

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 14-053

WHEREAS, TMG Partners (TMG), through its division, Hawthorne Folsom Place LLC, is the project sponsor of a development project (the "Project") at 680 Folsom St., San Francisco, California (Assessors Block 3735, Lot 013) (the "Property"); the Project is within the boundaries of the Yerba Buena Center Redevelopment Plan, which became effective on April 25, 1966 and expired on January 1, 2011; and,

WHEREAS, The SFMTA has contended that the Project is subject to imposition of the Transit Impact Development Fee (TIDF) under Section 411.9 of the Planning Code and issued a TIDF Fee Determination on February 13, 2014 in the amount of \$1,274,095.98 ("TIDF Fee Determination") on 99,306 square feet of new office space on the Property; and,

WHEREAS, TMG has contended that the TIDF may not be applied to the Project at all; and,

WHEREAS, In order to avoid the expenses and uncertainties of litigation, and without any admission by either party as to the applicability of the TIDF to the Project, the parties negotiated a settlement of their dispute, by which TMG agrees to pay to the City a TIDF in the amount of \$375,000, under the terms and conditions of a Settlement Agreement approved by TMG and recommended by the Director of Transportation and the City Attorney's Office; now, therefore, be it

RESOLVED, That on recommendation of the Director of Transportation and the City Attorney's Office, the Municipal Transportation Agency Board of Directors approves the Settlement Agreement between the City and TMG Partners.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 1, 2014.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency