

1 [Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency
 2 for the City and County of San Francisco, thereby replacing the existing seven-member
 3 appointed Board (Governing Body); and establishing a seven-member appointed Community
 Redevelopment Commission and delegating certain powers to the Commission.]

4 **Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by**
 5 **declaring the Board of Supervisors to be the Governing Body of the Redevelopment**
 6 **Agency of the City and County of San Francisco, thereby replacing the existing seven-**
 7 **member appointed Board (Governing Body), and making findings in support of this**
 8 **declaration (California Community Redevelopment Law, Health & Safety Code §§33000**
 9 **et seq.); and establishing a seven-member appointed Community Redevelopment**
 10 **Commission and delegating certain powers to the Commission. By this Ordinance,**
 11 **Section 24.1 is amended; existing Sections 24.1-1, 24.3, 24.4, and 24.5 are repealed;**
 12 **and new Sections 24.3, 24.3-1, 24.4, 24.4-1, 24.4-2, and 24.4-3 are added.**

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 14 Note: Additions are *single-underline italics Times New Roman font*;
 15 deletions are *strikethrough italics Times New Roman font*.
 16 Board amendment additions are double underlined Arial font;
 Board amendment deletions are ~~strikethrough Arial font~~.

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

18
 19 Section 1. FINDINGS IN SUPPORT OF ORDINANCE.

20 (a) The California Community Redevelopment Law (Health & Safety Code §§33000 et seq.)
 21 empowers the Board of Supervisors (Board) to adopt at any time an ordinance declaring itself to be the
 22 Governing Body of the Redevelopment Agency for the City and County of San Francisco ("Governing
 23 Body," §33200).

24 (b) In adopting this Ordinance the Board of Supervisors finds that:

25 (1) Under the provisions of California Health and Safety Code §§33200 et seq. the Board

1 caused a report to be prepared [by Motion adopted April 15, 2002], to substantiate and explain the
2 Board's determination to declare itself the Governing Body of the Redevelopment Agency of the City
3 and County of San Francisco by enacting this Ordinance: this report is the Legislative Analyst Report
4 on Redevelopment Agency Governance Structure, dated [_____], 2002.

5 (2) There has been full public disclosure of all reports and proposals relating to the Board's
6 intent to declare itself the Governing Body.

7 (3) The reports or proposals referenced in Sections (b)(1) and (b)(2) of these Findings were
8 presented and considered at a public hearing on this proposed Ordinance, duly noticed and convened
9 by the Board of Supervisors pursuant to Health and Safety Code §33200(b). These reports or
10 proposals shall be and remain a part of the Board of Supervisors file for this Ordinance [File No. _____,
11 Ord. No. _____].

12 (4) Declaring the Board of Supervisors to be the Governing Body of the Redevelopment
13 Agency of the City and County of San Francisco will serve the public interest and promote the public
14 safety and welfare in a more effective manner than the current organization.

15 (5) Administrative Code Chapter 24 "Redevelopment Agency" shall be amended to state that
16 the Board declares itself the Governing Body of the Redevelopment Agency of the City and County of
17 San Francisco.

18
19 Section 2. The San Francisco Administrative Code is hereby amended by amending
20 Section 24.1, to read as follows:

21 SEC. 24.1. CREATED UNDER PROVISIONS OF STATE LAW.

22 There is need for a redevelopment agency, to be known as the Redevelopment Agency
23 of the City and County of San Francisco (Agency), to function in the City and County under the
24 provisions of ~~Sections §§33000 to 33954 et seq.~~ of the ~~State~~ California Health and Safety Code.

25 ~~A redevelopment agency shall be~~ The Redevelopment Agency of the City and County of San

1 Francisco was originally created and constituted at the time and in the manner prescribed by
2 Sections 33200 to 33237 of such code in 1948, pursuant to Board of Supervisors Resolution No. 7779
3 and the Community Redevelopment Act of California (now entitled "Community Redevelopment Law").

4 As of August 1, 2002 the Board of Supervisors declares itself to be the Governing Body of the
5 Redevelopment Agency for the City and County of San Francisco. The Board finds that this declaration
6 is in the public interest and promotes public safety and welfare in a more effective manner than the
7 form of governance existing prior to August 1, 2002. This declaration is made pursuant to §33200 of
8 the California Community Redevelopment Law (Health and Safety Code §§33000 et seq.).

