
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

Successor Agency Commission



Edwin M. Lee, Mayor

Mara Rosales, Chair

Marily Mondejar

Darshan Singh

Tiffany Bohee, Executive Director

CITY HALL, ROOM 416
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MEETING A G E N D A TUESDAY, August 19, 2014 • 1:00 p.m.

ACCESSIBLE MEETING POLICY

1. The meeting/hearing will be held in City Hall, Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco. The room is wheelchair accessible and has accessible seating for persons with disabilities and those using wheelchairs.
2. The closest accessible BART station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, #49 Van Ness, #71 Haight/Noriega, #5 Fulton, #21 Hayes, #6 Parnassus, #7 Haight, the F Line to Market and Van Ness and any line serving the Metro Stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 311.
3. There is accessible parking across from City Hall at the Civic Center Garage.
4. The following services are available by calling the Office of Community Investment and Infrastructure at (415) 749-2400 at least 72 hours prior to the meeting/hearing: American Sign Language interpreters, use of a reader during a meeting, or a sound enhancement system. Following a meeting minutes can be made available by audiocassette tape or alternative formats.

5. Requests for language interpreters at a meeting must be received at least 72 hours in advance of the meeting to help ensure availability. Please contact the Office of Community Investment and Infrastructure at **(415) 749-2400**.
6. In order to assist the Office of Community Investment and Infrastructure efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the Office of Community Investment and Infrastructure to accommodate these individuals.

REGULAR MEETING AGENDA

PLEASE BE ADVISED A MEMBER OF THE PUBLIC HAS UP TO THREE MINUTES TO MAKE PERTINENT PUBLIC COMMENTS ON EACH AGENDA ITEM UNLESS THE COMMISSION ADOPTS A SHORTER PERIOD ON ANY ITEM. IT IS STRONGLY RECOMMENDED THAT MEMBERS OF THE PUBLIC WHO WISH TO ADDRESS THE COMMISSION SHOULD FILL OUT A "SPEAKER CARD" PROVIDED BY THE COMMISSION SECRETARY, AND SUBMIT THE COMPLETED CARD TO THE COMMISSION SECRETARY.

1. Recognition of a Quorum

2. Announcements

A. The next regularly scheduled Commission meeting will be held on Tuesday, September 2, 2014 at 1:00 pm (City Hall, Room 416).

B. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting

Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.

3. Report on actions taken at previous Closed Session meeting, if any.

4. Matters of Unfinished Business. None

5. Matters of New Business:

CONSENT AGENDA

ALL MATTERS LISTED HEREUNDER CONSTITUTE A CONSENT AGENDA, ARE CONSIDERED TO BE ROUTINE BY THE COMMISSION, AND WILL BE ACTED UPON BY A SINGLE VOTE OF THE COMMISSION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF THE COMMISSION OR THE PUBLIC SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED AS A SEPARATE ITEM:

- a) Approval of Minutes: Regular Meeting of [July 15, 2014](#).

- b) [Amending the Personnel Policy to include sexual harassment and workplace violence.](#)
(Action) (Resolution No. 65-2014)

- c) [Authorizing a First Amendment to the Disbursement Agreement with HV Partners 2, LP, a California Limited Partnership, to extend the outside date permitted for the Ground Lease Closing to October 31, 2014, and increase the amount authorized for disbursement prior to Ground Lease Closing by \\$1,964,300, for a total amount allowed of \\$3,664,300, for ongoing predevelopment and infrastructure work associated with the development of approximately 107 very low- and low-income rental units pursuant to the Hunters View Phase II-III Rental Housing Loan Agreement, Middle Point and West Point Roads; Bayview Hunters Point Redevelopment Project Area. \(Action\) \(Resolution No. 66-2014\)](#)

- d) [Authorizing a Personal Services Contract with Urban Analytics, a California limited liability corporation, for fiscal consultant services in an amount not to exceed \\$53,000 related to the proposed issuance of tax allocation refunding revenue bonds and preparation of tax allocation bond annual secondary market disclosure reports with provision for extension through December 31, 2015 for additional disclosure and analytical work, in an amount not to exceed \\$12,000 for a total aggregate amount not to exceed \\$65,000. \(Action\) \(Resolution No. 67-2014\)](#)

