

RESOLUTION NO. 19-2011

REDEVELOPMENT AGENCY BOARD, CITY OF SOUTH SAN FRANCISCO,
STATE OF CALIFORNIA

A RESOLUTION APPROVING AN AGREEMENT BETWEEN
AND AMONG THE CITY OF SOUTH SAN FRANCISCO, THE
REDEVELOPMENT AGENCY OF THE CITY OF SOUTH SAN
FRANCISCO, AND THE SAN MATEO COUNTY HARBOR
DISTRICT RELATED TO AMENDMENT OF THE JOINT
POWERS AGREEMENT

WHEREAS, the Redevelopment Agency of the City of South San Francisco (“Agency”) is a redevelopment agency formed, existing and exercising its powers pursuant to the provisions the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*); and,

WHEREAS, the City Council of the City of South San Francisco (“City”) has adopted a Redevelopment Plan for the Downtown/Central Project Area (as amended, the “Project Area”); and,

WHEREAS, the City is the owner of certain real property located within the Project Area and commonly known as the Oyster Point Marina (“Marina Property”); and,

WHEREAS, the City and the San Mateo County Harbor District (“District”) have established a joint powers authority that governs the development, operations, and maintenance of the Marina Property, including management of the Oyster Point Marina by the District; and,

WHEREAS, Oyster Point Ventures LLC, a joint venture between Shorenstein Properties and SKS Investments LLC (“S/SKS”), purchased the Oyster Point Business Park, which is adjacent to the Marina Property, for the purpose of developing the Oyster Point Business Park into a modern research and development life sciences campus; and,

WHEREAS, in collaboration with the City and the Agency, S/SKS has proposed a public-private development approach that would result in an integrated development of the Oyster Point Marina and the Oyster Point Business Park (“Project”), which requires collaboration amongst the City, the District, the Agency and S/SKS; and,

WHEREAS, in May 2009 the City Council and Redevelopment Agency Board approved a non-binding Memorandum of Understanding (“MOU”), that established a mutual understanding among the City, the Agency and the District regarding the potential conveyance of lease interests and portions of the area commonly known as the Marina Property, and the potential development an office/research and development life sciences campus, commercial development, and substantial public amenities for the Project; and,

WHEREAS, the City, the Agency, and the District now all wish to enter into an Agreement between and among the City, the Agency and the District (“Agreement”) that will

supersede any points of agreement contained within the MOU, attached to this Resolution as Attachment 1; and

WHEREAS, the City, in conjunction with Agency, pursuant to the California Environmental Quality Act (Section 21000 *et seq.* of the Public Resources Code, and the Guidelines set forth at 14 California Code of Regulations section 15000 *et seq.*, “CEQA”), has prepared and circulated for public comment a Draft EIR to evaluate the potential environmental impacts of the proposed Project. No construction will be authorized until (i) City, in conjunction with Agency, has certified as adequate and approved a Final EIR; (ii) City has approved the land use entitlements required for the Project; and (iii) any agreements or regulatory permits required by any other applicable regulatory agencies have been obtained; and

WHEREAS, should any future construction of docks occur pursuant to terms contained within the Agreement and that construction is not contemplated in the Project’s EIR, subsequent CEQA analysis would be required, unless the dock construction is exempt from CEQA pursuant to a Class 2 exemption for replacement or reconstruction of an existing structure with substantially the same purpose and capacity of the replaced structure (CEQA Guidelines § 15302), or other applicable CEQA exemption.

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Agency Board of the City of South San Francisco hereby:

- (1) Finds and determines that the recitals are true and correct;
- (2) Approves the Agreement in substantially the same form attached hereto as Attachment 1;
- (3) Authorizes the Executive Director to enter into and execute the Agreement in substantially the same form as attached hereto as Attachment 1, and with any revisions, amendments, or modifications deemed necessary by counsel to the Agency to carry out the intent of this Resolution and which do not materially or substantially increase the Agency’s obligations thereunder; and
- (4) Directs the members, employees, officers, and agents of the Agency to jointly and severally do any and all things and to execute and deliver any and all other agreements deemed necessary to carry out, give effect to, and comply with the terms and intent of this Resolution and the Agreement as approved by this Resolution so long as such agreements do not materially or substantially increase the Agency’s obligations with respect to the Agreement.

* * * * *

I hereby certify that the foregoing Resolution was regularly introduced and adopted by the Redevelopment Agency of the City of South San Francisco at a special meeting held on the 23rd day of March, 2011 by the following vote:

AYES: Boardmembers Mark Addiego, Pedro Gonzalez, and Karyl Matsumoto,

Vice Chair Richard A. Garbarino and Chairman Kevin Mullin

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST:



City Clerk