

1 [Bayview Hunters Point Redevelopment Project Area]

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3 **Ordinance approving and adopting an amendment to the Redevelopment Plan for the**  
4 **Bayview Hunters Point 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, Bayview  
20 Hunters Point Redevelopment Plan Amendment (the "Report to the Board," a copy of which is  
21 on file with the Clerk of the Board of Supervisors in File No. 100658 and is  
22 incorporated herein by reference) that:

23 A. On May 23, 2006, the Board of Supervisors approved and adopted, by  
24 Ordinance No. 113-06, the Redevelopment Plan for the Bayview Hunters Point  
25 Redevelopment Project ("Redevelopment Plan"), which expanded and renamed the Hunters

1 Point Redevelopment Project Area (the "Project Area"). The Redevelopment Plan established  
2 Activity Nodes in the Project Area, including the Candlestick Point Activity Node.

3 B. In May 2007, the Board of Supervisors approved Resolution No. 264-07,  
4 endorsing a conceptual framework (the "Conceptual Framework") for the integrated  
5 development of the Candlestick Point subarea of the Project Area and Phase 2 of the Hunters  
6 Point Shipyard (the "Project Site"). The Conceptual Framework envisioned a major mixed-  
7 use project, including hundreds of acres of new and restored open space, thousands of new  
8 units of ~~affordable~~ housing, a robust affordable housing program, extensive job-generating  
9 retail and research and development space, permanent space for the artist colony that exists  
10 in the Shipyard, and a site for a new stadium for the 49ers on the Shipyard (the "Project").

11 C. On June 3, 2008, the City's voters passed Proposition G, the Jobs Parks and  
12 Housing Initiative, which: (i) adopted policies for the revitalization of the Project Site;  
13 (ii) authorized the conveyance of City land under Recreation and Park Department jurisdiction  
14 within Candlestick Point in furtherance of the Project, provided that the transferred property is  
15 replaced with other property of at least the same acreage that will be improved and dedicated  
16 as public parks or open space in the Project; (iii) repealed Proposition D and Proposition F  
17 (June 1997) relating to prior plans for the development of a new stadium and retail  
18 entertainment project on Candlestick Point; and (iv) urged the City, the Redevelopment  
19 Agency of the City and County of San Francisco (the "Agency"), and all other governmental  
20 agencies with jurisdiction to proceed expeditiously with the Project.

21 D. The Agency, working with the Bayview Hunters Point Project Area Committee  
22 ("PAC"), has prepared a proposed amendment to the Redevelopment Plan (the  
23 "Redevelopment Plan Amendment") and various other documents consistent with the  
24 California Community Redevelopment Law, Health and Safety Code Sections 33000 et seq.  
25 ("Community Redevelopment Law"), the Conceptual Framework and Proposition G. The

1 Redevelopment Plan Amendment designates the Candlestick Point Activity Node as Zone 1,  
2 and the balance of the Project Area as Zone 2. Additionally, the Redevelopment Plan  
3 Amendment revises the land uses within Zone 1 of the Bayview Hunters Point Project Area to  
4 facilitate the new development envisioned by the Conceptual Framework and Proposition G,  
5 increases the limit on the amount of bonded indebtedness and establishes certain  
6 development fees and exactions applicable to Zone 1. The Redevelopment Plan  
7 Amendment, however, does not change the boundaries of the Project Area.

8 E. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community  
9 Redevelopment Law, and in order to promote development in accordance with objectives and  
10 purposes of the Redevelopment Plan Amendment 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, as  
13 amended by the Redevelopment Plan Amendment, and provide for the expenditure of monies  
14 by the community in carrying out the Redevelopment Plan, and, specifically, the City wishes to  
15 enter into an Interagency Cooperation Agreement with the Redevelopment Agency,  
16 substantially in the form on file with the Clerk of the Board in File No. 100658 (the  
17 "Interagency Cooperation Agreement"), to provide for cooperation between the City and the  
18 Redevelopment Agency in administering the process for control and approval of subdivisions,  
19 and all other applicable land use, development, construction, improvement, infrastructure,  
20 occupancy and use requirements and in establishing the policies and procedures relating to  
21 such approvals and other actions as set forth in the Interagency Cooperation Agreement. The  
22 Interagency Cooperation Agreement relates to the entire Project Site, including property under  
23 the Hunters Point Shipyard Redevelopment Plan. All references to documents and  
24 agreements in the Board File in this Ordinance are incorporated into this Ordinance by  
25 reference as though fully set forth herein.

1 F. Over the past three years more than ~~230~~250 public meetings, workshops and  
2 presentations have been held on every aspect of the Project to the PAC, the Mayor's Citizens  
3 Advisory Committee for the Hunters Point Shipyard Redevelopment Project Area (the "CAC"),  
4 the Agency Commission, the Planning Commission, this Board of Supervisors and other City  
5 commissions and community groups.

