

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 24 -2018

AUTHORIZING A THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING FOR ENVIRONMENTAL AND DESIGN REVIEW SERVICES WITH THE CITY AND COUNTY OF SAN FRANCISCO, ACTING THROUGH THE SAN FRANCISCO PLANNING DEPARTMENT, TO EXTEND THE TERM FROM FISCAL YEAR 2018 TO FISCAL YEAR 2020 AND TO INCREASE THE BUDGET BY AN AMOUNT NOT TO EXCEED \$450,000, FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,575,000

- 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 continue to engage the services of the San Francisco Planning Department for this purpose; and,
- WHEREAS, OCII and the Planning Department entered into a MOU dated July 20, 2013 for design and environmental review services, as approved by the Commission on Community Investment and Infrastructure (“Commission”) August 20, 2013 (Resolution No. 41-2013) (“MOU”); an amended and restated MOU; and,

as approved by the Commission on Community Investment and Infrastructure on September 12, 2014 (Resolution No. 78-2014); and a Second Amendment to the MOU as approved by the Commission on August 2, 2016 (Resolution No. 35-2016); 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 Pavilion Project"), and together therewith certified a Supplemental Environmental Impact Report for the GSW Pavilion Project (Resolution No. 69-2015), made findings of consistency, including findings of overriding considerations, and adopted a mitigation monitoring and reporting program ("MMRP") (Resolution No. 70-2015) in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The MMRP for the GSW Pavilion Project requires mitigation monitoring and reporting activities that will requires continued coordination and assistance from Planning Department staff assigned to the GSW Pavilion Project; and,

WHEREAS, In accordance with the foregoing, the Parties are proposing a Third Amendment to the MOU: (a) to extend the term through Fiscal Year 2020; (b) to provide an additional budget amount not to exceed \$450,000 for the Planning Department to continue to provide the scope of work in the MOU and for two additional fiscal years, for a total aggregate amount of \$1,575,000, and (c) to include the scope of work for the Planning Department to perform oversight of mitigation and monitoring activities under the GSW Pavilion Project MMRP, provided, however, that OCII will retain its oversight and responsibility as lead agency for purposes of compliance with CEQA; and,

WHEREAS, The Planning Department and the GSW Pavilion Project sponsor ("Golden State Warriors" or "GSW") currently have a direct payment arrangement whereby GSW directly reimburses the Planning Department for environmental review for the GSW Pavilion Project, which the Planning Department and GSW will amend to include reimbursement of cost for Planning staff's oversight of mitigation and monitoring activities under the GSW Pavilion Project MMRP; and,

WHEREAS, Authorization of this proposed Third Amendment to 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 Third Amendment 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 execute the Third Amendment to the MOU between OCII and the City and County of San Francisco, through its Planning Department, substantially in the form of the Third Amendment to the MOU attached to the Commission memorandum accompanying this Resolution, to provide design review and environmental review services to the OCII, for a total aggregate amount not to exceed \$1,575,000, subject to availability and approval of funds in the ROPS, and provide design and environmental review services for the Golden State Warriors' Project.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of June 5, 2018.

Commission Secretary