

1 [Redevelopment Plan - Treasure Island/Yerba Buena Island]

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3 **Ordinance approving and adopting the Redevelopment Plan for the Treasure**
4 **Island/Yerba Buena Island Redevelopment Project Area; adopting findings pursuant to**
5 **the California Environmental Quality Act; adopting findings that the Redevelopment**
6 **Plan is consistent with the City's General Plan and eight priority policies of City**
7 **Planning Code Section 101.1; adopting other findings pursuant to California**
8 **Community Redevelopment Law.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through 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 Treasure Island/Yerba Buena
16 Island Redevelopment Plan (the "Report to the Board"), a copy of which is on file with the
17 Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
18 reference, that:

19 A. Former Naval Station Treasure Island (the "Base" or "Treasure Island") is a
20 former military base consisting of approximately 550 acres on Treasure Island and Yerba
21 Buena Island, and is currently owned by the United States of America, acting by and through
22 the Department of the Navy (the "Navy"). The Base was selected for closure and disposition
23 by the Base Realignment and Closure Commission in 1993, acting under Public Law 101-510,
24 and its subsequent amendments. The Base ceased operations in 1997.

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1 B. On May 2, 1997, the Board of Supervisors of the City and County of San
2 Francisco (the "Board of Supervisors") approved Resolution No. 380-97, which authorized the
3 Mayor's Treasure Island Project Office to establish a non-profit public benefit corporation
4 known as the Treasure Island Development Authority ("TIDA") to act as a single entity focused
5 on the planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of the
6 Base for the public interest, convenience, welfare and common benefit of the inhabitants of
7 the City and County of San Francisco.

8 C. Under the Treasure Island Conversion Act of 1997 (AB 699), which amended
9 Section 334392.5 of the California Health and Safety Code and added Section 2.1 to Chapter
10 1333 of the Statutes of 1968, the State Legislature (i) designated TIDA as a redevelopment
11 agency under the California Community Redevelopment Law (Sections 33000 et seq. of the
12 California Health and Safety Code) ("Community Redevelopment Law") with authority over the
13 Base upon approval of the Board of Supervisors, and (ii) with respect to those portions of the
14 Base that are subject to the public trust for commerce, navigation and fisheries (the "Public
15 Trust"), vested in TIDA the authority to administer the Public Trust as to such property. The
16 Board of Supervisors subsequently approved the designation of TIDA as the redevelopment
17 agency for Treasure Island in 1998.

18 D. TIDA, working with the Treasure Island/Yerba Buena Island Citizens Advisory
19 Board ("CAB"), has prepared a proposed Redevelopment Plan ("Redevelopment Plan") for
20 the Treasure Island/Yerba Buena Island Project ("Redevelopment Project") and various other
21 documents consistent with the Community Redevelopment Law.

22 E. The CAB has reviewed and considered the Redevelopment Plan on numerous
23 occasions, including CAB meetings held on January 11, 2011 and on _____, 2011, and
24 the CAB considered and voted to recommend the adoption of the Redevelopment Plan to the
25 Board of Supervisors.

1 E. Pursuant to Section 33352 of the Community Redevelopment Law, TIDA has
2 prepared the Report to the Board on the Redevelopment Plan, referenced at the beginning of
3 this Section. The Report to the Board was made available to the public on or before the date
4 of the notice of the public hearing (referenced in Section 1.L below) on this Ordinance
5 approving the Redevelopment Plan. The Report to Board includes: (1) the reasons for
6 selection of the Project Area; (2) a description of the physical and economic conditions
7 existing in the Project Area; (3) a description of the specific projects proposed by TIDA in the
8 Project Area and an explanation of how the proposed projects will improve or alleviate the
9 blighting conditions existing in the Project Area; (4) the proposed method of financing
10 redevelopment of the Project Area, including an assessment of economic feasibility of the
11 proposed development of the Project Area and an explanation of why the elimination of blight
12 and redevelopment of the Project Area cannot be accomplished by private enterprise acting
13 alone or by the Board of Supervisor's use of financing alternatives other than tax increment
14 financing; (5) a plan for the relocation of families and persons who may be temporarily or
15 permanently displaced from housing facilities as a result of the Redevelopment Plan, though
16 no existing occupants of the Project Area are expected to be displaced by implementation of
17 the Redevelopment Plan; (6) the recommendations of the Planning Commission of the City
18 and County of San Francisco (the "Planning Commission"); (7) an analysis of the Preliminary
19 Plan for the Project Area; (8) a summary of public meetings held on the Redevelopment Plan;
20 (9) the status of the environmental review of the Redevelopment Plan; (10) a neighborhood
21 impact report; (11) the County Fiscal Officer's Report; (12) a summary of consultations with
22 affected taxing agencies and responses to written objections and concerns expressed by
23 affected taxing agencies during the consultations; and (13) a Five Year Implementation Plan
24 for the Project Area.

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1 G. TIDA adopted rules governing participation of owners and business operators
2 within the Project Area on February 23, 2011.

3 H. On _____, 2011, TIDA transmitted the proposed
4 Redevelopment Plan to the Planning Commission pursuant to Section 33346 of the
5 Community Redevelopment Law, for the Planning Commission's report and recommendation
6 concerning the Redevelopment Plan and its conformity with the General Plan. On
7 _____, 2011, at a duly noticed joint public hearing with the TIDA Board of
8 Directors, the Planning Commission, after certifying the completion of the Final Environmental
9 Impact Report for the Redevelopment Plan as described more fully in Section 1.J below,
10 adopted Motion No. _____, which found that the Redevelopment Plan is, on balance,
11 consistent with the General Plan as proposed for amendment and in conformity with the Eight
12 Priority Policies of Section 101.1 of the Planning Code and recommended adoption of the
13 Redevelopment Plan. A copy of Planning Commission Motion No. _____, is on file
14 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
15 herein by reference as though fully set forth. This Board, for the reasons specified in the
16 aforementioned Motion, adopts as its own the findings of the Planning Commission that the
17 Redevelopment Plan is consistent with the General Plan and in conformity with Planning
18 Code Section 101.1.

19 I. On _____, 2011, the TIDA Board of Directors, after holding a
20 public hearing, adopted Resolution No. _____, which among other things, approved
21 the Report to the Board, and the adoption of the CAB-recommended Redevelopment Plan.
22 TIDA has transmitted certified copies of this Resolution to the Board of Supervisors and
23 attached its Report to the Board and its recommendation for the adoption of the
24 Redevelopment Plan. Copies of TIDA's Resolution Nos. _____ is on file with the
25 Clerk of the Board of Supervisors in File No. _____, and incorporated herein by reference.

1 J. On _____, 2011, the Planning Commission by Motion No.
2 _____ and the TIDA Board of Directors by Resolution No. _____, as co-lead
3 agencies, certified the completion of the Final Environmental Impact Report (the "Final EIR")
4 for the Treasure Island/Yerba Buena Island Redevelopment Project ("Project") of which the
5 Redevelopment Plan forms a part. On the same date, the Planning Commission by Motion
6 No. _____ made findings that various actions related to the Redevelopment Plan
7 and other aspects of the Project were in compliance with the California Environmental Quality
8 Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), the CEQA
9 Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco
10 Administrative Code. On _____, 2011, the TIDA Board of Directors, by
11 Resolution No. _____, adopted environmental findings pursuant to CEQA with respect to
12 approval of the Project, including a mitigation monitoring and reporting program and a
13 statement of overriding considerations. The Planning Commission Motion Nos. _____ and
14 _____, the TIDA Board of Directors Resolutions Nos. _____ and _____,
15 the findings, including a mitigation monitoring and reporting program and a statement of
16 overriding considerations with respect to the Project, and all documents related thereto, are
17 either in the files of the City Planning Department, as the custodian of records, at 1660
18 Mission Street in San Francisco, or on file with the Clerk of the Board of Supervisors in File
19 No. _____ and are incorporated herein by reference.

20 K. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community
21 Redevelopment Law, and in order to promote development in accordance with objectives and
22 purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the
23 City intends to undertake and complete proceedings and actions necessary to be carried out
24 by the City under the provisions of the Redevelopment Plan, and provide for the expenditure
25 of monies by the City in carrying out the Redevelopment Plan.

1 L. On _____, 2011, 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 Community Redevelopment
4 Law in the San Francisco Chronicle, a newspaper of general circulation, printed, published
5 and distributed in the City and County of San Francisco describing the boundaries of the
6 Project Area and stating the day, hour and place when and where any interested persons may
7 appear before the Board of Supervisors to object to the Redevelopment Plan. At such
8 hearing the Board considered the Report to the Board, and the report and recommendations
9 of the CAB, the TIDA Board of Directors and the Planning Commission, the Final EIR, and all
10 testimony for and against the proposed Redevelopment Plan. The Board hereby adopts
11 findings to the extent required by the Community Redevelopment Law as set forth in Section 4
12 of this Ordinance.

13 Section 2. Purposes and Intent. The purposes and intent of the Board of Supervisors
14 with respect to this Ordinance are to adopt the Redevelopment Plan in accordance with the
15 Community Redevelopment Law and to achieve the objectives for redevelopment of the
16 Project Area as specified in the Redevelopment Plan.

17 Section 3. Incorporation by Reference. By this reference, the Redevelopment Plan, a
18 copy of which is on file with the Clerk of the Board of Supervisors in File No. _____, is
19 incorporated in and made part of this Ordinance with the same force and effect as though set
20 forth fully herein.

21 Section 4. Further Findings and Determinations under the Community Redevelopment
22 Law. To the extent required by the Community Redevelopment Law, the Board of
23 Supervisors hereby further finds, determines, and declares, based on the record before it,
24 including but not limited to information contained in the Report to the Board on the
25 Redevelopment Plan, that:

1 A. Significant blight (as described in the Report to the Board) remains within the
2 Project Area, the redevelopment of which is necessary to effectuate the public purposes
3 declared in the Community Redevelopment Law, and implementation of the Redevelopment
4 Plan will address blight remaining within the Project Area.

5 B. The conditions described in the Report to the Board are so prevalent and
6 substantial that they cause a reduction, or lack of proper utilization of, the Project Area which
7 results in a serious physical and economic burden on the City.

8 C. The Redevelopment Plan will redevelop the Project Area in conformity with the
9 Community Redevelopment Law. The carrying out of the Redevelopment Plan will promote
10 the interests of the public peace, health, safety and welfare of the community and effectuate
11 the purposes and policies of the Community Redevelopment Law as generally described in
12 the Report to Board and the Redevelopment Plan.

13 D. The adoption and carrying out of the Redevelopment Plan is economically
14 sound and feasible as described in the Report to the Board.

15 E. For the reasons set forth in Section 7 of this Ordinance, the Redevelopment
16 Plan, once effective, will be consistent with the General Plan of the City and County of San
17 Francisco, as amended, including, but not limited to, the housing element of the General Plan,
18 which substantially complies with the requirements of Article 10.6 (commencing with Section
19 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other
20 applicable requirements of law, and is consistent with the Eight Priority Policies in City
21 Planning Code Section 101.1.

22 F. While no existing occupants of the Project Area are expected to be displaced
23 persons as defined in Section 7260(c) of the Relocation Assistance Act, TIDA has
24 nonetheless, consistent with Section 33367(d)(7) of the Community Redevelopment Law
25 established a feasible method and plan for relocation, as contained in the Report to the Board,

1 in the event that, over the course of implementation of the Redevelopment Plan, there are
2 families and persons displaced from the Project Area.

3 G. There are, or shall be provided, within the Project Area or within other areas not
4 generally less desirable with regard to public utilities and public and commercial facilities and
5 at rents or prices within the financial means of the families and persons who may be displaced
6 from the Project Area, decent, safe, and sanitary dwellings equal in number to the number of
7 and available to such displaced families and persons and reasonably accessible to their
8 places of employment.

9 H. Families and persons shall not be displaced prior to the adoption of a relocation
10 plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and
11 dwelling units housing persons and families of low or moderate income within the Project Area
12 shall not be removed or destroyed prior to the adoption of a replacement housing plan
13 pursuant to Sections 33334.5, 33413, and 33413.5 of the Community Redevelopment Law.

14 I. Inclusion of any lands, buildings, or improvements in the Project Area that are
15 not detrimental to the public health, safety, or welfare is necessary for the effective
16 redevelopment of the entire area of which they are a part; and any area included is necessary
17 for effective redevelopment and is not included for the purpose of obtaining the allocation of
18 tax increment revenues from such area pursuant to Section 33670 of the Community
19 Redevelopment Law without other substantial justification of its inclusion.

20 J. 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 TIDA.

23 K. The time limitations in the Redevelopment Plan, which are the maximum time
24 limitations authorized by the Community Redevelopment Law, and the limitation on the
25 number of dollars to be allocated to TIDA are reasonably related to the proposed projects to

1 be implemented in the Project Area and the ability of TIDA to eliminate blight within the
2 Project Area.

3 L. The effect of tax increment financing will not cause a significant financial burden
4 or detriment on any taxing agency deriving revenues from the Project Area.

5 M. The 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 (if any) and that, pending the development of the facilities,
8 there will be available to displaced persons (if any) adequate temporary housing facilities at
9 rents comparable to those in the community at the time of their displacement.

10 N. TIDA and the Board of Supervisors have provided an opportunity for all persons to
11 be heard and have considered all evidence and testimony for or against any and all aspects of
12 the Redevelopment Plan. The Board of Supervisors has adopted written responses to written
13 objections received in accordance with Section 33363 of the Community Redevelopment Law.
14 A copy of this response is on file with the Clerk of the Board of Supervisors in File No.
15 _____, and incorporated herein by reference.

16 Section 5. Implementation of the Redevelopment Plan

17 A. In accordance with Sections 33220, 33343, 33344 and 33370 of the Community
18 Redevelopment Law, the Board of Supervisors declares its intent to undertake and complete
19 actions and proceedings necessary to be carried out by the City under the Redevelopment
20 Plan and Plan Documents (as defined in the Redevelopment Plan) and authorizes and urges
21 the Mayor and other applicable officers, commissions and employees of the City to take any
22 and all steps as they or any of them deem necessary or appropriate, in consultation with the
23 City Attorney, to cooperate with TIDA in the implementation of the Redevelopment Plan and to
24 effectuate the purposes and intent of this Ordinance, such determination to be conclusively
25 evidenced by the execution and delivery by such person or persons of any such documents.

1 Such steps shall include, but are not limited to, (i) the execution and delivery of any and all
2 agreements, notices, consents and other instruments or documents (including, without
3 limitation, execution by the Mayor, or the Mayor's designee, of any agreements to extend any
4 applicable statutes of limitation), (ii) the institution and completion of proceedings for the
5 closing, vacating, opening, acceptance of dedication and other necessary modifications of
6 public streets, sidewalks, street layout and other right-of-ways in the Project Area, and (iii)
7 directing the Department of Building Inspection for a period of at least two (2) years after the
8 effective date of this Ordinance to advise all applicants for building permits within the Project
9 Area that the site for which a building permit is sought is within a redevelopment project area.

10 Section 6. California Environmental Quality Act Findings. In accordance with the
11 actions contemplated herein, this Board adopted Resolution No. _____ concerning
12 findings pursuant to the California Environmental Quality Act. A copy of said Resolution is on
13 file with the Clerk of the Board of Supervisors in File No. _____ and is
14 incorporated herein by reference.

15 Section 7. General Plan Findings. In accordance with the actions contemplated
16 herein, the Board of Supervisors finds that this Ordinance is in conformity with the Priority
17 Policies of Section 101.1 of the Planning Code and, on balance, consistent with the General
18 Plan as it is proposed for amendment, and hereby adopts the findings set forth in Board of
19 Supervisors No. _____ and incorporates such findings by reference as if fully set
20 forth herein. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in
21 File No. _____.

22 Section 8. Approval of Redevelopment Plan. Pursuant to Section 33365 of the
23 Community Redevelopment Law, the Board of Supervisors hereby approves and adopts the
24 Redevelopment Plan as the official Redevelopment Plan for the Project Area.
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1 Section 9. Transmittal and Recordation. The Clerk of the Board of Supervisors shall
2 without delay (1) transmit a copy of this Ordinance to TIDA pursuant to Section 33372 of the
3 Community Redevelopment Law, whereupon TIDA shall be vested with the responsibility for
4 carrying out the Redevelopment Plan, (2) record or ensure that TIDA records a description of
5 the Project Area and a certified copy of this Ordinance pursuant to Section 33373,
6 (3) transmit, by certified mail, return receipt requested, a copy of this Ordinance, together with
7 a copy of the Redevelopment Plan, which contains a legal description of the Project Area and
8 a map indicating the boundaries of the Project Area, to the Controller, the Tax Assessor, the
9 State Board of Equalization and the governing body of all taxing agencies in the Project Area
10 pursuant to Sections 33375 and 33670, and (4) publish the passage and certification of this
11 Ordinance in the San Francisco Chronicle, a newspaper of general circulation, printed,
12 published and distributed in the City and County of San Francisco.

13 Section 10. Severability. If any part of this Ordinance, or the Redevelopment Plan
14 which it approves, is held to be invalid for any reason, such decision shall not affect the
15 validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and this
16 Board of Supervisors hereby declares that it would have passed the remainder of this
17 Ordinance, or approved the remainder of the Redevelopment Plan, if such invalid portion
18 thereof had been deleted.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 EILEEN M. MALLEY
24 Deputy City Attorney
25