

1 [Transfer of Affordable Housing Property Assets - Office of Community Investment and  
2 Infrastructure - Mayor's Office of Housing and Community Development]

3 **Resolution authorizing and approving the acceptance of certain real property assets**  
4 **from the Office of Community Investment and Infrastructure to the Mayor's Office of**  
5 **Housing and Community Development (as housing successor to the San Francisco**  
6 **Redevelopment Agency); and making findings that such acceptance is in accordance**  
7 **with the California Environmental Quality Act, the General Plan, and the eight priority**  
8 **policies of Planning Code, Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

16 WHEREAS, The Successor Agency to the Redevelopment Agency of the City and  
17 County of San Francisco (commonly known as the Office of Community Investment and  
18 Infrastructure or "OCII") is completing the enforceable obligations of the Redevelopment  
19 Agency of the City and County of San Francisco (the "Former Agency") in the Mission Bay  
20 North and Mission Bay South Projects, the Hunters Point Shipyard/Candlestick Point Project  
21 and the Transbay Project (collectively, the "Major Approved Development Projects") under the  
22 authority of the California Community Redevelopment Law, Cal. Health & Safety Code,  
23 Section 33000 et seq., as amended by the Redevelopment Dissolution Law, Cal. Health &  
24 Safety Code, Section 34170 et seq.; and

25 WHEREAS, Upon dissolution of the Former Agency, the City and County of San  
Francisco (the "City") elected, pursuant to Section 34176 (a) (1) of the Health and Safety  
Code and Resolution No. 11-12 adopted by the Board of Supervisors of the City (the "Board")  
on January 24, 2012, and approved by the Mayor of the City on January 26, 2012, to retain

1 the Former Agency’s affordable housing assets, as defined in Section 34176 (e) of the Health  
2 and Safety Code (including real property, ground and air rights leases, loans and intangible  
3 assets, such as deed restrictions on below market rate units) (collectively “Housing Assets”)  
4 and authorized the Mayor’s Office of Housing and Community Development (“MOHCD”) to  
5 manage those Housing Assets as the housing successor under Redevelopment Dissolution  
6 Law; and

7 WHEREAS, On August 1, 2012, MOHCD submitted to the California Department of  
8 Finance (“DOF”), as required under Section 34176 (a) (2) of the Health and Safety Code, a  
9 Housing Asset Transfer Form (“2012 HAT”) containing a list of all transferred housing assets  
10 of the Former Agency and, on September 7, 2012, DOF approved the 2012 HAT; and

11 WHEREAS, Subsequent to approval of the 2012 HAT, the City, under Ordinance No.  
12 215-12 (Oct. 4, 2012), OCII, and DOF determined that OCII, as a separate legal entity from  
13 the City, had retained certain Housing Assets that OCII was required to fund and develop as  
14 part of its enforceable obligations for the Major Approved Development Projects that had  
15 survived the Former Agency’s dissolution (“Retained Housing Obligations”); and

16 WHEREAS, OCII and its Oversight Board approved, by Oversight Board Resolution  
17 No. 12-2013 (Nov. 25, 2013), a revised list of Housing Asset Transfers that did not include the  
18 Retained Housing Obligations (“2013 HAT”) and, on March 6, 2014, the DOF approved the  
19 2013 HAT; and

20 WHEREAS, OCII also prepared a Long Range Property Management Plan (“PMP”), as  
21 required under Section 34191.5 (b) of the Health and Safety Code, which is on file with the  
22 Clerk of the Board of Supervisors in File No. 161317, that identified, among other things, the  
23 Retained Housing Obligations that it would fund and complete and then transfer to the City  
24 and, on December 7, 2015, DOF approved the PMP; and

25

1           WHEREAS, As OCII completes the specific affordable housing projects that are part of  
2 the Retained Housing Obligations, the Redevelopment Dissolution Law requires that OCII  
3 transfer the Completed Housing Assets to the housing successor and this Board desires to  
4 approve and authorize the acceptance of conveyance of such assets from OCII to MOHCD,  
5 as referenced in the “Existing Known Universe of OCII Housing Assets to Transfer to  
6 MOHCD,” which is on file with the Clerk of the Board of Supervisors in File No. 161317, and  
7 any additional future assets not listed will be brought back to the Board for consideration and  
8 approval; and

9           WHEREAS, OCII and MOHCD have entered into a Memorandum of Understanding  
10 (June 11, 2014) that defines OCII’s completion of affordable housing projects to mean the  
11 completion of construction, full lease-up of affordable units, and resolution of all necessary  
12 financial close-out procedures to determine if any unused loan or grant proceeds are due to  
13 be returned to OCII (“Completed Housing Asset”) and, upon completion, OCII will issue a  
14 Certificate of Completion and transfer the Completed Housing Asset, including any fee  
15 interest in land, ground lease, loans or grants, or other affordability restrictions to MOHCD;  
16 and

