

1 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project.]

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3 **Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley**  
4 **Redevelopment Project area; adopting findings pursuant to the California**  
5 **Environmental Quality Act; adopting findings that the Redevelopment Plan is**  
6 **consistent with the City's General Plan and Eight Priority Policies of City Planning**  
7 **Code Section 101.1; adopting other findings pursuant to the California Community**  
8 **Redevelopment Law; authorizing official acts in furtherance of this ordinance.**

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

11 Section 1. FINDINGS. The Board of Supervisors of the City and County of  
12 San Francisco hereby finds, determines and declares, based on the record before it that:

13 A. On June 7, 2005, the San Francisco Board of Supervisors established the  
14 Visitacion Valley Redevelopment Survey Area by adopting Resolution No. 424-05.

15 B. In July 2006, the Mayor appointed the Visitacion Valley Citizens Advisory  
16 Committee ("CAC") to advise the Redevelopment Agency of the City and County of  
17 San Francisco (the "Agency") on the preparation of a redevelopment plan. On September 19,  
18 2006, the Agency Commission confirmed, by Agency Resolution No. 129-2006, that the  
19 California Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.)  
20 (the "Community Redevelopment Law") does not require the election of a Project Area  
21 Committee. (All future section references are to the California Health and Safety Code unless  
22 otherwise noted.)

23 C. On November 9, 2006, the San Francisco Planning Commission  
24 ("Planning Commission") approved the Visitacion Valley Preliminary Plan by adopting Motion

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1 No. 17340. A copy of the Planning Commission Motion is on file with the Clerk of the Board in  
2 File No. \_\_\_\_\_ and is incorporated herein by reference as though fully set forth.

3 D. The Agency has prepared a proposed Redevelopment Plan for the  
4 Visitacion Valley Redevelopment Project (the "Redevelopment Plan"). The Redevelopment  
5 Plan would establish a redevelopment project area for an approximately 46-acre area of  
6 commercial property generally bounded by Bayshore Boulevard in the north, Tunnel Avenue  
7 in the East, the City and County line in the South, and residential properties to the West (the  
8 "Project Area"). The Project Area is centered on the former Schlage Lock industrial facilities  
9 and includes the neighborhood commercial corridors along Leland Avenue and Bayshore  
10 Boulevard.

11 E. The goal of the Redevelopment Plan is to alleviate physical and  
12 economic blight, which is clearly articulated and documented in the record, through  
13 redevelopment activities including tax increment financing, and thus fulfill numerous  
14 community-adopted objectives. These objectives include: (1) creating a livable, mixed use  
15 urban community that serves the diverse needs of the community and includes access to  
16 public resources and amenities; (2) promoting the community's and City's long term  
17 environmental sustainability; (3) creating a pedestrian-oriented environment that encourages  
18 walking as the primary transportation mode within the Project Area; (4) encouraging the use of  
19 alternative modes of transportation by future area residents, workers and visitors and  
20 supporting the development of the Caltrain Station as a major multi-modal transit facility;  
21 (5) creating well designed open spaces that enhance the existing community and new  
22 development; (6) developing new housing to help address the City's and the region's housing  
23 shortfall, and supporting regional transit use; (7) establishing the Project Area and  
24 surrounding neighborhoods as a gateway to the City of San Francisco; and (8) encouraging  
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1 private investment by eliminating blighting influences and correcting environmental  
2 deficiencies.

3 F. The Redevelopment Plan proposes two development districts: Zone 1,  
4 which includes the Schlage Lock site and neighboring industrial properties; and Zone 2, which  
5 incorporates the neighborhood commercial corridors along Bayshore Boulevard and Leland  
6 Avenue. These development districts are depicted in Map 2 of the Redevelopment Plan.

7 G. The Redevelopment Plan provides for the installation or construction of  
8 public facilities, including open space and streets and rights of way, in accordance with the  
9 requirements of Section 33445.

