

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 39-2018

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 AND PROJECT MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$3,895,613 AND A TERM OF 3 YEARS ENDING SEPTEMBER 18, 2021 FOR THE TRANSBAY 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 2006, the Former Agency and the San Francisco Planning Department (“Planning Department”), in collaboration with other City agencies and the TJPA, commissioned the production of the 2006 Transbay Streetscape and Open Space Concept Plan (the “Streetscape Plan”). On November 21, 2006, the Former Agency Commission approved, by Resolution No. 153-06, the Streetscape Plan. The Streetscape Plan includes design elements related to the ten major streets and six public alleyways within the Project Area, as well as neighborhood parks and areas

below bus and freeway ramps. Furthermore, the Streetscape Plan includes recommended landscaping, sidewalk paving, tree types, street furniture, and lighting for each street. It also delineates the purpose of each public right-of-way and links the Transbay neighborhood to the adjacent Rincon Hill neighborhood; and,

WHEREAS, In accordance with the Streetscape Plan and the Implementation Agreement, OCII is responsible for developing the public open spaces comprised of those State-owned parcels not slated for sale to developers, the proceeds of which contribute to the funding of the new STC. The Transbay Park (the “Project”) site is Block 3 (the “Site”) within Zone 1 of the Project Area. Project Area Blocks 2, 3 and 4 currently comprise the master block between Howard, Beale, Folsom and Main Streets that is the TJPA Temporary Bus Terminal (“Temporary Terminal”); and,

WHEREAS, The Streetscape Plan envisioned the Project as a 1-acre park programmed to include a mix of active recreation and passive open space, as well as a playground for children ages 1-12. Other goals for the Project are for the design to maximize utilization by surrounding residents, workers and visitors, and minimize maintenance costs and environmental impact; and,

WHEREAS, OCII desires to move forward with the design and development of Transbay Park because multiple development blocks in the Project Area are under or completing construction, and the Temporary Transbay Terminal’s use will soon transition due to the opening of the new STC; and,

WHEREAS, Under Redevelopment Dissolution Law, OCII is required to dispose of its real property assets pursuant to a long range property management plan (“PMP). OCII’s PMP, approved by the DOF on December 7, 2015, required OCII to transfer Transbay Park to the City for a governmental purpose after OCII fulfills its obligations to develop the Site; and,

WHEREAS, San Francisco Public Works (“SFPW”) is the City agency responsible for infrastructure improvements within the public right-of-way. OCII desires to enter into a Memorandum of Understanding (“MOU”) with SFPW to provide professional services for the development of Transbay Park including design of the Project, cost estimating, permitting, advertisement and bidding, and selection of the General Contractor. SFPW will also support, coordinate, and manage communication between the City 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 MOU. SFPW will be the project lead and will have separate agreements with the MTA and PUC to review specific project components. A copy of the MOU is on file with the Secretary of the Commission and is attached to the Commission memorandum accompanying this resolution; and,

WHEREAS, The cost for SFPW's services under the MOU totals \$3,895,613. The MOU will be effective for a term of 3 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 studied 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 Transbay Square, also known as Transbay Park, within the Main/Beale Precinct. The Transbay FEIS/EIR studied a land use program that included in its Land Use Plan the open space designated as Transbay Square in the D4D Vision; 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 describes a plan for Transbay Park in the same location and with the same dimensions and characteristics as currently proposed; and,

WHEREAS, 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; now therefore, be it

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 and project management services for the Transbay Park Project in an amount not to exceed \$3,895,613, and for a term of 3 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 September 18, 2018.

Commission Secretary