REGULAR AGENDA

Staff presentation estimated time: 10 minutes

- e) [Consenting to former Successor Agency Commissioner Theodore Ellington's work with the Golden State Warriors regarding the development of an arena and event center under the Mission Bay South Owner Participation Agreement; Mission Bay South Redevelopment Project Area \(Discussion and Action\) \(Resolution No. 68-2014\)](#)

Staff presentation estimated time: 10 minutes

- f) [Commending and expressing appreciation to Theodore Ellington for his services upon the occasion of his departure from his position as commissioner of the Commission on Community Investment and Infrastructure. \(Discussion and Action\) \(Resolution No. 69-2014\)](#)

Staff presentation estimated time: 20 minutes

(Items 5 (g) and 5 (h) related to Transbay Block 7 will be presented together but acted on separately)

g) Authorizing a Loan Agreement with Mercy Housing California 64, L.P., a California Limited Partnership, in the amount of \$3,382,523, for predevelopment activities related to the construction of 84 affordable housing units plus one manager's unit at 222 Beale Street on Transbay Block 7 and adopting environmental findings pursuant to the California Environmental Quality Act; Transbay Redevelopment Project Area. (Discussion and Action) (Resolution No. 70-2014)

h) Approving a revision to the Transbay Block 7 Schematic Design Package, originally approved by the Commission on April 16, 2013, to reorganize some of the ground floor uses to create building efficiencies and add a story to increase the number of affordable units from 77 to 85 (including one manager's unit) and making environmental findings pursuant to the California Environmental Quality Act; Transbay Redevelopment Project Area. (Discussion and Action) (Resolution No. 71-2014)

Staff presentation estimated time: 10 minutes

i) Amending the Office of Community Investment and Infrastructure's ("OCII's") Debt Policy to reflect Redevelopment Dissolution Law, OCII's responsibilities for Community Facilities District debt administration, and new federal disclosure requirements for issuers of public debt (Discussion and Action) (Resolution No. 72-2014)

Staff presentation estimated time: 10 minutes

j) Amending the Office of Community Investment and Infrastructure's Investment Policy to reflect the use of the City and County of San Francisco Treasurer's Office Investment Pool and to update references to state regulations. (Discussion and Action) (Resolution No. 73-2014)

Staff presentation estimated time: 10 minutes

k) Authorizing the Executive Director to enter into a Memorandum of Understanding between the San Francisco Office of Community Investment and Infrastructure and the City and County of San Francisco Controller's Office of Public Finance for assistance with debt issuances and administration. (Discussion and Action) (Resolution No. 74-2014)

6. Public Comment on Non-agenda Items

Members of the public may address the Commission on matters that are within the Commission jurisdiction and not on today's calendar. Each speaker shall have up to three minutes to make pertinent public comments unless the Commission adopts a shorter period. It is strongly recommended that members of the public who wish to address the Commission should fill out a "Speaker Card" provided by the Commission Secretary, and submit the completed card to the Commission Secretary.

7. Report of the Chair

8. Report of the Executive Director

9. Commissioners' Questions and Matters

10. Closed Session:

11. Adjournment

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 68-2014

Adopted August 19, 2014

**CONSENTING TO FORMER SUCCESSOR AGENCY COMMISSIONER
THEODORE ELLINGTON'S WORK WITH THE GOLDEN STATE WARRIORS
REGARDING THE DEVELOPMENT OF AN ARENA AND EVENT CENTER UNDER
THE MISSION BAY SOUTH OWNER PARTICIPATION AGREEMENT; MISSION
BAY SOUTH REDEVELOPMENT PROJECT AREA**

- WHEREAS, Mr. Theodore Ellington served as a Commissioner of the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, also known as the Office of Community Investment and Infrastructure, ("Successor Agency" or "OCII") from its inception in December 2012 until July 3, 2014. During his tenure as an OCII Commissioner, Mr. Ellington participated in several decisions involving the Mission Bay South Redevelopment Project Area ("Project Area") and the Mission Bay South Owner Participation Agreement ("OPA") between the Master Developer, currently FOCIL-MB, LLC ("FOCIL"), and OCII; and
- WHEREAS, The California Department of Finance has determined "finally and conclusively" that the OPA is an enforceable obligation under Redevelopment Dissolution Law, Cal. Health and Safety Code §§ 34171 (d) (1) & 34177.5 (i). Accordingly, OCII is authorized to perform all of its obligations under the OPA, including the review and approval of development projects that will complete the redevelopment of the Project Area; and
- WHEREAS, In April 2014, the Golden State Warriors ("GSW") publicly announced that they were under contract with salesforce.com to purchase Blocks 29 to 32 in the Project Area for the development of an arena, office and retail uses ("Warriors' Project"). Previously, the Warriors had explored constructing the arena and associated uses on Piers 30 and 32 and Seawall Lot 330, which are outside of any redevelopment project area; and
- WHEREAS, On April 29, 2014, OCII staff presented, at a special meeting, an informational item to the Successor Agency Commission about the Warriors' Project and described the approval process for the project; and
- WHEREAS, To date, the Successor Agency has not taken any action or made any decisions regarding the Warriors' Project; and
- WHEREAS, The Successor Agency's Personnel Policy, Section IX, H, prohibits a former Commissioner from acting on behalf of anyone other than the Successor Agency on a matter in which the Successor Agency has a direct and substantial interest and in which the former Commissioner personally and substantially participated

as a Commissioner, unless the Agency gives its consent. Accordingly, this policy would preclude, absent Successor Agency consent, Mr. Ellington from representing GSW on matters involving development in Mission Bay South under the OPA, given his prior involvement in OPA matters as a Commissioner; and

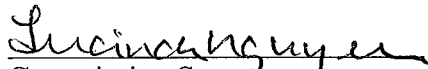
WHEREAS, The Successor Agency's Personnel Policy, Section IX, H, prohibits a former Commissioner, for a period of two years after departure from the Commission, from appearing before the Successor Agency Commission for any purpose except to represent himself, herself or the Agency. This two year ban on appearance is not subject to waiver under the Personnel Policy; and

WHEREAS, Mr. Ellington has requested that the Successor Agency consider granting approval under the Personnel Policy to allow him to represent GSW in its activities to obtain approval of the Warriors' Project in the Mission Bay South Redevelopment Project Area under the OPA; and

WHEREAS, Given that Mr. Ellington, as a Successor Agency Commissioner, participated only in an informational workshop on the Warriors' Project and resigned before the Successor Agency has taken any actions or made any decisions about the Warriors' Project, staff does not believe that there is a conflict of interest that could adversely OCII; and now, therefore, be it

RESOLVED, That the OCII Commission consents, under Section IX, H of the Successor Agency's Personnel Policy, to Mr. Theodore Ellington's work on behalf of the Golden State Warriors in seeking approval of the Warriors' Project in the Project Area under the Mission Bay OPA, subject to the existing prohibition of appearing before the OCII Commission for a period of two years following his resignation from the Commission except to the extent that he is representing himself or OCII in making an appearance.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of August 19, 2014.


Commission Secretary

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Tiffany Bohee, Executive Director

SUBJECT: Consenting to Former Successor Agency Commissioner Theodore Ellington's Work with the Golden State Warriors regarding the Development of an Arena and Event Center under The Mission Bay South Owner Participation Agreement; Mission Bay South Redevelopment Project Area

EXECUTIVE SUMMARY

Mr. Theodore Ellington served as a Successor Agency Commissioner from December 2012 until July 3, 2014. During his tenure, Mr. Ellington participated in decisions regarding development in the Mission Bay South Redevelopment Project Area under the Owner Participation Agreement between the Successor Agency and the Master Developer, FOCIL-MB, LLC ("OPA"). The Golden State Warriors have acquired real property in the Project Area that is subject to the OPA and have stated their intent to seek Agency Commission approval for the development of an arena, office and retail uses ("Warriors' Project") at the site. Under the Agency's duty of loyalty, a former commissioner is required to obtain the Agency's consent to work on a matter in which the Successor Agency has a direct and substantial interest and in which the former commissioner participated personally and substantially. Mr. Ellington has requested that the Successor Agency consent to his work on behalf of the Golden State Warriors in approving, under the OPA, the Warriors' Project, which has not yet been subject to review and approval by the Successor Agency.

