

1 [Adopting the Redevelopment Plan for the Mid-Market Redevelopment Project Area.]

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3 **Ordinance adopting the Redevelopment Plan for the Mid-Market Redevelopment**  
4 **Project Area; approving and adopting findings pursuant to the California**  
5 **Environmental Quality Act and a Statement of Overriding Considerations for the**  
6 **Redevelopment Plan for the Mid-Market Redevelopment Project Area; adopting**  
7 **findings that the Mid-Market Redevelopment Plan and related documents are**  
8 **consistent with the City's General Plan and Eight Priority Policies of City Planning**  
9 **Code Section 101.1; adopting other findings pursuant to the California Community**  
10 **Redevelopment Law; and authorizing official acts in furtherance of this ordinance.**

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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 (as  
16 hereafter defined), that:

17 A. On December 7, 1995, the Board of Supervisors of the City and County of  
18 San Francisco (the Board of Supervisors) adopted Resolution No. 1034-95, which selected  
19 the boundaries of a Survey Area for the proposed Mid-Market Redevelopment Project Area,  
20 based on the "Civic Center Study--Draft for Citizen Review" published in October 1994 by the  
21 Planning Department. On December 12, 1997, the Planning Commission adopted Resolution  
22 No. 14256, adopting the Mid-Market Preliminary Plan. On November 25, 1996, the Board of  
23 Supervisors adopted Resolution No. 1089-96, which determined that a Redevelopment  
24 Project Area Committee ("PAC") should be formed and approving Articles of Formation for the  
25 Mid-Market PAC ("Articles of Formation"). On February 26, 1997, an election was held in the

1 Mid-Market Survey Area to form a PAC. On May 27, 1997, by Resolution No. 522-97, the  
2 Board of Supervisors amended the Articles of Formation, found that the appropriate election  
3 procedures were followed and that the members of the Mid-Market PAC were duly elected.

4 B. In 1998, the Redevelopment Agency of the City and County of San Francisco  
5 (the "Agency") prepared a Mid-Market Concept Plan, which set forth a community-based  
6 vision for the revitalization of the Survey Area. Working in conjunction with the PAC, the  
7 Agency also took the following actions: (1) prepared a revised Preliminary Plan that reduced  
8 the boundaries of the proposed Mid-Market Redevelopment Project Area, (2) prepared a  
9 proposed Redevelopment Plan that meets all the requirements of the Community  
10 Redevelopment Law and recommends the formation of the reduced Mid-Market  
11 Redevelopment Project Area (the "Project Area") within the boundaries of the original Survey  
12 Area, and (3) prepared in conjunction with the Planning Department proposed amendments to  
13 the Planning Code of the City and County of San Francisco that establish a Special Use  
14 District for the purpose of implementing the land use objectives of the Redevelopment Plan for  
15 in the proposed Project Area.

16 C. The Planning Department and the Agency, acting as co-lead agencies, also  
17 prepared a draft environmental impact report ("Draft EIR") for the proposed Redevelopment  
18 Plan, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code  
19 Sections 21000 et seq.). On September 18, 2003, the Planning Commission and the  
20 Redevelopment Agency Commission held a duly noticed joint public hearing to consider the  
21 certification of the final environmental impact report for the proposed Mid-Market  
22 Redevelopment Plan ("Final EIR"), which consists of the Draft EIR, a Summary of Comments  
23 and Responses to public comments on the Draft EIR, and related documents. Following the  
24 close of such public hearing, the Planning Commission adopted Motion No. 16657, which  
25 certified the Final EIR, found that the contents of the Final EIR and the procedures through

1 which it was prepared, publicized and reviewed complied with CEQA, the State CEQA  
2 Guidelines, and Chapter 31 of the San Francisco Administrative Code, and the  
3 Redevelopment Agency Commission adopted Resolution No. 153-2003, certifying the Final  
4 EIR. Copies of said Motion, Resolution, and Final EIR are on file with the Clerk of the Board  
5 of Supervisors in File No. \_\_\_\_\_ and are incorporated herein by reference.

6 D. The PAC has reviewed and considered the Mid-Market Redevelopment Plan on  
7 several occasions since its 1997 formation and has recommended the adoption of the Mid-  
8 Market Redevelopment Plan. In addition, the Agency has held several public workshops on  
9 the proposed Redevelopment Plan, which include the workshops held on August 17, 2004  
10 and May 3, 2005.

