

1 [Redevelopment Plan Amendment - Bayview Hunters Point]

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3 **Ordinance approving and adopting an amendment to the Redevelopment Plan for the**
4 **Bayview Hunters Point Redevelopment Project Area; directing the Clerk of the Board to**
5 **transmit a copy of this Ordinance upon its enactment to the Successor Agency;**
6 **making findings under the California Environmental Quality Act; and making findings**
7 **of consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

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16 Section 1. FINDINGS.

17 (a) On May 23, 2006, by Ordinance No. 113-06, the Board of Supervisors approved
18 and adopted the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project
19 (“BVHP Plan”), which establishes basic policies for development of the Bayview Hunters Point
20 Redevelopment Project Area (“BVHP Project Area”). On July 14, 1997, by Ordinance No.
21 285-97, the Board of Supervisors approved and adopted the Hunters Point Shipyard
22 Redevelopment Plan (“HPS Plan”), which establishes basic policies for development of the
23 Hunters Point Shipyard Redevelopment Project Area (“HPS Project Area”), pursuant to the
24 Military Base Conversion Chapter of the Community Redevelopment Law, (“CRL”) (California
25 Health and Safety Code Sections 33492 et seq.). The Redevelopment Agency of the City and

1 County of San Francisco (“Redevelopment Agency”) thereby became vested with the
2 responsibility to carry out these redevelopment plans.

3 (b) On August 3, 2010, by Ordinance Nos. 0210-10 and 0211-10, the Board of
4 Supervisors approved and adopted amendments to the BVHP Plan and the HPS Plan,
5 respectively, in connection with the approval of the Candlestick Point-Hunters Point Shipyard
6 Phase 2 Project (“Project”).

7 (c) To implement the Project, the Redevelopment Agency and CP Development
8 Co., LP, a Delaware limited partnership ("Developer") entered into various agreements,
9 including a Disposition and Development Agreement (Candlestick Point and Phase 2 of the
10 Hunters Point Shipyard), dated as of June 3, 2010, which the parties previously have
11 amended on two occasions (the “DDA”).

12 (d) On July 13, 2010, the Board of Supervisors approved Motion No. 10-0110,
13 affirming the Planning Commission’s certification of the final environmental impact report for
14 the Candlestick Point-Hunters Point Shipyard Phase 2 Project (“FEIR”) in compliance with the
15 California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections
16 21000 et seq.). A copy of said Motion is on file with the Clerk of the Board of Supervisors in
17 File No. 100862 and available on the Board’s website, and is incorporated herein by reference
18 as though fully set forth.

19 (e) The Project analyzed in the FEIR included a new professional football stadium in
20 the HPS Project Area, a mix of other uses throughout the development area, a
21 comprehensive parks and open space plan, an integrated transportation plan, a robust
22 community benefits plan, and improved opportunities to finance the development of affordable
23 housing and the public infrastructure necessary to expedite the revitalization of both areas.
24 Also, as part of the Project, the FEIR analyzed several land use variants to the Project, which
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1 provided for differing mixes of housing; retail; and research and development and office uses
2 in lieu of the stadium use.

3 (f) Together with the approval actions taken in 2010, this Board adopted Resolution
4 No.347-10 making findings in relation to the Project pursuant to CEQA, including a statement
5 of overriding considerations and a mitigation monitoring and reporting program (“CEQA
6 Findings”). Copies of said Resolution and supporting materials are in the Clerk of the Board
7 of Supervisors File No. 100572 and available on the Board’s website, and the Resolution and
8 supporting materials are incorporated herein by reference as though fully set forth.

9 (g) On February 1, 2012, the State of California dissolved all redevelopment
10 agencies in the state and established successor agencies to assume certain rights and
11 obligations of the former agencies. California Health and Safety Code Sections 34170 et seq.
12 (the “Redevelopment Dissolution Law”). On October 2, 2012, by Ordinance No. 215-12, the
13 Board of Supervisors delegated its state authority under the Redevelopment Dissolution Law
14 to the Successor Agency to the former Redevelopment Agency of the City and County of San
15 Francisco (the “Successor Agency”), established the Commission on Community Investment
16 and Infrastructure (“CCII”), to implement and complete, among other things, the surviving
17 enforceable obligations of the dissolved Redevelopment Agency, and acknowledged that
18 under the Redevelopment Dissolution Law, the Successor Agency held all transferred assets
19 and obligations of the dissolved Redevelopment Agency. On December 4, 2012, the
20 California Department of Finance finally and conclusively determined that the DDA and
21 related agreements were enforceable obligations of the Successor Agency.

