

RESOLUTION NO. 122-2007

Adopted November 6, 2007

CONDITIONALLY APPROVING THE COMBINED BASIC CONCEPT AND SCHEMATIC DESIGN FOR THE TEMPORARY TERMINAL ON BLOCKS 2, 3 AND 4 IN ZONE ONE OF THE TRANSBAY REDEVELOPMENT PROJECT AREA AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; TRANSBAY REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On January 25, 2005, by Resolution No. 19-2005, the Commission of the Redevelopment Agency of the City and County of San Francisco ("Commission") approved the Redevelopment Plan for the Transbay Redevelopment Project Area ("Redevelopment Plan"). On June 21, 2005, the San Francisco Board of Supervisors ("Board of Supervisors"), by Ordinance 124-05, adopted the Redevelopment Plan.
2. Section 3.4.3 of the Redevelopment Plan authorizes the Agency to permit the establishment of transportation-related facilities and Section 3.4.4 of the Redevelopment Plan authorizes the Agency to permit the temporary use of land in Zone One of the Transbay Redevelopment Project Area ("Project Area") for interim uses.
3. On April 20, 2004, the Commission, by Resolution No. 45-2004, certified the Final Environmental Impact Statement/Environmental Impact Report ("Final EIS/EIR") for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project as adequate, accurate, and objective and in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.). On April 22, 2004, the other co-lead agencies on the Final EIS/EIR, the City and County of San Francisco and the Peninsula Corridor Joint Powers Board, also certified the Final EIS/EIR. On January 25, 2005, the Commission adopted Resolution No. 11-2005, adopting findings under CEQA, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program in connection with the adoption of the Redevelopment Plan.
4. The Transbay Joint Powers Authority ("TJPA") was created in 2001 for the purpose of designing, building, and operating the new Transit Center. TJPA is governed by a five-member Board of Directors including representatives of AC Transit, the Peninsula Corridor Joint Powers Board (Caltrain), the San Francisco Municipal Transportation Agency, the Board of Supervisors, and the San Francisco Mayor's Office.

5. As part of the project analyzed in the Final EIS/EIR, TJPA intends to construct a temporary terminal ("Temporary Terminal") on Blocks 2, 3 and 4 within Zone One of the Project Area, which is under the jurisdiction of the Agency. Like the rest of Zone One, Blocks 2, 3 and 4 are zoned for high density, mixed-use residential development under the Redevelopment Plan. However, the Temporary Terminal was anticipated by the Redevelopment Plan because it is necessary for bus operations to continue while the new Transit Center is under construction on the site of the existing Transbay Terminal.
6. TJPA has submitted a combined Basic Concept and Schematic Design ("Schematic Design") for the Temporary Terminal. The proposed project will serve Alameda-Contra Costa Transit District (AC Transit), Greyhound, Municipal Transportation Agency (Muni), Golden Gate Transit, San Mateo County Transit District (SamTrans), and Western Contra Costa Transit Authority (WestCAT) bus lines on an approximately 3.5-acre site while the new Transit Center is under construction approximately one block to the west.
7. Agency staff has reviewed the Schematic Design submitted by TJPA and finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions.
8. TJPA has satisfied the employment and contracting opportunities requirements of Section 4.1.3 of the Redevelopment Plan through its adoption of the City and County of San Francisco's policies regarding workforce development, contracting opportunities and equal opportunity through a provision in the Joint Powers Agreement that created TJPA, and the relocation requirements of Section 4.5 of the Redevelopment Plan.
9. TJPA is responsible for all relocation activities associated with the Temporary Terminal including those actions required by the Redevelopment Plan's Relocation Plan and Methods document and agrees to include the Agency in any waivers received from affected property owners and tenants and to indemnify the Agency against any relocation claims made by affected property owners and tenants.
10. The Final EIS/EIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. The Final EIS/EIR is also a project EIR under CEQA Guidelines Section 15161 for certain structures and facilities, including the Temporary Terminal. Approval of the Schematic Design is an undertaking pursuant to and in furtherance of the Redevelopment Plan in conformance with CEQA Sections 15180 and 15161 ("Implementing Action").
11. On May 25, 2006, TJPA published an Addendum to the Final EIS/EIR ("Addendum"), pursuant to CEQA Section 15164, which assessed the additional use of the Temporary Terminal by Greyhound. TJPA adopted the Addendum on

June 2, 2006, determining that modifications to the Project including, but not limited to, use of the Temporary Terminal by Greyhound would not require subsequent environmental review and would not require major revisions to the Final EIS/EIR.

12. Agency staff, in making the necessary findings for the Implementing Action contemplated herein, has reviewed the Schematic Design submitted by TJPA and finds it to be within the scope of the Project analyzed in the Final EIS/EIR and Addendum, and no additional environmental review is required. The Final EIS/EIR, Addendum and related documents have been and continue to be available for review by the Commission and the public and are part of the record before the Commission.
13. The Final EIS/EIR, CEQA findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program adopted in accordance with CEQA by the Commission by Resolution Nos. 45-2004 dated April 20, 2004, and 11-2005 dated January 25, 2005, were and remain adequate, accurate and objective and are incorporated herein by reference.

FINDINGS

The Agency finds and determines that the Schematic Design submission is an Implementing Action within the scope of the Project analyzed in the Final EIS/EIR and Addendum, and requires no additional environmental review pursuant to State CEQA Guidelines Sections 15180 and 15161 for the following reasons:

1. The Implementing Action is within the scope of the Project analyzed in the Final EIS/EIR and Addendum, and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the Final EIS/EIR.
2. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the Final EIS/EIR was undertaken that would require major revisions to the Final EIS/EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Final EIS/EIR.
3. No new information of substantial importance to the Project analyzed in the Final EIS/EIR has become available which would indicate that (a) the Implementing Action will have significant effects not discussed in the Final EIS/EIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the Final EIS/EIR will substantially reduce one or more significant effects on the environment.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that (1) it has reviewed and considered the Final EIS/EIR and Addendum, CEQA findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program and hereby adopts the CEQA findings set forth in Resolution Nos. 45-2004 and 11-2005 incorporated herein and those set forth above; and (2) that the Combined Basic Concept and Schematic Design for a Temporary Terminal on Blocks 2, 3 and 4 is hereby approved pursuant to the Redevelopment Plan, subject to the following conditions:

1. All of the project's colors, materials, finishes, landscaping and site furnishings are subject to further review and approval by Agency staff during the Design Development phase.
2. TJPA will continue to look for opportunities to improve the landscaping at the edges of the site along Main, Beale and Folsom Streets during the Design Development phase.
3. TJPA will report back to the Project Area's Citizens Advisory Committee ("CAC") on an annual basis on the progress of the construction of the new Transit Center and the schedule for when the Temporary Terminal will no longer be required.
4. The approval is contingent on TJPA acquiring the remaining parcels necessary for the Temporary Terminal site.
5. TJPA is responsible for all relocation activities associated with the Temporary Terminal including those actions required by the Redevelopment Plan's Relocation Plan and Methods document and agrees to include the Agency in any waivers received from affected property owners and tenants and to indemnify the Agency against any relocation claims made by affected property owners and tenants.

APPROVED AS TO FORM:


James B. Morales
Agency General Counsel