

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 39-2022

ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED TO THE APPROVAL OF AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE TRANSBAY REDEVELOPMENT PROJECT AREA AND DEVELOPMENT CONTROLS AND DESIGN GUIDELINES FOR THE TRANSBAY REDEVELOPMENT PROJECT, THE SCHEMATIC DESIGNS FOR THE DEVELOPMENT OF TWO MIXED-USE RESIDENTIAL PROJECTS ON BLOCK 2 OF ZONE ONE OF THE TRANSBAY REDEVELOPMENT PROJECT AREA, AND RELATED ACTIONS, SUCH ACTIVITIES BEING WITHIN THE SCOPE OF THE PREVIOUSLY-APPROVED TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/ REDEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT, A PROGRAM ENVIRONMENTAL IMPACT REPORT, AND ADEQUATELY DESCRIBED THEREIN FOR PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; TRANSBAY REDEVELOPMENT PROJECT AREA

- WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, section 33000 et seq. the “Community Redevelopment Law”), the Redevelopment Agency of the City and County of San Francisco (“Former Agency”) undertook programs for the redevelopment of blighted areas in the City and County of San Francisco (“City”), including the Transbay Redevelopment Project Area (“Project Area”); and,
- WHEREAS, The Board of Supervisors of the City and County of San Francisco (“Board of Supervisors”) approved the Redevelopment Plan for the Transbay Redevelopment Project Area by Ordinance No. 124-05 (June 21, 2005) and by Ordinance No. 99-06 (May 9, 2006), as amended by Ordinance No. 84-15 (June 18, 2015) and Ordinance No. 62-16 (April 28, 2016) (“Redevelopment Plan”); and,
- WHEREAS, The Redevelopment Plan establishes the land use controls for the Project Area and divides the Project Area into two subareas: Zone One, in which the Redevelopment Plan and Development Controls and Design Guidelines for the Transbay Redevelopment Project (as currently amended, the “Development Controls”) regulate land uses, and Zone Two, in which the San Francisco Planning Code regulates land uses. Zone One is intended to be developed with predominantly residential uses. The Successor Agency solely administers and enforces land use entitlements for property and projects in Zone One and has delegated its authority over projects that do not require Successor Agency action in Zone Two to the San Francisco Planning Department pursuant to that certain Delegation Agreement between the Former Agency and the Planning Department for the Transbay Redevelopment Project Area (May 3, 2005); and,
- WHEREAS, On June 15, 2004, the Board of Supervisors affirmed, by Motion No. 04-67, the certification under the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq. (“CEQA Guidelines,” and collectively “CEQA”)) of the Final Environmental Impact Statement/Environmental Impact

Report ("Final Environmental Document") for the Transbay Terminal/Caltrain Downtown Extension/ Redevelopment Project ("Project"), which included the 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 Former Agency Commission adopted, by Resolution No. 11-2005 (January 25, 2005), findings and a statement of overriding considerations and a mitigation monitoring and reporting program, adopted in accordance with CEQA. Subsequent to the adoption of the Final Environmental Document and the findings, the Former Agency or the Successor Agency have approved and incorporated nine addenda into the analysis of the Final Environmental Document (as incorporated, the "FEIS/EIR") and made requisite findings under CEQA (findings referenced in this recital collectively referred to as the "CEQA Findings"). OCII staff has made the 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 February 1, 2012, state law dissolved all redevelopment agencies including the Former Agency and required the transfer of certain of the Former Agency's assets and obligations to the Successor Agency to the Redevelopment Agency of the City and County of San Francisco ("Successor Agency"), commonly known as the Office of Community Investment and Infrastructure ("OCII") (Cal. Health & Safety Code §§ 34170 et seq., "Redevelopment Dissolution Law"). On June 27, 2012, the Redevelopment Dissolution Law was amended to clarify that successor agencies are separate public entities from the city or county that had originally established a redevelopment agency and they succeed to the organizational status of the former redevelopment agency to complete any work related to an approved enforceable obligation, Cal. Health & Safety Code § 34173 (g); and,

WHEREAS, The Board of Supervisors, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12 (Oct. 4, 2012), which, among other matters: (a) acknowledged and confirmed that the Successor Agency is a separate legal entity from the City, and (b) established this Successor Agency Commission ("Commission") and delegated to it the authority to (i) act in place of the Former Agency Commission to, among other matters, implement, modify, enforce and complete the Redevelopment Agency's enforceable obligations, (ii) approve all contracts and actions related to the assets transferred to or retained by the Successor Agency, including, without limitation, the authority to exercise land use, development, and design approval, and to approve amendments to redevelopment plans as allowed under the Community Redevelopment Law, as amended by the Redevelopment Dissolution Law, and (iii) take any action Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that this Commission deems appropriate, consistent with Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, The Successor Agency now proposes to take actions related to Transbay Block 2 within Zone One of the Project Area, an approximately 42,627 square-foot parcel generally located at 200 Folsom Street, bounded by Folsom, Main and Beale Streets and extending approximately 155 feet northwest from Folsom Street (Assessor's Block 3739 Lot 014 ("Block 2" or the "Site"). The actions will facilitate the development of two mixed-use residential buildings as well as related public and private open space and streetscape improvements on Block 2. In accordance with the Development Controls, Block 2 is divided by a 25-foot-wide publicly accessible pedestrian mews running north to south through the center of the Site. The proposed building located to the east of the pedestrian mews includes 184 affordable rental housing units (including one unrestricted manager's unit) that will serve low-income households and formerly homeless households, approximately 1,959 square feet of retail space, and an approximately 6,447 square foot childcare facility (the

