



November 12, 2015

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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[www.sfocii.org](http://www.sfocii.org)

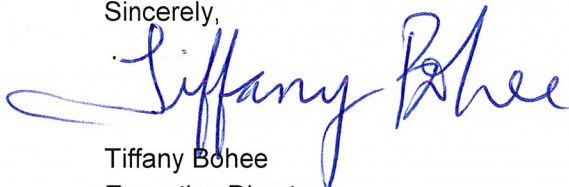
California Public Resources Code section 21183. CCII created this process with the specific goal of ensuring an increased level of public participation with respect to the substance and contents of Final EIRs for Environmental Leadership Projects.

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,



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

BOARD of SUPERVISORS



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November 10, 2015

*Via Email and U.S Mail*

Tiffany Bohee  
Executive Director  
Office of Community Investment and Infrastructure  
1 South Van Ness Street, 5<sup>th</sup> Floor  
San Francisco CA 94103

Re: Golden State Warriors Appeal Procedures

Dear Ms. Bohee:

The appeal procedures for the Board of Supervisors to address appeals in accordance with the Commission on Community Investment and Infrastructure's (CCII) Resolution No. 33-2015 has been posted on the Board of Supervisors' website. A copy of those appeal procedures are attached for your reference. Appeal Procedure (7), as identified in CCII's Resolution, states: "the OCII Executive Director must otherwise assist the Clerk of the Board in accordance with any procedures established by the Clerk of the Board for such appeals." Consequently, we would like to know if there is any additional information that we should make available to the public and Board members regarding the appeal procedures that are not identified in the document we have posted; in particular, we are interested in what the potential outcomes could be from a potential appeal.

Sincerely,

A handwritten signature in blue ink that reads "Alisa Somera".

Alisa Somera  
Acting, Legislative Deputy

A handwritten signature in blue ink that reads "for Angela Calvillo".

Angela Calvillo  
Clerk of the Board of Supervisors

(Attachment)

c: 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