9
10 Section 3. The San Francisco Administrative Code is hereby amended by repealing
11 existing Section 24.1-1, as follows:

12 ~~SEC. 24.1-1. INCREASING NUMBER OF MEMBERS TO BE APPOINTED TO~~
13 ~~REDEVELOPMENT AGENCY.~~

14 ~~Notwithstanding the provisions of Section 24.1 of this Chapter, and pursuant to the provisions~~
15 ~~of Section 33110 of the Health and Safety Code of the State of California, the number of members to be~~
16 ~~appointed to the Redevelopment Agency of the City and County of San Francisco is hereby increased to~~
17 ~~seven, one of whom shall be a woman.~~

18
19 Section 4. The San Francisco Administrative Code is hereby amended by repealing
20 existing Sections 24.3, 24.4, and 24.5, as follows:

21 ~~SEC. 24.3. QUARTERLY REPORTS OF REDEVELOPMENT AGENCY.~~

22 ~~The Redevelopment Agency of the City and County shall file with the Board of Supervisors a~~
23 ~~detailed report of all its transactions, including a statement of all revenues and expenditures, at~~
24 ~~quarterly intervals.~~

25 //

1 ~~SEC. 24.4. COMPENSATION OF MEMBERS; TRAVEL EXPENSES.~~

2 ~~Subject to the budget and fiscal provisions of the Charter, the compensation of the appointive~~
3 ~~members of the Redevelopment Agency, exclusive of actual and necessary expenses, including traveling~~
4 ~~expenses, shall be \$25 per meeting for each meeting of the agency actually attended by the members;~~
5 ~~provided, that the aggregate amount paid to any one member shall not exceed \$1,250 per year, and the~~
6 ~~aggregate amount paid all the members shall not exceed \$6,250 per year.~~

7
8 ~~SEC. 24.5. RECOMMENDATIONS OF PLANNING COMMISSION.~~

9 ~~The City Planning Commission shall furnish the following information to the Board of~~
10 ~~Supervisors at as early a date as possible:~~

11 ~~(a) — Recommendations as to area which should first be made subject of survey for the~~
12 ~~purpose of redevelopment.~~

13 ~~(b) — The amount of funds necessary to conduct such a survey.~~

14
15 Section 5. The San Francisco Administrative Code is hereby amended by adding new
16 Sections 24.3, 24.3-1, 24.4, 24.4-1, 24.4-2, and 24.4-3, as follows:

17 SECTION 24.3. CREATION OF THE COMMUNITY REDEVELOPMENT COMMISSION.

18 The Board of Supervisors, having declared itself to be the Governing Body of the
19 Redevelopment Agency, hereby creates a Community Redevelopment Commission ("Commission")
20 pursuant to §33201 and §33202 of the California Community Redevelopment Law (Health and Safety
21 Code §§33000 et seq.), operative August 1, 2002.

22
23 SECTION 24.3-1. COMMISSION COMPOSITION, TERMS OF OFFICE, METHOD OF
24 APPOINTMENT AND REMOVAL.

25 (a) Composition and Qualifications. The Community Redevelopment Commission shall

1 consist of seven (7) members ("Members"), who serve staggered four-year terms of office.

2 (1) Members shall be residents of the City and County upon appointment and at all times
3 during the terms of their respective offices; and,

4 (2) Appointing authorities shall strive to achieve a Commission that is broadly
5 representative of the communities of interest and neighborhoods, and the diversity in ethnicity, race,
6 age, gender and sexual orientation of the City and County.

7 (b) Initial Appointment of Commission Members by the Board of Supervisors, and Terms of
8 Office.

9 (1) Appointment of the seven initial Members of the Commission shall be made by the Board
10 of Supervisors. Any person who is a Member of the Redevelopment Agency Governing Board on July
11 31, 2002 shall be appointed to the Community Redevelopment Commission effective August 1, 2002, to
12 a term of office that expires on the same date that his or her Redevelopment Agency Board seat would
13 have otherwise expired. A Member of the Redevelopment Agency Governing Board whose term has
14 expired but who continues to sit in a holdover capacity on July 31, 2002 (Health & Safety Code
15 §33112) shall be appointed to the Commission by the Board of Supervisors, to a term that would
16 otherwise coincide with a new appointment on July 31, 2002 to fill the expired seat.

17 (2) Initial terms of office. The initial terms of Commission office shall be as follows,
18 consistent with Subsection 24.3-1(b)(1):

19 (A) Two Members shall each be appointed to a term expiring September 3, 2002.

20 (B) Two Members shall each be appointed to a term expiring September 3, 2003.

21 (C) Two Members shall each be appointed to a term expiring September 3, 2004.

22 (D) One Member shall be appointed to a term expiring September 3, 2005.

23 (c) Subsequent Appointment of Members by the Mayor Subject to Approval by the Board of
24 Supervisor, and Terms of Office.

25 (1) Following the initial appointment of Members by the Board of Supervisors, any

1 subsequent appointments shall be made by the Mayor subject to approval by the Board of Supervisors.

2 (2) Vacancies occurring during a term shall be filled for the unexpired term.

3 (d) A Member shall hold office until a successor has been appointed, unless the Member has
4 been removed under Subsection 24.3-1(e).

5 (e) Removal. A Member may be removed by the Mayor for inefficiency, neglect of duty, or
6 misconduct in office, but only after the Member has been given a copy of the charges at least ten days
7 prior to a public hearing on them and has had an opportunity to be heard in person or by counsel. If a
8 member is removed, a record of the proceedings and the charges and findings shall be filed in the office
9 of the Clerk of the Board of Supervisors.

10
11 SECTION 24.4. DELEGATION TO THE COMMISSION, CONTINUATION OF EXISTING
12 AGENCY OPERATIONS, CONTINUATION OF CONTRACTS AND BONDS AND OTHER
13 OBLIGATIONS, NON-INTERFERENCE IN AGENCY ADMINISTRATIVE MATTERS, AND
14 APPOINTMENT OF THE EXECUTIVE DIRECTOR.

15 (a) Governing Body Delegation to the Commission. Except as otherwise provided in this
16 Chapter 24 or in an approved Redevelopment Plan or Plan amendment, and as permitted by Health
17 and Safety Code §33202, all functions of the Governing Body of the Agency are delegated to the
18 Community Redevelopment Commission.

19 (b) Continuation of Agency Operations. Except as specifically otherwise provided in this
20 Chapter 24, the powers, duties, obligations, rules, policies and bylaws of the Redevelopment Agency of
21 the City and County of San Francisco in effect on July 31, 2002 shall remain in force and effect, unless
22 and until changed either by the Governing Body or by the Commission pursuant to authority delegated
23 by the Governing Body.

24 (c) Continuation of Contracts, Agreements, Loans, Obligations, Bonds and Other
25 Indebtedness. The terms and conditions of all contracts, agreements, loans, and other obligations duly

1 entered into by the Redevelopment Agency on or before July 31, 2002, as well as all contracts involving
2 bonds and other indebtedness of the Agency, shall continue to be binding on the Agency,
3 notwithstanding the change in form of governance under this Ordinance [Ordinance No. ____].

4 (d) Non-interference in Agency Administrative Matters. The Governing Body and the
5 Commission shall deal with Agency administrative matters solely through the Executive Director or his
6 or her designees. No member of the Governing Body or the Commission shall dictate, suggest or
7 interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or
8 requisition for purchase or other administrative actions. Nothing in this Section 24.4(d) shall restrict
9 the Governing Body's power of hearing and inquiry. Nothing in this Section 24.4(d) shall restrict the
10 Governing Body's or the Commission's responsibilities, duties and powers under the Community
11 Redevelopment Law.

12 (e) Executive Director. The Executive Director of the Agency shall be appointed by the
13 Governing Body, and shall serve at the pleasure of the Governing Body.

14
15 SECTION 24.4-1. NOTICE AND CONDUCT OF GOVERNING BOARD AND COMMISSION
16 MEETINGS. The Governing Body and Commission shall notice and conduct their meetings in
17 accordance with the City's voter-approved Sunshine Ordinance (Administrative Code Chapter 67), as it
18 may be amended from time to time.

19
20 SECTION 24.4-2. COMPLIANCE WITH ALL CITY MUNICIPAL PLANNING AND ZONING
21 REQUIREMENTS.

22 (a) Compliance With All City Planning and Zoning Requirements. All Redevelopment Plans
23 adopted on or after August 1, 2002, and any amendments to those Plans or to any previously approved
24 Redevelopment Plans or Plan amendments, shall adhere to all City planning and zoning requirements.
25 However, a two-thirds vote of the Commission may waive this compliance requirement, subject to

1 further review and decision by the City Planning Commission and the Board of Supervisors pursuant to
2 the Community Redevelopment Law. "All planning and zoning requirements" includes, but is not
3 limited to, the City's General Plan, Municipal Code, Zoning Maps, and any conditions of approval or
4 other requirements that may have been imposed by the City on individual properties within the
5 boundaries of the proposed Plan or Plan amendment.

6 (b) Enforcement. The Governing Body may contract with the City and County of San
7 Francisco Planning Department to enforce City planning and zoning requirements contained in
8 Redevelopment Plans or Plan amendments.

9 (c) Five-Year Reviews of Approved Development Plans. The Governing Body shall review
10 each approved Redevelopment Plan every five years, to consider whether the Plan should be updated to
11 conform to City planning or zoning ordinances.

12 (1) The City Planning Commission and the Community Redevelopment Commission shall
13 confer, either in a joint meeting or through their respective staffs, and provide a report and
14 recommendation to the Governing Body for this purpose. This review may be coordinated with the
15 five-year implementation plan for each Redevelopment Plan.

16 (2) If after reviewing the report and recommendation of the Planning Commission and the
17 Community Redevelopment Commission the Governing Body determines that an amendment to such
18 Redevelopment Plan would more effectively carry out the purposes of the Community Redevelopment
19 Law (Health and Safety Code §§33000), the Governing Body may direct the Community
20 Redevelopment Commission to prepare an amendment to the Redevelopment Plan together with all
21 other reports and documents necessary to amend a Redevelopment Plan in accordance with the
22 Community Redevelopment Law.

23 (d) Nothing in this Section 24.4-2 is intended to modify existing California law regarding
24 the rights of property owners or developers who have rights to use and develop such land under a duly
25 approved owner participation agreement, disposition and development agreement, or other similar

1 agreement that is consistent with an approved Redevelopment Plan or Plan amendment.

2
3 SECTION 24.4-3. APPEALS TO THE GOVERNING BODY.

4 (a) An action of the Commission listed in Subsection 24.4-3(b) may be appealed to the
5 Governing Body:

6 (1) By request of five Members of the Governing Body; or,

7 (2) By two-thirds vote of an elected Project Area Committee (PAC) or of an appointed
8 Citizen's Advisory Committee (CAC) where a written recommendation of the PAC or CAC has been
9 denied by the Commission, regarding a matter within that PAC's or CAC's jurisdiction.

10 (b) The following Commission actions may be appealed to the Governing Body under
11 Subsection 24.4-3(a), if the appeal is filed in writing with the Governing Body within fifteen calendar
12 days after the Commission mails notice of its action to the Board of Supervisors and to each PAC and
13 CAC:

14 (1) Approval or denial of an exclusive negotiation agreement;

15 (2) Approval or denial of an agreement regarding the disposition, redevelopment and/or
16 development of land, including but not limited to an affordable housing development;

17 (3) Approval or denial of a contract in excess of one million dollars (\$1,000,000);

18 (4) Any action that the appellant considers non-compliant with a Redevelopment Plan; or,

19 (5) A land use decision that, if made by the City Planning Commission or City Zoning
20 Administrator would be appealable to the Board of Appeals or to the Board of Supervisors.

21 (c) An action of the Commission that is appealed to the Governing Body under this Section
22 24.4-3 is stayed pending final decision by the Governing Body.

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1 Section 6. TRANSITION.
2 Upon adoption of this Ordinance the Executive Director of the Redevelopment Agency shall
3 expeditiously move to coordinate and accomplish all necessary transition actions, consistent with the
4 purposes of this Ordinance.

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6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 MARIE CORLETT BLITS
11 Deputy City Attorney

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