

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 11-059

WHEREAS, For many years, the City and the Treasure Island Development Authority (TIDA) have been working together to bring about the revitalization of Naval Station Treasure Island, and in early 2006, the City's Board of Supervisors and the TIDA Board endorsed the Treasure Island Transportation Plan, Development Plan and Term Sheet for the integrated development of Treasure Island and Yerba Buena Island; and,

WHEREAS, In May of 2010, the Board of Supervisors endorsed a package of legislation that included an update to the Development Plan and Term Sheet, terms of an Economic Development Conveyance Memorandum of Agreement for the conveyance of the site from the Navy to the TIDA, and a Term Sheet between TIDA and the Treasure Island Homeless Development Initiative; and,

WHEREAS, The Treasure Island Transportation Plan was refined to incorporate extensive input from SFMTA transit planners, traffic engineers, safety and operational experts and financial analysts, to create a financially feasible, flexible and sustainable transportation system to serve the Island; and,

WHEREAS, The City's Planning Department and the TIDA have undertaken an environmental review process for the Project (as defined below) in close consultation with the SFMTA and other City agencies, and there have been more than 250 public meetings, workshops and presentations over the past ten years on every aspect of the Project, including meetings before this Board, the Treasure Island/Yerba Buena Island Citizens' Advisory Board, the TIDA Board, the Planning Commission, the Board of Supervisors and other City commissions and advisory and community groups; and,

WHEREAS, The Project's Transportation Implementation Plan and Transit Operating Plan, which propose a phased, comprehensive and multi-modal transportation network to serve the Project, has been developed with extensive guidance and input from the SFMTA and provides the basis of the transportation analysis in the Project's environmental review process as well as a financial analysis of transportation-related expenditures and revenues; and,

WHEREAS, The Planning Commission and the TIDA Board reviewed considered the Final Environmental Impact Report for the Project (EIR) in Planning Department File No.2007.0903E consisting of the Draft EIR and the Comments and Responses document, and on April 21, 2011, the Planning Commission by Motion (1) found that the contents of the EIR and the procedures through which the EIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (Chapter 31), (2) found that the EIR reflects the independent judgment and analysis of the City and is adequate, accurate, and objective and that the Comments and Responses document contains no significant revisions to the Draft EIR, and (3) certified the completion of the EIR in compliance with CEQA, the CEQA Guidelines and Chapter 31, a copy of which Motion is on file with the Planning Department; and,

WHEREAS, The EIR files available from the Planning Department have been made available to this Board and the public, and this Board has reviewed and considered the information in the EIR and the proposed CEQA Findings, including a Statement of Overriding Considerations and the proposed Mitigation Monitoring and Reporting program, attached to this Calendar Item as Attachment F, in furtherance of the actions contemplated by this Resolution; and,

WHEREAS, The Planning Commission determined by Motion and the TIDA Board determined by Resolution that the Project, and the various actions being taken by the City and TIDA to approve and implement the Project, are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and made findings in connection therewith (General Plan Consistency Determination), a copy of which is on file with the Planning Department and is incorporated into this Resolution by reference; and,

WHEREAS, Following certification the EIR, TIDA entered into a Disposition and Development Agreement (DDA) with Treasure Island Community Development, LLC (TICD) (Developer) for the development of the Project Site (Project). At full build-out, the Project is anticipated to include: over 300 acres of public park and open space improvements; up to 8,000 homes for sale or rent; approximately 450,000 square feet of retail and historic reuse space and up to 100,000 square feet of new office space (with accessory parking), up to 500 hotel rooms, new and/or upgraded public facilities, including a joint police/fire station, a school, facilities for the Treasure Island Sailing Center; and,

WHEREAS, The Board of Supervisors is considering a series of actions and approvals in furtherance of the Project; and,