10 H. The Redevelopment Plan exceeds the Community Redevelopment Law  
11 standards for affordable housing by, among other things, requiring that, over the life of the  
12 Redevelopment Plan, twenty-five percent (25%) of all new and substantially rehabilitated  
13 dwelling units developed within the Project Area by public or private entities (other than the  
14 Agency) shall be available at affordable housing cost to, and occupied by, persons and  
15 families of extremely low-, very low-, low- or moderate-income, as defined in Section 33334.2.

16 I. As required pursuant to Section 33342.5, the Redevelopment Plan  
17 describes the Agency's limited program to acquire real property by eminent domain. The  
18 Redevelopment Plan does not authorize the use of eminent domain in Zone 2. It only  
19 authorizes the use of eminent domain in Zone 1 under very limited circumstances. Under the  
20 Redevelopment Plan the Agency will not use eminent domain to acquire: legally occupied  
21 dwelling units, publicly-owned property, and property subject to an owner participation  
22 agreement with which the owner complies. The Agency will use eminent domain only as a  
23 last resort if the property owner has failed, after reasonable notice, to correct one or more of  
24 the following property conditions: an unsafe or unhealthy building that the Department of  
25 Building Inspection has cited, issued an order of abatement, and determined the owner's

1 noncompliance; uses that pose a threat to the public's safety and welfare as formally  
2 determined through major citations or other significant regulatory action taken by appropriate  
3 City agencies; a vacant or substantially vacant (approximately 75% or more of the rentable  
4 area) building for which the owner has no active plans for a new use or development;  
5 hazardous substances that the property owner has not remediated and that are subject to  
6 unfulfilled regulatory hazardous materials remediation orders. The Agency's use of eminent  
7 domain under these limited circumstances is only authorized for twelve (12) years after the  
8 adoption of the Redevelopment Plan, unless the Redevelopment Plan is amended pursuant to  
9 the standards and procedures of the Community Redevelopment Law.

10 J. The Redevelopment Plan is subject to several time limits imposed by the  
11 Community Redevelopment Law, Section 33333.2, including time limits of thirty (30) years on  
12 the effectiveness of the Redevelopment Plan, twenty years (20) on the establishment of  
13 indebtedness, and forty-five (45) years for the repayment of indebtedness.

14 K. Pursuant to Sections 33327, 33328, 33328.1 (b), 33344.5, 33349,  
15 33360.5 and 33361, the Agency has transmitted all required notices and reports to the State  
16 of California ("State") Board of Equalization, the State Department of Finance, the State  
17 Department of Housing and Community Development, and affected local taxing entities  
18 regarding the Redevelopment Plan.

19 L. On October 14, 2008, the CAC unanimously recommended the approval  
20 of the Redevelopment Plan.

21 M. On December 18, 2008, at a duly noticed public hearing, the Planning  
22 Commission determined that the Redevelopment Plan was consistent with the General Plan,  
23 conformed to the Priority Policies of Section 101.1 of the Planning Code, and recommended  
24 that the Board of Supervisors adopt the Redevelopment Plan (Resolution No. 17791 and  
25 Motion No. 17794). The Planning Commission also approved other actions related to the

1 Redevelopment Plan, including the Design for Development by Motion No. 17795 and the  
2 Cooperation and Delegation Agreement with the Agency by Motion No. 17796. A copy of  
3 such Planning Commission Resolutions and Motions are on file with the Clerk of the Board of  
4 Supervisors in File No. \_\_\_\_\_ and are incorporated herein by reference as  
5 though fully set forth. This Board, for the reasons specified in Resolution No. 17791 and  
6 Motion No. 17794, adopts, as its own, the findings of the Planning Commission that the  
7 Redevelopment Plan is consistent with the General Plan and in conformity with Planning  
8 Code Section 101.1.

9 N. Pursuant to Section 33352, the Agency has prepared a Report to the  
10 Board of Supervisors on the Redevelopment Plan (the "Report on the Redevelopment Plan").  
11 The Report on the Redevelopment Plan has been made available to the public before the  
12 date of the hearing on this Ordinance approving the Redevelopment Plan. A copy of the  
13 Report on the Redevelopment Plan is on file with the Clerk of the Board in File  
14 No. \_\_\_\_\_ and is incorporated herein by reference as though fully set forth.

15 O. On January 6, 2009, and February 3, 2009, the Agency Commission held  
16 duly noticed public hearings to consider the Redevelopment Plan and related actions. On  
17 February 3, 2009, the Agency Commission unanimously adopted Resolution Nos. 1-2009  
18 through 7-2009, which (1) adopted environmental findings and a Statement of Overriding  
19 Considerations, including a mitigation monitoring and reporting program (Resolution No. 1-  
20 2009); (2) approved the Redevelopment Plan (Resolution No. 2-2009); (3) approved the  
21 Report on the Redevelopment Plan (Resolution No. 3-2009); (4) approved the Design for  
22 Development (Resolution No. 4-2009); (5) conditionally approved rules governing participation  
23 by property owners, a relocation plan, and business occupant re-entry policy (Resolution  
24 No. 5-2009); (6) approved a Cooperation and Delegation Agreement with the Planning  
25 Department (Resolution No. 6-2009); and (7) commended the CAC (Resolution No. 7-2009).

1 Copies of these Agency Resolutions are on file with the Clerk of the Board of Supervisors in  
2 File No. \_\_\_\_\_, and incorporated herein by reference as though fully set forth.

3 P. On \_\_\_\_\_, 2009, the Board of Supervisors held a duly  
4 noticed public hearing on the Redevelopment Plan. The hearing has been closed. Notice of  
5 such hearing was published in accordance with Section 33361, in the San Francisco  
6 Examiner, a newspaper of general circulation, printed, published and distributed in the City  
7 and County of San Francisco describing the boundaries of the proposed Project Area and  
8 stating the day, hour and place when and where any interested persons may appear before  
9 the Board of Supervisors to object to the Redevelopment Plan. At such hearing, the Board  
10 considered the report and recommendations of the Agency and the Planning Commission, the  
11 Final Environmental Impact Report for the Redevelopment Plan, and all evidence and  
12 testimony for and against the proposed Redevelopment Plan.

13 Section 2. CEQA DETERMINATIONS.

14 A. On December 16, 2008, the Agency Commission by Resolution No. 157-  
15 2008 and, on December 18, 2008, the Planning Commission by Motion No. 17789 certified,  
16 as co-lead agencies, the Final Environmental Impact Report ("FEIR") for the Visitacion Valley  
17 Redevelopment Program ("Project") as adequate, accurate, and objective and in compliance  
18 with the California Environmental Quality Act (California Public Resources Code Sections  
19 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations  
20 Sections 15000 et seq.).

21 B. On December 18, 2008, the Planning Commission adopted, by Motion  
22 No. 17790: findings, as required by CEQA, regarding the alternatives, mitigation measures,  
23 and significant environmental effects analyzed in the FEIR; a statement of overriding  
24 considerations for approval of the Project; and a proposed mitigation monitoring and reporting  
25 program (collectively, "CEQA Findings"). On February 3, 2009, by Resolution No. 1-2009, the

1 Agency Commission adopted the CEQA Findings, which are Attachment A of Agency  
2 Resolution No. 2009-01 and include Exhibit 1 outlining a proposed Mitigation Monitoring and  
3 Reporting Program. This material, together with the FEIR and related Planning Department  
4 and Agency files, were made available to the public and the Board of Supervisors for its  
5 review, consideration, and action, are on file with the Clerk of the Board of Supervisors in File  
6 No. \_\_\_\_\_ and are incorporated herein by reference.

7 C. The Board of Supervisors has reviewed and considered the FEIR and  
8 hereby adopts the CEQA Findings and determines that said CEQA Findings remain valid for  
9 the actions contemplated in this Ordinance.

10 D. The Board of Supervisors finds that no substantial changes have  
11 occurred in the Project proposed for approval under this Ordinance that will require revisions  
12 in the FEIR due to the involvement of new significant environmental effects or a substantial  
13 increase in the severity of previously identified significant effects, no substantial changes have  
14 occurred with respect to the circumstances under which the Project proposed for approval  
15 under the Ordinance are undertaken which will require major revisions to the FEIR due to the  
16 involvement of new environmental effects or a substantial increase in the severity of effects  
17 identified in the FEIR and no new information of substantial importance to the Project as  
18 proposed for approval in the Ordinance has become available which indicates that (1) the  
19 Project will have significant effects not discussed in the FEIR, (2) significant environmental  
20 effects will be substantially more severe, (3) mitigation measure or alternatives found not  
21 feasible which would reduce one or more significant effects have become feasible or  
22 (4) mitigation measures or alternatives which are considerably different from those in the FEIR  
23 would substantially reduce one or more significant effects on the environment.

24 E. The Board of Supervisors endorses the implementation of the mitigation  
25 measures identified in the Planning Commission's and Redevelopment Agency's CEQA

1 Findings for implementation by other City Departments and recommends for adoption those  
2 mitigation measures that are enforceable by agencies other than City agencies, all as set forth  
3 in the CEQA Findings, including the mitigation monitoring and reporting program contained in  
4 the referenced CEQA Findings.

5 Section 3. PURPOSES AND INTENT. The purposes and intent of the Board of  
6 Supervisors with respect to this Ordinance are to adopt the Redevelopment Plan in  
7 accordance with the Community Redevelopment Law and to achieve the objectives for  
8 redevelopment of the Project Area specified in the Redevelopment Plan.

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

13 Section 5. FURTHER FINDINGS AND DETERMINATIONS UNDER THE  
14 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby adopts the  
15 following written findings to the extent required by the Community Development Law. The  
16 Board of Supervisors finds, determines and declares, based on the clearly articulated and  
17 documented evidence in the record before it, including but not limited to the information  
18 contained in the Report on the Redevelopment Plan, that:

19 A. The Project Area, which is the subject of the Redevelopment Plan, is a  
20 blighted area (as described in the Report on the Redevelopment Plan), the redevelopment of  
21 which is necessary to effectuate the public purposes declared in the Community  
22 Redevelopment Law.

23 B. The Redevelopment Plan will redevelop the Project Area in conformity  
24 with the Community Redevelopment Law and is in the interests of the public peace, health,  
25 safety, and welfare.



1 C. The adoption and carrying out of the Redevelopment Plan is  
2 economically sound and feasible.

3 D. The Redevelopment Plan, once effective, is consistent with the General  
4 Plan of the City and County of San Francisco, as amended, including, but not limited to, the  
5 housing element of the General Plan, which substantially complies with the requirements of  
6 Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the  
7 California Government Code and other applicable requirements of law, and is consistent with  
8 the eight Priority Policies in City Planning Code Section 101.1 for the reasons provided in City  
9 Planning Commission Resolution No. 17791, which findings are incorporated herein by  
10 reference as though fully set forth herein.

11 E. The carrying out of the Redevelopment Plan will promote the public  
12 peace, health, safety and welfare of the community and effectuate the purposes and policies  
13 of the Community Redevelopment Law.

14 F. The condemnation of real property, under the very limited circumstances  
15 and subject to the limitations and prohibitions provided for in the Redevelopment Plan, is  
16 necessary for the execution of the Redevelopment Plan in Zone 1 of the Project Area, and if  
17 any property were to be acquired by condemnation under the circumstances described in the  
18 Redevelopment Plan, adequate provisions have been made for payment for such property as  
19 provided by law.

20 G. There are no public projects identified in the Redevelopment Plan that will  
21 displace a substantial number of low- or moderate-income persons. The Agency has a  
22 feasible method or plan for the relocation of families and persons displaced from the Project  
23 Area, if the Redevelopment Plan results in the temporary or permanent displacement of any  
24 occupants of housing facilities in the Project Area.

