

**REPORT TO THE BOARD OF SUPERVISORS
ON THE AMENDMENT TO THE
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN**

Prepared by:

**The Office of Community Investment and Infrastructure,
as the Successor Agency to the San Francisco Redevelopment Agency**

**April 17, 2018
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I. INTRODUCTION

The Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure (“Successor Agency” or “OCII”), has prepared this report (“Report”) to the Board of Supervisors of the City and County of San Francisco (“Board of Supervisors”) on the proposed amendment (“Plan Amendment”) of the Hunters Point Shipyard Redevelopment Plan (“HPS Plan”), in accordance with the California Community Redevelopment Law (Heath and Safety Code Section 33000 et seq., “CRL”). On April 17, 2018, the Successor Agency Commission, commonly known as the Commission on Community Investment and Infrastructure, (“Commission”) considered and approved the Plan Amendment and authorization to transmit this report to the Board of Supervisors.

The HPS Plan establishes land use controls for development in the Hunters Point Shipyard Project Area (“HPS Project Area”). The Plan Amendment is necessary to facilitate proposed modifications to the existing development program for Phase 2 of the HPS Plan area, as further described in Section II.B, below.

This Report is prepared pursuant to CRL Sections 33457.1 and 33352, which delineate the information that the Successor Agency must provide to the Board of Supervisors for its consideration of amendments to a redevelopment plan. The contents of this Report provide the information required for redevelopment plan amendment “to the extent warranted” by the proposed amendment, Health & Safety Code § 33457.1, including the following: (i) reason for the amendment; (ii) description of how the amendment will improve or alleviate blight; (iii) proposed method of financing/economic feasibility; (iv) Planning Commission’s determination regarding conformity of the Plan Amendment to the General Plan (to be incorporated upon receipt); (v) report on the environmental review required by Section 21151 of the Public Resources Code; and (vi) neighborhood impact report.

II. DESCRIPTION OF THE PLAN AMENDMENT

A. Background

On July 14, 1997, the Board of Supervisors adopted the Hunters Point Shipyard Redevelopment Plan (“HPS Plan”) by Ordinance No. 285-97 and amended the HPS Plan on August 3, 2010 by Ordinance No. 211-10 and on June 22, 2017 by Ordinance No. 122-17. The HPS Plan calls for redevelopment of United States Navy lands constituting the former Hunters Point Naval Shipyard, proceeding on a multi-phased timeframe determined by the Navy’s environmental remediation and ultimate transfer of remediated land to the Redevelopment Agency of the City and County of San Francisco.

The HPS Plan bifurcates the Redevelopment Plan area (“Plan Area”) into two Phases—HPS Phase 1, which the Navy transferred in 2004, has been largely developed and HPS Phase 2, which includes approximately 507 acres, and mostly remains to be transferred from the Navy.

In 2010, the Former Redevelopment Agency of the City and County of San Francisco (“Former Agency”) and the City and County of San Francisco (“City”) undertook a series of actions to approve the development of Phase 2 as part of a 702-acre development project—the “CP/HPS2 Project”—that includes both HPS Phase 2 and Candlestick Point.¹ Within HPS Phase 2, the CP/HPS2 Project proposed two development alternatives, primarily distinguished by the presence or absence of a football stadium. Subsequent to the 2010 actions, the San Francisco 49ers football team elected to construct a new football stadium outside of San Francisco, and as a result, the Successor Agency and CP Development Co. LLC, the master developer of the CP/HPS2 Project (“Developer”), have focused on implementation of the non-stadium development alternative.

In addition to the withdrawal of the 49ers, delays in the Navy’s land transfers have allowed the Developer to engage a world-renown architectural team to prepare an updated land use vision for HPS Phase 2 (the 2018 updated development program, or “2018 Updated Program”). The 2018 Updated Program reflects the historic Shipyard street network and building typology, and proposes a robust mix of land uses and improved utilization of HPS Phase 2, as well as private “eco-district” infrastructure that is intended to place HPS Phase 2 at the forefront of sustainable development. The Plan Amendment is necessary to facilitate development under the 2018 Updated Program, and is described further below.

B. Plan Amendment

The Plan Amendment will update the land use program for HPS Phase 2 by modifying the street grid and layout for development within the Plan Area. In addition, the Plan Amendment will modify the definition of certain land uses to be consistent with the 2018 Updated Program; reduce the overall amount of square footage authorized for research and development/office use and allow additional retail use, and new hotel and institutional uses; make attendant changes to Principal Uses allowed in the five land use districts within the Plan area; allow additional private “eco-district” infrastructure; and allow for City regulation of cannabis-related uses and short term rental uses within the Plan area. The Plan Amendment does not modify the maximum amount of residential uses that may be developed within the Plan Area, which is 5,875 Dwelling Units. Maps delineating the HPS Project Area Boundary, Land Use Districts and street grid are attached as Exhibit A.