17           WHEREAS, This Board desires to accept the conveyance of the Completed Housing  
18 Assets (the “Conveyance”) pursuant to a quitclaim deed (the “Deed”) and an assignment of  
19 the Leases and the Assets, if necessary (the “Assignment”), each in substantially the forms  
20 filed with the Clerk of the Board of Supervisors in File No. 161317; and

21           WHEREAS, The Planning Department of the City (the “Planning Department”) found  
22 that the Conveyance is consistent with California Environmental Quality Act (“CEQA”) and  
23 Categorically Exempt from Environmental Review as a Categorical Exemption Class 1 as  
24 defined by CEQA for the reasons set forth in the January 30, 2017 letter from the Planning  
25 Department, which is on file with the Clerk of the Board of Supervisors in File No. 161317; and

1           WHEREAS, The Planning Department found that the Conveyance is consistent with  
2 the City's General Plan and with the eight priority policies of Planning Code, Section 101.1 for  
3 the reason for the reasons set forth in the January 30, 2017 letter from the Planning  
4 Department, which is on file with the Clerk of the Board of Supervisors in File No. 161317;  
5 now, therefore, be it

6           RESOLVED, That the Board hereby finds that the Conveyance is consistent with the  
7 General Plan, and with the eight priority policies of Planning Code, Section 101.1 for the same  
8 reasons set forth in the letter of the Planning Department, dated January 30, 2017, and  
9 hereby incorporates such finding by reference as though fully set forth in this Resolution; and,  
10 be it

11           FURTHER RESOLVED, That the Board hereby finds that the Conveyance is consistent  
12 with CEQA and Categorical Exempt from Environmental Review as a Categorical Exemption  
13 Class 1 as defined by CEQA for the reasons set forth in the January 30, 2017 letter from the  
14 Planning Department, which is on file with the Clerk of the Board of Supervisors in File No.  
15 161317; and, be it

16           FURTHER RESOLVED, That in accordance with the recommendations of the City's  
17 Director of Property and the Director of MOHCD, the Board hereby approves and authorizes  
18 the Director of Property (or his or her designee), along with the Director of MOHCD to accept  
19 said Deed(s) and Assignment(s) of Completed Housing Assets on behalf of the City, and to  
20 execute any such other documents that are necessary or advisable to complete the  
21 transaction contemplated by the such Deed(s) and/or Assignment(s) and to effectuate the  
22 purpose and intent of this Resolution; and, be it

23           FURTHER RESOLVED, That the Board authorizes the Director of Property (or his or  
24 her designee) and the Director of MOHCD, in consultation with the City Attorney, to enter into  
25 any additions, amendments or other modifications to the Deed(s) and Assignment(s)

1 (including in each instance, without limitation, the attachment of exhibits) that the Director of  
2 Property and Director of MOHCD determine are in the best interests of the City, honor any  
3 City or State approved regulatory or financial agreements previously entered into by OCII, do  
4 not decrease the revenues of the City in connection with the Completed Housing Assets, or  
5 otherwise materially increase the obligations or liabilities of the City, and are in compliance  
6 with all applicable laws, including the Redevelopment Dissolution Law and the City's Charter;  
7 and, be it

8 FURTHER RESOLVED, The Director of MOHCD is hereby directed to provide an  
9 annual report to the Board summarizing the transfer of Housing Assets from OCII to MOHCD  
10 during the previous year; and, be it

11 FURTHER RESOLVED, Any such actions are solely intended to further the purposes  
12 of this Resolution, and are subject in all respects to the terms of this Resolution, and such  
13 official shall consult with the City Attorney before execution of documents that include  
14 amendments from what was previously submitted to the Board, and thereafter provide to the  
15 Clerk of the Board the final document, as signed by all parties, together with a marked copy to  
16 show any changes, within 30 days of execution, for inclusion in the official file; and, be it

17 FURTHER RESOLVED, That all actions authorized and directed by this Resolution and  
18 heretofore taken are hereby ratified, approved and confirmed by this Board of Supervisors.

19 RECOMMENDED:

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21 By: \_\_\_\_\_  
22 NADIA SESAY  
23 Interim Executive Director, OCII

24 By: \_\_\_\_\_  
25 JOHN UPDIKE  
Director of Property

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By: \_\_\_\_\_

**OLSON LEE**  
Director of Mayor's Office  
Of Housing and Community Development  
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