

## **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 13-0193

WHEREAS, The Transbay Joint Powers Authority ("TJPA"), a historic collaboration of San Francisco Bay Area governments, including the City and County of San Francisco ("the City") and public transportation agencies, is constructing a new multi-modal regional transportation center ("Transit Center"), a downtown rail extension, bus ramps, bus storage facility, and related facilities in San Francisco ("Transbay Project"); and

WHEREAS, The Transbay Project will benefit the City and the public by providing construction and other jobs, adding to the gross regional product, increasing property values in the vicinity of the Transit Center, and adding new open space to the area, while making the Bay Area more transit friendly on an energy efficient basis; and

WHEREAS, The TJPA wishes to procure reliable, economic, and clean electric service from the City for the Transbay Project; and

WHEREAS, Pursuant to City Charter Section 16.101 and Administrative Code Article 99, the City has the authority and adopted a policy to supply electricity through SFPUC where feasible to all new City developments; and

WHEREAS, The City, through SFPUC, shall be the primary provider of electric power service to the Transbay Project and provide the Transbay Project reliable electric services, 100 percent greenhouse gas (GHG) free electricity, up to \$2-million in energy efficiency incentives, and capital and operational costs savings; and

WHEREAS, Preparation for provision of electric service is anticipated to begin in January 2014 and end in January 2017. Permanent electric services are anticipated to begin in January 2017; and

WHEREAS, The Transit Center requires permanent electric service for the commissioning of equipment by early-2017 and its grand opening October 2017; and

WHEREAS, The estimated cost of services and funds for this agreement in the amount of \$8,168,200 are available at the time of award of the agreement from Project No. CUH985 – Transbay Transit Center; and

WHEREAS, In April 2004, the City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency each certified the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") (State Clearing House # 95063004), and the TJPA subsequently prepared Addenda 1-6 to the EIS/EIR, all pursuant to the California Environmental Quality Act (CEQA), and the CEQA Guidelines; and

WHEREAS, The EIS/EIR, the Addenda, and related files have been made available for review by the SFPUC and the public, and are available through the TJPA at 201 Mission Street, Suite 2100, San Francisco, CA 94105, which is the custodian of records; and

WHEREAS, The TJPA Board, by Resolution 04-004 adopted on April 22, 2004, the San Francisco Board of Supervisors, by Resolution No. 612-04 adopted on September 28, 2004, and the San Francisco Redevelopment Agency, by Resolutions Nos. 11-2005 and 19-2005 adopted on January 25, 2005, approved various actions related to the Transbay Project, and adopted findings pursuant to CEQA, including adopting mitigation measures that eliminate or substantially lessen potentially significant effects, a Mitigation Monitoring and Reporting Program (MMRP), and a Statement of Overriding Considerations (together "CEQA Findings"), and those CEQA Findings are incorporated herein by this reference; and

WHEREAS, The TJPA Board, by Resolution adopted on November 14, 2013, found that the Electric Service Agreement is within the scope of the EIS/EIR, including Addenda 1-6 prepared by TJPA. The TJPA also found that since certification of the Final EIS/EIR (including Addenda) in regard to the actions contemplated herein, there have been no new or substantially increased significant effects; no substantial changes have occurred with respect to the circumstances under which the project would be undertaken that would require revisions of the Final EIS/EIR due to new or substantially increased significant effects; and there has been no discovery of new information of substantial importance that would trigger or require major revisions of the Final EIS/EIR due to new or substantially increased effects; and

WHEREAS, The SFPUC is acting as a responsible agency under California Public Resources Code Section 21069 for purposes of this action and incorporates by reference herein the environmental determinations of the Transbay Joint Powers Authority; now, therefore, be it

RESOLVED, That this Commission, as a responsible agency under CEQA, has reviewed and considered the EIS/EIR, and the Addenda; and adopts and incorporates by reference as though fully set forth herein the Board of Supervisors,' TJPA's, and the Redevelopment Agency's Resolutions referenced above, including the CEQA Findings, the MMRP and the Statement of Overriding Considerations, which are a part of the record before this Commission; and be it

FURTHER RESOLVED, That this Commission finds that this approval of the Electric Service Agreement is within the scope of the Project and activities evaluated in the EIS/EIR and Addenda, and with regard to the actions contemplated in the Electric Service Agreement, the SFPUC has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the Project would have on the environment; and be it

FURTHER RESOLVED, That this Commission finds that since the EIS/EIR was finalized, there have been no substantial Project changes and no substantial changes in Project circumstances that would require major revisions to the EIS/EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the EIS/EIR; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager of the San Francisco Public Utilities Commission to execute an Electric Service Agreement with the Executive Director of the Transbay Joint Powers Authority in substantially the form of the agreement attached to this resolution, for an amount not to exceed \$8,168,200, subject to approval by the Board of Supervisors pursuant to Charter Section 9.118; and be it,

FURTHER RESOLVED, That this Commission authorizes the General Manager to submit the agreement to the Board of Supervisors for its approval; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to approve necessary changes to the agreement that do not materially alter the balance of benefits and burdens to the City from the agreement and to direct PUC staff to take actions necessary to implement the agreement.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of December 10, 2013.*

  
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*Secretary, Public Utilities Commission*