6 G. The PAC has reviewed and considered the Redevelopment Plan Amendment on  
7 numerous occasions, including PAC meetings held on January 28, 2010, April 5, 2010 and  
8 April 22, 2010. On May 27, 2010, the PAC voted and recommended  
9 approval of the Redevelopment Plan Amendment by the Agency Commission and the Board  
10 of Supervisors.

11 H. Pursuant to Section 33457.1 of the Community Redevelopment Law, a  
12 proposed amendment to a redevelopment plan requires the preparation and public availability  
13 of reports and information that would otherwise be required for a redevelopment plan adoption  
14 "to the extent warranted" by the proposed amendment. The Agency has prepared the Report  
15 to the Board. The Report to the Board has been made available to the public before the date  
16 of the public hearing on this Ordinance approving the Redevelopment Plan Amendment, all in  
17 accordance with the Community Redevelopment Law.

18 I. On May 6, 2010, the Agency transmitted the proposed Redevelopment Plan  
19 Amendment to the Planning Commission pursuant to Section 33346 of the Community  
20 Redevelopment Law for the Planning Commission's report and recommendation concerning  
21 the Redevelopment Plan Amendment and its conformity with the General Plan. On  
22 June 3, 2010, at a duly noticed joint public hearing with the Agency  
23 Commission, the Planning Commission, certified ~~after certifying~~ the completion of the Final  
24 Environmental Impact Report ("FEIR") for the Candlestick Point-Hunters Point Shipyard  
25 Phase II Development Plan Project ("CP-HPS II Project"), and adopted ~~adopting~~ amendments

1 to the General Plan, Planning Code and Zoning Map, ~~adopted Motion No.~~

2 \_\_\_\_\_, At this meeting, the Planning commission also adopted Resolution Nos.  
3 18-101 and 18-102, which found that the Redevelopment Plan Amendment and the other  
4 related actions being taken concurrently with ~~the Motion,~~ these Resolutions are consistent  
5 with the General Plan as proposed for amendment and with the Eight Priority Policies of  
6 Section 101.1 of the Planning Code and further recommended approval of the  
7 Redevelopment Plan Amendment. A copy of ~~the~~ these Planning Commission ~~Motion is~~  
8 Resolutions are on file with the Clerk of the Board of Supervisors in File No.  
9 100658.

10 J. At the same joint public hearing, following the Planning Commission's action,  
11 the Agency adopted ~~its~~ Resolution No. \_\_\_\_\_ Nos. 63-2010 and 64-2010 (the  
12 "Agency Approval ~~Resolution~~ Resolutions") which, among other things, approved the Report to  
13 the Board and the adoption of the Redevelopment Plan Amendment. The Agency also  
14 adopted Resolution No. 71-2010, making findings pursuant to Sections 33445 and 33445.1 of  
15 the Community Redevelopment Law for funding of the installation and construction of public  
16 improvements related to the Project Area (the "Benefit Findings"). The Agency has  
17 transmitted certified copies of the Agency Approval ~~Resolution~~ Resolutions and the Benefit  
18 Findings to the Board of Supervisors ~~and attached,~~ together with its Report to the Board and  
19 the Redevelopment Plan Amendment. A copy of the Agency Approval ~~Resolution is~~  
20 Resolutions, the Benefit Findings, the Report to the Board, and the Redevelopment Plan  
21 Amendment are on file with the Clerk of the Board of Supervisors in File No.  
22 100658, and is ~~are~~ incorporated herein by reference as though fully set forth.

23 K. On \_\_\_\_\_, 2010, the Board of Supervisors held a duly noticed  
24 public hearing on the Redevelopment Plan Amendment. The hearing has been closed. Notice  
25 of such hearing was published in accordance with Section 33361 of the Community

1 Redevelopment Law in The San Francisco Examiner , a newspaper of general circulation,  
2 printed, published and distributed in the City and County of San Francisco describing the  
3 boundaries of the Project Area and stating the day, hour and place when and where any  
4 interested persons may appear before the Board of Supervisors to object to the  
5 Redevelopment Plan Amendment. At such hearing the Board considered the Report to the  
6 Board and recommendations of the Agency and the Planning Commission, the FEIR, and all  
7 evidence and testimony for and against the proposed Redevelopment Plan Amendment.

8 Section 2. CEQA DETERMINATIONS.

9 A. On June 3, 2010, the Agency Commission by Resolution  
10 No. 58-2010 ~~resolution~~ and the Planning Commission by Motion No. 18096 ~~motion~~ certified  
11 the FEIR as adequate, accurate, and objective and in compliance with the California  
12 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.)  
13 ("CEQA") and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et  
14 seq.).

