

1 [Mission Bay North Redevelopment Plan]
 2 APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE MISSION BAY
 3 NORTH PLAN AREA, WHICH IS GENERALLY BOUNDED BY THE NORTH EMBANKMENT
 4 OF THE CHINA BASIN CHANNEL AND TOWNSEND, THIRD AND SEVENTH STREETS
 5 AND CONTAINS APPROXIMATELY 65 ACRES OF LAND; APPROVING AND
 6 AUTHORIZING AN INTERAGENCY COOPERATION AGREEMENT BETWEEN THE CITY
 7 AND COUNTY OF SAN FRANCISCO AND THE REDEVELOPMENT AGENCY OF THE
 8 CITY AND COUNTY OF SAN FRANCISCO, IN FURTHERANCE OF THE ADOPTION AND
 9 IMPLEMENTATION OF THE REDEVELOPMENT PLAN; ADOPTING FINDINGS PURSUANT
 10 TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT
 11 THE PLAN AND RELATED COOPERATION AGREEMENT ARE CONSISTENT WITH THE
 12 CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE
 13 SECTION 101.1; AND ADOPTING OTHER FINDINGS PURSUANT TO THE CALIFORNIA
 14 COMMUNITY REDEVELOPMENT LAW.

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

17 Section 1. FINDINGS. The Board of Supervisors of the City and County of
18 San Francisco hereby finds, determines and declares that:

19 A. The Redevelopment Agency of the City and County of San Francisco (the
 20 "Redevelopment Agency") has proposed the adoption of a Redevelopment Plan for the
 21 Mission Bay North Redevelopment Project, which is generally bounded by the north
 22 embankment of the China Basin Channel and Townsend, Third and Seventh Streets and
 23 contains approximately 65 acres of land, as more particularly described in the
 24 Redevelopment Plan referred to in paragraph B below (the "North Plan Area").

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SUPERVISOR, YAKI, TENG, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE
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1 B. The Redevelopment Agency has transmitted to this Board of Supervisors
2 certified copies of its Resolution No. 185-98, adopted following a duly noticed public
3 hearing held on September 17, 1998, attaching its report to the Board of Supervisors and
4 recommending the adoption of the Redevelopment Plan for the Mission Bay North
5 Redevelopment Project (the "Redevelopment Plan"), a copy of which report and
6 Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File
7 No. 981440.

8 C. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community
9 Redevelopment Law of California, and in order to promote development in accordance with
10 objectives and purposes of the Redevelopment Plan and documents relating to the
11 Redevelopment Plan, the City intends to undertake and complete proceedings and actions
12 necessary to be carried out by the City under the provisions of the Redevelopment Plan and
13 provide for the expenditure of monies by the community in carrying out the Redevelopment
14 Plan, and, specifically, the City wishes to enter into an Interagency Cooperation Agreement
15 with the Redevelopment Agency, in the form on file with the Clerk of the Board in File
16 No. 981440 (the "Interagency Cooperation Agreement"), to provide for cooperation
17 between the City and the Redevelopment Agency in administering the process for control and
18 approval of subdivisions, and all other applicable land use, development, construction,
19 improvement, infrastructure, occupancy and use requirements and in establishing the policies
20 and procedures relating to such approvals. Catellus Development Corporation is a third party
21 beneficiary of the Interagency Cooperation Agreement.

22 D. The Port Commission, by Resolution No. 98-87, adopted on
23 September 22, 1998, endorsed the Redevelopment Plan and recommended approval of
24 the Redevelopment by the Board of Supervisors, to the extent the Redevelopment Plan
25 affects property under the jurisdiction of the Port.

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1 E. The City Planning Commission has reviewed the proposed Redevelopment Plan
2 and has transmitted to this Board of Supervisors certified copies of its Resolution
3 No. 14699, adopted on September 17, 1998, in which the Planning Commission
4 finds that the proposed Redevelopment Plan and the Interagency Cooperation Agreement,
5 when effective, will be consistent with the General Plan of the City and County of San
6 Francisco, as amended, and consistent with the eight Priority Policies of City Planning Code
7 Section 101.1, and recommends the adoption of the Redevelopment Plan and the
8 Interagency Cooperation Agreement to this Board of Supervisors.

9 F. On September 3, 1998, the Planning Department and Redevelopment
10 Agency published a Final Subsequent Environmental Impact Report ("Final SEIR") for the
11 development project contemplated in the North Plan Area. Implementation of the
12 development project includes the adoption of the Redevelopment Plan and approval of the
13 Interagency Cooperation Agreement. On September 17, 1998, the Planning Commission
14 and the Redevelopment Agency evaluated and certified the Final SEIR jointly, by Planning
15 Commission ~~Resolution~~ ^{Motion} No. 14696 and Redevelopment Agency Commission
16 Resolution No. 182-98, respectively, which certification was affirmed by the Board of
17 Supervisors by Motion No. M98-132.

18 G. This Board of Supervisors adopted Resolution No. 854-98 on
19 October 19, 1998, making findings pursuant to the California Environmental Quality Act
20 and adopting a mitigation monitoring program. This Board of Supervisors hereby adopts and
21 incorporates the environmental findings under the California Environment Quality Act
22 contained in such Resolution by reference as though such findings were fully set forth in this
23 Ordinance.

24 H. On October 19, 1998, this Board of Supervisors held a public
25 hearing on the Redevelopment Plan, which hearing was closed and notice of which hearing

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1 was published in accordance with Section 33349 of the California Health and Safety Code
2 and Section 6063 of the California Government Code, in the San Francisco Independent, a
3 newspaper of general circulation, printed, published and distributed in the City and County of
4 San Francisco, and at such hearing this Board considered the report and recommendations
5 of the Redevelopment Agency and the Planning Commission, the Final SEIR, and all
6 evidence and testimony for and against the proposed Redevelopment Plan, and hereby
7 adopts written findings to the extent required by the Community Redevelopment Law as set
8 forth in this Ordinance.

9 I. Due to the great need for low and moderate income housing at affordable cost
10 in all areas of the City as shown in the "Analysis of the OAHPP Formula prepared by the
11 Department of City Planning in November 1994" (as identified in Section 313.2 of the
12 Planning Code) and due to the lack of available sites for such housing in redevelopment
13 project areas, the Agency's and the City's use of funds in the Low and Moderate Income
14 Housing Fund created under Board of Supervisors' Resolution No. 489-89 both inside and
15 outside of the North Plan Area will be of benefit to the North Plan Area.

16 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of
17 Supervisors with respect to the North Plan Area are to adopt a Redevelopment Plan for the
18 North Plan Area in accordance with the Community Redevelopment Law of California (Health
19 & Safety Code Section 33000 et seq.) and to achieve the objectives for redevelopment of the
20 North Plan Area specified in the Redevelopment Plan.

21 Section 3. By this reference, the Redevelopment Plan, a copy of which is on file with
22 the Clerk of the Board of Supervisors under File No. 981440, is
23 incorporated in and made a part of this Ordinance with the same force and effect as though
24 set forth fully herein.

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1 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE
2 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,
3 determines and declares that:

4 A. The North Plan Area, which is the subject of the Redevelopment Plan, is a
5 blighted area, the redevelopment of which is necessary to effectuate the public purposes
6 declared in the Community Redevelopment Law.

7 B. The Redevelopment Plan will redevelop the North Plan Area in conformity with
8 the Community Redevelopment Law and in the interests of the public peace, health, safety,
9 and welfare.

10 C. The adoption and carrying out of the Redevelopment Plan is economically
11 sound and feasible.

12 D. The Redevelopment Plan and the Interagency Cooperation Agreement
13 contemplated thereby, when effective, will be consistent with the General Plan of the City and
14 County of San Francisco, as amended, including, but not limited to, the housing element,
15 which substantially complies with the requirements of Article 10.6 (commencing with Section
16 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other
17 applicable requirements of law, and is consistent with the eight Priority Policies in City
18 Planning Code Section 101.1 for the reasons set forth in City Planning Commission
19 Resolution No. 14699, which findings are incorporated herein by reference as
20 though fully set forth herein.

21 E. The carrying out of the Redevelopment Plan will promote the public peace,
22 health, safety and welfare of the community and effectuate the purposes and policies of the
23 Community Redevelopment Law.

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1 F. The condemnation of real property, to the extent provided for in the
2 Redevelopment Plan, is necessary to the execution of the Redevelopment Plan and
3 adequate provisions have been made for payment for property to be so acquired as provided
4 by law.

5 G. There are no persons living in housing facilities in the North Plan Area who will
6 be displaced by the Redevelopment Plan. Accordingly, no residential relocation plan is
7 required.

8 H. There are no non-contiguous areas in the North Plan Area.

9 I. The North Plan 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 North Plan Area; any area included in the North Plan Area is
12 necessary for effective redevelopment and is not included for the purpose of obtaining an
13 allocation of tax increment revenues from the North Plan Area pursuant Section 33670 of the
14 California Health and Safety Code without other substantial justification for its inclusion.

15 J. The elimination of blight and the redevelopment of the North Plan Area could
16 not reasonably be expected to be accomplished by private enterprise acting alone without the
17 aid and assistance of the Redevelopment Agency.

18 K. The North Plan Area is predominantly urbanized, as defined by California
19 Health and Safety Code Section 33320.1(b).

20 L. The time limitation and the limitation on the number of dollars to be allocated to
21 the Redevelopment Agency that are contained in the Redevelopment Plan are reasonably
22 related to the proposed projects to be implemented in the North Plan Area and to the ability of
23 the Redevelopment Agency to eliminate blight within the North Plan Area.

24 M. The Agency's and the City's expenditure of funds in the Low and Moderate
25 Income Housing Fund created under Board of Supervisors' Resolution No. 498-89 within the

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1 territorial limits of the City, whether within or outside the territorial limits of the North Plan
2 Area, will be of benefit to the North Plan Area; provided, however, any such expenditure shall
3 be subject to the terms and conditions of the Tax Allocation Agreement for the North Plan
4 Area, a copy of which is on file with the Clerk of the Board in File No. 981440.

5 Section 5. The Board of Supervisors hereby approves and adopts the
6 Redevelopment Plan and designates the approved Redevelopment Plan as the official
7 Redevelopment Plan of the North Plan Area.

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

19 Section 7. In furtherance of the adoption and implementation of the Redevelopment
20 Plan and in accordance with the recommendations of various City commissions and
21 departments, the Board of Supervisors hereby approves the proposed Interagency
22 Cooperation Agreement. In connection therewith, for purposes of Section 53316.2(b) of the
23 Mello-Roos Community Facilities Act of 1982, as amended, (California Government Code),
24 the Board of Supervisors hereby finds and determines that the Interagency Cooperation
25 Agreement is and will be beneficial to the residents of the City and the North Plan Area. In

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1 accordance with the Interagency Cooperation Agreement, the City will agree to undertake
2 and complete all actions or undertakings necessary or appropriate to ensure the continued
3 fulfillment of the objectives of the Redevelopment Plan and Plan Documents (as defined
4 therein), including, without limitation, preventing the recurrence or spread of the conditions
5 causing blight in the North Plan Area. Such agreement by the City shall also include, without
6 limitation, compliance with those mitigation measures which are set forth in, and denominated
7 as the obligation of the City in, Attachment L to the Mission Bay North Owner Participation
8 Agreement, a copy of which is on file with the Clerk of the Board of Supervisors in File
9 No. 981440.

10 Section 8. The Board of Supervisors authorizes and urges the Mayor, the Director of
11 Public Works and all other appropriate City officials to execute the Interagency Cooperation
12 Agreement, in the name and on behalf of the City, in substantially the form of such agreement
13 presented to this Board of Supervisors.

14 Section 9. The Board of Supervisors authorizes the Mayor and the Director of Public
15 Works (or any successor City officer designated by law) to enter into and approve any
16 additions, amendments or other modifications to the Interagency Cooperation Agreement
17 (including, without limitation, the exhibits, or the Environmental Investigation and Response
18 Program, Design Review and Document Approval Procedure or Housing Program) that they
19 shall determine, in consultation with the City Attorney and any affected City agencies, are in
20 the best interests of the City, provided that any such additions, amendments or modifications
21 do not materially increase the costs or liabilities of the City, do not materially decrease the
22 time periods required for review or approval by any City Agency of permits, approvals,
23 agreements and entitlements in connection with the implementation of the Redevelopment
24 Plan and Plan documents, do not materially alters the obligations of the City agencies or the
25 principal benefits to the City (including, without limitation, the principal benefits accruing to the

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1 City from the affordable housing elements of the Housing Program), and are necessary or
2 advisable to effectuate the implementation of the Redevelopment Plan, Plan Documents (as
3 defined therein) and this Ordinance, such determination to be conclusively evidenced by the
4 execution and delivery by the Mayor and Director of Public Works of the Interagency
5 Cooperation Agreement and any amendments thereto.

6 Section 10. The Board of Supervisors authorizes and urges the Mayor, Director of
7 Public Works and any other officers, agents and employees of the City to take any and all
8 steps (including, but not limited to, the execution and delivery of any and all agreements,
9 notices, consents and other instruments or documents, including, without limitation, any
10 agreements to extend any applicable statutes of limitation) as they or any of them deem
11 necessary or appropriate, in consultation with the City Attorney, in order to consummate the
12 Interagency Cooperation Agreement in accordance with this Ordinance, or to otherwise
13 effectuate the purpose and intent of this Ordinance, such determination to be conclusively
14 evidenced by the execution and delivery by such person or persons of any such documents.

15 Section 11. The approval under this Ordinance shall take effect upon the effective
16 date of the amendments to the General Plan approved under Board of Supervisors
17 Ordinance No. 324-98, adopted on October 30, 1998.

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19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

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23 By: _____


Jesse Capin Smith
Deputy City Attorney

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BOARD OF SUPERVISORS



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Ordinance

File Number: 981440

Date Passed:

Ordinance approving and adopting the Redevelopment Plan for the Mission Bay North Plan Area, which is generally bounded by the north embankment of the China Basin Channel and Townsend, Third and Seventh Streets, and contains approximately 65 acres of land; approving and authorizing in Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Plan and related cooperation agreement are consistent with the City's General Plan and Eight Priority Policies of the Planning Code Section 101.1; and adopting other findings pursuant to the California Community Redevelopment Law.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Newsom

Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED


Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Katz

Excused: 2 - Kaufman, Newsom

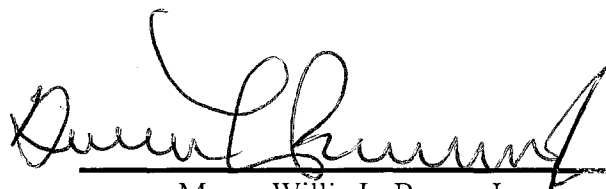
File No. 981440

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 26, 1998
by the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

OCT 30 1998

Date Approved


Mayor Willie L. Brown Jr.

File No. 981440 continued...