

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 10-32**

WHEREAS, Charter Section B3.581 empowers the Port Commission with the authority and duty to use, conduct, operate, maintain, manage, regulate and control the lands within Port jurisdiction; and

WHEREAS, The Port owns approximately 16 acres at Seawall Lot 337 (SWL 337) and Pier 48, bounded generally by China Basin, the San Francisco Bay, Mission Rock Street and Third Street, including China Basin Park and a portion of the existing Terry Francois, Jr. Blvd., which together provide short-term parking, special events and ingress and egress serving visitors to the waterfront; and

WHEREAS, The Port Commission and community have invested significant efforts to plan for the development of SWL 337, which included an RFQ/RFP process to select a qualified development partner. The Port Commission previously awarded to Seawall Lot 337 Associates, LLC the opportunity to negotiate for the development of SWL 337 and Pier 48 as a mixed-use development project, and authorized Port staff to proceed with exclusive negotiations with Developer for a complete master plan proposal for the site, and directed staff to negotiate an Exclusive Negotiation Agreement (ENA) that includes performance benchmarks consistent with the Financial and Negotiating Principles, subject to the further approval of the Port Commission all as set forth in Resolution Nos. 08-25, 08-26 and 09-26, which are incorporated by this reference; now therefore be it

RESOLVED, That the Port Commission authorizes the Executive Director or her designee to execute the ENA and any additions, amendments or other modifications thereto that are necessary and advisable to complete the ENA consistent with the terms and conditions set forth in the Staff Memorandum and in a form approved by the City Attorney; and be it further

RESOLVED, That the Port Commission reserves the right, if exclusive negotiations with Developer are unsuccessful and do not lead to approval of a development agreement, leases and related documents, to undertake other efforts such as issuing a new request for proposals, at the Port Commission's sole discretion; and be it further

RESOLVED, That the approval of the ENA does not commit the Port Commission to approval of final leases, a lease disposition and development agreement, or related documents, and that the Port Commission will not take any discretionary actions committing it to the project until it has reviewed and considered environmental documentation prepared in compliance with the California Environmental Quality Act (CEQA).

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 25, 2010.***



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Secretary