

1 [Hunters Point Shipyard Redevelopment Project Area]

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3 **Ordinance approving and adopting an amendment to the Redevelopment Plan for the**  
4 **Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an**  
5 **Interagency Cooperation Agreement between the City and County of San Francisco**  
6 **and the Redevelopment Agency of the City and County of San Francisco, in**  
7 **furtherance of the adoption and implementation of the Redevelopment Plan**  
8 **Amendment; adopting findings pursuant to the California Environmental Quality Act;**  
9 **adopting findings that the Redevelopment Plan Amendment is consistent with the**  
10 **City's General Plan and Eight Priority Policies of City Planning Code Section 101.1;**  
11 **adopting other findings pursuant to California Community Redevelopment Law,**  
12 **including findings pursuant to Sections 33445 and 33445.1.**

13 NOTE: Additions are *single-underline italics Times New Roman*;  
14 deletions are *strike-through italics Times New Roman*.  
15 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strikethrough normal~~.

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, based on the record before it, including  
19 but not limited to information contained in the Report on the Plan Amendment, Hunters Point  
20 Shipyard Redevelopment Plan Amendment (the "Report to the Board," a copy of which is on  
21 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
22 incorporated herein by reference) that:

23 A. On July 14, 1997, the Board of Supervisors approved and adopted, by  
24 Ordinance No. 285-97, the Hunters Point Shipyard Redevelopment Plan ("Redevelopment  
25 Plan") pursuant to the Military Base Conversion Chapter of the California Community

1 Redevelopment Law (Health and Safety Code Sections 33492 et seq.) ("Military Base  
2 Conversion Law"). The Redevelopment Plan establishes basic policies for the development  
3 of the Hunters Point Shipyard Project Area ("Project Area").

4 B. On December 2, 2003, the Redevelopment Agency of the City and County of  
5 San Francisco ("Agency") approved the first phase of redevelopment through a Disposition  
6 and Development Agreement for a portion of the Project Area identified as Parcel A-1 and  
7 Parcel B-1 ("Phase 1"). On that same day, the Agency also approved the Amended and  
8 Restated Exclusive Negotiations Agreement covering the remainder of the Hunters Point  
9 Shipyard Project Area. ("Phase 2").

10 C. In May 2007, the Board of Supervisors approved Resolution No. 264-07,  
11 endorsing a conceptual framework (the "Conceptual Framework") for the integrated  
12 development of Phase 2 of the Hunters Point Shipyard and the Candlestick Point subarea of  
13 the Bayview Hunters Point Redevelopment Project Area (together, the "Project Site"). The  
14 Conceptual Framework envisioned a major mixed-use project, including hundreds of acres of  
15 new and restored open space, thousands of new units of affordable housing, a robust  
16 affordable housing program, extensive job-generating retail and research and development  
17 space, permanent space for the artist colony that exists in the Shipyard and a site for a new  
18 stadium for the 49ers on the Shipyard (the "Project").

19 D. On June 3, 2008, the City's voters passed Proposition G, the Jobs Parks and  
20 Housing Initiative, which: (i) adopted policies for the revitalization of the Project Site;  
21 (ii) authorized the conveyance of City land under Recreation and Park jurisdiction within  
22 Candlestick Point in furtherance of the Project, provided that the transferred property is  
23 replaced with other property of at least the same acreage that will be improved and dedicated  
24 as public parks or open space in the Project; (iii) repealed Proposition D and Proposition F  
25 (June 1997) relating to prior plans for the development of a new stadium and retail

1 entertainment project on Candlestick Point; and (iv) urged the City, the Agency and all other  
2 governmental agencies with jurisdiction to proceed expeditiously with the Project.