WHEREAS, The City wishes to enter into an Interagency Cooperation Agreement with the SFMTA, the Public Utilities Commission, the Port of San Francisco, the San Francisco Planning Department and the San Francisco Fire Department, in the form on file with the SFMTA Board of Directors, to provide for cooperation between the City and the TIDA in administering the process for control and approval of subdivisions, the acceptance of infrastructure and other improvements constructed by the Developer, and all other applicable land use, development, construction, improvement, infrastructure, occupancy, service and use requirements and commitments and in establishing the policies and procedures relating to such approvals. The Developer and its successors under the DDA are third party beneficiaries of the Interagency Cooperation Agreement; and,

WHEREAS, The Developer wishes to enter into a Development Agreement with the City to vests its rights to development of the Islands vis-à-vis the City; and,

WHEREAS, The City has determined that as a result of the development of the Project Site in accordance with the Development Agreement and the DDA, clear benefits to the public will accrue that could not be obtained through application of existing City ordinances, regulations, and policies, as more particularly described in the Development Agreement and the DDA; and,

WHEREAS, The Development Agreement will eliminate uncertainty in the City's land use planning for the Project Site and secure orderly development of the Project Site consistent with the Design for Development and the DDA; and,

WHEREAS, The City agrees that to the extent it retains jurisdiction over development, the Developer has a vested right to proceed in accordance with all Project Approvals, as of the date of entitlement; and,

WHEREAS, The City, including the SFMTA, agrees that it will not impose any new fees and exactions other than those agreed-upon in the Development Agreement and will not impose changes in law that would adversely affect the Project, now therefore be it

RESOLVED, That in order to effectuate the development of the Project Site, and consistent with the requirements of the California Environmental Quality Act, the SFMTA Board of Directors does hereby adopt CEQA Findings to support the Treasure Island Development Project, attached to this Calendar Item as Attachment F, including the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, which are incorporated into this Resolution by this reference; and be it

FURTHER RESOLVED, that subject to approval from the Board of Supervisors, the SFMTA Board of Directors does hereby consent to the Interagency Cooperation Agreement (Treasure Island) between the City and the Treasure Island Development Authority substantially in the form and on the terms on file with this Board and authorizes the Executive Director/CEO to execute the Consent to the Interagency Cooperation Agreement on behalf of the SFMTA; and, be it

FURTHER RESOLVED, That subject to any approval of this Board or the Executive Director/CEO or his designee that may be required in accordance with Section 8.4 in connection with amendments that affect the infrastructure or mitigation measures for which the SFMTA has responsibility, this Board agrees that the Mayor, the City Administrator and the Director of Public Works (or any successor City officer designated by law) may enter into and approve any additions, amendments or other modifications to the Interagency Cooperation Agreement (including, without limitation, any exhibits) that they determine, in consultation with the City Attorney and any affected City agencies, are in the best interests of the City, provided that any such additions, amendments or modifications do not materially increase the costs or liabilities of the City and are necessary or advisable to effectuate the implementation of the Project, including all Project Approvals and this Resolution and legislation by the Board of Supervisors; and, be it

FURTHER RESOLVED, That, subject to appropriation of any necessary funds, this Board authorizes the SFMTA Executive Director/CEO, to take any and all steps (including, but not limited to, the execution and delivery of any and all agreements, notices, consents and other instruments or documents) as he or she deems necessary or appropriate, in consultation with the City Attorney, in order to consummate and perform its obligations under the Interagency Cooperation Agreement in accordance with this Resolution and legislation by the Board of Supervisors, or otherwise to effectuate the purpose and intent of this Resolution and such legislation; and, be it

FURTHER RESOLVED, That, by adopting the CEQA Findings to support the Treasure Island Project and by consenting to the Project ICA between the City and the Treasure Island Development Authority, the SFMTA Board does not intend to in any way limit, waive or delegate the exclusive authority of the SFMTA as set forth in Article VIII A of the City's Charter; and be it

FURTHER RESOLVED, That the approval under this Resolution shall take effect upon the effective date of the Board of Supervisors legislation approving the Interagency Cooperation Agreement; and, be it

FURTHER RESOLVED, That subject to approval from the Board of Supervisors, the SFMTA Board of Directors does hereby approve the Development Agreement between the City and County of San Francisco and Treasure Island Community Development LLC.

I hereby certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting on MAY 03 2011



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency