

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 36-2018

AUTHORIZING, PURSUANT TO THE TRANSBAY IMPLEMENTATION AGREEMENT, A MEMORANDUM OF UNDERSTANDING WITH THE CITY AND COUNTY OF SAN FRANCISCO, ACTING THROUGH ITS DEPARTMENT OF PUBLIC WORKS FOR DESIGN REVIEW AND PROJECT MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$6,521,327 AND A TERM OF 4 YEARS FOR THE UNDER RAMP PARK PROJECT THAT IS WITHIN THE SCOPE OF THE TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/ REDEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT AND THE FINAL ENVIRONMENTAL IMPACT REPORT TRANSIT CENTER DISTRICT PLAN AND TRANSIT TOWER, BOTH PROGRAM EIRS, AND IS ADEQUATELY DESCRIBED IN THESE EIRS FOR PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; TRANSBAY REDEVELOPMENT PROJECT AREA

WHEREAS, The Transbay Redevelopment Project Area (the “Project Area”) was adopted in 2005 with the purpose of redeveloping 10 acres of property owned by the State of California (the “State-owned parcels”) in order to generate funding for the Transbay Joint Powers Authority (“TJPA”) to construct the new Transbay Transit Center, now commonly referred to as the Salesforce Transit Center (the “STC”); and,

WHEREAS, The Transbay Redevelopment Project Area Implementation Agreement (the “Implementation Agreement”) is an enforceable obligation that requires the Office of Community Investment and Infrastructure (“OCII”), as the Successor Agency (the “Successor Agency”) to the former San Francisco Redevelopment Agency (the “Former Agency”), to among other things, “execute all activities related to the implementation of the Transbay Redevelopment Plan, including but not limited to, activities related to major infrastructure improvements.” (Section 2.1 (d) of the Implementation Agreement at p. 4) On April 15, 2013, the California Department of Finance (“DOF”) determined “finally and conclusively” that the Implementation Agreement, along with other Transbay-related documents, is an enforceable obligation that will not require additional DOF review in the future, although expenditures under the Implementation Agreement are subject to continuing DOF review; and,

WHEREAS, In July 2011, the Former Agency entered into an agreement (“Contract”) with CMG Landscape Architecture (“CMG”) to complete design documents for select elements of the 2006 Transbay Streetscape and Open Space Plan (“Streetscape Plan”) including the underutilized areas under the off-ramps (“Under Ramp Park,” “URP” or the “Project”) and streetscape improvements to Folsom and Essex Streets; and,

- WHEREAS, Under the Transbay Redevelopment Plan, OCII has land use authority over URP in Zone 1 of the Project Area. Even though OCII has delegated its land use authority to the Planning Department in Zone 2, OCII retains land use authority over the URP in Zone 2 of the Project Area because the OCII funding of the URP constitutes “Agency Action” under the Delegation Agreement between the San Francisco Redevelopment Agency and the Planning Department for the Transbay Redevelopment Project Area, Recital I at page 2 (May 3, 2005); and,
- WHEREAS, Through a series of public workshops and Transbay Citizens Advisory Committee (“CAC”) meetings, as well as extensive research and analysis, CMG and its sub-consultants (the “Design Team”) prepared detailed conceptual designs for URP (“Concept Designs”). On June 4, 2013, the Concept Design was approved by the Successor Agency Commission, commonly known as the Commission on Community Investment and Infrastructure (“Commission”); and,
- WHEREAS, San Francisco Public Works (“SFPW”) is the City agency responsible for infrastructure improvements within the public right-of-ways and has extensive experience in coordinating the design review process among the affected City entities and utility providers. For these reasons, OCII has engaged SFPW to manage the construction and bidding process for the Under Ramp Park project; and,
- WHEREAS, In order to proceed from CMG’s updated Concept and draft Schematic Designs for URP to the next design phase, SFPW must provide design review and comments, review cost estimates, organize and attend project meetings, and ensure design by CMG is consistent with current City requirements. SFPW will also support, coordinate, and manage communication between the design team and the various City agencies, including SFPW, the San Francisco Municipal Transportation Agency (“MTA”) and the San Francisco Public Utilities Commission (“PUC”); and,
- WHEREAS, SFPW will bill OCII for all project costs including reimbursing other City agencies for work, pursuant to the Memorandum of Understanding (“MOU”) between OCII and the City and County of San Francisco, through SFPW. SFPW will provide project management services and enter into separate agreements with the MTA and PUC to review specific project components. A copy of the MOU is attached to the Commission memorandum accompanying this resolution; and,
- WHEREAS, The cost for delivering the approvals of URP’s revised Schematic Design, Design Development, Construction Documents, permits and managing the Project’s construction totals a not-to-exceed sum of \$6,521,327. Line item costs within the MOU may be transferred if authorized by the Executive Director provided the total MOU amount is not exceeded. The MOU will be effective for a term of 4 years; and,
- WHEREAS, The Board of Supervisors affirmed, by Motion No. 04-67 (June 15, 2004), the certification under the California Environmental Quality Act (“CEQA”) of the Final Environmental Impact Statement/Environmental Impact Report”) for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project (“Transbay FEIS/EIR”), which included the Transbay Redevelopment Plan. Subsequently, the