22 (h) On June 13, 2017, the Board of Supervisors approved and adopted, by
23 Ordinance Nos. 0121-17 and 0122-17, respectively, amendments to the BVHP Plan and the
24 HPS Plan to conform the plans to Proposition O, the “Hunters Point Shipyard/Candlestick
25 Point Jobs Stimulus Proposition”, adopted by the San Francisco voters on November 8, 2016.

1 Proposition O exempts the Project from the annual office development cap established under
2 Planning Code, Sections 320-325.

3 (i) The BVHP Plan divides the BVHP Project Area B into Zone 1 and Zone 2. Zone
4 1 includes the property once occupied by the Candlestick Stadium, its parking lot, the
5 Candlestick Point State Recreational Area (“CPSRA”), the Alice Griffith Housing Authority site,
6 several private parcels that are generally surrounded by the stadium site and the CPSRA, and
7 Assessor’s Lot 276 of Block 4991, a private parcel not owned by the Developer that is located
8 on Jamestown Avenue above the stadium site (“Jamestown Parcel”). Zone 2 includes the
9 remainder of BVHP Project Area B.

10 (j) Under the BVHP Plan, the Successor Agency has jurisdiction over land use
11 regulations in Zone 1 and is the approval body for development approvals pursuant to the
12 CRL. The Planning Department has jurisdiction over land use regulations in Zone 2, in
13 accordance with a 2006 Delegation Agreement between the Planning Department and the
14 Redevelopment Agency.

15 (k) The Developer has proposed modifications to the Project primarily affecting the
16 HPS Project Area, with some conforming changes that affect the BVHP Project Area. To
17 facilitate the proposed modifications, the Successor Agency has proposed an amendment to
18 the BVHP Plan (“2018 Plan Amendment”), which would amend the BVHP Plan to remove the
19 Jamestown Parcel from Zone 1 and designate the Jamestown Parcel as part of Zone 2, thus
20 any future development on the Jamestown Parcel would proceed under the jurisdiction of the
21 Planning Department and applicable land use controls in the Planning Code. In addition, the
22 2018 Plan Amendment would authorize, subject to prior CCII approval: (1) adjustment of the
23 amount of individual non-residential uses permitted in the BVHP Project Area (except for
24 community use space), including conversion to other non-residential uses allowed by the
25 BVHP Plan, provided the total square footage of non-residential uses does not materially

1 exceed the Plan’s overall limitation for non-residential development in the Candlestick Point
2 area; and (2) the transfer of up to 118,500 square feet of research and development and
3 office space from Phase 2 of the HPS Project Area to those areas of Zone 1 of the BVHP
4 Project Area where such uses are permitted, with a corresponding reduction in that use in the
5 HPS Project Area. The 2018 Plan Amendment would also make minor amendments to the
6 definitions, regulations, and standards of the BVHP Plan.

7 (l) On April 17, 2018, the CCII adopted Resolution Nos. 12-2018 and 13-2018
8 (“CCII Approval Resolutions) which, among other things, approved the Report to the Board
9 and recommended the adoption of the 2018 Plan Amendment. The CCII has transmitted
10 certified copies of the CCII Approval Resolutions to the Board of Supervisors together with its
11 Report to the Board and the 2018 Plan Amendment. A copy of the Agency Approval
12 Resolutions, the Report to the Board, and the 2018 Plan Amendment are in the Clerk of the
13 Board of Supervisors File No. 180516 and available on the Board’s website, and are
14 incorporated herein by reference as though fully set forth.

15 (m) On April 19, 2018, the Successor Agency transmitted the proposed
16 amendments to the 2018 Plan Amendment to the Planning Commission pursuant to CRL
17 Section 33346 for the Planning Commission’s report and recommendation concerning the
18 2018 Plan Amendment and its conformity with the General Plan. On April 26, 2018, the
19 Planning Commission, in Resolution No. 20164, adopted findings that the actions
20 contemplated in this ordinance are consistent, on balance, with the City’s General Plan, as
21 amended, and eight priority policies of Planning Code, Section 101.1. The Board adopts
22 these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
23 Supervisors in File No. 180516, and available on the Board’s website and the findings are
24 incorporated by reference herein as though fully set forth.

