

SUCCESSOR AGENCY TO THE FORMER DALY CITY REDEVELOPMENT AGENCY

SPECIAL MEETING

City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

MONDAY - MAY 23, 2016 - 7:00 P.M.

For those wishing to address the Agency Board on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should notify the Office of the City Clerk at 991-8078 as early as possible.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

1. Meeting of January 11, 2016

CONSENT:

10. Resolution Authorizing the Acceptance of Funds From the City of Daly City for Legal Expenses and the Execution of a Funding Agreement
11. Resolution Conveying Certain Real Property to the City of Daly City.
12. Resolution of the Governing Board of the Successor Agency to the Daly City Redevelopment Agency Approving an Amendment to the Long-Range Property Management Plan, and Approving the Conveyance of Certain Real Property to the City of Daly City

PUBLIC APPEARANCES - ORAL COMMUNICATIONS:

NOTE: Speakers are limited to two minutes, unless modified by the Chair.
The Board cannot take action on any matter raised under this item

ADJOURNMENT:

AVAILABILITY OF PUBLIC RECORDS:

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body

Successor Agency to the Former Daly City Redevelopment Agency
Minutes-Special Meeting
January 11, 2016

The meeting was called to order at 7:51 P.M. by Chairperson Buenaventura.

Board members Present:
Raymond A. Buenaventura, Chairperson
Judith Christensen
David J. Canepa
Michael P. Guingona

Staff Present:
Patricia E. Martel, City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

Absent:
Sal Torres, Vice-Chairperson

MINUTES:

Special Meeting of April 13, 2015

It was moved by Boardmember Canepa, seconded by Boardmember Christensen and carried to approve the Special Meeting minutes of April 13, 2015.

CHANGE OF OFFICERS:

The Mayor of the City of Daly City is hereby designated as Chairperson and the Vice-Mayor is hereby designated as Vice-Chairperson.

The meeting was adjourned at 7:52 P.M.

Approved this _____ 23rd _____ day
of _____ May _____, 2016

Chairperson

City Clerk

Successor Agency to the Daly City Redevelopment Agency Agenda Report

Item # 10

Meeting Date: May 23, 2016

Subject: Resolution of the Successor Agency to the Daly City Redevelopment Agency Authorizing the Acceptance of Funds from the City of Daly City for Legal Expenses and the Execution of a Funding Agreement

RECOMMENDATION

It is recommended that the Governing Board of the Successor Agency to the Daly City Redevelopment Agency (“Successor Agency”) adopt the attached resolution authorizing the Successor Agency to accept funds from the City of Daly City (“City”) for legal expenses and to execute a Funding Agreement.

EXECUTIVE SUMMARY

Assembly Bill 1484 provides that sponsoring jurisdictions may provide funds to successor agencies for payment of legal expenses related to civil actions relating to the Dissolution Act. These funds may be repaid as an enforceable obligation if the successor agency prevails in the litigation; otherwise they are considered a grant. The Governing Board is asked to approve the Successor Agency’s acceptance of funds for legal expenses from the City, and the execution of a Funding Agreement that provides for repayment of the funds in accordance with the Dissolution Act if the Successor Agency prevails in the litigation.

BACKGROUND AND ANALYSIS

Pursuant to Health and Safety Code Section 34171(d)(1)(F), the City is authorized to provide funds to the Successor Agency for payment of legal expenses related to civil actions relating to the Dissolution Law. Health and Safety Code Section 34171(d)(1)(F) further provides that if the Successor Agency obtains a final judicial determination granting the requested relief, the funds provided by the City will be deemed an enforceable obligation that may be repaid, but if the litigation is unsuccessful, the City funds will be considered a grant and not eligible for repayment.

The Successor Agency has incurred, and will incur, legal expenses related to a civil action initiated by the Successor Agency contesting the interpretation and application of the Dissolution Law with respect to the reinstatement and repayment of loans provided by the City to the former Daly City Redevelopment Agency. A hearing on this matter (Case No. 34-2015-80002205) is scheduled for June 10, 2016 in Sacramento Superior Court.

Resolution of the Successor Agency to the Daly City Redevelopment Agency Authorizing the Acceptance of Funds from the City of Daly City for Legal Expenses and the Execution of a Funding Agreement

Meeting Date: May 23, 2016

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The Successor Agency has insufficient funds available to pay the legal expenses associated with the litigation. The City has agreed to advance the funds pursuant to a Funding Agreement that provides for repayment consistent with the requirements of the Dissolution Law if the litigation is successful.

The Governing Board is asked to approve the Successor's Agency's acceptance of funds from the City for litigation expenses, and the execution of a Funding Agreement substantially in the form attached to this Staff Report.

RECOMMENDATION

Staff recommends that the Governing Board approve the attached Resolution which approves the Successor's Agency's acceptance of funds from the City for litigation expenses, and the execution of a Funding Agreement substantially in the form attached to this Staff Report.

Respectfully submitted,



Rose Zimmerman

City Attorney

Attachments:

- Resolution Authorizing Acceptance of Funds from the City of Daly City for Legal Expenses and the Execution of a Funding Agreement
- Form of Funding Agreement

RESOLUTION NO.

**RESOLUTION OF THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO
THE DALY CITY REDEVELOPMENT AGENCY AUTHORIZING THE
ACCEPTANCE OF FUNDS FROM THE CITY OF DALY CITY FOR LEGAL
EXPENSES**

WHEREAS, Health and Safety Code Section 34171(d)(1)(F) authorizes the city that formed a redevelopment agency (“Sponsoring Jurisdiction”) to provide funds to the successor agency to the dissolved redevelopment agency for payment of legal expenses related to civil actions initiated by the successor agency, including writ proceedings, challenging the validity of Parts 1.8 and 1.85 of Division 24 of the Health and Safety Code (the “Dissolution Law”) or actions taken pursuant thereto; and

WHEREAS, Health and Safety Code Section 34171(d)(1)(F) further provides that if the successor agency obtains a final judicial determination granting the requested relief, the funds provided by the Sponsoring Jurisdiction shall be deemed an enforceable obligation that may be repaid in accordance with the terms set forth in Health and Safety Code Section 34173(h), but if the successor agency does not receive such determination, the funds shall be considered a grant and not eligible for repayment; and

WHEREAS, Health and Safety Code Section 34173(h) provides that with respect to the repayment of funds provided by a Sponsoring Jurisdiction to a successor agency: (i) interest shall be calculated on a fixed annual simple basis at a rate not to exceed the most recently published interest rate earned by funds deposited into the Local Agency Investment Fund during the previous fiscal quarter, (ii) repayments shall be applied first to principal and then to interest, and (iii) repayment shall be subordinate to other enforceable obligations approved on the successor agency’s Recognized Obligation Payment Schedule (“ROPS”); and

WHEREAS, the Successor Agency to the Daly City Redevelopment Agency (the “Successor Agency”) has incurred, and will incur, legal expenses related to a civil action initiated by the Successor Agency contesting the interpretation and application of the Dissolution Law with respect to the reinstatement and repayment of loans provided by the City of Daly City (the “City”) to the former Daly City Redevelopment Agency (the “Redevelopment Agency”); and

WHEREAS, the Successor Agency has insufficient funds available to pay such legal expenses; and

WHEREAS, the City Council of the City of Daly City has authorized the provision of funds to the Successor Agency on the terms and conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Successor Agency to the Daly City Redevelopment Agency as follows:

1. The Successor Agency hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the Successor Agency's adoption of this Resolution.

2. Subject to approval by the Oversight Board and the Department of Finance, the Successor Agency hereby approves the acceptance of funds from the City in an amount up to a maximum of _____ Dollars (\$_____), in accordance with the following terms: (i) the funds shall be used to pay legal expenses incurred in connection with litigation initiated by the Successor Agency contesting the interpretation and application of the Dissolution Law with respect to the reinstatement and repayment of loans provided by the City to the former Redevelopment Agency; and (ii) if the Successor Agency receives a final judicial determination granting the Successor Agency's requested relief, the funds shall be treated as a loan which shall be listed as an enforceable obligations on the Successor Agency's ROPS, and shall be repaid in accordance with the terms set forth in Health and Safety Code Section 34173(h).

3. Subject to approval by the Oversight Board and the Department of Finance, the Successor Agency Executive Director and her designees are hereby authorized and directed to execute such instruments and to take such actions as necessary to effectuate the intent of this Resolution, including without limitation the execution of a funding agreement consistent with the terms of this Resolution, and if applicable, the placement of the funding agreement on the ROPS for repayment.

* * * * *

I hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board of the Successor Agency to the Daly City Redevelopment Agency at a meeting held on the _____ day of _____, 2016 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST: _____
Secretary

FUNDING AGREEMENT

THIS FUNDING AGREEMENT (this “**Agreement**”) is entered into effective as of _____, 2016 (“**Effective Date**”) by and between the Successor Agency to the Daly City Redevelopment Agency (the “**Successor Agency**”) and the City of Daly City, a municipal corporation (the “**City**”).

RECITALS

WHEREAS, pursuant to Resolution No. 2012-__ adopted by the City Council of the City of Daly City, the City agreed to serve as the successor to the Daly City Redevelopment Agency (“**Redevelopment Agency**”) commencing upon dissolution of the Redevelopment Agency on February 1, 2012 pursuant to Assembly Bill x1 26 (“AB 26”); and

WHEREAS, Health and Safety Code Section 34171(d) (1) (F) authorizes the city that formed a redevelopment agency (“**Sponsoring Jurisdiction**”) to provide funds to the successor agency to the dissolved redevelopment agency for payment of legal expenses related to civil actions initiated by the successor agency, including writ proceedings, challenging the validity of Parts 1.8 and 1.85 of Division 24 of the Health and Safety Code (the “**Dissolution Law**”) or actions taken pursuant thereto; and

WHEREAS, Health and Safety Code Section 34171(d)(1)(F) further provides that if the successor agency obtains a final judicial determination granting the requested relief, the funds provided by the Sponsoring Jurisdiction shall be deemed an enforceable obligation that may be repaid in accordance with the terms set forth in Health and Safety Code Section 34173(h), but if the successor agency does not receive such determination, the funds shall be considered a grant and not eligible for repayment; and

WHEREAS, Health and Safety Code Section 34173(h) provides that with respect to the repayment of funds provided by a Sponsoring Jurisdiction to a successor agency: (i) interest shall be calculated on a fixed annual simple basis at a rate not to exceed the most recently published interest rate earned by funds deposited into the Local Agency Investment Fund during the previous fiscal quarter, (ii) repayments shall be applied first to principal and then to interest, and (iii) repayment shall be subordinate to other enforceable obligations approved on the successor agency’s Recognized Obligation Payment Schedule (“**ROPS**”); and

WHEREAS, the Successor Agency has incurred, and will incur, legal expenses related to a civil action initiated by the Successor Agency contesting the interpretation and application of the Dissolution Law with respect to the reinstatement and repayment of loans provided by the City to the Redevelopment Agency; and

WHEREAS, the Successor Agency has insufficient funds available to pay such legal expenses; and

WHEREAS, the City Council of the City of Daly City has authorized the provision of funds to the Successor Agency on the terms and conditions set forth in this Agreement, and the Governing Board of the Successor Agency has authorized the acceptance of such funds; and

WHEREAS, by Resolution adopted on May _____, 2016, the Oversight Board to the Successor Agency approved the Successor Agency's acceptance of the Funds, the execution of this Agreement, and if applicable, the listing of this Agreement and the repayment of the Funds on the Successor Agency's ROPS.

NOW, THEREFORE, the Successor Agency and the City agree as follows:

1. Agreement to Provide Funds. The City agrees to provide funds to the Successor Agency in an amount up to _____ Dollars (\$_____) (the "**Funds**") upon the terms and conditions and for the purposes set forth in this Agreement.
2. Repayment. If the Successor Agency obtains a final judicial determination granting the requested relief, the Successor Agency's obligation to repay the Funds advanced by the City pursuant to this Agreement shall be deemed an enforceable obligation that shall be repaid in accordance with the terms set forth in Health and Safety Code Section 34173(h); provided however, if the Successor Agency does not receive such determination, the Funds shall be considered a grant and not eligible for repayment.
3. Interest Rate. If the Successor Agency's obligation to repay the Funds has been deemed an enforceable obligation pursuant to Health and Safety Code Section 34171(d)(1)(F) because the Successor Agency has received a final judicial determination granting the Successor Agency's requested relief, interest shall accrue on the outstanding balance of the Funds advanced by the City on a fixed annual simple basis at a rate equal to the most recently published interest rate earned by funds deposited into the Local Agency Investment Fund during the fiscal quarter immediately preceding the date of disbursement, commencing upon the date of disbursement of the Funds and continuing until the Funds are repaid in full, (ii) repayments shall be applied first to the outstanding principal balance and then to accrued interest, and (iii) repayment of the Funds shall be subordinate to other enforceable obligations and expenses approved on the Successor Agency's ROPS, including without limitation, the Successor Agency's administrative allowance.
4. Use of Proceeds. The Funds shall be used solely to cover Successor Agency legal expenses relating to litigation filed by the Successor Agency contesting the interpretation and application of the Dissolution Law with respect to the reinstatement and repayment of loans provided by the City to the Redevelopment Agency, and the defense or prosecution of any appeal filed in connection with such matter.

5. Parties Not Co-Venturers. Nothing in this Agreement is intended to or shall establish the parties as partners, co-venturers, or principal and agent with one another.

6. Amendments. No amendment to or modification of this Agreement shall be effective unless and until such amendment or modification is in writing, properly approved in accordance with applicable procedures, and executed by the parties.

7. Non-Liability of Officials, Employees and Agents. No member, official, employee or agent of the Successor Agency shall be personally liable to City in the event of any default or breach by the Successor Agency, or for any amount of money which may become due to City, or for any obligation of Successor Agency under this Agreement.

8. No Third Party Beneficiaries. There shall be no third party beneficiaries to this Agreement.

9. Captions. The headings of the sections and paragraphs of this Agreement have been inserted for convenience only and shall not be used to construe this Agreement.

10. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

11. Severability. If any term of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the parties are materially altered or abridged by such invalidation, voiding or unenforceability.

12. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior oral or written agreements between the parties with respect thereto.

SIGNATURES ON FOLLOWING PAGE.

IN WITNESS WHEREOF, the City and the Successor Agency have executed this Funding Agreement as of the date first written above.

SUCCESSOR AGENCY TO THE DALY CITY REDEVELOPMENT AGENCY

By: _____
Executive Director

Approved as to form:

Successor Agency Counsel

CITY OF DALY CITY

By: _____
City Manager

Approved as to form:

City Attorney

Successor Agency to the Daly City Redevelopment Agency Agenda Report

Item # 11

Meeting Date: May 23, 2016

Subject: Resolution of the Successor Agency to the Daly City Redevelopment Agency Approving the Conveyance of Certain Real Property from the Successor Agency to the City of Daly City and Authorizing Execution of Compensation Agreements with Affected Taxing Entities

RECOMMENDATION

It is recommended that the Successor Agency to the Daly City Redevelopment Agency adopt the attached resolution approving the conveyance of certain real property from the Successor Agency to the City of Daly City and authorizing execution of Compensation Agreements with the affected taxing entities.

EXECUTIVE SUMMARY

Assembly Bill 1484 provides that once a successor agency receives a finding of completion, it may prepare a Long-Range Property Management Plan (“LRPMP”) addressing the disposition and retention of the successor agency’s real property assets. The Successor Agency to the Daly City Redevelopment Agency (“Successor Agency”) is asked to approve the conveyance of certain Governmental Use and Future Development Parcels to the City of Daly City from the in accordance with the approved LRPMP, and the execution of compensation agreements with affected taxing entities consistent with the LRPMP.

BACKGROUND AND ANALYSIS

Health and Safety Code Section 34191.5 provides that once a successor agency receives a finding of completion, it may prepare an LRPMP addressing the disposition and retention of the successor agency’s real property assets. .

Pursuant to Health and Safety Code Section 34191.3, if DOF has approved a successor agency’s LRPMP prior to January 1, 2016, the successor agency may amend its plan one time to allow for retention of property that constitutes “parking facilities and lots dedicated solely to public parking” for governmental use pursuant to Health and Safety Code Section 34181. Pursuant to Health and Safety Code Sections 34181(a) and 34191.3, in order to qualify as a parking lot “dedicated solely to public parking,” the revenue generated by the parking lot may not exceed reasonable costs of maintenance.