3 E. The Agency, working with the Mayor's Citizens Committee for the Hunters Point  
4 Shipyard Redevelopment Project Area ("CAC"), has prepared a proposed amendment to the  
5 Redevelopment Plan ("Redevelopment Plan Amendment") and various other documents  
6 consistent with the California Community Redevelopment Law, Health and Safety Code  
7 Sections 33000 et seq. ("Community Redevelopment Law"), the Military Base Conversion  
8 Law, the Conceptual Framework and Proposition G. The Redevelopment Plan Amendment  
9 revises, among other things, the land uses within the Project Area to facilitate the new  
10 development envisioned by the Conceptual Framework and Proposition G, increases the limit  
11 on the amount of bonded indebtedness and on the number of dollars to be allocated to the  
12 Agency and establishes development fees and exactions applicable in the Project Area. In  
13 addition, the Redevelopment Plan Amendment extends, in conformity with the Military Base  
14 Conversion Law, the effectiveness of the Redevelopment Plan and the time limits for incurring  
15 indebtedness and receiving tax increment to repay indebtedness. The Redevelopment Plan  
16 Amendment, however, does not change the boundaries of the Project Area.

17 F. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community  
18 Redevelopment Law, and in order to promote development in accordance with objectives and  
19 purposes of the Redevelopment Plan Amendment and documents relating to the  
20 Redevelopment Plan, the City intends to undertake and complete proceedings and actions  
21 necessary to be carried out by the City under the provisions of the Redevelopment Plan, as  
22 amended by the Redevelopment Plan Amendment, and provide for the expenditure of monies  
23 by the community in carrying out the Redevelopment Plan, and, specifically, the City wishes to  
24 enter into an Interagency Cooperation Agreement with the Redevelopment Agency,  
25 substantially in the form on file with the Clerk of the Board in File No. \_\_\_\_\_ (the

1 "Interagency Cooperation Agreement"), to provide for cooperation between the City and the  
2 Redevelopment Agency in administering the process for control and approval of subdivisions,  
3 and all other applicable land use, development, construction, improvement, infrastructure,  
4 occupancy and use requirements and in establishing the policies and procedures relating to  
5 such approvals and other actions as set forth in the Interagency Cooperation Agreement. The  
6 Interagency Cooperation Agreement relates to the entire Project Site, including property under  
7 the Bayview Hunters Point Redevelopment Plan. All references to documents and  
8 agreements in the Board File in this Ordinance are incorporated into this Ordinance by  
9 reference as though fully set forth herein.

10 G. Over the past three years, more than 230 public meetings, workshops and  
11 presentations have been held on every aspect of the Project and have involved, among  
12 others, the CAC, the Bayview Hunters Point Project Area Committee (the "PAC"), the Agency  
13 Commission, the Planning Commission, this Board of Supervisors and other City  
14 commissions and community groups.

15 H. The CAC has reviewed and considered the Redevelopment Plan Amendment  
16 on numerous occasions, including CAC meetings held on January 14, 2010, April 12, 2010  
17 and \_\_\_\_\_. On \_\_\_\_\_, 2010, the CAC voted and recommended  
18 approval of the Redevelopment Plan Amendment by the Agency Commission and the Board  
19 of Supervisors.

20 I. Pursuant to Section 33457.1 of the Community Redevelopment Law, a  
21 proposed amendment to a redevelopment plan requires the preparation and public availability  
22 of reports and information that would otherwise be required for a redevelopment plan adoption  
23 "to the extent warranted" by the proposed amendment. The Agency has prepared the Report  
24 to the Board. The Report to the Board has been made available to the public before the date  
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1 of the public hearing on this Ordinance approving the Redevelopment Plan Amendment, all in  
2 accordance with the Community Redevelopment Law.

3 J. On May 6, 2010, the Agency transmitted the proposed Redevelopment Plan  
4 Amendment to the Planning Commission pursuant to Section 33346 of the Community  
5 Redevelopment Law for the Planning Commission's report and recommendation concerning  
6 the Redevelopment Plan Amendment and its conformity with the General Plan. On  
7 \_\_\_\_\_, 2010, at a duly noticed joint public hearing with the Agency Commission,  
8 the Planning Commission, after certifying the completion of the Final Environmental Impact  
9 Report ("FEIR") for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan  
10 Project ("CP-HPS II Project"), and adopting amendments to the General Plan, Planning Code  
11 and Zoning Map, adopted Motion No. \_\_\_\_\_, which found that the  
12 Redevelopment Plan Amendment and the other related actions being taken concurrently with  
13 the Motion, are consistent with the General Plan as proposed for amendment and with the  
14 Eight Priority Policies of Section 101.1 of the Planning Code and further recommended  
15 approval of the Redevelopment Plan Amendment. A copy of the Planning Commission  
16 Motion is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

