

1 [Memoranda of Agreements - Treasure Island Development Authority and Yerba Buena Island  
2 Ramps Project - \$81,700,000]

3 **Resolution approving two Memoranda of Agreements between the City, acting through**  
4 **the Treasure Island Development Authority and the San Francisco County**  
5 **Transportation Authority: 1) one for right of way services and the completion of**  
6 **engineering and design work, and authorizing the acceptance and subsequent transfer**  
7 **of real estate interests for the Yerba Buena Island Ramps Project; and 2) to complete**  
8 **the construction phases of the Yerba Buena Island Ramps Project; for a total of**  
9 **81,700,000 for the period of July 1, 2013, through December 31, 2013; and making**  
10 **environmental review findings.**

11  
12 WHEREAS, Former Naval Station Treasure Island is a military base located on  
13 Treasure Island and Yerba Buena Island (together, the "Base"), which is currently owned by  
14 the United States of America, acting by and through the Department of the Navy; and

15 WHEREAS, The Base was selected for closure and disposition by the Base  
16 Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its  
17 subsequent amendments; and

18 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended  
19 Section 33492.5 of the California Health and Safety Code and added Section 2.1 to Chapter  
20 1333 of the Statutes of 1968 (the "Act"), the California Legislature (i) designated the Treasure  
21 Island Development Authority ("TIDA") as a redevelopment agency under California  
22 redevelopment law with authority over the Base upon approval of the City's Board of  
23 Supervisors, and (ii) with respect to those portions of the Base which are subject to Tidelands  
24  
25

1 Trust, vested in TIDA the authority to administer the public trust for commerce, navigation and  
2 fisheries as to such property; and

3 WHEREAS, The Board of Supervisors approved the designation of TIDA as a  
4 redevelopment agency for Treasure Island in 1997; and

5 WHEREAS, On January 24, 2012, the Board of Supervisors rescinded designation of  
6 TIDA as the redevelopment agency for Treasure Island under California Community  
7 Redevelopment Law in Resolution No. 11-12, and such rescission does not affect TIDA's  
8 status as the Local Reuse Authority for Treasure Island or the Tidelands Trust trustee for the  
9 portions of Treasure Island subject to the Tidelands Trust, or any of the other powers of TIDA;  
10 and

11 WHEREAS, After a competitive bid process, the TIDA Board selected Treasure Island  
12 Community Development, LLC as the proposed master developer of the Base and entered  
13 into a Disposition and Development Agreement and other transaction documents relating to  
14 the reuse and development of the Base; and

15 WHEREAS, The Treasure Island Transportation Management Act of 2008 ("AB 981")  
16 authorized the creation or designation of a Treasure Island-specific transportation  
17 management agency for Treasure Island, and authorized the Board of Supervisors to  
18 designate a board or agency to act as a transportation management agency for Treasure  
19 Island; and

20 WHEREAS, In April and June 2011, the TIDA Board and the Board of Supervisors  
21 approved numerous transactions and entitlement documents related to the Project, including  
22 the Treasure Island Transportation Management Plan ("TIP"); and

23 WHEREAS, The San Francisco County Transportation Authority ("SFCTA") is the  
24 congestion management agency for San Francisco, and the SFCTA has an ongoing, positive  
25

1 relationship with TIDA, including planning, design and implementation of the Treasure  
2 Island/Yerba Buena Island Ramps Project (the “Ramps Project”); and

3 WHEREAS, In July 2008, TIDA and the SFCTA entered into a memorandum of  
4 agreement for project management and oversight, engineering and environmental services for  
5 the Ramps Project (the “Environmental MOA”), which must be increased by \$750,000 to  
6 complete preliminary engineering and design for the Ramps Project; and

7 WHEREAS, TIDA and SFCTA staff have negotiated two Memoranda of Agreement, a  
8 copy of which is on file with the Clerk of the Board in File No. 130737 (the “Memoranda of  
9 Agreement”), in furtherance of the Ramps Project. The Memorandum of Agreement, which is  
10 substantially in the same form as the Environmental MOA, authorize the SFCTA to take  
11 actions necessary to satisfy right of way certification conditions and provide project  
12 management and administrative services in order to start and complete the construction  
13 phase for the Ramps Project. The Memorandum of Agreement for right of way services  
14 acknowledges the \$750,000 increase needed to complete the preliminary engineering and  
15 design work; and

16 WHEREAS, The Final Environmental Impact Report/Environmental Impact Statement  
17 for the Ramps Project (“EIR/EIS”), with Caltrans as the National Environmental Policy Act lead  
18 agency under delegation from the Federal Highway Administration and the SFCTA as the  
19 California Environmental Quality Act lead agency, was approved in December 2011. The  
20 Ramps Project has not changed since the approval of the EIR/EIS, and the Board of  
21 Supervisors has reviewed and considered the EIR/EIS; now, therefore, be it

22 RESOLVED, That the Board of Supervisors finds that since the EIR/EIS was finalized,  
23 there have been no substantial project changes and no substantial changes in project  
24 circumstances that would require revisions to the EIR/EIS due to the involvement of new  
25 significant environmental effects or an increase in the severity of previously identified

1 significant impacts, and there is no new information of substantial importance that would  
2 change the conclusions set forth in the EIR/EIS; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby approves the two  
4 Memoranda of Agreements between the City, acting through TIDA, and the SFCTA in  
5 substantially the form on file with the Clerk of the Board; and, be it

6 FURTHER RESOLVED, That the Treasure Island Director and the City's Real Estate  
7 Director are authorized to accept from the U.S. Government such real estate interests, in fee  
8 and in easement, as may be needed to effectuate the Ramps Project and, following  
9 completion of the Ramps Project, to transfer such real estate interests to Caltrans or its  
10 designee. Any such transfer shall be without payment of monetary consideration, and shall  
11 be for the property in its "as is" condition; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Treasure  
13 Island Director to enter into any additions, amendments or other modifications to the  
14 Memoranda of Agreement that the Treasure Island Director determines in consultation with  
15 the City Attorney are in the best interests of the City, that do not materially increase the  
16 obligations or liabilities of the City, that do not materially reduce the rights of the City, and are  
17 necessary or advisable to complete the transactions contemplated by the Memoranda of  
18 Agreement, such determination to be conclusively evidenced by the execution and delivery  
19 by the Treasure Island Director of the documents and any amendments thereto.

20  
21  
22  
23  
24  
25