The Plan Amendment will update HPS Plan Section II.D.4, which provides limitations on type, size and height of buildings. Specifically, the Plan Amendment reduces the amount of research and development and office use from 5,000,000 square feet to approximately 4,265,000 square feet, increases the amount of retail from 125,000 square feet to approximately 401,000 square feet, and allows new uses of 120,000 square feet of hotel use and 410,000 square feet of institutional use, while retaining existing amounts of artists space and community facilities

¹ Candlestick Point is part of a separate redevelopment project area, the Bayview Hunters Point Redevelopment Project Area, which is the subject of a separate report to be submitted simultaneously to the Board of Supervisors.

space. The Plan Amendment will retain the existing 5,501,000 square-foot overall cap for nonresidential development. To provide flexibility over the course of the anticipated thirty-year buildout of HPS Phase 2, the above-specified square footage uses are permitted to be adjusted or converted to other uses, subject to approval by the Commission. and consistency with the overall 5,501,000 square foot nonresidential development cap.

III. SCOPE OF THE REPORT

This Report is prepared pursuant to CRL Sections 33457.1 and 33352, which delineate the information that the Successor Agency must provide to the Board of Supervisors for its consideration of amendments to a redevelopment plan. The contents of this Report, as described below, are consistent with the CRL, and include the following:

- Reason for the Plan Amendment (subsection (a) of Section 33352 of the CRL);
- Description of how the Plan Amendment will improve or alleviate blighting conditions (subsection (b) of Section 33352 of the CRL);
- Proposed method of financing the redevelopment of the Project Area as applicable to the Plan Amendment (subsection (e) of Section 33352 of the CRL);
- Discussion of the Planning Commission’s forthcoming report and recommendation regarding conformity of the Plan Amendment to the General Plan, as required by (subsection (h) of Section 33352 of the CRL and Section 4.105 of the San Francisco Charter);
- Report on the environmental review required by Section 21151 of the Public Resources Code as applicable to the Plan Amendment (subsection (k) of Section 33352 of the CRL); and
- The neighborhood impact report (subsection (m) of Section 33352 of the CRL).

In approving the HPS Plan in 1997, and amendments in 2010 and 2017, the Board of Supervisors relied on information about the conditions of physical and economic blight within the HPS Project Area, the need for tax increment financing to carry out redevelopment in the HPS Project Area, and other factors justifying the establishment and amendment of the HPS Project Area. The Plan Amendment does not change the legal description or boundaries of the HPS Project Area, modify financing limits, or extend the duration of the HPS Plan. Further, the Plan Amendment does not alter the blight and financial determinations made at the time the HPS Project Area was originally adopted. The Plan Amendment would not displace any residents of the area, therefore there is no need for a relocation plan that might otherwise be required. In addition, since the Plan Amendment does not change the HPS Project Area boundaries or make changes to the HPS Plan to increase financing limits, extend its duration or add significant capital projects, no county fiscal officer’s report or consultation with the taxing entities is required.

A. Reason for the Plan Amendment

As described above, the reason for the Plan Amendment is to facilitate redevelopment of HPS Phase 2 in a manner that will provide a greater mix of uses, while providing flexibility to respond to market conditions. The Plan Amendment seeks to create a strong and balanced mix of uses by reducing research and development and office uses by 735,000 square feet, and including additional retail, hotel and institutional uses, while maintaining artists' space and community facilities uses, and slightly increasing the amount of park space provided within HPS Phase 2. In addition, the Plan Amendment provides a greater opportunity to provide sustainable infrastructure improvements throughout the HPS Project Area, to help the community achieve sustainability and ecological priorities that will provide for the development of environmentally sound districts.

The following objectives and goals, as described in Section II of the HPS Plan would be further advanced by the adoption of the Plan Amendment:

- A. Foster employment, business, and entrepreneurial opportunities in the rehabilitation, construction, operations and maintenance of facilities in the Project Area.
- B. Stimulate and attract private investments, thereby improvement the City's economic health, tax base, and employment opportunities.
- C. Provide for the development of economically vibrant and environmentally sound districts for mixed use; cultural, educational and arts activities; research, industrial and training activities; and housing.
- D. Provide public parks, open space, and other community facilities.
- E. Provide for infrastructure improvements, including; streets and transportation facilities, open space and recreation areas; and utilities for water, sewer, gas and electricity.
- F. Provide sufficient flexibility in the development of real property within the Project Area to respond readily and appropriate to market conditions.

B. Description of How the Plan Amendment Will Improve or Alleviate Blight

The physical and economic conditions of blight existing at the time of adoption of the 2010 HPS Plan Amendment remain substantially the same. The HPS Project Area is characterized by adverse physical conditions including buildings in which it is unsafe or unhealthy for persons to live or work, and the existence of factors that prevent or substantially hinder the economically viable reuse of buildings and areas. Adverse economic conditions include depreciated and stagnant property values, properties containing hazardous wastes, abnormally high business vacancies, abandoned buildings, and excessive vacant lots within an area formerly used as a military base.