1 (n) On June 26, 2018, the Board of Supervisors held a duly noticed public hearing
2 on the 2018 Plan Amendment. The hearing has been closed. Notice of such hearing was
3 published in accordance with CRL Section 33361 in The Examiner, a newspaper of general
4 circulation, printed, published and distributed in the City and County of San Francisco
5 describing the boundaries of the BVHP Project Area and stating the day, hour and place when
6 and where any interested persons may appear before the Board of Supervisors to object to
7 the 2018 Plan Amendment. At such hearing the Board considered the Report to the Board
8 and recommendations of the CCII and the Planning Commission, the FEIR, and all evidence
9 and testimony for and against the proposed 2018 Plan Amendment.

10 Section 2. CEQA DETERMINATION.

11 (a) The Successor Agency determined in Addendum No. 5 for the Project that the
12 proposed modifications to the Project, referred to in the Addendum No. 5 as the 2018 CP-
13 HPS2 Modified Project (hereinafter referred to as the "Modified Project") will not result in any
14 new significant impacts or a substantial increase in the severity of previously identified
15 significant effects that would alter the conclusions reached in the FEIR. A copy of Addendum
16 No. 5 and supporting materials are in the Clerk of the Board of Supervisors File No. 180516
17 and available on the Board's website, and the findings in Addendum No. 5 and supporting
18 materials are incorporated herein by reference as though fully set forth.

19 (b) By Resolution No. 11-2018, adopted April 17, 2018, the CCII determined that
20 the analysis conducted and the conclusions reached in the FEIR as to the environmental
21 effects of the Project, together with further analysis provided in Addendum No. 1, Addendum
22 No. 4 and Addendum No. 5 to the FEIR, remain valid and can be relied upon for approval of
23 the Modified Project in compliance with the CEQA.

24 (c) As part of Resolution No. 11-2018, the CCII made findings regarding the
25 modifications to 16 previously adopted mitigation measures as recommended in Addendum

1 No. 5 and as further set forth in Resolution No. 11-2018 and approved the modifications to the
2 adopted mitigation measures. For two of these mitigation measures, Mitigation Measure TR-
3 16, Widen Harney Way, and UT-2, Auxiliary Water Supply System, the language reflects
4 minor changes CCII previously approved based on Addendum No. 1 and Addendum No. 4 as
5 reflected in CCII Resolutions Nos. 1-2014 and 13-2016. In addition, CCII Resolution No. 13-
6 2016 approved modifications to Mitigation Measure TR-23.1, Maintain Proposed Headways of
7 the 29 Sunset, to assure that transit travel times would be consistent with the FEIR analysis. A
8 copy of Resolution No. 11-2018 and supporting materials, including without limitation
9 Addendum No. 1 and Addendum No. 4, and copies of Resolution Nos. 1-2014 and 13-2016
10 are in the Clerk of the Board of Supervisors File No. 180516 and available on the Board's
11 website, and are incorporated herein by reference as though fully set forth.

12 (d) The Board has reviewed and considered the CEQA Findings, including the
13 statement of overriding considerations that it previously adopted in Resolution No. 0347-10,
14 the findings in Addendum No. 5, the findings in CCII Resolution No. 11-2018, and the findings
15 in CCII Resolutions Nos. 1-2014 and 13-2016 concerning amendments to adopted mitigation
16 measures. The Board finds that the actions contemplated by this ordinance are included in
17 the actions identified in CCII Resolution 11-2018 for purposes of compliance with CEQA. The
18 Board hereby adopts the additional CEQA Findings in CCII Resolution 11-2018 as its own,
19 including approving the modifications to the 16 adopted mitigation measures recommended
20 for modification in Addendum No. 5. Additionally, the Board approves the modifications
21 previously approved by CCII to Mitigation Measures TR-16, TR-23.1, and UT-2 for the
22 reasons set forth in CCII Resolution Nos. 1-2014 and 13-2016.

23 Section 3. PURPOSE AND INTENT. The purpose and intent of the Board of
24 Supervisors with respect to the 2018 Plan Amendment is to facilitate development of the
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1 Project by adjusting the Zone 1 area boundary to coincide with the Candlestick Point area that
2 the Developer intends to develop under the DDA and to allow for more development flexibility.

3 Section 4. PLAN INCORPORATION BY REFERENCE. The BVHP Plan, as amended
4 by this Ordinance, is incorporated in and made a part of this Ordinance by this reference with
5 the same force and effect as though fully set forth in this Ordinance. Copies of the BVHP
6 Plan, as amended, are on file with the Clerk of the Board of Supervisors in File No. 180516,
7 and available on the Board's website.