15 B. On June 3, 2010, the Planning Commission adopted findings,  
16 as required by CEQA, regarding the alternatives, mitigation measures, and significant  
17 environmental effects analyzed in the FEIR; a statement of overriding considerations for  
18 approval of the CP-HPS II Project; and a proposed mitigation monitoring and reporting  
19 program (collectively, "CEQA Findings"). On June 3, 2010, the Agency  
20 Commission adopted the CEQA Findings, which are attached to the Agency Approval  
21 Resolution and include a proposed Mitigation Monitoring and Reporting Program. This  
22 material, together with the FEIR and related Planning Department and Agency files, were  
23 made available to the public and the Board of Supervisors for its review, consideration, and  
24 action, are on file with the Clerk of the Board of Supervisors in File No. 100572.

1 C. Concurrently with this Ordinance, the Board of Supervisors has adopted  
2 Resolution No. \_\_\_\_\_, adopting findings under CEQA, including the adoption of a  
3 mitigation monitoring and reporting program and a statement of overriding considerations in  
4 connection with the development of the CP-HPS II Project, which resolution is on file with the  
5 Clerk of the Board of Supervisors in File No. 100572. The Board of Supervisors  
6 endorses the implementation of the mitigation measures for implementation by other City  
7 departments and recommends for adoption those mitigation measures that are enforceable by  
8 agencies other than City departments, all as set forth in the foregoing resolution.

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

13 Section 4. INCORPORATION BY REFERENCE. By this reference, the  
14 Redevelopment Plan Amendment, a copy of which is on file with the Clerk of the Board of  
15 Supervisors in File No. 100658, is incorporated in and made part of this Ordinance  
16 with the same force and effect as though set forth fully herein.

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

22 A. Significant blight (as described in the Report to the Board) remains within the  
23 Project Area, the redevelopment of which is necessary to effectuate the public purposes  
24 declared in the Community Redevelopment Law.

1 B. The remaining significant blight in the Project Area cannot be eliminated without  
2 the increase in the amount of bonded indebtedness from \$400 million to \$1.221.2 billion.

3 C. The Redevelopment Plan Amendment will redevelop the Project Area in  
4 conformity with the Community Redevelopment Law and is in the interests of the public  
5 peace, health, safety and welfare.

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

8 E. The Redevelopment Plan Amendment, once effective, will be consistent with the  
9 General Plan of the City and County of San Francisco, as amended, and is consistent with the  
10 Eight Priority Policies in the City's Planning Code Section 101.1 for the reasons stated in the  
11 General Plan and Priority Policy Consistency findings Planning Commission Resolution Nos.  
12 18101 and 18102, and in other documents on file with the Clerk of the Board of Supervisors in  
13 File No. 100658.

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

17 G. The Redevelopment Plan Amendment does not change the existing limitations  
18 on the condemnation of real property established in the Redevelopment Plan.

19 H. The Redevelopment Plan does not authorize the use of eminent domain to  
20 displace persons from residentially-zoned areas and legally occupied dwelling units and in  
21 other contexts. Nonetheless, if displacement occurs through other means, the Agency has a  
22 feasible method or plan for the relocation of families and ~~person~~persons displaced from the  
23 Project Area. There are, or shall be provided, in the Project Area or in other areas not  
24 generally less desirable in regard to public utilities and public and commercial facilities and at  
25 rents or prices within the financial means of the families and persons displaced from the



1 Project Area, decent, safe, and sanitary dwellings equal in number to the number of and  
2 available to the displaced families and persons and reasonably accessible to their places of  
3 employment.

4 I. Families and persons shall not be displaced prior to the adoption of a relocation  
5 plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law.  
6 Dwelling units housing person and families of low or moderate income shall not be removed  
7 or destroyed prior to the adoption of a replacement housing plan pursuant to  
8 Sections 33334.5, 33413, and 33413.5 of the Community Redevelopment Law.

9 J. The elimination of blight and the redevelopment of the Project Area could not  
10 reasonably be expected to be accomplished by private enterprise acting alone without the aid  
11 and assistance of the Agency.

12 K. The Project Area continues to be predominantly urbanized, as defined by  
13 Subdivision (b) of Section 33320.1.

14 L. The implementation of the Redevelopment Plan Amendment will improve or  
15 alleviate the physical and economic conditions of the remaining significant blight that are  
16 described in the Report to the Board of Supervisors prepared pursuant to Sections 33457.1  
17 and 33352 of the Community Redevelopment Law.

18 M. The Agency and the Board of Supervisors have provided an opportunity for all  
19 persons to be heard and have considered all evidence and testimony for or against any and  
20 all aspects of the Redevelopment Plan Amendment.