The Plan Amendment will improve or alleviate these adverse physical and economic conditions in the HPS Project Area through the development of under-utilized land, economic development activities, community enhancement efforts, affordable housing activities, and the delivery of public parks and open space. The Plan Amendment seek to create a strong and balanced mix of uses by reducing research and development and office uses by 735,000 square feet, and including

additional retail, hotel and institutional uses, while maintaining artists space and community facilities uses, and slightly increasing the amount of park space provided within HPS Phase 2. Creation of a more robust mixed-use development will foster employment, business and entrepreneurial opportunities, thereby strengthening the economic base of the HPS Project Area. Similarly, allowing for adjustment to square footage limitations of specific uses specified in the HPS Plan, within the HPS Plan's overall nonresidential development cap, will provide for certainty in the overall level of development while allowing continued flexibility in permitting future development, which maximizes the potential for long-term economically successful development within the Plan Area.

C. Proposed Method of Financing / Economic Feasibility of Amendment

The Plan Amendment does not propose any new capital expenditures by OCII, involve any new indebtedness or financial obligation of OCII, or change OCII's overall method of financing the redevelopment of the HPS Project Area. The Plan Amendment does not change the role of private enterprise in developing and financing the Project. OCII will continue, however, to use tax increment financing and funds from all other available sources to carry out its enforceable obligations to pay for the costs of public infrastructure in the HPS Project Area. The Plan Amendment is intended to provide flexibility to the development of the HPS Project Area to create a diverse and strong mix of land uses that appropriately responds to market conditions, which would generate more property taxes and consequently more tax increments than the existing, undeveloped conditions.

D. Report of the Planning Commission

Upon approval of the Plan Amendment, the Commission will refer the Plan Amendment to the Planning Commission for its report and recommendation, and findings of conformity with the General Plan. Prior to making its findings, the Planning Commission will consider for recommendation to the Board of Supervisors conforming amendments to the General Plan, including the Hunters Point Shipyard Area Plan. On April 26, 2018, the Planning Commission considered and approved conforming amendments to the General Plan by Resolution No. 20164.

The Planning Commission's prior General Plan Consistency Findings, made by Resolution No. 18101 (June 3, 2010), found the Project, on balance, in compliance with the General Plan and Planning Code Section 101.1. On April 26, 2018, the Planning Commission determined that the Plan Amendment would not change these findings and therefore, are in conformity with the General Plan, as amended, and consistent with Planning Code Section 101.1. The Planning Commission's findings made on April 26, 2018 and Planning Commission Resolution No. 18101 are attached as Exhibit B.

E. Environmental Review

On June 3, 2010, the Commission of the Former Redevelopment Agency by Resolution No. 58-2010 and the Planning Commission by Motion No. 18096, acting as co-lead agencies, certified the Final Environmental Impact Report ("FEIR") under the California Environmental Quality Act ("CEQA") for the CP/HPS2 Project, which included amendments to the HPS Redevelopment Plan. On July 14, 2010, the Board of Supervisors affirmed, by Resolution No.

347-10 the Planning Commission's certification of the FEIR and found that various actions related to the CP/HPS2 Project complied with CEQA. Subsequent to the certification of the FEIR, OCII and the Planning Department prepared Addenda 1 through 4 to the FEIR analyzing certain Project modifications.

On April 9, 2018, OCII, as Lead Agency, approved Addendum 5 to the FEIR, which evaluated the 2018 Updated Program facilitated by the Plan Amendment, and determined that the analyses conducted and the conclusions reached in the FEIR remain valid and no supplemental environmental review is required beyond Addendum 5. With assistance from the Planning Department, OCII has reviewed Addendum 5, the FEIR and the Plan Amendment and determined that development facilitated by the Plan Amendment will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts that would alter the conclusions reached in the FEIR. Accordingly, no additional environmental review pursuant to State CEQA Guidelines Sections 15180, 15162, and 15163.

F. Neighborhood Impact Report

The Plan Amendment does not impact or alter the existing affordable housing obligations articulated in the HPS Plan. Under the CRL, at least 15 percent of all new and substantially rehabilitated dwelling units developed within the HPS Project Area by private or public entities other than OCII must be available at affordable housing cost to, and occupied by persons and families of extremely low, very low, low, or moderate income. Under the HPS Plan, at least 15% of the housing must be affordable to persons and families of low or moderate income.

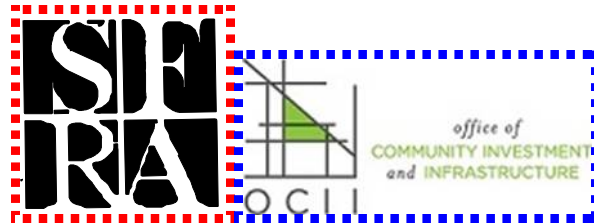
The percentage of affordable housing to be developed in the HPS Project Area is substantially higher than the required 15 percent. In HPS Phase 1, 27 percent of the homes to be constructed will be affordable. The percentage of affordable housing in the CP/Phase 2 Project will be 32 percent.