17 K. At the same joint public hearing, following the Planning Commission's action, the  
18 Agency adopted its Resolution No. \_\_\_\_\_ (the "Agency Approval Resolution") which, among  
19 other things, approved the Report to the Board and the adoption of the Redevelopment Plan  
20 Amendment. The Agency has transmitted certified copies of the Agency Approval Resolution  
21 to the Board of Supervisors and attached its Report to the Board and the Redevelopment Plan  
22 Amendment. A copy of the Agency Approval Resolution is on file with the Clerk of the Board  
23 of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference as  
24 though fully set forth.

1 L. On \_\_\_\_\_, 2010, the Board of Supervisors held a duly noticed  
2 public hearing on the Redevelopment Plan Amendment. The hearing has been closed.  
3 Notice of such hearing was published in accordance with Section 33361 of the Community  
4 Redevelopment Law in The San Francisco Examiner, a newspaper of general circulation,  
5 printed, published and distributed in the City and County of San Francisco describing the  
6 boundaries of the Project Area and stating the day, hour and place when and where any  
7 interested persons may appear before the Board of Supervisors to object to the  
8 Redevelopment Plan Amendment. At such hearing the Board considered the Report to the  
9 Board and recommendations of the Agency and the Planning Commission, the FEIR, and all  
10 evidence and testimony for and against the proposed Redevelopment Plan Amendment.

11 Section 2. CEQA DETERMINATIONS.

12 A. On \_\_\_\_\_, 2010, the Agency Commission by resolution and the  
13 Planning Commission by motion certified the FEIR as adequate, accurate, and objective and  
14 in compliance with the California Environmental Quality Act (California Public Resources  
15 Code Sections 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of  
16 Regulations Sections 15000 et seq.).

17 B. On \_\_\_\_\_, 2010, the Planning Commission adopted findings, as  
18 required by CEQA, regarding the alternatives, mitigation measures, and significant  
19 environmental effects analyzed in the FEIR; a statement of overriding considerations for  
20 approval of the CP-HPS II Project; and a proposed mitigation monitoring and reporting  
21 program (collectively, "CEQA Findings"). On \_\_\_\_\_, 2010, the Agency  
22 Commission adopted the CEQA Findings, which are attached to the Agency Approval  
23 Resolution and include a proposed Mitigation Monitoring and Reporting Program. This  
24 material, together with the FEIR and related Planning Department and Agency files, were  
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1 made available to the public and the Board of Supervisors for its review, consideration, and  
2 action, are on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

3 C. Concurrently with this Ordinance, the Board of Supervisors has adopted  
4 Resolution No. \_\_\_\_\_, adopting findings under CEQA, including the adoption of a  
5 mitigation monitoring and reporting program and a statement of overriding considerations in  
6 connection with the development of the CP-HPS II Project, which resolution is on file with the  
7 Clerk of the Board of Supervisors in File No. \_\_\_\_\_. The Board of Supervisors  
8 endorses the implementation of the mitigation measures for implementation by other City  
9 departments and recommends for adoption those mitigation measures that are enforceable by  
10 agencies other than City departments, all as set forth in the foregoing resolution.

11 Section 3. PURPOSES AND INTENT. The purposes and intent of the Board of  
12 Supervisors with respect to this Ordinance are to adopt the Redevelopment Plan Amendment  
13 in accordance with the Community Redevelopment Law and to achieve the objectives for  
14 redevelopment of the Project Area specified in the Redevelopment Plan Amendment.

15 Section 4. INCORPORATION BY REFERENCE. By this reference, the  
16 Redevelopment Plan Amendment, a copy of which is on file with the Clerk of the Board of  
17 Supervisors in File No. \_\_\_\_\_, is incorporated in and made part of this Ordinance  
18 with the same force and effect as though set forth fully herein.