8 Section 5. FURTHER FINDINGS AND DETERMINATIONS REGARDING THE 2018
9 PLAN AMENDMENT UNDER COMMUNITY REDEVELOPMENT LAW. To the extent
10 required by the Community Redevelopment Law, the Board of Supervisors hereby further
11 finds, determines and declares, based on the record before it, including but not limited to
12 information contained in the Report to the Board:

13 (a) Zone 1 of BVHP Project Area B remains a blighted area as described in the
14 Report to the Board prepared pursuant to CRL Sections 33457.1 and 33352. The
15 redevelopment of Zone 1 of BVHP Project Area B is necessary to effect the public purposes
16 declared in the CRL.

17 (b) The BVHP Plan as amended by the 2018 Plan Amendment will redevelop Zone
18 1 of the BVHP Project Area B in conformity with the CRL and in the interest of the public
19 peace, health, safety, and welfare.

20 (c) The adoption and carrying out of the 2018 Plan Amendment is economically
21 sound and feasible as described in the Report to the Board.

22 (d) For the reasons set forth in Section 1, subparagraph (l) of this Ordinance, the
23 2018 Plan Amendment are consistent with the General Plan of the City and County of San
24 Francisco, including with the priority policies in City Planning Code Section 101.1.

1 (e) The carrying out of the 2018 Plan Amendment will promote the public peace,
2 health, safety and welfare of the community and effect the purposes and policies of the CRL.

3 (f) The provisions of the BVHP Plan concerning the condemnation of real property
4 have expired and are not necessary to execution of the 2018 Plan Amendment.

5 (g) In 2010, the Board of Supervisors made findings determining that the BVHP
6 Plan does not authorize the use of eminent domain to displace persons from residentially
7 zoned areas and legally occupied dwelling units and in other contexts. However, the Board of
8 Supervisors determined that if displacement occurs through other means, the Successor
9 Agency has a feasible method or place for the relocation of families and persons displaced.
10 These findings are contained in Ordinance No. 0210-10, which is on file with the Clerk of the
11 Board of Supervisors in File No. 100658. The 2018 Plan Amendment will not cause or result
12 in any new temporary or permanent displacement of any occupants of housing and does not
13 alter the findings made by the Board of Supervisors in Ordinance No. 0210-10.

14 (h) The 2018 Plan Amendment does not change the boundaries of the BVHP
15 Project Area and, therefore, do not include any additional area for the purpose of obtaining
16 any allocation of tax increment revenues pursuant to CRL Section 33670.

17 (i) Zone 1 of BVHP Project Area B is predominantly urbanized, as defined by CRL
18 Section 33320.1(b).

19 (j) The implementation of the 2018 Plan Amendment will further the BVHP Plan's
20 ability to improve or alleviate the physical and economic conditions of the remaining blight in
21 Zone 1 of the BVHP Project Area B.

22 Section 6. OFFICIAL PLAN. As required by CRL Sections 33457.1 and 33367, the
23 Board of Supervisors hereby approves and adopts the BVHP Plan, as proposed by this
24 Ordinance, as the official redevelopment plan for the BVHP Project Area.

1 Section 7. CONTINUED EFFECT OF PREVIOUS ORDINANCES AS AMENDED.
2 Ordinances Nos. 0210-10 and 0211-10 are continued in full force and effect as amended by
3 this Ordinance.

4 Section 8. TRANSMITTAL OF PLAN AS AMENDED. The Clerk of the Board of
5 Supervisors shall without delay (a) upon enactment, transmit a copy of this Ordinance to the
6 Successor Agency, whereupon the Successor Agency shall be vested with the responsibility
7 for carrying out the BVHP Plan as amended, and (b) record or ensure that the Successor
8 Agency records a notice of the approval and adoption of the 2018 Plan Amendment pursuant
9 to this Ordinance, containing a statement that proceedings for the redevelopment of the BVHP
10 Project Area pursuant to the BVHP Plan, as amended, has been instituted under the CRL.

11 Section 9. RATIFICATION OF PRIOR ACTS. All actions taken by City officials and
12 the CCII in preparing and submitting the 2018 Plan Amendment to the Board of Supervisors
13 for review and consideration are hereby ratified and confirmed, and the Board of Supervisors
14 hereby authorizes all subsequent action to be taken by City officials and the CCII consistent
15 with this Ordinance.

16 Section 10. EFFECTIVE DATE. In accordance with CRL Sections 33378(b) (2) and
17 33450, this ordinance shall become effective 90 days from the date of enactment. Enactment
18 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
19 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
20 overrides the Mayor's veto of the ordinance.

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

23 By: _____
24 Elaine C. Warren
25 Deputy City Attorney

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