The Plan Amendment will not cause the destruction or removal of housing units from the low and moderate-income housing market and no persons or families of low or moderate income will be displaced, temporarily or permanently, from dwelling units as a result of the Plan Amendment. The means of financing the low- and moderate income housing units in the HPS Project Area are tax increment financing, revenue from the sales of public properties within the Project (if any), and development fees. The Plan Amendment does not change OCII's tax increment financing committed to affordable housing.

The process and requirements for the development of housing within the HPS Project Area is designed to provide new housing opportunities for households of diverse income, ages, lifestyles and family size. OCII will continue to promote the development of a wide variety of affordable housing including mixed-use development, development of new rental and ownership units and development of rental and ownership units, infill development, and senior housing. The housing opportunities within the HPS Project Area address the demand for housing suitable for families, seniors, young adults, and others with special needs. The amount and timing of this development is dependent on the amount and pace of the overall development in the HPS Project Area.

HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN

JULY 14, 1997
Amended August 3, 2010
Amended June ~~—~~, 22, 2017
Amended _____, 2018



SUCCESSOR AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY
~~August 3, 2010~~
_____ , 2018

REDEVELOPMENT PLAN
for the
HUNTERS POINT SHIPYARD
PROJECT AREA

HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT

REDEVELOPMENT PLAN

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Exhibits:

Map 1: Boundary Map

Map 2: Land Use Districts Map

[Map 2A: Private Infrastructure](#)

Map 3: Existing Buildings

~~Maps~~[Map 4A, 4B and 4C](#): Street ~~Plans~~[Plan](#)

Attachments:

Attachment A: Legal Description of the Project Area

Attachment B: Authorized Public Improvements

Attachment C: Planning Code Section 314

Attachment D: Planning Code Section 295

Attachment E: Planning Commission Resolution 18102

[Attachment F: Proposition O \(2016\)](#)

HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT

REDEVELOPMENT PLAN

This Redevelopment Plan (this “**Plan**”) for the Hunters Point Shipyard Redevelopment Project Area (the “**Project Area**”) consists of the following text, maps and attachments: (a) the maps are: Map 1: Boundary Map; Map 2: Land Use Districts Map; Map ~~2a: Private Infrastructure; Map 3: Existing Buildings; and Maps~~ Map 4A, 4B and 4C: Street Plans Plan; and (b) the attachments are: Attachment A: Legal Description of the Project Area; Attachment B: List of Public Improvements; Attachment C: Planning Code Section 314; Attachment D: Planning Code Section 295; ~~and~~ Attachment E: Planning Commission Resolution 18102 (subject to Section II.D.5 below), and Attachment F: Proposition O.

This Plan was adopted on July 14, 1997 (Ordinance No. 285-97) and amended on August 3, 2010 (Ordinance No. 211-~~10, and~~ 10), on June 22, 2017 (Ordinance No. 122-17), and on _____, 2018 (Ordinance No. _____). This Plan was prepared in accordance with the California Community Redevelopment Law (as amended from time to time, the “**CRL**”) and pursuant to Chapter 4.5 therein, which governs the redevelopment of closed military bases. During the preparation of this Plan, the Redevelopment Agency of the City and County of San Francisco (the “**Agency**”) consulted with the Mayor’s Hunters Point Shipyard Citizens Advisory Committee (the “**CAC**”), the San Francisco Planning Commission, and with other departments and offices of the City and County of San Francisco (the “**City**”). This Plan conforms with the General Plan of the City insofar as the General Plan applies to the Project. Any development within the jurisdiction of the Bay Conservation and Development Commission shall conform to the San Francisco Bay Plan.

The proposed redevelopment of the Project Area as described in this Plan is consistent with the San Francisco General Plan, the Bayview Hunters Point Area Plan, and the Hunters Point Shipyard Sub-Area Plan as ~~adopted and amended by the Planning Commission on June 3, 2010, of the 2018 Plan Amendment Date~~, and is in conformity with the eight Priority Policies of Section 101.1 of the San Francisco Planning Code (the “**Planning Code**”).

This Plan sets forth the objectives and the basic land use controls within which specific redevelopment activities in the Project Area will be pursued. It is consistent with provisions of the CRL in effect at the date of adoption of this Plan and as of the ~~2017~~ 2018 Plan Amendment Date.

I. DESCRIPTION OF PROJECT

A. Project Boundaries

The boundaries of the Project Area are indicated on Map 1: Boundary Map and the legal description of the Project Area is provided in Attachment A: Legal Description of the Project Area. The Project Area consists of Real Property within the City and County of San Francisco, State of California.

