

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 12-2020

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SAN FRANCISCO PLANNING DEPARTMENT FOR DESIGN REVIEW AND ENVIRONMENTAL REVIEW SERVICES, SUBJECT TO ANNUAL APPROPRIATION OF FUNDS

- WHEREAS, Prior to its dissolution, the Redevelopment Agency of the City and County of San Francisco (“Former Agency”) implemented numerous redevelopment plans approved by the Board of Supervisors and authorized under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 et seq. Under this state authority, the redevelopment plans established land use controls in project areas and did not generally rely on the San Francisco Planning Code or other local land use regulation, including Article 31 of the Administrative Code, unless a particular redevelopment plan required it; and,
- WHEREAS, State law dissolved the Former Agency on February 1, 2012, Cal. Health and Safety Code §§ 34161 et seq. (“Redevelopment Dissolution Law”), and in accordance with San Francisco Ordinance No. 215-12 (Oct. 4, 2012) and the Redevelopment Dissolution Law, the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly referred to as the Office of Community Investment and Infrastructure (“Successor Agency” or “OCII”) assumed the rights and obligations of the Former Agency, including fulfillment of enforceable obligations entered into by the Former Agency prior to June 28, 2011 (“Enforceable Obligations”); and,
- WHEREAS, The Redevelopment Dissolution Law provides, among other things, that the Successor Agency may enter into contracts necessary for the administration or operation of the successor agency; and,
- WHEREAS, OCII has a continuing need to review and approve development projects, including design and environmental review, as part of its implementation of its Enforceable Obligations and is seeking to engage the services of the San Francisco Planning Department (“Planning Department”) for this purpose; and,
- WHEREAS, OCII and the Planning Department entered into a Memorandum of Understanding (“MOU”) dated July 20, 2013 for the Planning Department to provide design and environmental review services, as approved by the Commission on Community Investment and Infrastructure (“Commission”) August 20, 2013 (Resolution No. 41-2013); an amended and restated MOU as approved by the Commission on September 12, 2014 (Resolution No. 78-2014); a Second Amendment to the MOU as approved by the Commission on August 2, 2016 (Resolution No. 35-2016); and, a Third Amendment to the MOU as approved by the Commission on June 5, 2018 (Resolution No. 24-2018). The term of the Third Amendment to the MOU ends on June 30, 2020; and,

WHEREAS, On November 3, 2015, the Commission approved the development of Blocks 29 to 32 in the Mission Bay South Redevelopment Project Area (Resolution No. 71-2015 and No. 72-2015), to be improved with approximately 1 million square feet of arena, office and retail uses (“GSW Event Center Project”),. On May 19, 2020, the Commission approved a series of actions, subject to additional review and approval by state and local officials, related to the addition of a hotel and residential building on the site of the GSW Event Center Project (Resolution Nos. 05-2020, 06-2020, 07-2020, 08-2020, 09-2020 and 10-2020). The MMRP for the GSW Event Center Project involves mitigation monitoring and reporting activities that require continued coordination and assistance from Planning Department staff assigned to the GSW Event Center Project. The scope of these activities were described under the Second and Third Amendments to the MOU; and,

WHEREAS, In accordance with the foregoing, and as part of its implementation of its Enforceable Obligations, OCII desires to enter into a new MOU with the Planning Department to continue to provide design review and environmental review services. The budget for these services in a particular year will be determined through the Commission’s review and approval of the annual fiscal year budget; and,

WHEREAS, OCII will fund the MOU through developer reimbursement of actual billed hours and through other available funds, subject to the approval of expenditures on the Recognized Obligation Payment Schedules (“ROPS”) that OCII submits to the Oversight Board and the California Department of Finance and subject to the fiscal year budgets approved by the Commission and San Francisco Board of Supervisors; and,

WHEREAS, OCII’s Executive Director is authorized to approve the annual expenditures required under the MOU each year, subject to ROPS approval and annual appropriation in OCII’s fiscal year budgets; and,

WHEREAS, Authorization of the MOU with the Planning Department is an administrative activity that will not directly cause any physical change in the environment and is not a project pursuant to CEQA as defined under CEQA Guidelines Section 15378(b)(5). In addition, authorization of the MOU does not have the potential for independently causing a significant effect on the environment and therefore is not subject to the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061 (b)(3); now, therefore, be it

RESOLVED, That the Executive Director is hereby authorized to enter into the Memorandum of Understanding with the San Francisco Planning Department, substantially in the form of the MOU attached to the Commission memorandum accompanying this Resolution, to provide design review and environmental review services; and, be it further

RESOLVED, That the Executive Director is hereby authorized to expend funds for annual services authorized under the MOU, subject to annual appropriation under the ROPS and fiscal year budgets.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of June 16, 2020.

Commission Secretary