

Amendment of the Whole
April 19, 2006

FILE NO. 060343

ORDINANCE NO.

1 [Adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project.]

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3 **Ordinance approving and adopting the Redevelopment Plan for the Bayview Hunters**
4 **Point Redevelopment Project area; adopting findings pursuant to the California**
5 **Environmental Quality Act; adopting findings that the Redevelopment Plan is**
6 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
7 **Code Section 101.1; adopting other findings pursuant to the California Community**
8 **Redevelopment Law.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *~~strikethrough italics Times New Roman~~*.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. FINDINGS. The Board of Supervisors of the City and County of
14 San Francisco hereby finds, determines and declares, based on the record before it, including
15 but not limited to information contained in the Report on the Redevelopment Plan (a copy of
16 which is on file with the Clerk of the Board in File No. _____ and is incorporated herein by
17 reference as though fully set forth) that:

18 A. The Redevelopment Agency of the City and County of San Francisco (the
19 "Agency") has prepared a proposed amendment to the Redevelopment Plan for the Hunters
20 Point Redevelopment Project to establish the Redevelopment Plan for the Bayview Hunters
21 Point Redevelopment Project (the "Redevelopment Plan").

22 B. On October 1, 1996, the Agency, by Resolution No. 153-96, requested that the
23 Board of Supervisors pass a resolution calling for the election of a Redevelopment Project
24 Area Committee for the Bayview Hunters Point Redevelopment Project Area. On
25 November 27, 1996, the Board of Supervisors, by Resolution No. 1075-96, approved and

1 adopted Articles of Formation for the Redevelopment Project Area Committee for the Bayview
2 Hunters Point Redevelopment Project. On January 16, 1997, an election was held in the
3 Project Area for the proposed Redevelopment Plan for the purposes of forming a Project Area
4 Committee. On February 21, 1997, the Board of Supervisors, by Resolution No. 145-97,
5 found that the appropriate election procedures were followed and that the members of the
6 Bayview Hunters Point Project Area Committee (the "PAC") had been duly elected.

7 C. Working with the PAC, the Agency has prepared a proposed Redevelopment
8 Plan that would add approximately 1,361 acres to the current Hunters Point Redevelopment
9 Project Area, including an area labeled by the proposed Redevelopment Plan as "Project Area
10 A" consisting of 137 acres of a predominantly urbanized area in the City and containing the
11 residential neighborhood located on Hunters Point Hill. The Redevelopment Plan labels the
12 additional 1,361 acres as "Project Area B," and the under the Redevelopment Plan, the
13 Agency would undertake a variety of projects and activities to alleviate blighting conditions.
14 Project Area A and Project Area B are collectively referred to herein as the "Project Area."
15 The Redevelopment Plan will focus public investment in seven activity nodes and will attempt
16 to reinforce and strengthen certain existing neighborhood characteristics within each node.

17 D. The PAC has reviewed and considered the Redevelopment Plan on numerous
18 occasions, including PAC meetings held on September 16, 2004, March 1, 2006, and March
19 6, 2006. On March 6, 2006, the PAC considered amendments to the Redevelopment Plan,
20 that, among other things, strictly limited eminent domain policies and, with these
21 amendments, the PAC voted to recommend the Redevelopment Plan adoption to the Board of
22 Supervisors.

23 E. Pursuant to Section 33352 of the California Community Redevelopment Law
24 (Health and Safety Code Sections 33000 et seq., the "Redevelopment Law"), the Agency has
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1 prepared the Report on the Redevelopment Plan, referenced at the beginning of this Section
2 1. The Report on the Redevelopment Plan has been made available to the public on or
3 before the date of the notice of the public hearing (referenced in Section 1.N below) on this
4 Ordinance approving the Redevelopment Plan.

5 F. On February 24, 2006, the Redevelopment Agency transmitted the
6 proposed Redevelopment Plan to the Planning Commission pursuant to Section 33346 of the
7 Redevelopment Law for the Planning Commission's report and recommendation concerning
8 the Redevelopment Plan and its conformity with the General Plan. On March 2, 2006, at a
9 duly noticed joint public hearing with the Redevelopment Agency Commission, the Planning
10 Commission, after certifying the completion of the Final Environmental Impact Report for the
11 Redevelopment Plan as described more fully in Section 1.I below, adopted Motion No. 17203,
12 which found that the Redevelopment Plan is, on balance, consistent with the General Plan as
13 proposed for amendment and in conformity with the Eight Priority Policies of Section 101.1 of
14 the Planning Code. A copy of the Planning Commission Motion is on file with the Clerk of the
15 Board of Supervisors in File No _____ and is incorporated herein by reference as though
16 fully set forth. This Board, for the reasons specified in the aforementioned Motion, adopts as
17 its own the findings of the Planning Commission that the Redevelopment Plan is consistent
18 with the General Plan and in conformity with Planning Code Section 101.1.

19 G. On March 7, 2006, after holding a duly noticed public hearing, the
20 Redevelopment Agency unanimously adopted its Resolution Nos. 32-2006 and 33-2006,
21 which, among other things, approved the Report on the Redevelopment Plan and the
22 adoption of the PAC-approved Redevelopment Plan. In addition, the Agency adopted a
23 Relocation Plan by Resolution No. 34-2006. The Redevelopment Agency has transmitted
24 certified copies of these Resolutions to this Board of Supervisors and attached its report to
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1 the Board of Supervisors and its recommendation for the adoption of the Redevelopment Plan
2 for the Bayview Hunters Point Redevelopment Project Area. Copies of the Redevelopment
3 Plan and the Agency's Resolutions Nos. 32-2006, 33-2006, and 34-2006 are on file with the
4 Clerk of the Board of Supervisors in File No. _____, and are incorporated herein by
5 reference as though fully set forth.

6 H. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health
7 and Safety Code, and in order to promote development in accordance with the objectives and
8 purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the
9 City intends to aid and cooperate with the Agency to undertake and complete proceedings
10 and actions necessary to be carried out by the City under the provisions of the
11 Redevelopment Plan and provide for the expenditure of monies by the community in carrying
12 out the Redevelopment Plan.

13 I. On March 2, 2006, the Planning Commission by Motion No. 17200 and the
14 Redevelopment Agency Commission by Resolution No. 21-2006, as co-lead agencies,
15 certified the completion of the Final Environmental Impact Report for the Bayview Hunters
16 Point Redevelopment Projects and Zoning proposal ("Project") of which the Redevelopment
17 Plan forms a part. On the same date, the Planning Commission by Motion No 17201 made
18 findings that various actions related to the Redevelopment Plan and other aspects of the
19 Project were in compliance with the California Environmental Quality Act ("CEQA") (California
20 Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs.
21 Section 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code. On March
22 7, 2006, the Redevelopment Agency, by Resolution No. 31-2006, adopted environmental
23 findings pursuant to CEQA with respect to approval of the Project, including a mitigation
24 monitoring and reporting program and a statement of overriding considerations. The Planning
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1 Commission Motions No. 17200 and No. 17201, the Redevelopment Agency Resolutions No.
2 21-2006 and No. 31-2006, the findings, including a mitigation monitoring and reporting
3 program and a statement of overriding considerations with respect to the Project, and all
4 documents related thereto, are either in the files of the City Planning Department, as the
5 custodian of records, at 1660 Mission Street in San Francisco, or on file with the Clerk of the
6 Board of Supervisors in File No. _____ and are incorporated herein by reference.

7 J. At the hearing before the Planning Commission on March 2, 2006, a member of
8 the public asserted that the Final EIR did not contain specific information regarding the
9 environmental impacts on the Bayview Hunters Point area resulting from radioactive
10 substances that may be present on the Hunters Point Shipyard. The record before the City
11 and County of San Francisco, including the Board of Supervisors, at the time that it
12 considered approval actions related to development of Parcel A of the Hunters Point Shipyard
13 in December 2004 contained substantial evidence that radioactive substances that may be
14 present at the Hunters Point Shipyard do not pose a risk to areas outside of the Shipyard or to
15 future residents of Parcel A. The Planning Department has provided relevant information
16 concerning this issue to the Board of Supervisors, which is on file with the Clerk of the Board
17 in File No. _____.

18 K. The Board of Supervisors has reviewed and considered the Final EIR and the
19 environmental documents on file referred to herein. The Board of Supervisors has reviewed
20 and considered the CEQA Findings adopted by the Planning Commission on March 2, 2006,
21 with respect to the Project, as well as the environmental findings, including the mitigation
22 monitoring and reporting program and statement of overriding considerations adopted by the
23 Redevelopment Agency on March 7, 2006, and determined that said findings remain valid for
24 the actions contemplated in this Ordinance and the Board hereby adopts as its own and
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1 incorporates the CEQA Findings contained in Planning Commission Motion 17201 and
2 Redevelopment Agency Resolution No. 31-2006, by reference as though such findings were
3 fully set forth in this Ordinance.

4 L. The Board of Supervisors endorses the implementation of the mitigation
5 measures identified in the Planning Commission's and Redevelopment Agency's CEQA
6 Findings for implementation by other City Departments and recommends for adoption those
7 mitigation measures that are enforceable by agencies other than City agencies, all as set forth
8 in the CEQA Findings, including the mitigation monitoring and reporting program contained in
9 the referenced CEQA Findings.

10 M. The Board of Supervisors finds that no substantial changes have occurred in the
11 Project proposed for approval under this Ordinance that will require revisions in the Final EIR
12 due to the involvement of new significant environmental effects or a substantial increase in the
13 severity of previously identified significant effects, no substantial changes have occurred with
14 respect to the circumstances under which the Project proposed for approval under the
15 Ordinance are undertaken which will require major revisions to the Final EIR due to the
16 involvement of new environmental effects or a substantial increase in the severity of effects
17 identified in the Final EIR and no new information of substantial importance to the Project as
18 proposed for approval in the Ordinance has become available which indicates that (1) the
19 Project will have significant effects not discussed in the Final EIR, (2) significant
20 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
21 found not feasible which would reduce one or more significant effects have become feasible
22 or (4) mitigation measures or alternatives which are considerably different from those in the
23 Final EIR would substantially reduce one or more significant effects on the environment.

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1 N. On _____, 2006, the Board of Supervisors held a duly noticed
2 public hearing on the Redevelopment Plan. The hearing has been closed. Notice of such
3 hearing was published in accordance with Section 33361 of the California Health and Safety
4 Code, in the San Francisco Examiner, a newspaper of general circulation, printed, published
5 and distributed in the City and County of San Francisco describing the boundaries of the
6 proposed Project Area and stating the day, hour and place when and where any interested
7 persons may appear before the Board of Supervisors to object to the Redevelopment Plan.
8 At such hearing the Board considered the report and recommendations of the Agency and the
9 Planning Commission, the Final Environmental Impact Report for the Redevelopment Plan,
10 and all evidence and testimony for and against the proposed Redevelopment Plan. The
11 Board hereby adopts findings to the extent required by the Community Redevelopment Law
12 as set forth in Section 4 of this Ordinance.

13 O. Pursuant to Sections 33205 and 33128 of the Community Redevelopment Law,
14 the Agency may delegate to the City's Planning Department certain administration of the
15 development controls over the Project Area set forth in the Redevelopment Plan. Consistent
16 with this authority, the Agency anticipates that the Agency's Commission and the City's
17 Planning Department's Commission will approve a Delegation Agreement prior to the effective
18 date of this Ordinance.

19 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of
20 Supervisors with respect to this Ordinance are to adopt the Redevelopment Plan in
21 accordance with the Redevelopment Law and to achieve the objectives for redevelopment of
22 the Project Area specified in the Redevelopment Plan.

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1 Section 3. By this reference, the Redevelopment Plan, a copy of which is on file with
2 the Clerk of the Board of Supervisors under File No. _____, is incorporated in and
3 made a part of this Ordinance with the same force and effect as though set forth fully herein.

4 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE
5 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,
6 determines and declares, based on the record before it, including but not limited to information
7 contained in the Report on the Redevelopment Plan, that:

8 A. Project Area B, which is being added to the existing Hunters Point
9 Redevelopment Project Area by the proposed Redevelopment Plan, is a blighted area (as
10 described in the Report on the Plan), the redevelopment of which is necessary to effectuate
11 the public purposes declared in the Community Redevelopment Law. Project Area A is
12 already a part of the existing Hunters Point Redevelopment Project Area, and implementation
13 of the Plan will address blight remaining in Project Area A.

14 B. The Redevelopment Plan will redevelop Project Area A and Project Area B as
15 set forth in the Report on the Redevelopment Plan in conformity with the Redevelopment Law
16 and is in the interests of the public peace, health, safety, and welfare. The carrying out of the
17 Redevelopment Plan will promote the public peace, health, safety and welfare of the
18 community and effectuate the purposes and policies of the Redevelopment Law as generally
19 described in the Report on the Redevelopment Plan.

20 C. The adoption and carrying out of the Redevelopment Plan is economically
21 sound and feasible as described in the Report on the Redevelopment Plan.

22 D. For the reasons set forth in Section 1.F of this Ordinance, the Redevelopment
23 Plan, once effective, will be consistent with the General Plan of the City and County of
24 San Francisco, as amended, including, but not limited to, the housing element of the General
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1 Plan, which substantially complies with the requirements of Article 10.6 (commencing with
2 Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and
3 other applicable requirements of law, and is consistent with the eight Priority Policies in City
4 Planning Code Section 101.1.

5 E. The Redevelopment Plan prohibits the Agency from using eminent domain in
6 the following circumstances: to acquire property in a residentially-zoned district (an "R" zone
7 as defined by the Planning Code on the effective date of the Redevelopment Plan), to acquire
8 property that contains legally occupied dwelling units, to acquire property owned by churches
9 and other religious institutions as defined in Planning Code Section 209.3(i), to acquire
10 publicly-owned property, and to acquire other property without following certain procedures
11 and finding certain conditions. Nonetheless, the condemnation of real property, to the limited
12 extent provided for in the Redevelopment Plan may be necessary for the execution of the
13 Redevelopment Plan. Adequate provisions have been made in the Redevelopment Plan for
14 payment for property to be so acquired as provided by law.

15 F. As stated in Section 4. E above, the Redevelopment Plan does not authorize the
16 use of eminent domain to displace persons from residentially-zoned areas and legally-
17 occupied dwelling units and in other contexts. Nonetheless, if displacement occurs through
18 other means, the Agency has a feasible method or plan for the relocation of families and
19 persons displaced from the Project Area. There are, or shall be provided, in the Project Area
20 or in other areas not generally less desirable in regard to public utilities and public and
21 commercial facilities and at rents or prices within the financial means of the families and
22 persons displaced from the Project Area, decent, safe, and sanitary dwellings equal in number
23 to the number of and available to the displaced families and persons and reasonably
24 accessible to their places of employment.

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1 J. Families and persons shall not be displaced prior to the adoption of a relocation
2 plan pursuant to Sections 33411 and 33411.1 of the California Health and Safety Code.
3 Dwelling units housing persons and families of low or moderate income shall not be removed
4 or destroyed prior to the adoption of a replacement housing plan pursuant to
5 Sections 33334.5, 33413, and 33413.5 of the California Health and Safety Code.

6 K. There are no non-contiguous areas in the Project Area A and Project Area B,
7 combined. Areas within Project Area B, however, are not contiguous to other areas of
8 Project Area B, but all areas are necessary for the effective redevelopment of Project Area B.

9 L. The Project Area includes lands, buildings and improvements which are not
10 individually detrimental to the public health, safety or welfare but which are necessary for the
11 effective redevelopment of the Project Area. All areas included in the Project Area are
12 necessary for effective redevelopment of the Project Area, and no areas in the Project Area
13 are included solely for the purpose of obtaining an allocation of tax increment revenues from
14 the Project Area pursuant Section 33670 of the California Health and Safety Code without
15 other substantial justification for its inclusion.

16 M. The Board of Supervisors shall not approve any allocation of property tax
17 increment from portions of the Project Area outside of the Candlestick Point Special Use
18 District for use within the Candlestick Point Special Use District for the development of a
19 stadium-related project.

20 N. The elimination of blight and the redevelopment of the Project Area could not
21 reasonably be expected to be accomplished by private enterprise acting alone without the aid
22 and assistance of the Agency.

23 O. The Project Area is predominantly urbanized, as defined by California Health
24 and Safety Code Section 33320.1(b).

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1 P. The time limitation and the limitation on the number of dollars to be allocated to
2 the Agency that are contained in the Redevelopment Plan are reasonably related to the
3 proposed projects to be implemented in the Project Area and to the ability of the Agency to
4 eliminate blight within the Project Area.

5 Q. This Board of Supervisors is satisfied that, if there is any displacing activity,
6 permanent housing facilities will be available within three (3) years from the time occupants of
7 the Project Area are displaced and that, pending the development of the facilities, there will be
8 available to the displaced occupants adequate temporary housing facilities at rents
9 comparable to those in the community at the time of their displacement.

10 Section 5. Pursuant to Section 33365 of the California Health and Safety Code, the
11 Board of Supervisors hereby approves and adopts the Redevelopment Plan as the official
12 Redevelopment Plan for the Project Area.

13 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a
14 copy of this Ordinance to the Agency pursuant to California Health and Safety Code
15 Section 33372, whereupon the Agency shall be vested with the responsibility for carrying out
16 the Redevelopment Plan, (2) record or ensure that the Agency records a description of the
17 Project Area and a certified copy of this Ordinance pursuant to California Health and Safety
18 Sections 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this
19 Ordinance, together with a copy of the Redevelopment Plan, which contains a legal
20 description of the Project Area and a map indicating the boundaries of the Project Area, to the
21 Controller, the Tax Assessor, the State Board of Equalization and the governing body of all
22 taxing agencies in the Project Area pursuant to California Health and Safety Code
23 Sections 33375 and 33670.

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1 Section 7. In accordance with Sections 33220, 33343, 33344 and 33370 of the
2 Community Redevelopment Law, the Board of Supervisors declares its intent to undertake
3 and complete actions and proceedings necessary to be carried out by the City under the
4 Redevelopment Plan and related Plan Documents (as defined in the Redevelopment Plan)
5 and authorizes and urges the Mayor and other applicable officers, commissions and
6 employees of the City to take any and all steps as they or any of them deem necessary or
7 appropriate, in consultation with the City Attorney, to cooperate with the Agency in the
8 implementation of the Redevelopment Plan and to effectuate the purposes and intent of this
9 Ordinance, such determination to be conclusively evidenced by the execution and delivery by
10 such person or persons of any such documents. Such steps shall include, but not be limited
11 to (i) the execution and delivery of any and all agreements, notices, consents and other
12 instruments or documents (including, without limitation, execution by the Mayor, or the
13 Mayor’s designee, of any agreements to extend any applicable statutes of limitation) and
14 (ii) the institution and completion of proceedings for the closing, vacating, opening,
15 acceptance of dedication and other necessary modifications of public streets, sidewalks,
16 street layout and other rights-of-way in the Project Area.

17 Section 8. The approval under this Ordinance shall take effect upon the effective
18 date of the amendments to the General Plan approved under Board of Supervisors Ordinance
19 No. _____, a copy of which is on file with the Clerk of the Board of Supervisors in
20 File No. _____ and is incorporated herein by reference as if fully set forth.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 DONNELL W. CHOY
 Deputy City Attorney

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