The Corporation Yard Parking Lot (San Mateo County Assessor’s Parcel No. 002-342-250) (the “**Corporation Yard Parking Lot**”) is located behind the City’s Corporation Yard at 798 Niantic Avenue and provides public parking serving the City’s Corporation Yard. No revenue is generated by this property, therefore the property qualifies as a parking lot “dedicated solely to public parking.” The Successor Agency has prepared a proposed amendment to the LRPMP to

provide for the conveyance of the Corporation Yard Parking Lot to the City for continued governmental use.

The previously-approved LRPMP provides for the conveyance of four (4) properties to the City for continued governmental use (the “**Governmental Use Properties**”). The Governmental Use Properties are described in Exhibit A to the attached Resolution and include the “Pentagon” parking lots and the Lawson Hall community center. In addition, the previously-approved LRPMP provides for the conveyance of four (4) properties to the City for future development consistent with community plans (the “**Future Development Properties**”). These properties are described in Exhibit B to the attached Resolution and include the Abbot Apartments, the Pacific Plaza office site, the Pacific Plaza hotel site, and the Landmark Phase II mixed use site. The LRPMP provides that the City will enter into compensation agreements with the affected taxing entities to address the distribution of the net proceeds of the sale of the Future Development Properties to the taxing entities on a pro rata basis in accordance with each taxing entity’s share of the tax base.

The City Council is asked to approve (1) the acceptance of the Governmental Use Properties, the Future Development Properties, and the Corporation Yard Parking Lot from the Successor Agency in accordance with the previously-approved LRPMP, and subject to DOF approval, in accordance with the LRPMP amendment, and (2) the execution of compensation agreements with affected taxing entities substantially in the form attached to this staff report.

SUMMARY/CONCLUSION

Staff recommends that the Successor Agency approve the attached Resolution which approves: (i) the acceptance of the Governmental Use Properties and the Corporation Yard Parking Lot for continued governmental use, (ii) the acceptance of the Future Development Properties for future development consistent with community plans, and (iii) the execution of compensation agreements with affected taxing entities substantially in the form attached to this staff report.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Rose Zimmerman
City Attorney



Tatum Mothershead
Director of Economic and Community Development

Successor Agency to the Daly City Redevelopment Agency Agenda Report

Item # 12

Meeting Date: May 23, 2016

Subject: Resolution of the Governing Board of the Successor Agency to the Daly City Redevelopment Agency Approving an Amendment to the Long-Range Property Management Plan, and Approving the Conveyance of Certain Real Property to the City of Daly City

RECOMMENDATION

It is recommended that the Governing Board of the Successor Agency to the Daly City Redevelopment Agency (“**Successor Agency**”) adopt the attached resolution approving an amendment to the Long-Range Property Management Plan, and approving the conveyance of certain real property to the City of Daly City.

EXECUTIVE SUMMARY

Assembly Bill 1484 provides that once a successor agency receives a finding of completion, it may prepare a Long-Range Property Management Plan (“**LRPMP**”) addressing the disposition and retention of the successor agency’s real property assets. The Oversight Board to the Successor Agency (“**Oversight Board**”) and the Department of Finance previously approved the LRPMP prepared by the Successor Agency. The Successor Agency Governing Board is asked to approve (1) an amendment to the LRPMP that provides for the conveyance of the Corporation Yard Parking Lot to the City of Daly City (“**City**”) for continued use as a public parking lot, and (2) the conveyance of Governmental Use and Future Development Parcels to the City in accordance with the approved LRPMP.

BACKGROUND AND ANALYSIS

Health and Safety Code Section 34191.5 provides that once a successor agency receives a finding of completion, it may prepare an LRPMP addressing the disposition and retention of the successor agency’s real property assets. The Successor Agency received a Finding of Completion and the Oversight Board and the Department of Finance (“**DOF**”) approved the LRPMP prepared by the Successor Agency in December 2015.

Pursuant to Health and Safety Code Section 34191.3, if DOF has approved a successor agency’s LRPMP prior to January 1, 2016, the successor agency may amend its plan one time to allow for retention of property that constitutes “parking facilities and lots dedicated solely to public parking” for governmental use pursuant to Health and Safety Code Section 34181. Pursuant to Health and Safety Code Sections 34181(a) and 34191.3, in order to qualify as a parking lot “dedicated solely to public parking,” the revenue generated by the parking lot may not exceed reasonable costs of maintenance.

Successor Agency to the Daly City Redevelopment Agency Agenda Report

Error! Reference source not found.Daly City

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The Corporation Yard Parking Lot (San Mateo County Assessor's Parcel No. 002-342-250) (the "**Corporation Yard Parking Lot**") is located behind the City's Corporation Yard at 798 Niantic Avenue and provides public parking serving the City's Corporation Yard. No revenue is generated by this property, therefore the property qualifies as a parking lot "dedicated solely to public parking." The Successor Agency has prepared a proposed amendment to the LRPMP to provide for the conveyance of the Corporation Yard Parking Lot to the City for continued governmental use.

The previously-approved LRPMP provides for the conveyance of four (4) properties to the City for continued governmental use (the "**Governmental Use Properties**"). The Governmental Use Properties are described in Exhibit A to the attached Resolution and include the "Pentagon" parking lots and the Lawson Hall community center. In addition, the previously-approved LRPMP provides for the conveyance of four (4) properties to the City for future development consistent with community plans (the "**Future Development Properties**"). These properties are described in Exhibit B to the attached Resolution and include the Abbot Apartments, the Pacific Plaza office site, the Pacific Plaza hotel site, and the Landmark Phase II mixed use site. In accordance with the LRPMP, the City will enter into compensation agreements with the affected taxing entities to provide for distribution of the net proceeds of the sale of the Future Development Properties to the taxing entities on a pro rata basis in accordance with each taxing entity's share of the tax base.

The Governing Board is asked to approve (1) an amendment to the LRPMP that provides for the conveyance of the Corporation Yard Parking Lot to the City for continued use as a public parking lot; and (2) the conveyance of the Governmental Use Properties and the Future Development Properties to the City in accordance with the previously-approved LRPMP, and subject to DOF approval, in accordance with the LRPMP amendment.

RECOMMENDATION

Staff recommends that the Governing Board approve the attached Resolution which approves: (i) the amendment to the Long-Range Property Management Plan to provide for the transfer of the Corporation Yard Parking Lot to the City; (ii) the retention and transfer of the Corporation Yard Parking Lot to the City for continued governmental use once DOF approves the amendment to the LRPMP; (iii) the conveyance of the Governmental Use Properties to the City for continued governmental use, and (iv) the conveyance of the Future Development Properties to the City for future development consistent with community plans.

Successor Agency to the Daly City Redevelopment Agency Agenda Report

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Respectfully submitted,



Rose Zimmerman
City Attorney



Tatum Mothershead
Director of Economic and Community Development

Attachments:

- Resolution Approving an Amendment to the Long-Range Property Management Plan and Approving the Conveyance of Certain Real Property to the City of Daly City

RESOLUTION No. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER DALY CITY
REDEVELOPMENT AGENCY APPROVING AMENDMENT TO THE LONG RANGE
PROPERTY MANAGEMENT PLAN FOR THE FORMER DALY CITY REDEVELOPMENT
PROPERTIES PURSUANT
TO CALIFORNIA HEALTH & SAFETY CODE SECTION 34191.5

WHEREAS, pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231 (2011)), on January 23, 2012, all assets, properties, contracts, leases, books and records, building, and equipment of the former Daly City Redevelopment Agency (the "Agency") transferred to the control of the Successor Agency to the Agency (the "Successor Agency") by operation of law; and

WHEREAS, Pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must prepare a long-range property management plan which addresses the disposition and use of the real properties of the former Agency, and which must be submitted to the Oversight Board of the Successor Agency (the "Oversight Board") and the Department of Finance (the "DOF") for approval no later than six months following the issuance by DOF to the Successor Agency of a finding of completion pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, the Successor Agency received a Finding of Completion and the Oversight Board and the Department of Finance ("DOF") approved the LRPMP prepared by the Successor Agency in December 2015., and

WHEREAS, Pursuant to Health and Safety Code Section 34191.3, if DOF has approved a successor agency's LRPMP prior to January 1, 2016, the successor agency may amend its plan one time to allow for retention of property that constitutes "parking facilities and lots dedicated solely to public parking" for governmental use pursuant to Health and Safety Code Section 34181. Pursuant to Health and Safety Code Sections 34181(a) and 34191.3, in order to qualify as a parking lot "dedicated solely to public parking," the revenue generated by the parking lot may not exceed reasonable costs of maintenance; and

WHEREAS, The Corporation Yard Parking Lot (San Mateo County Assessor's Parcel No. 002-342-250) (the "**Corporation Yard Parking Lot**") is located behind the City's Corporation Yard at 798 Niantic Avenue and provides public parking serving the City's Corporation Yard. No revenue is generated by this property, therefore the property qualifies as a parking lot "dedicated solely to public parking." The Successor Agency has prepared a proposed amendment to the LRPMP to provide for the conveyance of the Corporation Yard Parking Lot to the City for continued governmental use; and

WHEREAS, the previously-approved LRPMP provides for the conveyance of four (4) properties to the City for continued governmental use (the "**Governmental Use**")

Properties”). The Governmental Use Properties are described in Exhibit A to the attached Resolution and include the “Pentagon” parking lots and the Lawson Hall community center. In addition, the previously-approved LRPMP provides for the conveyance of four (4) properties to the City for future development consistent with community plans (the “**Future Development Properties**”). These properties are described in Exhibit B to the attached Resolution and include the Abbot Apartments, the Pacific Plaza office site, the Pacific Plaza hotel site, and the Landmark Phase II mixed use site. In accordance with the LRPMP, the City will enter into compensation agreements with the affected taxing entities to provide for distribution of the net proceeds of the sale of the Future Development Properties to the taxing entities on a pro rata basis in accordance with each taxing entity’s share of the tax base; and

WHEREAS, Staff recommends that the Successor Agency approve the following: (1) an amendment to the LRPMP that provides for the conveyance of the Corporation Yard Parking Lot to the City for continued use as a public parking lot; and (2) the conveyance of the Governmental Use Properties and the Future Development Properties to the City in accordance with the previously-approved LRPMP, and subject to DOF approval, in accordance with the LRPMP amendment

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), and the activity proposed is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, as this is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency to the former Daly City Redevelopment Agency does hereby resolve as follows:

1. The above recitals are true and correct and are a substantive part of this Resolution.
2. The Successor Agency hereby approves amendment to the LRPMP to provide for the transfer of the Corporation Yard Parking Lot to the City;
3. The Successor Agency hereby approves the retention and transfer of the Corporation Yard Parking Lot to the City for continued governmental use once DOF approves the amendment to the LRPMP;
4. The Successor Agency hereby approves the conveyance of the Governmental Use Properties to the City for continued governmental use;
5. The Successor Agency hereby approves the conveyance of the Future Development Properties to the City for future development consistent with community plans.
6. Pursuant to Health and Safety Code Section 34180(j), staff of the Successor Agency is hereby authorized and directed to transmit the LRPMP to the Oversight Board, the County Administrative Officer, the County Auditor-Controller, and DOF.
7. The staff and the Successor Agency are hereby authorized and directed to do any and all things which they may deem necessary of advisable to effectuate this Resolution and any such actions previously taken are hereby ratified.

8. The Successor Agency determines that the activity approved by this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Successor Agency of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2016, by the following vote of the members thereof:

AYES, and in favor thereof: _____

NOES: _____

ABSENT: _____

SECRETARY OF THE SUCCESSOR AGENCY OF
DALY CITY

APPROVED:

CHAIRPERSON OF THE SUCCESSOR AGENCY
OF DALY CITY

RESOLUTION NO. ____

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DALY CITY
REDEVELOPMENT AGENCY APPROVING THE CONVEYANCE OF CERTAIN
REAL PROPERTY TO THE CITY OF DALY CITY**

WHEREAS, pursuant to Resolution No. ____, adopted by the City Council of the City of Daly City on January ____, 2012, the City of Daly City (the “**City**”) agreed to serve as the successor agency to the Redevelopment Agency of the City of Daly City (“**Successor Agency**”) commencing upon dissolution of the Redevelopment Agency on February 1, 2012;

WHEREAS, upon obtaining a Finding of Completion pursuant to Health and Safety Code Section 34191.5, successor agencies are permitted to prepare a Long Range Property Management Plan that addresses the disposition and retention of the successor agency’s real property assets (the “**LRPMP**”);

WHEREAS, the Successor Agency prepared, and the Oversight Board and the Department of Finance have both approved, the Successor Agency’s LRPMP;

WHEREAS, the Successor Agency prepared, and the Oversight Board has approved, an amendment to the LRPMP (“**LRPMP Amendment**”) that provides for the conveyance of the Corporation Yard Parking Lot (San Mateo County Assessor’s Parcel No. [REDACTED]) (the “**Corporation Yard Parking Lot**”) to the City for continued use as a public parking lot;

WHEREAS, the approved LRPMP provides for the conveyance of the parcels described in the attached Exhibit A (the “**Governmental Use Parcels**”) to the City for continued use for governmental purposes;

WHEREAS, the approved LRPMP provides for the Successor Agency to retain the parcel identified in the attached Exhibit B as the “Abbot Apartments” (the “**Apartment Parcel**”) for fulfillment of an enforceable obligation, and thereafter to convey such parcel to the City for future development consistent with community plans;

WHEREAS, the approved LRPMP provides for the conveyance of the remaining parcels described in the attached Exhibit B (the “**Future Development Parcels**”) to the City for future development consistent with community plans; and

WHEREAS, the approved LRPMP provides that in connection with the City’s future disposition of the Apartment Parcel and the Future Development Parcels, the City will enter into a compensation agreement with the affected taxing entities to address distribution of sale proceeds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Successor Agency to the Daly City Redevelopment Agency hereby:

1. Finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the Governing Board's adoption of this Resolution.

2. In accordance with, and to implement the approved LRPMP, approves the conveyance of the Governmental Use Parcels to the City for continued governmental uses.

3. Approves the LRPMP amendment, and subject to approval by the Department of Finance, approves the conveyance of the Corporation Yard Parking Lot to the City for continued governmental use as a public parking lot in accordance with the LRPMP Amendment.

4. In accordance with, and to implement the approved LRPMP, approves the conveyance of the Apartment Parcel and the Future Development Parcels to the City for future development consistent with community plans.

5. Authorizes and directs the Executive Director and her designees to execute such instruments and to take such actions as necessary to effectuate the intent of this Resolution, including without limitation, the execution and recordation of such grant or quitclaim deeds and other instruments as necessary to effectuate and evidence the conveyance of the Property as described in this Resolution.

* * * * *

I hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board of the Successor Agency to the Daly City Redevelopment Agency at a meeting held on the _____ day of _____, 2016 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST: _____
Secretary

Exhibit A

GOVERNMENTAL USE PARCELS

Property	Location	Assessor's Parcel No.	Current Use
Pentagon Parking #1	Hillcrest Drive and Mission Circle	003-042-090	Public Parking (12 spaces)
Pentagon Parking #2	Mission Street and Bepler Street	003-042-010, -020, -150, -160, -180, -190	Public Parking (33 spaces); Emergency Food Pantry
Pentagon Parking #3	San Jose Avenue and Bepler Street	003-041-390	Public Parking (12 spaces)
Lawson Hall	125 Acacia Street	005-123-170	Community Center

Exhibit B

FUTURE DEVELOPMENT PARCELS

Property	Location	Assessor's Parcel No.	Current Use
Abbot Apartments	260 Abbot Avenue	003-434-100	Affordable housing (5 units)
Pacific Plaza Office Site	2121 Junipero Serra Boulevard	002-352-200, -240, -160, -210, -220, -230, -250, -290, -310, 002-342-100, 002-342-260	Vacant, surface parking, miscellaneous commercial uses, City records storage facility
Pacific Plaza Hotel Site	Junipero Serra Blvd. and John Daly Blvd.	002-292-310	vacant
Landmark Phase II Mixed Use Site	6601 Mission Street	003-224-100	vacant