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

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

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

12 K. The Project Area includes some lands, buildings and improvements  
13 which are not individually detrimental to the public health, safety or welfare but the inclusion of  
14 which are necessary for the effective redevelopment of the Project Area. All areas included in  
15 the Project Area are necessary for effective redevelopment of the Project Area, and no areas  
16 in the Project Area are included solely for the purpose of obtaining an allocation of tax  
17 increment revenues from the Project Area pursuant to Section 33670 without other substantial  
18 justification for their inclusion.

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

22 M. The Project Area is predominantly urbanized, as defined in  
23 Section 33320.1.

24 N. The time limitation and the limitation on the number of dollars to be  
25 allocated to the Agency that are contained in the Redevelopment Plan are reasonably related

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

3 O. The implementation of the Redevelopment Plan will improve or alleviate  
4 the physical and economic conditions of blight in the project area, as described in the Report  
5 on the Redevelopment Plan.

6 P. Although the Redevelopment Plan does not include public projects that  
7 would displace residential occupants of the Project Area, the Board of Supervisors is satisfied  
8 that, given the Agency's commitment to affordable housing, any displaced residents will have  
9 adequate temporary housing facilities at rents comparable to those in the community at the  
10 time of their displacement and furthermore will have permanent housing facilities available  
11 within three years from the time of displacement.

12 Section 6. Pursuant to Section 33365, the Board of Supervisors hereby approves  
13 and adopts the Redevelopment Plan, as the official Redevelopment Plan for the Project Area.

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

24 Section 8. In accordance with Sections 33220, 33343, 33344 and 33370, the City  
25 intends to aid and cooperate with the Agency to undertake and complete proceedings and

1 actions necessary to be carried out by the City under the provisions of the Redevelopment  
2 Plan and provide for the expenditure of monies by the community in carrying out the  
3 Redevelopment Plan. The Board of Supervisors declares its intent to undertake and complete  
4 actions and proceedings necessary to be carried out by the City under the Redevelopment  
5 Plan and related Plan Documents (as defined in the Redevelopment Plan) and authorizes and  
6 urges the Mayor and other applicable officers, commissions and employees of the City to take  
7 any and all steps as they or any of them deem necessary or appropriate, in consultation with  
8 the City Attorney, to cooperate with the Agency in the implementation of the Redevelopment  
9 Plan and to effectuate the purposes and intent of this Ordinance, such determination to be  
10 conclusively evidenced by the execution and delivery by such person or persons of any such  
11 documents. Such steps shall include, but not be limited to (i) the execution and delivery of  
12 any and all agreements, notices, consents and other instruments or documents (including,  
13 without limitation, execution by the Mayor, or the Mayor's designee, of any agreements to  
14 extend any applicable statutes of limitation) and (ii) the institution and completion of  
15 proceedings for the closing, vacating, opening, acceptance of dedication and other necessary  
16 modifications of public streets, sidewalks, street layout and other rights-of-way in the Project  
17 Area.

18 Pursuant to Sections 33205 and 33128, the Agency may delegate to the City's  
19 Planning Department certain administration of the development controls in the Project Area.  
20 The Agency Commission, by Resolution No. 6-2009 (Feb. 3, 2009), and the Planning  
21 Commission, by Motion No. 17789 (Dec. 18, 2008), have approved a Cooperation and  
22 Delegation Agreement to provide for the Planning Department's administration of the Planning  
23 Code in Zone 2 and the Agency's administration of the Design for Development in Zone 1.

24 Section 9. The approval under this Ordinance shall take effect upon the effective  
25 date of the amendments to the General Plan approved under Board of Supervisors Ordinance

1 No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board of Supervisors in  
2 File No. 050181 and is incorporated herein by reference as if fully set forth.

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

6 By: \_\_\_\_\_  
7 Anita L. Wood  
8 Deputy City Attorney

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