Board of Supervisors adopted, by Resolution No. 612-04 (October 7, 2004), findings that various actions related to the Project complied with CEQA and the San Francisco Redevelopment Agency Commission adopted, by Resolution No. 11-2005 (January 25, 2005), findings and a statement of overriding considerations adopted in accordance with CEQA. Subsequent to the adoption of the Transbay FEIS/EIR and the findings, eight addenda to the Transbay FEIS/EIR have been approved and incorporated into the Transbay FEIS/EIR by reference. OCII staff has made the Transbay FEIS/EIR, addenda, and related documents available to the Commission and the public, and these files are part of the record before the Commission; and,

WHEREAS, On May 24, 2012, the Planning Commission of the City and County of San Francisco, acting as Lead Agency pursuant to the California Environmental Quality Act (“CEQA”) Guidelines Section 15050 (a), certified the Final Environmental Impact Report Transit Center District Plan and Transbay Tower (“TCDP FEIR”), which analyzed the development of land in the Transit Center District, including proposed and related public improvements. The Transit Center District is located approximately between Folsom and Market Streets, and between New Montgomery Street and the Embarcadero, and includes the land area on which the proposed Under Ramp Park would be located, wholly within the Transbay Redevelopment Project Area. The Transit Center District Plan (“TCDP”) area includes the Transbay Redevelopment Project Area north of Folsom Street and the entirety of the Project’s land area. The TCDP FEIR is available for review at the Planning Department’s website at http://sfmea.sfplanning.org/2007.0558E_FEIR1.pdf, http://sfmea.sfplanning.org/2007.0558E_FEIR2.pdf, and, http://sfmea.sfplanning.org/2007.0558E_FEIR3.pdf; and,

WHEREAS, On November 23, 2015, the City, through its Planning Department, acting as the Lead Agency for the Folsom Streetscape Improvement Project (“FSIP”) published an Addendum to the TCDP FEIR that studied design changes to the FSIP. The Addendum confirmed that the FSIP would not result in any additional or more severe significant impacts identified in the TCDP FEIR nor require any new mitigation measures not identified in the TCDP FEIR; and,

WHEREAS, On June 19, 2018, the Commission approved, by Resolution No. 28-2018, funding for the FSIP in its role as a Responsible Agency under CEQA Guidelines Sections 15050 (b) and 15096, and adopted, as its own, the CEQA environmental findings adopted by the Planning Commission in its certification of the TCDP FEIR, and the November 23, 2015 Addendum findings; adopted a statement of overriding considerations; and, found that the project described in the TCDP FEIR will have a significant project-specific and cumulative effects on the environment; and,

WHEREAS, The Transbay FEIS/EIR described and studied the Transbay Redevelopment Project Design for Development Vision (“D4D Vision”), which calls out Oscar Park, also known as Under Ramp Park. The Transbay FEIS/EIR studied a land use program that included in its Land Use Plan the open space designated as Oscar Park in the D4D Vision as well as open spaces under the bus and freeway ramps, all of which combined, cover the land area designated for the Under Ramp Park; and,

WHEREAS, In addition, the TCDP FEIR analyzed potential environmental effects associated with the November 2009 Transit Center District Plan project at a program level. It cites the 2006 Streetscape and Open Space Plan for the Transbay Redevelopment Area, which called for the development of a pedestrian and open space network in the under ramp areas aligned with Under Ramp Park. Furthermore, the TCDP EIR analyzed a Multi-Modal Pathway, including a pedestrian connection and two-way bicycle paths below the bus ramps, as proposed in the implementation of Under Ramp Park; now, therefore, be it

RESOLVED, That the Commission, acting as Lead Agency under CEQA for approval of the URP, finds and determines that the Project is within the scope of the projects analyzed in (1) the Transbay FEIS/EIR, certified by the San Francisco Redevelopment Agency as a co-Lead Agency and for which it adopted findings and a statement of overriding considerations as Lead Agency, and (2) the TCDP FEIR, certified by the City, through its Planning Commission, as Lead Agency and for which OCII, through its Commission, adopted findings and a statement of overriding considerations as a Responsible Agency in its approval of the Folsom Streetscape Improvement Project, and requires no further environmental review beyond the Transbay FEIS/EIR and the TCDP FEIR pursuant to CEQA and CEQA Guidelines Section 15180, 15162, and 15163 for the following reasons:

- (1) implementation of the Project does not require major revisions in the Transbay FEIS/EIR and the TCDP FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- (2) no substantial changes have occurred with respect to the circumstances under which the actions analyzed in the Transbay FEIS/EIR and the TCDP FEIR will be undertaken that would require major revisions to the Transbay FEIS/EIR and the TCDP FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Transbay FEIS/EIR and the TCDP FEIR; and,
- (3) no new information of substantial importance to the actions analyzed in the Transbay FEIS/EIR and the TCDP FEIR has become available which would indicate that (A) the Project will have significant effects not discussed in the Transbay FEIS/EIR and the TCDP FEIR; (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 Transbay FEIS/EIR and the TCDP FEIR, will substantially reduce one or more significant effects on the environment.

RESOLVED, Based on the Department of Finance's Final and Conclusive Determination (April 15, 2013) that the Implementation Agreement is an enforceable obligation, this Commission, hereby approves a Memorandum of Understanding between OCII and the City and County of San Francisco, through its Department of Public Works, for design review and project management services for the Under Ramp Park Project in an amount not to exceed \$6,521,327, and for a term of 4 years, that is substantially in the form of the MOU lodged with the Secretary of the Commission.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of August 21, 2018.

Commission Secretary