B. The Citizens Advisory Committee Planning Guidelines - A Statement of General Principles

The planning process for the reuse of the Project Area is complex, involving the Mayor’s Hunters Point Shipyard Citizens Advisory Committee and a host of citizen groups and government agencies. The planning process establishes the roles of these various entities, as well as the timeframe during which certain actions must occur. The process began in earnest

in 1993 when the CAC convened to formulate goals and preferred uses for the Shipyard site. The CAC adopted a set of planning guidelines to frame their ideas for the development and reintegration of the Shipyard into the social, economic and physical fabric of Bayview Hunters Point and the City of San Francisco at an intensive conference and public workshop that they sponsored in February 1994. The CAC guidelines represent a strong group consensus and the CAC feels that they should set the tone for the renewal of the Project Area. These planning guidelines are outlined below:

1. Create Jobs for Economic Vitality

Encourage land uses that will foster employment, business and entrepreneurial opportunities, cultural and other public benefits for residents of San Francisco. South Bayshore residents and businesses should be given priority. Legislative and administrative regulation mandating preference to South Bayshore residents and businesses in the course of the environmental remediation, redevelopment and reuse of the property should be used to facilitate this objective. Existing training and educational programs will be supported and new programs created as needed.

2. Support Existing Businesses and Artists' Community

New uses should be compatible with existing South Bayshore businesses, Shipyard businesses and artists, and other sectors of San Francisco's economy. Maintain the large community of artists and artisans on the Shipyard, providing for their need for flexible low-cost space, while accommodating the full diversity of arts and culture in the South Bayshore community. Expand the scope of activities to accommodate the full range of arts and culture.

3. Create Appropriate Mix of New Businesses

Encourage diversity with a mix of large, medium and small businesses to generate revenues for the City's general fund and stimulate the economy of the South Bayshore community. Diversify San Francisco's economic base by restoring its industrial sector with uses based on futuristic technologies tied to regional, national and international markets and economics. Target industries and businesses with a likelihood for long-term growth, such as multimedia, biotech and video-film.

4. Balance Development and Environmental Conservation

Balance development with reclamation of the natural ecology of the southeast waterfront with targeted uses that are environmentally appropriate for the San Francisco Bay. Use the toxic cleanup process to develop training, employment and business opportunities consistent with Guideline #1.

5. Facilitate Appropriate Immediate Access

Incorporate an action program to enable immediate access to existing Shipyard facilities, giving preference to South Bayshore businesses and organizations. Transitional uses in the Shipyard should be consistent with, and not deter, long-term development of the Shipyard in accordance with these Master Plan Guidelines.

6. Integrate Land Uses

Integrate new uses at the Shipyard into current plans for the Bayview area. Plan for the integration of passive and active open space, affordable housing, transportation and traffic circulation, while minimizing land use conflicts between housing and industry.

7. Acknowledge History

Include uses that acknowledge the history of the original Native American inhabitants of the Hunters Point area and historic relationship of Bayview Hunters Point's African-American community to the Shipyard.

C. Existing Conditions

The Project Area is characterized by conditions of blight. Physical conditions include buildings in which it is unsafe or unhealthy for persons to live or work, and the existence of factors that prevent or substantially hinder the economically viable reuse of buildings and areas. Economic conditions include depreciated or stagnant property values, properties containing hazardous wastes, abnormally high business vacancies, abandoned buildings, and excessive vacant lots within an area formerly used as a military base.

D. Summary of Proposed Actions

The Agency, in accordance with and pursuant to applicable Federal and State laws as well as those local laws that are applicable pursuant to this Plan, will remedy, or cause to be remedied, the conditions causing blight presently existing in the Project Area by some or all of the following measures:

1. Rehabilitation, alteration, modernization, general improvement or any combination thereof (hereinafter called “**rehabilitation**”) of certain existing structures.
2. Acquisition of real property by purchase, gift, devise, exchange, condemnation, lease, or any other lawful means.
3. Relocation of certain commercial and industrial occupants presently located in structures that may be subject to acquisition or rehabilitation.
4. Demolition, removal, or clearance of certain existing buildings structures, and improvements.
5. Installation, construction, or reconstruction of streets, utilities, and other public improvements or facilities.
6. Disposition of all land acquired by the Agency for reuse in accordance with this Plan, the Hunters Point Shipyard Phase 1 Design for Development, the Hunters Point Shipyard Phase 2 Design for Development, and such additional conditions as may be established by the Agency in any manner authorized by law in order to carry out the purposes of redevelopment.
7. Formulation and administration of rules governing reasonable preference to owners or tenants of business, or other types of real property who are displaced from the Project Area to reenter the Project Area.

II. PROJECT PLAN

A. Objectives

The objectives of the actions proposed by this Plan are to:

1. Foster employment, business, and entrepreneurial opportunities in the rehabilitation, construction, operations, and maintenance of facilities in the Project Area.
2. Stimulate and attract private investments, thereby improving the City's economic health, tax base, and employment opportunities.
3. Provide for the development of economically vibrant and environmentally sound districts for mixed use; cultural, educational and arts activities; research, industrial and training activities; and housing.
4. Provide for the development of mixed-income housing:
 - With regard to this objective, the project-wide aggregate income-mix goal includes that at least 15% of the housing be affordable to persons and families of low or moderate income.
 - The term "persons and families of low or moderate income" has the same meaning as defined in Section 50093 of the California Health and Safety Code.
5. Provide public parks, open space, and other community facilities.
6. Administer lands granted to the Agency by the State of California consistent with the Public Trust and reconfigure those lands in a manner that enhances their value for Public Trust purposes, in accordance with Chapter 203 of the Statutes of 2009 (as amended from time to time, the "Granting Act").
7. Retain, improve, and re-use historic structures, where feasible, as part of a program to feature the history of people, buildings, and uses at the Shipyard.
8. Provide for infrastructure improvements, including: streets and transportation facilities; open space and recreation areas; and utilities for water, sewer, gas, and electricity.
9. Remove conditions of blight in the form of buildings, site improvements, and infrastructure systems that are substandard and serve as impediments to land development.
10. Encourage use of the most cost-effective, energy efficient, and environmentally sustainable development techniques feasible.
11. Retain those existing viable industries and businesses currently located in the Project Area.
12. ~~Provide the opportunity to build a state-of-the-art sport facility.~~ Position the Project Area at the vanguard of technology development and production as

