

RESOLUTION NO. 13-2008

Adopted April 1, 2008

ADOPTING AN AGENCY PERMIT TO ENTER POLICY FOR THE USE OF AGENCY-OWNED OR LEASED PROPERTY BY THIRD PARTIES ON AN INTERIM BASIS; ALL REDEVELOPMENT PROJECT AND SURVEY AREAS

BASIS FOR RESOLUTION

1. In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the Redevelopment Agency of the City and County of San Francisco ("Agency") from time to time acquires property through purchase, long-term lease or by other means ("Agency Sites"). An Agency Site may be in the possession of the Agency for many months or years before it is ultimately disposed of or developed pursuant to an approved redevelopment plan or the Agency's Affordable Housing Program.
2. It is the policy of the Agency to allow compatible interim uses and to make income from Agency Sites, without causing delay to the ultimate redevelopment of the Agency Sites.
3. On September 17, 1968, by Resolution No. 157-68, the Agency Commission ("Commission") established a Policy for Interim Uses over Cleared Lands and delegated to the Agency's Executive Director authority to execute interim use rental agreements (what we now refer to as "permits to enter"). Pursuant to this Resolution, from September 1968 to approximately December 1977, the Executive Director had authority to: (a) determine which lands were suitable for interim use; (b) negotiate a fair rental value; and (c) execute interim use rental agreements for up to twelve (12) months with a thirty-day termination clause, all without further Commission authorization.
4. On December 27, 1977, by Resolution No. 266-77, the Commission amended the Policy for Interim Uses over Cleared Lands to retain itself the authority to approve interim use rental agreements. From December 1977 to approximately December 1989, the Commission approved permits to enter.
5. However, from 1990 until 2008, except in a few instances, the Executive Director or his/her designee has approved permits to enter. No Agency resolution or memorandum exists that explains this shift in policy.
6. Over the last 17 years, there has been a reduction in the number of permit to enter requests because the number of suitable Agency Sites has diminished. However, Agency staff anticipates that the Agency will continue to receive requests for permits to enter for as long as the Agency has suitable Agency Sites. These requests are frequently made on short notice and for short durations. There is often little time to seek Commission authorization prior to the desired start and/or the anticipated termination of the interim use.

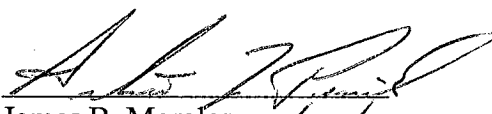
7. Agency staff desires to re-establish the Agency's Permit to Enter Policy based on the following criteria: (a) the Agency Site is suitable for the interim use; (b) the duration of the interim use will not conflict with long-term development plans; (c) the proposed interim use will not introduce any hazardous materials on the Agency Site; (d) fair market rent will be charged for the Agency Site; (e) the rent may be reduced or eliminated in light of the public benefit, if any, to be achieved from the interim use; (f) the interim use will not expose the Agency to potential legal liability; and (g) the interim user meets the Agency's insurance and indemnity requirements.
8. The Agency now wishes to adopt a Permit to Enter Policy for the interim use of Agency Sites by third parties which is attached hereto as Attachment A ("Policy") and to authorize the Executive Director to execute permits to enter pursuant to the Policy substantially in the form of the permit to enter attached hereto as Attachment B.
9. Adopting the Permit to Enter Policy and authorizing the Executive Director to execute permits to enter will provide for limited-term, interim use of Agency-owned or leased property and is a normal administrative activity of the Agency, which will not independently result in a physical change in the environment and is not subject to environmental review under the California Environmental Quality Act ("CEQA") as defined by CEQA Guidelines Section 15378(b)(5). Each individual permit to enter request will be subject to individual review under CEQA to determine whether the particular use of the property will cause a physical change in the environment.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that:

1. the Agency Permit to Enter Policy, attached as Attachment A and the Form of Permit to Enter attached as Attachment B are hereby adopted; and
2. the Executive Director is authorized to execute permits to enter which are consistent with the Permit to Enter Policy.

APPROVED AS TO FORM:


James B. Morales 3/25/08
Agency General Counsel