19 Section 5. FURTHER FINDINGS AND DETERMINATIONS UNDER THE  
20 COMMUNITY REDEVELOPMENT LAW. To the extent required by the Community  
21 Redevelopment Law, the Board of Supervisors hereby finds, determines and declares, based  
22 on the record before it, including but not limited to information contained in the Report to the  
23 Board, that:

24 A. Significant blight (as described in the Report to the Board and as defined in  
25 Section 33492.11 of the Military Base Conversion Law) remains within the Project Area, the

1 redevelopment of which is necessary to effectuate the public purposes declared in the  
2 Community Redevelopment Law.

3 B. The remaining significant blight in the Project Area cannot be eliminated without  
4 the increase in the amount of bonded indebtedness from \$221 million to \$900 million and the  
5 increase in the limitation on the number of dollars to be allocated to the Agency from  
6 \$881 million to \$ 4.2 billion.

7 C. The Redevelopment Plan Amendment will redevelop the Project Area in  
8 conformity with the Community Redevelopment Law and the Military Base Conversion Law,  
9 and is in the interests of the public peace, health, safety and welfare.

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

12 E. The Redevelopment Plan Amendment, once effective, will be consistent with the  
13 General Plan of the City and County of San Francisco, as amended, and is consistent with the  
14 Eight Priority Policies in the City's Planning Code Section 101.1 for the reasons stated in the  
15 General Plan and Priority Policy Consistency findings and in other documents on file with the  
16 Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

17 F. The carrying out the Redevelopment Plan Amendment will promote the public  
18 peace, health, safety and welfare of the community and effectuate the purposes and policies  
19 of the Community Redevelopment Law.

20 G. The Redevelopment Plan Amendment does not provide for the condemnation of  
21 real property.

22 H. The Redevelopment Plan Amendment will not result in the temporary or  
23 permanent displacement of any occupants of housing facilities in the Project Area because  
24 there are no occupied housing facilities in the Project Area.



1 I. The time limitations, as extended to conform to the Military Base Conversion  
2 Law, and the limitation on the number of dollars to be allocated to the Agency that are  
3 contained in the Redevelopment Plan Amendment are reasonably related to the proposed  
4 projects to be implemented in the Project Area and to the ability of the Agency to eliminate  
5 blight within the Project Area.

6 J. The implementation of the Redevelopment Plan Amendment will improve or  
7 alleviate the physical and economic conditions of significant remaining blight that are defined  
8 in Sections 33492.10 and 33492.11 of the Military Base Conversion Law and that are  
9 described in the Report to the Board of Supervisors prepared pursuant to Sections 33457.1  
10 and 33352.

11 K. The tax increment financing authorized under the Redevelopment Plan  
12 Amendment will not have the effect of causing a significant financial burden or detriment on  
13 any taxing agency deriving revenues from the Project Area.

14 Section 6. APPROVAL OF PLAN AMENDMENT. Pursuant to Section 33365 of the  
15 Community Redevelopment Law, the Board of Supervisors hereby approves and adopts the  
16 Redevelopment Plan Amendment as the official Redevelopment Plan for the Project Area.

17 Section 7. TRANSMITTAL AND RECORDATION. The Clerk of the Board of  
18 Supervisors shall without delay (1) transmit a copy of this Ordinance to the Agency pursuant  
19 to Section 33372, whereupon the Agency shall be vested with the responsibility for carrying  
20 out the Redevelopment Plan Amendment, (2) record or ensure that the Agency records a  
21 description of the Project Area and a certified copy of this Ordinance pursuant to  
22 Section 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this  
23 Ordinance, together with a copy of the Redevelopment Plan Amendment, which contains a  
24 legal description of the Project Area and a map indicating the boundaries of the Project Area,  
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1 to the Controller, the Tax Assessor, the State Board of Equalization and the governing body of  
2 all taxing agencies in the Project Area pursuant to Sections 33375 and 33670.

