

office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

November 12, 2015

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101-0752015-132

Via Email and U.S. Mail

Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Appeal Procedures for Successor Agency Environmental Leadership Projects

Dear Ms. Calvillo:

I am in receipt of the letter dated November 10, 2015 and sent on your behalf by Alisa Somera, Acting Legislative Deputy. In that letter, your office requests additional information regarding the appeal procedures authorized under the Commission on Community Investment and Infrastructure's ("CCII") Resolution No. 33-2015 (June 2, 2015). In consultation with counsel for the Successor Agency to the Redevelopment Agency, commonly known as the Office of Community Investment and Infrastructure, ("Successor Agency" or "OCII"), and the San Francisco City Attorney's Office, I am providing you with additional information below relating to appeals filed in accordance with that resolution.

The certification of any form of Final Environmental Impact Report ("FEIR") for an Environmental Leadership Project by the Successor Agency Commission, also known as CCII, may be appealed to the Board of Supervisors ("Board"), acting as the governing body of the Successor Agency, pursuant to the terms of Resolution No. 33-2015, approved by the CCII on June 2, 2015. The Successor Agency is a state authorized entity created by statute, the Redevelopment Dissolution Law, Cal. Health & Safety Code §§ 34170 et seq. The Successor Agency has succeeded to the "organizational status" of the Redevelopment Agency and is separate and distinct from the City and County of San Francisco ("City"). Cal. Health & Safety Code 34173 (g).

In adopting Ordinance No. 215-12, the Board, acting as the governing body of the Successor Agency, and consistent with the Redevelopment Dissolution Law, delegated to CCII exclusive final land use authority for certain Major Approved Development Projects (as defined in the Ordinance) in those geographic areas within the City formerly subject to the jurisdiction of the San Francisco Redevelopment Agency, including Mission Bay. Even so, CCII, through its Resolution No. 33-2015, created a right of appeal to the Board, acting as the Successor Agency's governing body having delegated such land use authority, on the issue of the adequacy of the FEIRs prepared by OCII for "Environmental Leadership Projects" meeting the terms set forth in

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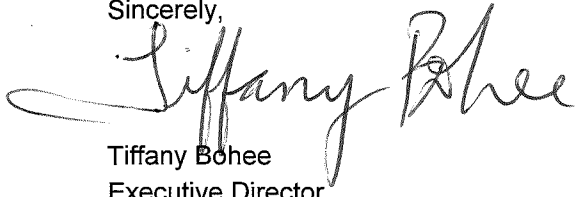
California Public Resources Code section 21183. CCII created this process with the specific goal of ensuring an increased level of public participation with respect to the substance and contents of Final EIRs for Environmental Leadership Projects.

You have asked what could be the potential outcomes of Board action under the appeal process here. The CCII, in adopting Resolution No. 33-2015, envisioned that the Board would follow the standards and procedures for appeals that it applies when it hears appeals of CEQA decisions by the City's Planning Commission or other City agencies. In this regard, CCII envisions that the Board by a majority vote of all of its members may affirm or reverse the certification of the FEIR by CCII. If the Board affirms CCII's certification, then CCII will consider such certification and the approvals following the certification as administratively final.

If the Board reverses the certification, prior project approvals would be rescinded to allow CCII to, if and as necessary, adopt additional findings, revise the FEIR, or amend the project approvals. The CCII, on remand, may consider new or additional mitigation measures or alternatives before reconsidering whether to certify the revised FEIR and reapprove the Project or one of its alternatives. Any further appeal from a subsequent CEQA decision by OCII after such remand shall be limited to the adequacy of changes made by OCII in response to the Board's findings relating to the initial appeal.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Bohee". The signature is written in a cursive, flowing style with a long horizontal stroke at the beginning.

Tiffany Bohee
Executive Director

cc: Members, Board of Supervisors
Adam Van de Water, Office of Economic and Workforce Development
Brett Bollinger, Planning Department
John D. Malamut, Deputy City Attorney
Jon Givner, Deputy City Attorney