well as associated labor markets. Accommodate new, emerging, and unforeseen uses not specifically identified herein.

13. Provide sufficient flexibility in the development of real property within the Project Area to respond readily and appropriately to market conditions and innovations.

14. Provide opportunities and support for privately owned “eco-district” utility infrastructure that helps achieve community and ecological priorities within the Project Area.

B. Land Uses

Map 1: Boundary Map, Map 2: Land Use Districts Map, Map [2a: Private Infrastructure](#), Map 3: Existing Buildings, and [Maps Map 4A, 4B and 4C: Street Plans illustrate](#) Plan illustrates the location of the Project Area boundaries, existing buildings, major streets in the Project Area and land uses permitted in the Project Area.

1. Land Use Districts

The Project Area consists of several mixed use districts (each referred to as a “**District**” or “**Land Use District**”) as shown on Map 2: Land Use Districts Map. The map shows the general boundaries of the Districts; precise boundaries of the Districts are to be interpreted in light of the objectives of this Plan at the time specific parcels are subdivided in accordance with City and State subdivision laws.

Allowable land uses within each District will be all those that are consistent with the character of the District as described in this Plan. The specific uses identified below [and on Map 2](#) for each District illustrate the appropriate scope and nature of permitted uses.

Principal Uses. Within each District, “**Principal Uses**” shall be allowed as of right.

Secondary Uses. Within each District, “**Secondary Uses**” shall be allowed through the determination of the Agency Commission or its designee, provided that such use: (a) generally conforms with the redevelopment objectives of this Plan, the objectives of the District as set forth in this Plan and applicable Hunters Point Shipyard Design for Development (Phase 1 or Phase 2); (b) is compatible with the District’s Principal Uses, nearby public facilities, and broader community; (c) is consistent with the Mitigation Measures and appropriately mitigates any adverse impacts; and (d) does not at the proposed size and location materially impede the planned uses and development of the District or Project Area. The Agency Commission or its designee may place conditions on the Secondary Use as necessary to make the findings in clauses (a) through (d) above.

Non-Designated Uses. Uses that are proposed but are not specifically defined herein (“**Non-Designated Uses**”) may be classified by the Executive Director as Principal Uses, Secondary Uses, Temporary Uses, Interim Uses, or Prohibited Uses. The Executive Director or his or her designee may allow a Non-Designated Use as a Principal Use subject to approval by the Agency Commission, provided the Executive Director or his or her designee finds that such Non-Designated Use: (a) is consistent with the other Principal Uses allowed in the applicable District; (b) is consistent with the objectives for the applicable District; (c) generally conforms with the applicable Hunters Point Shipyard Design for Development (Phase 1 or Phase 2); and (d) is consistent with the Mitigation Measures and appropriately mitigates any adverse impacts.

For Temporary or Interim Uses, the Executive Director shall in addition make the findings required for such uses as set forth in Sections C.1 and C.2 below.

In the event the Executive Director determines that a Non-Designated Use should be evaluated as a potential Secondary Use rather than a Principal Use, the Executive Director shall require that the proposed use be considered by the Agency Commission pursuant to the Secondary Use process set forth above.

Prohibited Uses. Within most Districts, certain land uses are expressly prohibited in order to maintain the intended character of the District, avoid conflicts of land uses, or maintain public welfare in response to specific conditions of the District (“**Prohibited Uses**”). The following uses will be Prohibited Uses in all Districts within the Project Area: ~~Medical Cannabis Clubs~~; Mortuary; and Adult Entertainment uses.

Provisions Applicable Generally.

Certain lands within the Project Area are or may be subject to the Public Trust. The Public Trust doctrine limits the uses that are permitted on Public Trust lands. A Principal Use or Secondary Use shall be permitted on Public Trust land only to the extent the use is permitted under the Public Trust and is consistent with the Agency’s management of those lands on behalf of the State for Public Trust purposes. Thus, even though a particular use or uses may be shown as a permitted Principal Use or Secondary Use within the Project Area, that use or uses may nevertheless not be permitted on lands subject to the Public Trust within the Project Area.

In all cases below, the height, bulk, setback, parking and open space requirements will be established in the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development, provided that development thereunder shall not exceed the limits established in Section II.D.4.