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

24 Section 7. TRANSMITTAL AND RECORDATION. The Clerk of the Board of  
25 Supervisors shall without delay (1) transmit a copy of this Ordinance to the Agency pursuant

1 to Section 33372, whereupon the Agency shall be vested with the responsibility for carrying  
2 out the Redevelopment Plan Amendment, (2) record or ensure that the Agency records a  
3 description of the Project Area and a certified copy of this Ordinance pursuant to  
4 Section 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this  
5 Ordinance, together with a copy of the Redevelopment Plan Amendment, which contains a  
6 legal description of the Project Area and a map indicating the boundaries of the Project Area,  
7 to the Controller, the Tax Assessor, the State Board of Equalization and the governing body of  
8 all taxing agencies in the Project Area pursuant to Sections 33375 and 33670.

9 Section 8. IMPLEMENTATION OF REDEVELOPMENT PLAN AMENDMENT AND  
10 APPROVAL OF THE INTERAGENCY COOPERATION AGREEMENT. The Board of  
11 Supervisors declares its intent to undertake and complete actions and proceedings necessary  
12 to be carried out by the City under the Redevelopment Plan Amendment and related Plan  
13 Documents (as defined in the Redevelopment Plan Amendment) and authorizes and urges  
14 the Mayor and other applicable officers, commissions and employees of the City to take any  
15 and all steps as they or any of them deem necessary or appropriate, in consultation with the  
16 City Attorney, to cooperate with the Agency in the implementation of the Redevelopment Plan  
17 Amendment and to effectuate the purposes and intent of this Ordinance, such determination  
18 to be conclusively evidenced by the execution and delivery by such person or persons of any  
19 such documents. Such steps shall include, but not be limited to (i) the execution and delivery  
20 of any and all agreements, including a planning cooperation agreement, notices, consents  
21 and other instruments or documents (including, without limitation, execution by the Mayor, or  
22 the Mayor's designee, of any agreements to extend any applicable statutes of limitation),  
23 (ii) the institution and completion of proceedings for the closing, vacating, opening,  
24 acceptance of dedication and other necessary modifications of public streets, sidewalks,  
25 street layout and other rights-of-way in the Project Area, and (iii) the execution, delivery and

1 performance of the Interagency Cooperation Agreement as it relates to the Project Area. The  
2 Board of Supervisors finds and determines that the Interagency Cooperation Agreement is  
3 and will be beneficial to the residents of the City and the Project Area, and is consistent with  
4 the General Plan as amended and the Eight Priority Policies of Section 101.1. In accordance  
5 with the Interagency Cooperation Agreement, the City will undertake certain actions to ensure  
6 the continued fulfillment of the objectives of the Redevelopment Plan Amendment. Such  
7 agreement by the City shall also include, without limitation, compliance with the specified  
8 mitigation measures that are referenced in the Interagency Cooperation Agreement..

9 Section 9. ADDITIONAL BOARD FINDINGS FOR INFRASTRUCTURE IN THE  
10 PROJECT AREA. The Board of Supervisors finds that pursuant to Section 33445 of the  
11 Community Redevelopment Law and further detailed in the Infrastructure Plan attached to the  
12 Interagency Cooperation Agreement (the "Infrastructure Plan") and other matters in the  
13 record before it, including but not limited to the Benefits Findings: (1) the Agency will use tax  
14 increment and other funds to construct and install certain public improvements located inside  
15 or contiguous to the Project Area (the "Project Area Public Improvements"); (2) the Project  
16 Area Public Improvements are of benefit to the Project Area by helping to eliminate blight  
17 within the Project Area; (3) no other reasonable means of financing the installation and  
18 construction of the Project Area Public Improvements are available to the City; and (4) the  
19 payment of funds for the cost of the Project Area Public Improvements is consistent with the  
20 Implementation Plan that is adopted pursuant to Section 33490 and that is part of the Report  
21 to the Board of Supervisors.

22 Section 10 ADDITIONAL BOARD FINDINGS FOR INFRASTRUCTURE OUTSIDE  
23 OF THE PROJECT AREA. The Board of Supervisors finds that pursuant to Section 33445.1  
24 of the Community Redevelopment Law and further detailed in the Infrastructure Plan and  
25 other matters in the record before it, including but not limited to the Benefit Findings: (1) the

1 Agency will use tax increment and other funds to construct and install certain public  
2 improvements located outside and not contiguous to the Project Area (the "Other Public  
3 Improvements"); (2) the Other Public Improvements are of primary benefit to the Project Area;  
4 (3) the Other Public Improvements will help eliminate blight within the Project Area; (4) no  
5 other reasonable means of financing the installation and construction of the Other Public  
6 Improvements are available to the City; (5) the payment of funds for the cost of the Other  
7 Public Improvements is consistent with the Implementation Plan that is adopted pursuant to  
8 Section 33490 and that is part of the Report to the Board of Supervisors ; and (6) the  
9 installation of each Other Public Improvement is provided for in the Redevelopment Plan  
10 Amendment.

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

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

By: \_\_\_\_\_  
Charles Sullivan  
Deputy City Attorney