

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 73 – 2015

Adopted November 17, 2015

AUTHORIZING A THIRD AMENDMENT TO THE LEGAL SERVICES CONTRACT WITH THE THOMAS LAW GROUP TO INCREASE THE CONTRACT AMOUNT BY \$100,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$250,000

- 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, unless a particular redevelopment plan required it; and,
- WHEREAS, The Office of Community Investment and Infrastructure (“OCII”), acting as the Successor Agency to the Redevelopment Agency, has the authority and obligation to exercise land use controls under the Redevelopment Plan for the Mission Bay South Redevelopment Project and the Mission Bay Mission Bay South Owner Participation Agreement, which the California Department of Finance (“DOF”) has finally and conclusively determined to be an enforceable obligation under the Community Redevelopment Law, as amended by the Redevelopment Dissolution Law, Letter, J. Howard, DOF, Assistant Program Budget Manager, to T. Bohee, OCII, Executive Director (Jan. 24, 2014); and,
- WHEREAS, On November 3, 2015, the Commission on Community Investment and Infrastructure (“CCII”) took a series of actions to approve a project proposed by an affiliate of the Golden State Warriors (“GSW”). The project includes a multi-purpose event center and mixed use development, including office, retail, open space and parking, on Blocks 29-32 in the Mission Bay South Redevelopment Project Area (“GSW Project”). Among CCII’s actions was certification of a final subsequent environmental impact report (“FSEIR”) by Resolution No. 69-2015 (Nov. 3, 2015);
- WHEREAS, OCII currently has a legal services contract, authorized by Resolution No. 60-2015 (Oct. 6, 2015), in the amount of \$150,000 with the Thomas Law Group. Since being retained by OCII, the Thomas Law Group has provided advice related to the GSW Project; and,

WHEREAS, OCII now has an additional need for specialized legal services in preparing for an anticipated appeal of the FSEIR related to the GSW Project; and,

WHEREAS, Under the proposed Third Amendment to the Legal Services Contract with the Thomas Law Group (“Third Amendment”), the maximum allowable budget would be increased by \$100,000, for a total aggregate Legal Services Contract amount of \$250,000; and,

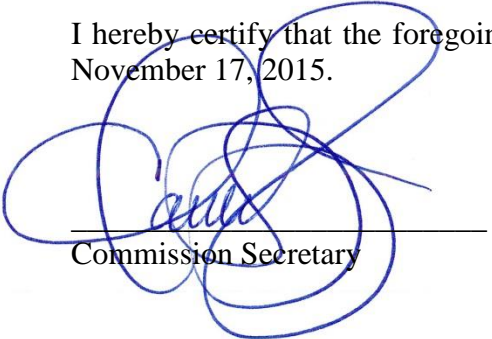
WHEREAS, During the 2015-16 fiscal year, OCII will pay the cost of the Third Amendment with funds listed under Line 1 of OCII’s Recognized Obligations Payment Schedule (“ROPS”); and,

WHEREAS, Authorization of the Third Amendment is a continuing administrative activity that will not result in a direct or indirect physical changes in the environment, and thus is not a project under Section 15378 (b) (5) of the CEQA Guidelines; and,

WHEREAS, Staff recommends approval of the proposed Third Amendment; now therefore, be it

RESOLVED, that the Executive Director of the Office of Community Investment and Infrastructure is authorized to execute a Third Amendment to the Legal Services Contract with the Thomas Law Group to increase the contract amount by \$100,000 for a total aggregate contract amount not to exceed \$250,000, substantially in the form approved by the General Counsel and on file with the Secretary of the Commission.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of November 17, 2015.



Commission Secretary