3 Section 8. IMPLEMENTATION OF REDEVELOPMENT PLAN AMENDMENT AND  
4 APPROVAL OF THE INTERAGENCY COOPERATION AGREEMENT. The Board of  
5 Supervisors declares its intent to undertake and complete actions and proceedings necessary  
6 to be carried out by the City under the Redevelopment Plan Amendment and related Plan  
7 Documents (as defined in the Redevelopment Plan Amendment) and authorizes and urges  
8 the Mayor and other applicable officers, commissions and employees of the City to take any  
9 and all steps as they or any of them deem necessary or appropriate, in consultation with the  
10 City Attorney, to cooperate with the Agency in the implementation of the Redevelopment Plan  
11 Amendment and to effectuate the purposes and intent of this Ordinance, such determination  
12 to be conclusively evidenced by the execution and delivery by such person or persons of any  
13 such documents. Such steps shall include, but not be limited to (i) the execution and delivery  
14 of any and all agreements, notices, consents and other instruments or documents (including,  
15 without limitation, execution by the Mayor, or the Mayor's designee, of any agreements to  
16 extend any applicable statutes of limitation), (ii) the institution and completion of proceedings  
17 for the closing, vacating, opening, acceptance of dedication and other necessary  
18 modifications of public streets, sidewalks, street layout and other rights-of-way in the Project  
19 Area, and (iii) the execution, delivery and performance of the Interagency Cooperation  
20 Agreement as it relates to the Project Area. The Board of Supervisors finds and determines  
21 that the Interagency Cooperation Agreement is and will be beneficial to the residents of the  
22 City and the Project Area, and is consistent with the General Plan as amended and the Eight  
23 Priority Policies of Section 101.1. In accordance with the Interagency Cooperation  
24 Agreement, the City will undertake certain actions to ensure the continued fulfillment of the  
25 objectives of the Redevelopment Plan Amendment. Such agreement by the City shall also

1 include, without limitation, compliance with the specified mitigation measures that are  
2 referenced in the Interagency Cooperation Agreement.

3 Section 9. ADDITIONAL BOARD FINDINGS FOR INFRASTRUCTURE IN THE  
4 PROJECT AREA. The Board of Supervisors finds that pursuant to Section 33445 of the  
5 Community Redevelopment Law ode and further detailed in the Infrastructure Plan attached  
6 to the Interagency Cooperation Agreement (the "Infrastructure Plan") and other matters in the  
7 record before it: (1) the Agency will use tax increment and other funds to construct and install  
8 certain public improvements located inside or contiguous to the Project Area (the "Project  
9 Area Public Improvements"); (2) the Project Area Public Improvements are of benefit to the  
10 Project Area by helping to eliminate blight within the Project Area; (3) no other reasonable  
11 means of financing the installation and construction of the Project Area Public Improvements  
12 are available to the City; and (4) the payment of funds for the cost of the Project Area Public  
13 Improvements is consistent with the Implementation Plan that is adopted pursuant to Section  
14 33490 and that is part of the Report to the Board of Supervisors.

15 Section 10 ADDITIONAL BOARD FINDINGS FOR INFRASTRUCTURE OUTSIDE  
16 OF THE PROJECT AREA. The Board of Supervisors finds that pursuant to Section 33445.1  
17 of the Community Redevelopment Law and further detailed in the Infrastructure Plan and  
18 other matters in the record before it: (1) the Agency will use tax increment and other funds to  
19 construct and install certain public improvements located outside and not contiguous to the  
20 Project Area (the "Other Public Improvements"); (2) the Other Public Improvements are of  
21 primary benefit to the Project Area ; (3) the Other Public Improvements will help eliminate  
22 blight within the Project Area; (4) no other reasonable means of financing the installation and  
23 construction of the Other Public Improvements are available to the City; (5) the payment of  
24 funds for the cost of the Other Public Improvements is consistent with the Implementation  
25 Plan that is adopted pursuant to Section 33490 and that is part of the Report to the Board of

1 Supervisors ; and (6) the installation of each Other Public Improvement is provided for in the  
2 Redevelopment Plan Amendment.

3 Section 11. EFFECTIVE DATE. The approval under this Ordinance shall take effect  
4 upon the effective date of the amendments to the General Plan, Planning Code and Zoning  
5 Map approved under Board of Supervisors Ordinance No. \_\_\_\_\_, a copy of  
6 which is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

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

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10 By: \_\_\_\_\_  
11 Charles Sullivan  
12 Deputy City Attorney

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