

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 43-2016

**AUTHORIZING A PERMIT TO ENTER WITH BAY AREA MOTIVATE LLC, A
DELAWARE LIMITED LIABILITY COMPANY, FOR A
BIKE SHARE STATION AT YERBA BUENA GARDENS FOR A PERIOD OF TEN
YEARS, FROM AUGUST 1, 2016 TO JULY 31, 2026; FORMER YERBA BUENA
CENTER REDEVELOPMENT PROJECT AREA**

BASIS FOR RESOLUTION

- WHEREAS, Under Redevelopment Dissolution Law, the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure (the “**Successor Agency**” or “**OCII**”), assumed all of the enforceable obligations of the former San Francisco Redevelopment Agency (“**Former Agency**”), including ownership of the Former Agency’s real property assets. As a result, the Successor Agency owns and operates certain real property commonly known as Yerba Buena Gardens (“**YBG**”), which is located within the former Yerba Buena Center Redevelopment Project Area; and,
- WHEREAS, In 2013, in an attempt to reduce air pollution in the Bay Area from transportation related activities, the Bay Area Air Quality Management District (“**Air District**”), in association with local and regional partners including the City and County of San Francisco (“**City**”), launched “**Bay Area Bike Share**”, a self-service system of short-term rentals of publicly available bikes allowing users to check out a bike from a network of automated bike share stations and return the bike to the same or a different station. The system complements existing transit and transportation options, increases multi-modal travel options, and encourages bike use as a healthy, environmentally friendly and congestion-reducing transportation option; and,
- WHEREAS, In 2013, the Air District, as the overall project lead agency, entered into an agreement with Alta Bicycle Share, Inc., (“**Alta**”), to procure the bike share equipment and stations, and implement Bay Area Bike Share by deploying, operating, and maintaining the system components. Alta then partnered with the City, acting by and through its Municipal Transportation Agency (“**SFMTA**”), to administer and implement Bay Area Bike Share in San Francisco; and,
- WHEREAS, In 2013, SMFTA and Alta identified YBG as a prime location for one of San Francisco’s initial 35 stations, given its diversity of land uses, visitors and residents. Also, a YBG location would provide connections to existing bikeways and maintain adequate distances from other bike share stations. The location identified for the “**Yerba Buena Gardens Bike Share Station**” was at Third and Howard, near the Yerba Buena Center for the Arts complex and Moscone Convention Center; and,

WHEREAS, In, 2013, the Successor Agency, Alta, and SFMTA entered into a one-year Permit to Enter (“**2013 Permit**”) to allow for the installation and operation of the YBG Bike Share Station on about 300 square feet of Successor Agency-owned land (“**Permit Area**”) pursuant to the Successor Agency’s Permit to Enter Policy, which was adopted on April 1, 2008 by Resolution No. 13-2008 (“**Permit to Enter Policy**”); and,

WHEREAS, On July 15, 2014 by Resolution No. 51-2014, the Commission on Investment and Infrastructure (“**Commission**”) conditionally authorized a two-year permit with Alta and SFMTA (the “**2014 Permit**”) for the continued use of the Permit Area, pending approval of the Oversight Board and the State of California Department of Finance (“**DOF**”). On September 8, 2014 by Resolution No. 7-2014, the Oversight Board approved the 2014 Permit. DOF did not trigger a review of the 2014 Permit, and it was thereby deemed approved; and,

WHEREAS, In October 2014, Bay Area Motivate purchased Alta and assumed operations of Bay Area Bike Share, including the YBG Bike Share Station; and,

WHEREAS, In January 2015, Bay Area Motivate delivered a proposal to the Metropolitan Transportation Commission (“**MTC**”) to provide for an expanded Bay Area Bike Share program supported by private funding. In December 2015, MTC and Bay Area Motivate entered into the Bay Area Bike Share Program Agreement (“**Program Agreement**”). Concurrent with the Program Agreement, MTC, Bay Area Motivate, and the cities of San Francisco, Berkeley, Emeryville, Oakland and San Jose executed a coordination agreement setting forth the rights, liabilities, and responsibilities of each party with respect to the bike share program and defining the organizational, management and operational structure of the program (“**Coordination Agreement**”). In San Francisco, the Coordination Agreement provides for citywide expansion of the Bay Area Bike Share system for a term potentially in excess of twenty years and comprised of at least 320 stations and 4,500 bicycles; and,

WHEREAS, The term of the 2014 Permit expired on July 31, 2016. Bay Area Bike Share continues to operate, and Bay Area Motivate has requested a ten-year permit to enter, from August 1, 2016 to July 31, 2026, to allow continued access to the Permit Area for operation of the YBG Bike Share Station (“**Permit**”). Consistent with the terms of the 2013 Permit and 2014 Permit, the Permit does not include a fee for use of the Permit Area because of the significant public benefit provided by Bay Area Bike Share. The YBG Bike Station, as part of the larger Bay Area Bike Share Program, will help meet the City’s goal of 20% of trips by bicycle by 2020, which was adopted by the Board of Supervisors in 2010 by Resolution 511-10 in order to reduce congestion and improve public health. Bay Area Motivate will continue to be responsible for the maintenance, operation, and eventual removal of the YBG Bike Share Station as governed by the Program Agreement and Coordination Agreement; and,

WHEREAS, OCII’s Permit to Enter Policy requires Commission approval for a permit (or series of permits) causing the aggregate duration of the permit (or series of permits) to

exceed twelve months. In this case, the aggregate permit duration is 13 years. Therefore, Commission approval of the Permit is required. With the approval of the Successor Agency's Long Range Property Management Plan ("PMP") by DOF in 2015, Oversight Board and DOF approvals of the Permit are not required; and,

WHEREAS, Pursuant to the PMP, the Successor Agency is effectuating a transfer to the City of its YBG real estate assets, including the Permit Area. If the transfer occurs during the term of this Permit, the Successor Agency's Executive Director may (1) assign its interest in the Permit to the City or (2) terminate the Permit; and,

WHEREAS, The City, acting by and through its Department of Real Estate, has reviewed and is in support of the Permit; and,

WHEREAS, The installation of the YBG Bike Share Station was categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") Guidelines Section 15303, as a new construction of a small structure. The Permit is an administrative activity that will not result in a physical change in the environment, and is therefore not a project subject to environmental review pursuant to CEQA Guidelines Sections 15378(b)(5) and 15061(b)(3); now, therefore, be it

RESOLVED, That the Executive Director is authorized to execute the Permit between the Successor Agency and Bay Area Motivate substantially in the form approved by the counsel to the Successor Agency and take any additional actions necessary to consummate the transaction.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of October 4, 2016.

Commission Secretary