

1 [Extending the Yerba Buena Center Redevelopment Plan by One Year.]

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3 **Ordinance amending the Yerba Buena Center Redevelopment Plan to extend by one**
4 **year the time limit on the effectiveness of the Yerba Buena Center Redevelopment Plan**
5 **and the time limit to receive property taxes and repay indebtedness pursuant to Senate**
6 **Bill 1045.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
12 finds and declares as follows:

13 a. The Board of Supervisors originally approved the Yerba Buena Center
14 Redevelopment Plan by adopting Ordinance No. 98-66 on April 25, 1966. The Yerba Buena
15 Center Redevelopment Plan has since been amended eleven times, most recently by: (1) the
16 adoption of Ordinance No. 236-00, adding the Emporium Site Area, adopted by the Board of
17 Supervisors on October 10, 2000 approved by the Mayor on October 13, 2000, and (2) the
18 adoption of Ordinance No. 213-03, which extended the time limit for the establishment of
19 loans, advances and indebtedness from January 1, 2004 until January 1, 2009, adopted by
20 the Board of Supervisors on August 12, 2003, and approved by the Mayor on August 22,
21 2003.

22 b. The Yerba Buena Center Redevelopment Plan is effective until January 1, 2009,
23 and its debt repayment deadline is January 1, 2019, as to all portions of the Yerba Buena
24 Center Redevelopment Project Area except the Emporium Site Area, which remains subject
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1 to the Yerba Buena Center Redevelopment Plan for thirty years from the effective date of
2 Ordinance No. 236-00.

3 c. Under Section 33333.6(a) of the Health and Safety Code, redevelopment plans
4 adopted before 1994 terminate at a date that shall not exceed 40 years from the adoption of
5 the redevelopment plan or January 1, 2009, whichever is later. After termination of a
6 redevelopment plan, a redevelopment agency has no authority to act pursuant to such
7 redevelopment plan except to pay previously incurred indebtedness, to comply with its
8 housing obligations and to enforce existing covenants, contracts or other obligations.

9 d. Under Section 33333.6(b) of the Health and Safety Code, a redevelopment
10 agency may not pay indebtedness or receive property taxes after ten years from the
11 termination of the effectiveness of a redevelopment plan initially adopted before 1994.

12 e. In 2003, the California Legislature adopted Senate Bill 1045 (Statutes 2003,
13 Chapter 260) which added Section 33681.9 to the Health and Safety Code and required the
14 Agency to make a payment of \$3,373,160 during the 2003-04 fiscal year for deposit into the
15 Educational Revenue Augmentation Fund (“ERAF”) of the City and County of San Francisco.

16 f. Senate Bill 1045 also amended Section 33333.6 of the Health and Safety Code
17 to provide that when a redevelopment agency is required to make an ERAF payment pursuant
18 to Section 33681.9 of the Health and Safety Code, the legislative body may amend a
19 redevelopment plan adopted before 1994 to extend by one year the time limit on the
20 effectiveness of the plan and to extend by one year the time limit to receive property taxes
21 and repay indebtedness.

22 g. Senate Bill 1045 also amended Section 33683 of the Health and Safety Code to
23 require a redevelopment agency to deduct its ERAF payment from the amount of property tax
24 dollars that a redevelopment agency has been deemed to have received under a
25 redevelopment plan’s tax increment limitation.

1 h. The Agency made its ERAF payment of \$3,373,160 from tax increment revenue
2 generated in the original Yerba Buena Center Redevelopment Project Area, i.e., the area that
3 does not include the Emporium Site Area, which the Board of Supervisors added pursuant to
4 a plan amendment adopted on October 13, 2000, pursuant to Ordinance No. 236-00.

5 i. At a public hearing on Tuesday, September 7, 2004, the Agency adopted
6 Agency Resolution 107-2004, a certified copy of which is on file with the Clerk of the Board of
7 Supervisors in File No. _____. This resolution recommends that the Board of Supervisors,
8 pursuant to SB 1045, approve a one year extension of certain time limits to the Yerba Buena
9 Center Redevelopment Plan and exclude the ERAF payment of \$3,373,160 from the Plan's
10 tax increment limitation.

11 j. This ordinance extending the Yerba Buena Center Redevelopment Plan by one
12 year is exempt from the California Environmental Quality Act (California Public Resources
13 Code Sections 21000 et seq. and hereafter referred to as "CEQA") because it creates a
14 government funding mechanism that does not involve any commitment to any specific project
15 which may result in a potentially significant physical impact on the environment and therefore
16 is not a "project" under Sections 15378(b)(4) and 15060(c)(3) of the State CEQA Guidelines.
17 Section 2. Pursuant to Sections 33333.2 and 33333.6 of the Health and Safety Code, the
18 Board of Supervisors of the City and County of San Francisco hereby approves an
19 amendment to the Yerba Buena Center Redevelopment Plan extending the effectiveness of
20 such Plan as to all portions of the Yerba Buena Center Redevelopment Project Area except

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1 the Emporium Site Area until January 1, 2010, allowing the Agency to pay indebtedness and
2 receive property taxes until January 1, 2020.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

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6 By: _____
7 DONNELL W. CHOY
8 Deputy City Attorney

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