Parking is a permitted Accessory Use to every Principal Use and Secondary Use permitted in each Land Use District. The design and location of parking is controlled by the applicable Design for Development.

Infrastructure elements that are required to provide access, utilities, and public services to the development described in this Section II.B ~~shall be allowed as Principal Uses, as described in or consistent with the Infrastructure Plan for the Hunters Point Shipyard Phase 2-Candlestick Point Project, are permitted~~ provided they are consistent with the Mitigation Measures and subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR (including any subsequent analysis).

~~Additional infrastructure elements such as decentralized wastewater treatment facilities, automated trash centralized collection facilities, and district heating and cooling facilities that serve the Project Area will be subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR, the Mitigation Measures, and the Infrastructure Plan for the Hunters Point Shipyard Phase 2-Candlestick Point Project (as amended from time to time, the “Infrastructure Plan”). Decentralized wastewater treatment facilities shall be permitted as a Secondary Use in the Shipyard North Residential District, Shipyard Research & Development District and Shipyard South Multi-Use District. Automated trash centralized collection facilities shall be permitted as a Secondary Use in all Districts except in the Shipyard Shoreline Open Space District. District Heating and Cooling Facilities shall be permitted as a Secondary Use in all Districts except in the Shipyard Shoreline Open Space District. “eco-district” and other privately owned utility infrastructure is encouraged in the Project Area, provided such infrastructure does not conflict with elements identified in the~~

Infrastructure Plan, and is consistent with the Mitigation Measures and the Candlestick Point/Hunters Point Shipyard Phase 2 EIR (including any subsequent analysis), each as determined by the Executive Director. Such infrastructure (including components thereof) is encouraged, but not required, to be located within future public or private rights of way, and such infrastructure (including components thereof) is permitted as follows under this Plan (but remain subject to review under other applicable Plan Documents and City review). Privately owned utility infrastructure includes individual stand-alone structures as well as Accessory infrastructure components listed below. Individual structures are permitted as specifically identified in Sections II.B.2-B.7, below, or otherwise as Secondary Uses throughout Phase 2 of the Project area. Accessory infrastructure components (those constructed together with otherwise permitted Uses) are permitted under this Plan (but remain subject to review for consistency with other applicable Plan Documents, including the applicable Design for Development). Such Accessory infrastructure components include:

- District Heating and Cooling Facility, including central energy plant (CEPs), water return and supply distribution system components, and water-to-air and water-to-water heat exchanger including components thereof (but excluding Geothermal Borefields, which are individual structures permitted as discussed above)
- Battery Storage System (including distribution system components thereof)
- Rooftop solar photovoltaic (PV) system (including components thereof)
- Recycled water collection, treatment and distribution system components
- Telecommunications/Fiber System and components
- Automated trash collection system and components
- Stormwater collection and treatment system (including Stormwater BMPs and other components thereof)
- Other Accessory infrastructure facilities and components that, as determined by the Executive Director, do not conflict with the objectives of the Plan, the Plan Documents or other applicable laws and regulations.

2. Hunters Point Hill Residential District

Objectives for this District: This District will accommodate residential uses with lower densities than the surrounding portion of the Project Area, given its hilltop and hillside position. Complementary neighborhood-serving commercial uses will be allowed, but are expected to be less prevalent than in the flatter ~~Shipyard~~North ~~Residential~~Shoreline District, which sits below this District. This District will include Hillpoint Park, a regional Park that will be impressed with the Public Trust and will include recreational and sports uses, special view areas with framed views of the Shipyard and the Bay beyond, public art, terraced sitting areas that take advantage of hilltop and hillside topography and stunning views of the Bay, and public access for visitors, residents, and employees in surrounding Districts.

(a) *Principal Uses:* The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live/Work Units
- Supportive Housing
- Home Office

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services
- Commercial Wireless Transmitting Facilities

Parks and Recreation Uses:

- Parks
- Open Space
- Public Recreation
- ~~Public Restrooms~~

(b) *Prohibited Uses:* ~~All~~ Cannabis-Related Uses and all other uses that are incompatible with the Principal Uses shall be Prohibited Uses in this Land Use District.

3. Shipyard-North Residential Shoreline District

Objectives for this District: This District will accommodate a waterfront-oriented residential neighborhood with higher densities and a greater range of housing types than those on the adjacent hillside. The principal land use is Dwelling Units ranging from townhomes to multi-family high-rise residential apartment or condominium towers. Related uses also include local-serving businesses, family child care services, small professional offices, and recreation facilities. Parks in this District may include a range of uses such as basketball, volleyball, tennis courts, children’s playgrounds, restrooms, and concessionaires. They may also include picnic/barbecue areas, pathways, and shade shelters. The Parks in this District may also include open air marketplace uses.

