RESOLUTION NO. 41-2013
Adopted August 20, 2013

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE, THE SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY, AND THE CITY AND COUNTY OF SAN FRANCISCO, THROUGH ITS SAN FRANCISCO PLANNING DEPARTMENT FOR DESIGN REVIEW AND ENVIRONMENTAL REVIEW SERVICES, FOR A TERM OF TWO YEARS, AND FOR AN AMOUNT NOT TO EXCEED $225,000 ANNUALLY, FOR FISCAL YEAR 2013-14 AND FISCAL YEAR 2014-15

WHEREAS, Prior to its dissolution, the Redevelopment Agency of the City and County of San Francisco (“Redevelopment 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 Redevelopment Agency on February 1, 2012, Cal. Health and Safety Code §§ 34161 et seq. (“Redevelopment Dissolution Law”), and provided, among other things, that successor agencies assumed the rights and obligations of the former Redevelopment Agency (with the exception of certain affordable housing assets). In particular, state law requires successor agencies to fulfill enforceable obligations that the former redevelopment agencies had entered into prior to June 28, 2011 (“Enforceable Obligations”); and,

WHEREAS, The Board of Supervisors, in its capacity as governing body of the Successor Agency, approved Ordinance No. 215-12 (Oct. 4, 2012) to implement Redevelopment Dissolution Law and established the Successor Agency Commission to which it delegated the authority to exercise land use, development and design approval for “surviving redevelopment projects;” and,

WHEREAS, OCII is the Successor Agency to the Redevelopment Agency, is a legal entity separate from the City and County of San Francisco (“City”), has assumed the remaining rights and obligations of the former Redevelopment Agency, and has “succeed[ed] to the organizational status of the former redevelopment agency” with the authority “to complete any
work related to an approved enforceable obligation,” Cal. Health & Safety Code § 34173 (g); and,

WHEREAS, OCII has the continuing authority and obligation: (1) to exercise land use controls required under Enforceable Obligations (including the Mission Bay North Owner Participation Agreement (“OPA”), available at http://www.sfredevelopment.org/index.aspx?page=243, the Mission Bay South OPA, available at http://www.sfredevelopment.org/index.aspx?page=244, the Disposition and Development Agreement (“DDA”) for Hunters Point Shipyard (“HPS”) Phase 1, available at http://www.sfredevelopment.org/index.aspx?page=160, the DDA for Candlestick Point-HPS Phase 2 DDA, available at http://www.sfredevelopment.org/index.aspx?page=186, the Transbay Implementation Agreement, available at http://www.sfredevelopment.org/index.aspx?page=54, and other OPAs and DDAs for projects that are not yet complete, and (2) to enforce the land use controls under redevelopment plans and related development controls where the City has not requested the transfer of land use functions to the City. (These redevelopment plans include Zone 1 of the Transbay Redevelopment Plan, Zone 1 of the Bayview Hunters Point Redevelopment Plan, the HPS Redevelopment Plan, the Mission Bay North and South Redevelopment Plans, the Rincon Point-South Beach Redevelopment Plan, and the Bayview Industrial Triangle Redevelopment Plan. These redevelopment plans and related documents are generally available at http://www.sfredevelopment.org/index.aspx?page=3;); and,

WHEREAS, The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of “winding down the redevelopment agency.” Cal. Health & Safety Code § 34177.3 (b). See also Cal. Health & Safety Code § 34171 (d) (1) (F) (defining enforceable obligations to include “agreements necessary for the administration or operation of the successor agency”); and,

WHEREAS, The OCII has a continuing need to review and approve development projects, including design and environmental review, as part of the wind down of redevelopment agencies and desires to use the services of the Planning Department for this purpose; and,

WHEREAS, OCII has negotiated a memorandum of understanding with the City, through its Planning Department, to perform design review and environmental services for the OCII, for a term of two years, commencing on July 1, 2013, for an annual amount of $225,000. A copy of the memorandum of understanding is on file with the Secretary of the Commission (the “MOU”); and,

WHEREAS, OCII has provided (and will continue to provide) for the expenditures anticipated under the MOU in its Recognized Obligation Payment
Schedules ("ROPS") that are required to be submitted semi-annually to the Oversight Board and the California Department of Finance ("DOF") and in its annual budget that is approved by the Board of Supervisors; now, therefore, be it

RESOLVED, That the Executive Director is hereby authorized to execute a memorandum of understanding between OCII and the City and County of San Francisco, through its San Francisco Planning Department, substantially in the form of the MOU lodged with the Secretary of the Commission, to provide design review and environmental review services to the OCII, for a term of two years, and for an amount not exceed $225,000 per Fiscal Year, for Fiscal Year 2013-2014 and Fiscal Year 2014-2015, subject to availability and approval of funds in the ROPS.

Exhibit A: Memorandum of Understanding between the Office of Community Investment and Infrastructure and the City and County of San Francisco, through its Planning Department.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of August 20, 2013.

Natasha Jones
Commission Secretary