

Commission on Community Investment and Infrastructure

RESOLUTION NO. 42-2014

Adopted May 20, 2014

AUTHORIZING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS IN THE LAWSUIT ENTITLED YERBA BUENA CONSORTIUM, LLP AND TENANTS AND OWNERS DEVELOPMENT CORPORATION V. CITY AND COUNTY OF SAN FRANCISCO ET AL., (SACRAMENTO SUPERIOR COURT, CASE NO. 34-2013-80001611, FILED AUG. 19, 2013) (CLAIMS REGARDING THE ENVIRONMENTAL REVIEW OF APPROVALS RELATED TO 706 MISSION STREET PROJECT)

WHEREAS, on July 16, 2013, the Office of Community Investment and Infrastructure (“OCII”), acting as the Successor Agency for the Redevelopment Agency of the City and County of San Francisco, approved, by Resolution No. 32-2013, a purchase and sale agreement to convey Agency-owned land in the former Yerba Buena Center Redevelopment Project Area to 706 Mission Co. LLC (“Developer”) for the purpose of developing a residential tower and the Mexican Museum at the site (“Project”); and,

WHEREAS, the Oversight Board for the City and County of San Francisco and the California Department of Finance subsequently reviewed and approved the purchase and sale agreement; and,

WHEREAS, on August 19, 2013, Tenants and Owners Development Corporation (“TODCO”) and Yerba Buena Consortium, LLP filed a petition for writ of mandamus against the City and County of San Francisco (“City”), the Successor Agency, and the Oversight Board and alleged that these respondents had relied on an inadequate environmental impact report (“EIR”) in approving the Project and thus violated the California Environmental Quality Act. In particular, petitioners alleged that the EIR did not adequately analyze cumulative pedestrian traffic impacts and did not identify mitigation measures to address those impacts; and,

WHEREAS, the parties have proposed a settlement agreement that releases all respondents, including OCII, of claims related to the Project, dismisses the lawsuit, and requires the City to take certain actions and the Developer to make a financial contribution toward the implementation of those City actions, but that does not require OCII to incur any expense or to change any policy or practice; NOW THEREFORE BE IT

RESOLVED, by the Office of Community Investment and Infrastructure that the Executive Director is authorized to execute the Settlement Agreement and Release of Claims in the lawsuit entitled Yerba Buena Consortium, LLP and Tenants And Owners Development Corporation v. City And County Of San Francisco et al.,

(Sacramento Superior Court, Case No. 34-2013-80001611, filed Aug. 19, 2013),
substantially in the form lodged with the OCII Interim General Counsel.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of
May 20, 2014.

Natasha Jones

Commission Secretary