

**COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE**

**RESOLUTION NO. 5 -2016**

*Adopted February 16, 2016*

**AUTHORIZING, PURSUANT TO THE TRANSBAY IMPLEMENTATION AGREEMENT, AMENDMENT NO. 3 TO THE MEMORANDUM OF AGREEMENT WITH THE SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY FOR EXTENDING THE TIME FOR COMPLETION FROM DECEMBER 31, 2015 TO APRIL 30, 2016 IN ASSOCIATION WITH THE CONSTRUCTION OF THE REALIGNMENT OF THE FOLSOM STREET OFF-RAMP; TRANSBAY REDEVELOPMENT PROJECT AREA**

- WHEREAS, The Transbay Redevelopment Project Area (“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 ("TTC"). The Transbay Redevelopment Project Area Implementation Agreement (“Implementation Agreement”) is an enforceable obligation that requires the OCII 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”; and,
- WHEREAS, One of the key infrastructure improvements needed in the Project Area is the realignment of the Folsom Street Off-Ramp (the “Project”). Realigning this off-ramp is a major component of the infrastructure work called for in the Implementation Agreement and will create a better pedestrian environment and allow OCII to work with the selected development team to develop Block 8 to its full potential. Construction of the residential development on Block 8 is scheduled to begin in 2016; and,
- WHEREAS, On November 19, 2013, the Commission authorized a Memorandum of Agreement (“MOA”) with the San Francisco County Transportation Authority (“SFCTA”) for the construction phase services required to deliver the completed realignment of the off-ramp in the amount of \$2,883,900. The MOA term was through December 31, 2015; and,
- WHEREAS, On February 17, 2015, the Commission approved Amendment No. 1 to the MOA to adjust line items to the Project budget and increase the project reserves in an amount not to exceed \$595,641; and,
- WHEREAS, On March 17, 2015, the Commission approved Amendment No. 2 to the MOA to take necessary actions and modify existing contracts to dispose of contaminated materials in an amount not to exceed \$1,200,000, bringing the combined aggregate contract amount to \$4,679,541; and,
- WHEREAS, The Project off-ramp was open for traffic on July 21, 2015. There were minor construction issues that needed to be resolved before the City and County of San Francisco and the California Department of Transportation (“Caltrans”) would close their respective permits. The final construction adjustments were completed in mid-November 2015 which then allowed OCII to begin the conveyance of the off-ramp parcel to the Block 8 developer, Related California. On December 17, 2015, the Block 8 parcel was sold; and,

WHEREAS, Final payment has not been issued by the end of the MOA term. Thus, a term extension until April 30, 2016 is required so that SFCTA can complete final administrative services and construction support services under the contract. There are no additional funds required.

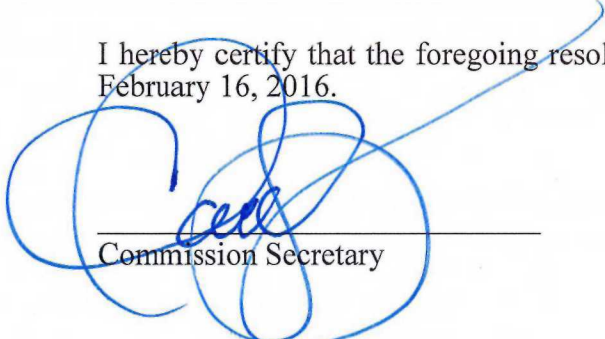
WHEREAS, Expenditures for the reconfiguration of the Folsom Street Off-Ramp are included in OCII's approved Recognized Obligation Payment Schedule for the January to June 2016 period ("ROPS 15-16BA") as Item #106 and there is sufficient funds available for this Amendment No. 3; now therefore, be it

RESOLVED, That the Commission hereby approves Amendment No. 3 to the MOA with the SFCTA for the Realignment of the Folsom Street off-ramp including funding of the MOA project reserves needed to pay for project costs related to contaminated materials and contract extension carrying costs; and,

RESOLVED, That the Commission affirms the determination made by the SFCTA on October 2, 2008 that the activities authorized by the contract are categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15302 since they constitute a replacement and reconstruction of existing structures and facilities; and,

RESOLVED, That the Commission hereby authorizes the Executive Director to enter into any and all ancillary documents or take any additional actions necessary to enter into the Contract.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of February 16, 2016.



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Commission Secretary