

DELEGATION AGREEMENT BETWEEN THE SAN FRANCISCO  
REDEVELOPMENT AGENCY AND THE PLANNING DEPARTMENT FOR THE  
TRANSBAY REDEVELOPMENT PROJECT AREA

This DELEGATION AGREEMENT is entered into as of May 3, 2005 by and between the REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body, corporate and politic, established pursuant to the California Community Redevelopment Law ("Agency"), and the PLANNING DEPARTMENT OF THE CITY AND COUNTY OF SAN FRANCISCO, established pursuant to the Charter and Ordinances of the City and County of San Francisco ("Department"). "Planning Department" includes the City Planning Commission.

**RECITALS**

- A. Under the California Community Redevelopment Law, a redevelopment plan authorizes, among other things, the land uses and controls for development in a project area. Section 33333 of the Health & Safety Code.
- B. Pursuant to Sections 33128 and Section 33220 of the California Health and Safety Code, the Agency has access to the services of the Department and the authority to obtain its assistance and cooperation in the planning, undertaking, and operation of redevelopment projects located within areas in which the Department is authorized to act.
- C. Under Section 4.105 of the Charter of the City and County of San Francisco, the Planning Commission and the Planning Department have the authority, among other things, to approve permits for development in the City and County of San Francisco and to administer and enforce the City Planning Code.
- D. The Board of Supervisors of the City and County of San Francisco ("Board") has approved a Redevelopment Plan for the Transbay Redevelopment Project Area ("Redevelopment Plan"), which establishes two zones for permitted land uses.
- E. The Redevelopment Plan relies on the Transbay Development Controls and Design Guidelines to control land uses and development in Zone One of the Transbay Redevelopment Project Area ("Project Area"). (See Figure 1 attached.)
- F. The Redevelopment Plan primarily relies on the San Francisco Planning Code ("Planning Code") to control land uses and development in Zone Two of the Project Area, (See Figure 1 attached), but only to the extent that the Planning Code or any amendments to it are consistent with the Redevelopment Plan. The Transbay Development Controls and Design Guidelines also apply to Zone Two.

- G. To promote the disposition and development of certain publicly-owned parcels in the Project Area, the Agency will solely administer and enforce land use and development permits for any property or project in Zone One of the Project Area.
- H. To assist the Agency in implementing the Redevelopment Plan, the Department will approve permits and otherwise administer and enforce the Planning Code for any property or project that does not require Agency action in Zone Two of the Project Area.
- I. In Zone Two, the review of projects requiring Agency action will involve both the Agency and the Department, but final approval of the project will remain with the Agency. Agency Action is defined as the Agency's funding, acquisition, disposition, or development of property through Disposition and Development Agreements (DDA), Owner Participation Agreements (OPA), loan agreements, or other transactional and funding documents. Agency Action, however, does not include a project sponsor's request for a variation under Section 3.5.5 of the Redevelopment Plan.
- J. The Redevelopment Plan has the goal, among others, of facilitating the design, development, and construction of the Transbay Terminal, which includes the new terminal building and related ramp structures. Under Section 5027.1 of the Public Resources Code, the state legislature has given the Transbay Joint Powers Authority (JTPA) the "primary jurisdiction with respect to all matters concerning the financing, design, development, construction, and operation of the new terminal." Accordingly, the design review and approval of the Transbay Terminal, which is surrounded by Zone Two, will be subject to a separate process that the JTPA will administer and that will include the Agency and Department in advisory capacities.
- K. The purpose of this Agreement is to define the roles of the parties in the implementation of the Redevelopment Plan so as to achieve the following goals:
  - (i) Ensure that all development in the Project Area is in accordance with the Redevelopment Plan and, for properties in Zone 2, with the Planning Code;
  - (ii) Minimize the risk that developers and owners of property in the Project Area will be subjected to repetitive, time consuming, conflicting or inconsistent actions by the parties hereto;
  - (iii) Ensure that official actions by the parties hereto are clearly consistent with applicable law so that developers and property owners are able to obtain insurable title and to secure financing; and

- (iv) Ensure that the community and the general public receive timely and accurate information about projects and has the opportunity to provide meaningful input about projects prior to their final approval.

NOW THEREFORE, the Agency and the Department agree as follows:

1. The Agency hereby delegates to the Department, and the Department accepts the delegation of, the responsibility to administer the Planning Code in Zone Two of the Project Area. The Department agrees to carry out its responsibilities to administer the Planning Code in Zone Two at no cost or charge to the Agency. The Department may impose such administrative fees and costs, to the extent permitted by the Planning Code, upon any Project as are generally applicable to other development projects in the Department's jurisdiction and the Agency shall have no right to any of the fees and costs collected.
2. The Department shall enter a Block Book Notation indicating that each parcel in the Project Area is subject to the Redevelopment Plan and also indicating whether the parcel is in Zone 1 or Zone 2.
3. The Planning Department shall review and approve use, building and demolition permits for development in Zone Two and the Zoning Administrator shall be responsible for granting of variances for all projects within Zone Two. The Planning Department and Planning Commission shall apply provisions of the General Plan, Planning Code, the Transbay Design for Development, the Transbay Development Controls and Design Guidelines, and other applicable law in a manner that is consistent with the Redevelopment Plan. If a project in Zone 2 requires Agency Action, it shall follow the review and approval process described in paragraph 9 of this Agreement.
4. The Department shall assign appropriate staff, including a permit planner, an environmental planner and others, to work on development and environmental review as necessary for the review and approval of development permits, on a priority basis, in Zone Two of the Project Area.
5. The Planning Department staff shall advise the Agency of inquiries during the pre-application process and of permit applications for projects in Zone Two and shall coordinate its review of permits with Agency staff after applications are received and deemed complete.
6. The Agency and Department shall form an interagency working group composed of the Department staff assigned pursuant to paragraph 4 above and the Agency staff responsible for implementation of the Redevelopment Plan ("Working Group"). Members of the Working Group shall communicate on an ongoing basis to ensure the timely, collaborative, and competent review of all projects in Zone 1 and Zone 2 of the Project Area. Each member of the

Working Group shall be knowledgeable of the Redevelopment Plan, the General Plan, the Transbay Design for Development, the Transbay Development Controls and Design Guidelines, and those provisions of the Planning Code applicable to the Project Area. To the extent reasonably possible, the Working Group and, as necessary, other Department and Agency staff shall be involved in design review sessions or other meetings involving the implementation of the Redevelopment Plan and this Agreement.

7. The Planning Department staff shall work with the Agency and the Transbay Citizens Advisory Committee (“CAC”) or its successor to obtain community input and guidance prior to any public hearing on land use or development permits in Zone Two of the Project Area. The Planning Department shall, on a regular and timely basis, inform the CAC of permit applications that it has received for projects in Zone Two. If requested by the CAC, the Planning Department shall publicly present plans and information about projects in Zone Two prior to any Commission hearing on the projects.
8. Appeals of permits approved or rejected by the Planning Department shall be to the Board of Appeals or the Board of Supervisors as provided in the San Francisco Charter and Ordinances.
9. In cases involving Agency Action in Zone Two of the Project Area, the following procedures will apply:
  - (a) The Agency, subject also to Planning Department staff review, shall be responsible for review and approval pursuant to the Redevelopment Plan, the Planning Code, and related documents.
  - (b) The Agency shall consult and attempt to reach agreement with the Department staff on those aspects of project approval that are directly related to conformity with the General Plan and the Planning Code. If no agreement is reached within fifteen (15) working days of the Agency’s submission of the final staff recommendation regarding project approval to the Department, the Agency will describe the disagreement in the Commission Meeting Memorandum that is provided to the Agency Commission for its consideration of a project. In addition, the Department staff may present its views to the Agency Commission in a separate staff report and at any public hearing.
  - (c) The Agency Commission may consider and grant requests for variations under Section 3.5.5 of the Redevelopment Plan for projects involving Agency Action in Zone Two
10. Both parties agree to act expeditiously and competently on any approvals and in a manner consistent with the Plan and this Agreement. To achieve this

objective, the parties agree (i) to schedule Department and Agency hearings or meetings in a manner so as to facilitate the approval process and to avoid placing any project in a position in which it could receive conflicting approvals and direction, (ii) to inform and educate the staff of both the Department and the Agency of the requirements of this Agreement, the Redevelopment Plan, the Planning Code, and other policies and procedures related to the implementation of the Redevelopment Plan and (iii) to develop written guidance for staff and public regarding the review of applications for development in the Project Area and the roles of the Agency and Department in that review.

11. When the Agency reviews and approves a project in the Project Area, Agency staff will describe the Planning Department's comments and recommendations in its report to the Agency Commission prior to its approval of the Basic Concept Design, Schematic Design, Final Design, or other action related to the project. In addition, the Department may present its views to the Agency Commission in a separate staff report and at any public hearing.
12. When the Department staff reviews and considers approvals of a project in Zone 2 of the Project Area, it will describe the comments and recommendations of the Agency staff and those of the CAC in its report to the Planning Commission prior to its approval of the project. In addition, the Agency may present its views to the Planning Commission in a separate staff report and at any public hearing.
13. This Agreement may be terminated by either party following consultation with the other party and upon sixty (60) days notice. Such termination shall have no effect on any actions or approvals previously granted pursuant to the terms of this Agreement.
14. The Agency and Department hereby reserve the right to amend or supplement this Agreement at any time by mutual consent for any purpose. No alteration or variation to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, following approval by the Agency Commission and the Planning Commission. Any amendments to this Agreement shall be consistent with the Redevelopment Plan.
15. The Executive Director of the Agency and the Director of the Department shall consult with each other on matters arising out of this Agreement from time to time, and specifically with respect to questions regarding the scope of authority delegated hereunder.

IN WITNESS WHEREOF, the parties hereto have duly executed this Delegation Agreement as of the date above.

PLANNING DEPARTMENT

REDEVELOPMENT AGENCY

By: \_\_\_\_\_  
Dean Macris  
Director

By: Marcia Rose  
Marcia Rosen  
Executive Director

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Deputy City Attorney

James B. Morales  
James B. Morales  
Agency General Counsel