“2 East Project”). The proposed building located to the west of the pedestrian mews includes 151 affordable rental housing units that will serve low-income senior households (including one unrestricted manager’s unit), with a portion of units set-aside for occupancy by formerly homeless seniors, and 2,945 square feet of retail space (the “2 West Project”). Together, the 2 East and 2 West Projects comprise the “Block 2 Project”. These actions consist of: (1) amendments to the Redevelopment Plan and the Development Controls, (2) conditional approval of the Schematic Designs for the 2 East and 2 West Projects for the development of the Site, (3) related actions of responsible agencies (collectively, items 1 through 3 are the “Proposed Actions”); and,

WHEREAS, The Successor Agency, as lead agency and in consultation with the San Francisco Planning Department, has prepared Addendum No. 10 to the FEIS/EIR, dated October 26, 2022 (“Addendum,” see Exhibit A). The Addendum evaluates the potential environmental effects associated with approval of the Proposed Actions; and,

WHEREAS, In preparing the Addendum, the Successor Agency used a vehicle-miles-travelled or “VMT”-based approach for analyzing transportation impacts, as directed by Commission Resolution No. 25-2019 (October 15, 2019), which adopted criteria for determining the significance of transportation impacts based on VMT consistent with the Governor’s Office of Planning and Research publication Technical Advisory on Evaluating Transportation Impacts Under CEQA (December 2018) as appropriately modified by discussion of VMT-based significance criteria and methodology for vehicle trips in the San Francisco Planning Department publication Transportation Impact Analysis Guidelines (February 2019), which the Commission found to be in conformance with the requirements of CEQA Section 21099 and CEQA Guidelines 15064.3; and,

WHEREAS, The Successor Agency prepared the Addendum in compliance with CEQA and the Addendum reflects the independent judgment and analysis of the Successor Agency, and the Successor Agency concludes that the Proposed Actions are within the scope of impacts analyzed in the FEIS/EIR and will not result in any new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the FEIS/EIR for the reasons stated in the Addendum; and,

WHEREAS, In making the necessary findings for the Proposed Actions, the Successor Agency considered and reviewed the FEIS/EIR and prepared necessary documents in support of the Addendum, which documents it has made available for review by the Commission and the public, and these files are part of the record before the Commission. Copies of the Addendum and supporting documentation are on file with the Commission Secretary and incorporated in this Resolution by this reference; and,

WHEREAS, Based on the analysis in the Addendum, the Successor Agency concludes that the analyses conducted and the conclusions reached in the FEIS/EIR remain valid and the Proposed Actions will not cause new significant impacts not identified in the FEIS/EIR or substantially increase the severity of previously identified significant impacts, and no new mitigation measures will be necessary to reduce significant impacts. Further, as described in the Addendum, no changes have occurred, with respect to either the development or the circumstances surrounding the development contemplated in FEIS/EIR, that will require major revisions of the FEIS/EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects, and no new information has become available that shows that the Block 2 Project will cause new or more severe significant environmental impacts. Therefore, no subsequent or

supplemental environmental review is required under CEQA beyond the Addendum to approve the Proposed Actions, the Block 2 Project and other actions necessary for the Block 2 Project; now therefore be it,

RESOLVED, That the Commission has reviewed and considered the FEIS/EIR and associated CEQA Findings as modified by the Addendum and related findings previously adopted by the Former Agency Commission and the Commission, including the statements of overriding considerations and mitigation monitoring and reporting programs, the Addendum including the findings as set forth in the Addendum and the supporting documentation in the Successor Agency's files related to the Addendum. The Commission adopts the findings made in the Addendum; and, be it further

RESOLVED, That the Commission finds and determines that the Project as modified by the Proposed Actions is within the scope of the Project analyzed in the FEIS/EIR (as modified by the Addendum) and requires no further environmental review pursuant to CEQA and the CEQA Guidelines Sections 15168, 15180, 15162, and 15163 for the following reasons:

- (1) implementation of the Proposed Actions does not require major revisions to the FEIS/EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; and,
- (2) no substantial changes have occurred with respect to the circumstances under which the projects analyzed in the FEIS/EIR will be undertaken that would require major revisions to the FEIS/EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIS/EIR; and,
- (3) no new information of substantial importance to the projects analyzed in the FEIS/EIR has become available, which would indicate that (i) the Project as modified by the Proposed Actions will have significant effects not discussed in the FEIS/EIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible, which would reduce one or more significant effects, have become feasible; or (iv) mitigation measures or alternatives, which are considerably different from those in the FEIS/EIR, will substantially reduce one or more significant effects on the environment that would change the conclusions set forth in the FEIS/EIR.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of November 1, 2022.

Commission Secretary

EXHIBIT A: Tenth Addendum to the FEIS/EIR