11 E. In May 2005, the Planning Department prepared an Addendum to the Final EIR.  
12 On June 23, 2005, after a duly noticed public hearing, the Planning Commission adopted  
13 Motion No. 17050, which formulates the Preliminary Plan for the Mid-Market Redevelopment  
14 Project Area, as amended, finds such preliminary plan in conformity with the San Francisco  
15 General Plan and makes findings pursuant to the California Environmental Quality Act and the  
16 State CEQA Guidelines, including rejection of alternatives to the proposed Mid-Market  
17 Redevelopment Plan, adoption of a mitigation monitoring and reporting program, and adoption  
18 of a statement of overriding considerations (collectively the "CEQA Findings"). Copies of such  
19 Addendum, CEQA Findings, and Planning Commission Motion are on file with the Clerk of the  
20 Board of Supervisors in File No. \_\_\_\_\_, and are incorporated herein by reference as  
21 though fully set forth.

22 F. Pursuant to Section 33352 of the Community Redevelopment Law, the Agency  
23 has prepared a Report on the Mid-Market Redevelopment Plan (the "Report on the  
24 Redevelopment Plan"), that has been made available for public review before the date of the  
25 hearing on this Ordinance approving the Mid-Market Redevelopment Plan.

1           G.     On October 18, 2005, after holding a duly noticed public hearing, the Agency  
2 adopted its Resolution Nos. 166-2005 through 172-2005, which (1) adopted CEQA Findings  
3 (Resolution No. 166-2005); (2) approved the Report on the Redevelopment Plan and  
4 recommended the adoption of the Plan Amendment (Resolution Nos. 167-2005 and 168-  
5 2005); (3) adopted rules governing participation by property owners and the extension of  
6 reasonable preferences to business occupants in the Project Area (Resolution No. 169-2005);  
7 (4) approved the Mid-Market Redevelopment Project Delegation Agreement with the  
8 Planning Department (Resolution No. 170-2005); (5) recommended that the Board of  
9 Supervisors adopt the Mid-Market Special Use District amendments to the Planning Code, in  
10 connection with adoption of the Mid-Market Redevelopment Plan (Resolution No. 171-2005);  
11 and (6) commended the PAC (Resolution No. 172-2005). Copies of Agency Resolution Nos.  
12 153-2003, and 167-2005 through 172-2005 (collectively the "Mid-Market Resolutions"),  
13 together with the Report on the Redevelopment Plan and Mid-Market Redevelopment Plan,  
14 and related documents are on file with the Clerk of the Board of Supervisors in File No.  
15 \_\_\_\_\_ and are incorporated herein by reference as though fully set forth.

16           H.     On November 17, 2005, the Planning Commission, adopted Motion No. 17144  
17 authorizing the Director of Planning to enter into a Delegation Agreement with the Agency that  
18 establishes delegation of authority between these two agencies regarding the regulation of  
19 land use and permitting within the proposed Redevelopment Project Area. A copy of said  
20 Motion is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
21 incorporated herein by this reference as though fully set forth.

22           I.     On \_\_\_\_\_, 2005, the Board of Supervisors held a duly noticed public  
23 hearing on the Mid-Market Redevelopment Plan. The hearing has been closed. Notice of  
24 such hearing was published prior to such hearing in accordance with Section 33361 of the  
25 California Health and Safety Code, in the San Francisco Chronicle, a newspaper of general

1 circulation, printed, published and distributed in the City and County of San Francisco  
2 describing the boundaries of the proposed Project Area and stating the day, hour and place  
3 when and where any interested persons may appear before the Board of Supervisors to  
4 object to the Mid-Market Redevelopment Plan. At such hearing the Board of Supervisors  
5 considered the report and recommendations of the Agency and the Planning Commission, the  
6 Final EIR (“FEIR”), the Final Supplement to such FEIR, the proposed Planning Code  
7 Amendments providing for the creation of the Mid-Market SUD and all evidence and testimony  
8 for and against the proposed Mid-Market Redevelopment Plan and the adoption of the  
9 Planning Code Amendments creating the Mid-Market SUD. The Board hereby adopts written  
10 findings to the extent required by the Community Redevelopment Law as set forth in this  
11 Ordinance.

12 J. Pursuant to California Health and Safety Code Sections 33220, 33343, 33344  
13 and 33370, and in order to promote development in accordance with objectives and purposes  
14 of the Mid-Market Redevelopment Plan and documents relating to such Redevelopment Plan,  
15 the City intends to aid and cooperate with the Agency to undertake and complete proceedings  
16 and actions necessary to be carried out by the City and provide for the allocation and  
17 expenditure of monies by the community in carrying out the Mid-Market Redevelopment Plan  
18 and the Mid-Market SUD.

19 Section 2. CITY'S CEQA FINDINGS.

20 A. The Board of Supervisors has reviewed and considered the FEIR, and  
21 Addendum and hereby adopts the Board's CEQA findings , which are on file with the Clerk of  
22 the Board of Supervisors in File No. \_\_\_\_\_, and incorporates the same herein by  
23 this reference.

