Board; and, be it

FURTHER RESOLVED, That subject to any approval of this Board or the SFMTA Director of Transportation or his designee that may be required in accordance with the Agreement in connection with amendments that affect the infrastructure or mitigation measures for which the SFMTA has responsibility, the Board consents that any of the Mayor, the City Administrator and the Director of Public Works (or any successor City officer designated by law) may enter into and approve any additions, amendments or other modifications to the Agreement (including, without limitation, any exhibits) that they determine, in consultation with the City Attorney and any affected City agencies, are in the best interests of the City, provided that any such additions, amendments or modifications do not materially increase the costs or liabilities of the City and are necessary or advisable to effectuate the implementation of Agreement, and this Resolution and legislation by the Board of Supervisors; and, be it

FURTHER RESOLVED, That, subject to appropriation of any necessary funds, the Board authorizes the Director of Transportation to take any and all steps (including, but not limited to, the execution and delivery of any and all agreements, notices, consents and other instruments or documents) necessary, in consultation with the City Attorney, in order to consummate and perform its obligations under the Development Agreement in accordance with this Resolution and legislation by the Board of Supervisors, or otherwise to effectuate the purpose and intent of this Resolution and such legislation; and, be it

FURTHER RESOLVED, That, by consenting to the SFMTA matters in the Development Agreement between the City and the Developer, the SFMTA Board does not intend to in any way limit, waive or delegate the exclusive authority of the SFMTA; and be it

FURTHER RESOLVED, That the approval under this Resolution shall take effect upon the effective date of the Board of Supervisors legislation approving the Development Agreement.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 5, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency