

Oversight Board

RESOLUTION NO. 12-2013  
**Adopted November 25, 2013**

APPROVAL 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 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 § 34191.3) and the retention of certain housing assets subject to the successor agency's enforceable obligations (Cal. Health & Safety Code § 34176 (a)); 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, The PMP includes disposition plans for certain housing assets that the Successor Agency has retained to fulfill enforceable obligations, but that are proposed for transfer to the Housing Successor for the City and County of San Francisco (the “Housing Successor”), pursuant to future Oversight Board actions under Cal. Health & Safety Code § 34181 (c), when the housing project is complete; and,

WHEREAS, Redevelopment Dissolution Law 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, The Agency Property includes two parcels located at 227-255 Seventh Avenue that comprise a portion of Westbrook Plaza, a mixed-use project containing affordable housing, a neighborhood-serving health clinic, and garage (“Westbrook Plaza”). The Successor Agency owns the parcels containing the health clinic and the garage, and the Housing Successor owns the parcel containing the affordable housing. The Successor Agency has proposed in its PMP to transfer the health clinic and garage to the Housing Successor Agency, pursuant to Cal. Health & Safety Code § 34176 (f); and,

WHEREAS, In approving the PMP, the Oversight Board has considered the overall value to the community as well as the benefit to taxing entities of keeping Westbrook Plaza intact, and has made the following findings: (1) the overall value of Westbrook Plaza is enhanced by keeping it intact as was originally intended, (2) the affordable housing complements the vision of the health clinic to serve the needs of low-income households, and the residents of the affordable housing benefit from having the clinic within their building, and (3) keeping Westbrook Plaza under single ownership results in greater management efficiency because the affordable housing and the health clinic share various operating expenses; 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 is 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, 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 Oversight Board hereby finds that the PMP is exempt from CEQA for the reasons stated above and approves the PMP in compliance with Redevelopment Dissolution Law for the subsequent disposition of the Agency Property.

Exhibit A: Long Range Property Management Plan (“PMP”)

I hereby certify that the foregoing resolution was adopted by the Oversight Board at its meeting of November 25, 2013.

  
Natasha Jones  
Oversight Board Secretary