24 B. This Board of Supervisors further finds on the basis of substantial evidence in  
25 light of the whole record that: (1) modifications incorporated into the project and related

1 actions will not require important revisions to the FEIR or Addendum due to the involvement of  
2 new significant environmental effects or substantial increase in the severity of previously  
3 identified significant effects; (2) no substantial changes have occurred with respect to the  
4 circumstances under which the project and related actions were undertaken which would  
5 require major revisions to the FEIR or Addendum due to the involvement of new significant  
6 environmental effects, or a substantial increase in the severity of effects identified in the FEIR  
7 and Addendum; and (3) no new information of substantial importance to the project and  
8 related actions has become available since the Planning Commission and Redevelopment  
9 Commission actions which would indicate (a) the Project or related actions will have  
10 significant effects not discussed in the FEIR or Addendum; (b) significant environmental  
11 effects will be substantially more severe; (c) mitigation measures or alternatives found not  
12 feasible which would reduce one or more significant effects have become feasible; or (d)  
13 mitigation measures or alternatives which are considerably different from those in the FEIR  
14 would substantially reduce one or more significant effects on the environment.

15 Section 3. PURPOSES AND INTENT. The purposes and intent of the Board of  
16 Supervisors with respect to this Ordinance are to adopt the Mid-Market Redevelopment Plan  
17 in accordance with the Community Redevelopment Law and to achieve the objectives for  
18 redevelopment of the Project Area specified in the Mid-Market Redevelopment Plan.

19 Section 4. INCORPORATION BY REFERENCE. By this reference, the Mid-Market  
20 Redevelopment Plan, a copy of which is on file with the Clerk of the Board of Supervisors in  
21 File No. \_\_\_\_\_, is incorporated in and made a part of this Ordinance with the same  
22 force and effect as though set forth fully herein.

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

3 A. The Redevelopment Project Area which is the subject of the Mid-Market  
4 Redevelopment Plan is a blighted area (as described in the Report on the Plan Amendment),  
5 the redevelopment of which is necessary to effectuate the public purposes declared in the  
6 Community Redevelopment Law.

7 B. The Mid-Market Redevelopment Plan will redevelop the Project Area, as set  
8 forth in the Report on the Redevelopment Plan, in conformity with the Community  
9 Redevelopment Law and is in the interests of the public peace, health, safety, and welfare.

10 C. The adoption and carrying out of the Mid-Market Redevelopment Plan is  
11 economically sound and feasible as described in the Report on the Redevelopment Plan.

12 D. For the reasons referred to in Planning Commission Motion No. 17050, the  
13 Redevelopment Plan is consistent with the General Plan of the City and County of  
14 San Francisco, including but not limited to the housing element of the General Plan, which  
15 substantially complies with the requirements of Article 10.6 (commencing with Section 65580)  
16 of Chapter 3 of Division 1 of Title 7 of the California Government Code and other applicable  
17 requirements of law, and is consistent with the eight Priority Policies in Planning Code  
18 Section 101.1.

19 E. The carrying out of the Mid-Market Redevelopment Plan will promote the public  
20 peace, health, safety and welfare of the community and effectuate the purposes and policies  
21 of the Community Redevelopment Law as generally described in the Report on the  
22 Redevelopment Plan.

23 F. The condemnation of real property, to the extent provided for in the Mid-Market  
24 Redevelopment Plan, may be necessary for the execution of such Redevelopment Plan and  
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1 adequate provisions have been made in such Redevelopment Plan for payment for property  
2 to be so acquired in accordance with law.

3 G. The implementation of the Mid-Market Redevelopment Plan may result in the  
4 displacement of low- or moderate-income persons, however, the Agency has a feasible  
5 method or plan for the relocation of families and persons displaced from the Project Area, if  
6 such implementation results in the temporary or permanent displacement of any occupants of  
7 housing facilities in the Project Area.

8 H. There are, or shall be provided, in the Project Area or in other areas not  
9 generally less desirable in regard to public utilities and public and commercial facilities and at  
10 rents or prices within the financial means of the families and persons displaced from the  
11 Project Area, decent, safe, and sanitary dwellings equal in number to the number of and  
12 available to the displaced families and persons and reasonably accessible to their places of  
13 employment.

14 I. Families and persons shall not be displaced prior to the adoption of a relocation  
15 plan pursuant to Sections 33411 and 33411.1 of the California Health and Safety Code and  
16 dwelling units housing families and persons of low or moderate income shall not be removed  
17 or destroyed prior to the adoption of a replacement housing plan pursuant to  
18 Sections 33334.5, 33413, and 33413.5 of the California Health and Safety Code.