Staff recommends that the Commission consent to Mr. Ellington's work for the Golden State Warriors.

DISCUSSION

All commissioners and employees of the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, also known as the Office of Community Investment and Infrastructure, ("Successor Agency" or "OCII") are subject to a permanent ban on certain types of post-service activities and a two-year ban on lobbying the Commission. Under Section IX.H. of the Successor Agency Personnel Policy, OCII Commissioners, employees, and consultants are permanently banned from representing any person -- other than the Successor Agency -- in connection with a "particular matter" if 1) the Agency is a party or has a "direct and substantial interest" in the same "matter;" and 2) the commissioner, employee, or consultant "participated personally and substantially" as an Agency commissioner, employee, or consultant in the matter.

The Agency Policy defines “participation” as including, but not limited to, involvement in “decisions, recommendations, advice, and investigations.” The Agency Commission may waive this permanent ban on certain post-service activities. Although the Agency Policy does not establish a standard for waiving the permanent ban, the former Redevelopment Commission granted waivers of this permanent ban where they would not create the potential for undue influence or unfair advantage. In addition to the permanent ban, Agency Commissioners and employees are prohibited for two years after terminating their Agency service from “appear[ing] before the Agency Commission for any purpose except to represent himself, herself, or the Agency.” Agency Personnel Policy, Section IX.H.2. This two year ban on lobbying is not subject to a waiver.

The Mission Bay South OPA establishes a comprehensive regulatory framework for the review and approval of development projects. The OPA applies to the original Master Developer and to subsequent purchasers of property and is assigned to new owners through an Assignment, Assumption, and Release Agreement. The OPA requires, among other things, that the developer to submit its overall plans for development in “Major Phases” of one or more land use blocks. The OCII Commission approves each Major Phase and Combined Basic Concept and Schematic Design (“Schematic Design”) applications for individual development projects within a Major Phase.

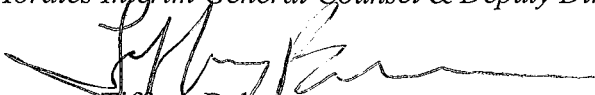
The Golden State Warriors (“GSW”) intend to develop Blocks 29 - 32 in Mission Bay South with an arena, offices, and retail uses. The blocks are privately owned parcels subject to the South Plan, OPA, Design for Development, and other associated documents. The approval process for the Warriors Project will generally follow the standard Mission Bay process and will include Commission approval of a new Major Phase to identify the location of specific uses and massing, Combined Basic Concept and Schematic Designs (“Schematic Designs”) for each building and private open spaces, and other actions.

Mr. Theodore Ellington served as an OCII Commissioner from December 2012 until July 3, 2014, when he resigned. During his tenure as an OCII Commissioner, Mr. Ellington participated in several Commission decisions involving projects subject to the Mission Bay South OPA, including Major Phase approvals, Schematic Designs, bond financings, OPA amendments, and a redevelopment plan amendment. On April 29, 2014, OCII presented, at a special meeting, an informational item to the Successor Agency Commission about the Warriors’ Project and described the approval process for the project. To date, OCII has not taken any action or made any decisions regarding the Warriors’ Project.

Mr. Ellington has requested, under the OCII Personnel Policy, that the OCII Commission consent to his work in representing GSW in its activities to obtain approval of the Warriors’ Project in the Mission Bay South Redevelopment Project Area under the OPA. Mr. Ellington, as an OCII Commissioner, participated only in an informational workshop on the Warriors’ Project and resigned before the Successor Agency took any actions or made any decisions about the Warriors’ Project. In light of the limited involvement of the Commission to date in the Warriors’ Project, staff does not believe that Mr. Ellington’s work on behalf of GSW will provide an undue influence to GSW or pose a conflict of interest that could adversely OCII, particularly in light of

the Agency Policy that is not subject to waiver and that bars Mr. Ellington from lobbying the Commission for the next two years.

(Originated by James Morales Interim General Counsel & Deputy Director)

A handwritten signature in black ink, appearing to read 'Tiffany Bohee', written over a horizontal line.

Tiffany Bohee
Executive Director