

Commission on Community Investment and Infrastructure

RESOLUTION NO. 53-2013  
**Adopted November 19, 2013**

RECOMMENDING APPROVAL TO THE OVERSIGHT BOARD OF THE SUCCESSOR  
AGENCY'S LONG-RANGE PROPERTY MANAGEMENT PLAN ("PMP") GOVERNING  
THE DISPOSITION OF REAL PROPERTY UNDER REDEVELOPMENT  
DISSOLUTION LAW

- WHEREAS, The Successor Agency (otherwise known as the Office of Community Investment and Infrastructure, or OCII) became the successor to the Redevelopment Agency of the City and County of San Francisco, a public body, corporate and politic, exercising its functions and powers and organized and existing under the Community Redevelopment Law of the State of California (the "Former Redevelopment Agency"), after the Former Redevelopment Agency was dissolved on February 1, 2012, pursuant to the California Assembly Bill known as AB 26 and the California Supreme Court's decision and order in the case entitled *California Redevelopment Association et al. v. Ana Matosantos*. Shortly thereafter, all of the Former Redevelopment Agency's non-housing assets, including all real property, were transferred to the Successor Agency; and,
- WHEREAS, As a result of AB 26, the Successor Agency continues to own or lease certain real property in redevelopment project areas and other areas of the City and County of San Francisco (the "Agency Property"); and,
- WHEREAS, On June 27, 2012, California's Governor approved legislation amending Assembly Bill No. 26 (statutes 2011, chapter 5) ("AB 26") entitled Assembly Bill No. 1484 (statutes 2012, chapter 26) ("AB 1484") (together, AB 26 and AB 1484 are the "Redevelopment Dissolution Law"). AB 1484 imposes certain requirements on the successor agencies to redevelopment agencies established by AB 26, including a requirement that suspends certain dispositions of former redevelopment agency property until certain state-imposed requirements are met. Cal. Health & Safety Code §§ 34177(c); 34181(a); 34191.4; and,
- WHEREAS, Redevelopment Dissolution Law requires successor agencies to prepare a long range property management plan ("PMP") to dispose of any of its properties (Cal Health & Safety Code § 34191.5). The plan must include an inventory of all successor agency properties, with information about date of acquisition, purpose of acquisition, parcel data, current value, revenue generation, environmental contamination, potential for transit-oriented development, and previous development proposals for each property. The plan must also categorize each property by one of four permissible uses: (1) retention for

governmental use; (2) retention for future development; (3) disposition; or (4) use of the property to fulfill an enforceable obligation; and,

WHEREAS, Redevelopment Dissolution Law also requires the Oversight Board to make certain findings regarding housing assets that include both low- and moderate-income housing and other uses, such as commercial uses. The Oversight Board must consider “the overall value to the community as well as the benefit to taxing entities of keeping the entire development intact or dividing the title and control over the property between the housing successor and the successor agency or other public or private agencies.” Cal. Health & Safety Code §§ 34176(f); and,

WHEREAS, Redevelopment Dissolution Law requires that both the Oversight Board and the Department of Finance (“DOF”) approve the PMP. Cal. Health & Safety Code § 34191.5 (b); and,

WHEREAS, In compliance with AB 1484, the Successor Agency has prepared the PMP (attached hereto as Exhibit A) for the Agency Property, and will be seeking the Oversight Board’s approval of the PMP prior to the statutory deadline, which is six months from the date the Successor Agency received its “Finding of Completion” from DOF (i.e., the deadline is November 29, 2013); and,

WHEREAS, Chapter Four of the PMP is the Yerba Buena Gardens Long-Range Property Management Plan (“YBG PMP”), which proposes a transfer of the Successor Agency’s Yerba Buena Gardens assets (“YBG Assets”) to the City and County of San Francisco (“City”) for a governmental purpose. The City is considering several ownership/management structures for the YBG Assets, which will be determined after the YBG PMP is submitted to DOF; and,

WHEREAS, Community stakeholders in Yerba Buena Gardens have expressed a strong preference for certain ownership/management structures for the YBG Assets and have communicated their preferences to the Commission in letters and at public meetings. In addition, community stakeholders have developed a list of fundamental principles to guide the transfer of the YBG Assets to the City. See Attachment B to the Memorandum for the Commission Meeting of November 19, 2013 for community preferences and principles. In response to the community, the OCII Commission strongly urges the City to consider the community’s preferences and principals as it determines the future ownership/management structure for the YBG Assets; and,

WHEREAS, The PMP is exempt from the California Environmental Quality Act (“CEQA”) on the following grounds: (1) under Section 15262 of the State CEQA Guidelines, the PMP is a planning study for a future action that has not yet been approved and does not legally bind the Successor Agency to transfer the Agency Property; (2) under Section 15061 (b) (3) of the CEQA Guidelines, the PMP does not have the potential for causing a significant effect on the environment because it merely provides documentation for pre-

disposition and planning activities; and (3) under Section 15268 of the CEQA Guidelines, the PMP is a ministerial act required under the Redevelopment Dissolution Law; now therefore be it

RESOLVED, That the Commission hereby finds that the PMP is exempt from CEQA for the reasons stated above and recommends that the Oversight Board approve the PMP in compliance with Redevelopment Dissolution Law for the subsequent disposition of the Agency Property, and authorizes the Executive Director to take any and all actions, including changes to the PMP, that are necessary to secure the Oversight Board's approval of the PMP at its regularly scheduled meeting on November 25, 2013; and, be it further

RESOLVED, That the Commission strongly urges the City and County of San Francisco to take into consideration the concerns and demands of the relevant communities when deciding how to use or develop property transferred to the City and County, including, without limitation, Yerba Buena Gardens, the Fillmore Heritage Center, and Hunters Point Shipyard.

Exhibit A: Long Range Property Management Plan ("PMP")

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of November 19, 2013.

  
Commission Secretary