19 J. There are no non-contiguous areas in the Project Area.

20 K. The Project Area includes lands, buildings and improvements which are not  
21 individually detrimental to the public health, safety or welfare but which are necessary for the  
22 effective redevelopment of the Project Area. All areas included in the Project Area are  
23 necessary for effective redevelopment of the Project Area, and no areas in the Project Area  
24 are included solely for the purpose of obtaining an allocation of tax increment revenues from  
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1 the Project Area pursuant to California Health and Safety Code Section 33670 without other  
2 substantial justification for its inclusion.

3 L. The elimination of blight and the redevelopment of the Project Area could not  
4 reasonably be expected to be accomplished by private enterprise acting alone without the aid  
5 and assistance of the Agency.

6 M. The Project Area is predominantly urbanized, as defined by California Health  
7 and Safety Code Section 33320.1(b).

8 N. The time limitation and the limitation on the number of dollars to be allocated to  
9 the Agency that are contained in the Mid-Market Redevelopment Plan are reasonably related  
10 to the proposed projects to be implemented in the Project Area and to the ability of the  
11 Agency to eliminate blight within the Project Area.

12 O. Permanent housing facilities will be available within four (4) years from the time  
13 occupants of the Project Area are displaced and that, pending the development of the  
14 facilities, there will be available to the displaced occupants adequate temporary housing  
15 facilities at rents comparable to those in the community at the time of their displacement.

16 P. On March 9, 2005, the PAC recommended the approval of the Mid-Market  
17 Redevelopment Plan.

18 Section 6. Pursuant to Section 33365 of the California Health and Safety Code, the  
19 Board of Supervisors hereby adopts this Ordinance, and approves and adopts the Mid-Market  
20 Redevelopment Plan as the official Redevelopment Plan for the Project Area.

21 Section 7. The Clerk of the Board of Supervisors shall without delay (1) transmit a  
22 copy of this Ordinance to the Agency pursuant to California Health and Safety Code  
23 Section 33372, whereupon the Agency shall be vested with the responsibility for carrying out  
24 the Redevelopment Plan, (2) record or ensure that the Agency records a description of the  
25 Project Area and a certified copy of this Ordinance pursuant to California Health and Safety

1 Sections 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this  
2 Ordinance, together with a copy of the Mid-Market Redevelopment Plan, which contains a  
3 legal description of the Project Area and a map indicating the boundaries of the Project Area,  
4 to the Controller, the Tax Assessor, the State Board of Equalization and the governing body of  
5 all taxing agencies in the Project Area pursuant to California Health and Safety Code  
6 Sections 33375 and 33670.

7 Section 8. In accordance with California Health and Safety Code Sections 33220,  
8 33343, 33344 and 33370, the Board of Supervisors declares its intent to undertake and  
9 complete actions and proceedings necessary to be carried out by the City under the  
10 Redevelopment Plan and related Plan Documents (as defined in the Redevelopment Plan)  
11 and authorizes and urges the Mayor and other applicable officers, commissions and  
12 employees of the City to take any and all steps as they or any of them deem necessary or  
13 appropriate, in consultation with the City Attorney, to cooperate with the Agency in the  
14 implementation of the Mid-Market Redevelopment Plan and to effectuate the purposes and  
15 intent of this Ordinance, such determination to be conclusively evidenced by the execution  
16 and delivery by such person or persons of any such documents.

17 Section 9. The Mid-Market Redevelopment Plan has the goal of encouraging “a  
18 unique and diverse theater, arts, cultural and entertainment district that celebrates Mid-  
19 Market’s historic theaters, intermingles new complementary arts and culture facilities, and  
20 caters to the needs of both the local and regional populations” (Goal B, page 8). In order to  
21 implement this goal, the Redevelopment Agency and the Mid-Market Project Area Committee,  
22 in consultation with representatives of the arts community, shall conduct a community  
23 planning process to develop a strategy for the support of arts projects and organizations  
24 within the Project Area, which shall be presented to the Board of Supervisors prior to or in  
25 conjunction with any Agency requests for funding for arts programs in the Project Area. Such

1 strategy shall take into account: a current inventory of arts space and organizations in the  
2 Project Area, an analysis of the critical space needs of arts organizations, recommendations  
3 on the kinds of capital projects that should be supported with tax increment revenues from the  
4 Project Area that are hereafter allocated to the Redevelopment Agency, and  
5 recommendations on general projects that should be supported with funds from the Mid-  
6 Market Arts Space Fund established by the Mid-Market Special Use District.

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8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11 DONNELL W. CHOY  
12 Deputy City Attorney

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