

RESOLUTION NO. 18-2013
Adopted May 21, 2013

APPROVING THE REPORT ON THE REDEVELOPMENT PLAN AMENDMENT FOR THE MISSION BAY SOUTH REDEVELOPMENT PLAN TO ALLOW A MIXTURE OF HOTEL, RESIDENTIAL, AND RETAIL USE ON BLOCK 1 AND AUTHORIZING TRANSMITTAL OF THE REPORT ON THE REDEVELOPMENT PLAN AMENDMENT TO THE BOARD OF SUPERVISORS; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

WHEREAS, On September 17, 1998, by Resolution No. 190-98, the Commission of the former Redevelopment Agency of the City and County of San Francisco (“Redevelopment Agency”) approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area (“Plan”). On November 2, 1998, the San Francisco Board of Supervisors (“Board of Supervisors”), by Ordinance No. 335-98, adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the “Plan Documents”; and,

WHEREAS, Under California Assembly Bill No. 1X26 (Chapter 5, Statutes of 2011-12, First Extraordinary Session) (“AB 26”) and the California Supreme Court’s decision in California Redevelopment Association v. Matosantos, No. 5194861, all redevelopment agencies in the State of California (the “State”), including the Redevelopment Agency, were dissolved by operation of law as of February 1, 2012, and their non-affordable housing assets and obligations were transferred to certain designated successor agencies; and,

WHEREAS, Under the provisions of AB 26, the City was designated as the successor agency to the Redevelopment Agency (“Successor Agency”) to receive the assets of the Redevelopment Agency; and,

WHEREAS, In June of 2012, the California legislature adopted Assembly Bill 1484 (“AB 1484”) amending certain provisions of AB 26, and the Governor of the State signed the bill and it became effective on June 27, 2012. Among other things, AB 1484 provided that a successor agency is a separate public entity from the public agency that provides for its governance; and,

WHEREAS, Subsequent to the adoption of AB 1484, on October 2, 2012 the Board of Supervisors of the City, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12 (the “Implementing Ordinance”), which Implementing Ordinance was signed by the Mayor on October 4, 2012, and which, among other matters: (a) acknowledged and confirmed that, as of the effective date of AB 1484, the Successor Agency, commonly known as the Office of Community Investment and Infrastructure (“OCII”), 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 Redevelopment 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, consistent with applicable enforceable

obligations, and (iii) take any action that the Redevelopment Dissolution Law (AB 26 and AB 1484, as amended in the future) requires or authorizes on behalf of the Successor Agency and any other action that this Successor Agency Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, The Board of Supervisors' delegation to this Commission, commonly known as the Commission on Community Investment and Infrastructure, includes the authority to act as the former Redevelopment Agency for the Mission Bay Project consistent with the approved Plan and enforceable obligations, including amending a redevelopment plan as allowed under the California Community Redevelopment Law; and,

WHEREAS, The Successor Agency has proposed an amendment to the Plan (the "Redevelopment Plan Amendment"); and,

WHEREAS, The proposed Redevelopment Plan Amendment would add dwelling units as a permissible secondary use within the Mission Bay South Hotel District and would allow a corresponding increase in the total number of dwelling units in the plan area, with a smaller hotel; and,

WHEREAS, The Successor Agency has prepared a Report on the Redevelopment Plan Amendment to the Board of Supervisors in conformity with § 33352 of the California Community Redevelopment Law ("Report on the Redevelopment Plan Amendment"); and

WHEREAS, Approval of the Report on the Redevelopment Plan Amendment and recommendation of its transmission to the Board of Supervisors of the City and County of San Francisco is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15262 as it is only a study for a possible future action, which a public agency has not yet approved, adopted or funded; now, therefore, be it

RESOLVED, By this Commission that the Report on the Redevelopment Plan Amendment to the Board of Supervisors is hereby approved; and, be it further

RESOLVED, That the Executive Director of the Successor Agency is hereby authorized to transmit said Report on the Redevelopment Plan Amendment to the Board of Supervisors of the City and County of San Francisco for its background and information.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of May 21, 2013.

Natasha Jones
Commission Secretary