(a) *Principal Uses:* The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Institutional Uses:

- Residential Care Facility
- Child-Care Facility
- Elementary School
- Post-Secondary Institution
- Religious Institution

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services (up to 10,000 sq. ft. per tenant)
- Restaurants
- Bars
- Dry Cleaning Facility (~~excluding those with on-site dry cleaning plant~~)
- Health clubs, fitness, gymnasium, or exercise facilities
- Commercial Wireless Transmitting Facilities

Civic, Arts & Entertainment Uses:

- Community Use
- Recreational Facility
- Arts Education

- Art Production

Parks and Recreation Uses:

- Parks
- Public Recreation
- Open Space
- ~~• Public restrooms~~
- Open air marketplaces

(b) *Secondary Uses*: The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section II.B.1 are met:

Institutional Uses:

- Secondary School
- ~~• Post-Secondary Institution~~
- Vocational/Job Training Facility

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services (over 10,000 sq. ft. per tenant)
- Nighttime Entertainment
- Maker Space

Office Uses:

- ~~• Office~~

Civic, Arts & Entertainment Uses:

- Performance Arts
- ~~Nighttime Entertainment~~
- Amusement Enterprise

(c) *Prohibited Uses*: The following Uses are Prohibited Uses in this Land Use District:

- Drive-through facilities
- Automotive Repair and service stations
- ~~Dry-Cleaning Facility (with on-site dry-cleaning plant)~~ [Cannabis-Related](#)

[Uses](#)

4. ~~Shipyard~~ **Village Center Cultural District**

Objectives for this District: This District will accommodate a mixed-use community with a range of housing types, retail uses, and cultural and educational facilities designed to comprise a village that will serve the community in the surrounding Districts. Neighborhood-serving retail uses are proposed to be located on the ground floors along major commercial streets of the area with residential uses or office uses on the upper floors. This District will provide space dedicated for artists and arts-related uses as well as community-serving retail, business, service, and office uses. The arts-related, recreational, and grocery store uses in this District are intended to attract visitors from areas beyond the Project Area.

(a) *Principal Uses*: The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Institutional Uses:

- Residential Care [Facility](#)
- Child-Care Facility
- Elementary School
- Secondary School
- Post-Secondary Institutions
- Religious Institution
- Vocational/Job Training Facility

Retail Sales & Services Uses:

- Neighborhood Retail Sales and Services
- Restaurants
- Bars
- ~~Physical~~ [Health clubs, fitness, gymnasium, or exercise](#) facilities
- [Nighttime Entertainment](#)
- Grocery Store (up to 60,000 sq. ft.)
- Dry Cleaning Facility (~~excluding those with on-site dry-cleaning plant~~)
- Commercial Wireless Transmitting Facilities
- [Maker Space](#)

Office Uses:

- Office
- ~~Meeting rooms~~
- Conference facilities/[meeting rooms](#)

~~Hotel~~ [Uses](#)

Civic, Arts & Entertainment Uses:

- Community Use
- Recreational Facility
- Performance Arts
- Arts Education
- Art Production
- ~~Nighttime Entertainment~~
- Amusement Enterprise

Parks and Recreation Uses:

- Parks
- Public Recreation
- ~~Picnic and barbeque facilities~~
- Open air marketplace
- ~~Information kiosks and shade structures~~
- Open Space

(b) *Secondary Uses*: The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in this Section II.B.1 are met:

Retail Sales & Services Uses:

- Grocery Store (between 60,000 and 80,000 sq. ft.)
- Animal Services
- [Medical Services](#)

Office and Industrial Uses:

- Light Industrial (not including uses that include chemical processing of materials or heavy machinery use)
- ~~Health services~~
- Industrial kitchen
- Internet Service Exchange

(c) *Prohibited Uses*: The following Uses are Prohibited Uses in this Land Use District:

- Drive-through facilities
- ~~Automobile repair~~ [Automotive Repair](#) and service stations
- ~~Dry Cleaning Facility with on-site dry cleaning plants~~

5. ~~Shipyard Research & Development~~ [Wharf District](#)

Objectives for this District: This District will provide a diverse array of commercial and institutional operations for new research and development firms in a dynamic urban campus. This District will allow an integration of various uses suitable for [evolving market conditions and for](#) an innovative business or institutional environment ranging from office to laboratory activities including light industrial and manufacturing operations. It will also support ~~neighborhood commercial and community~~

~~uses~~ [Neighborhood Retail Sales and Services and Community Uses](#) to complement the research and development uses.

For Laboratory, Life Science, Light Industrial, and Green Technology Uses within this District, any Use containing a facility that emits regulated toxic air contaminants must show that the facility does not exceed the risk thresholds identified in the Mitigation Measures.

(a) *Principal Uses*: The following Uses are Principal Uses in this Land Use District:

Office & Industrial Uses:

- Office
- Light Industrial
- Life Science
- Laboratory
- Green Technology
- ~~• Commercial Wireless Transmitting Facilities~~
- Transportation and transit service facilities

Multi-media and Digital Arts Uses:

- Motion picture production
- Animation studios
- Printing and publishing
- Education and classroom facilities
- Galleries and exhibit space
- Recording studios
- Artist and artisan studios

[Hotel Uses](#)

Institutional Uses:

- Religious Institution
- Vocational/Job Training Facility
- ~~• Fire station~~
- Child-Care ~~Facilities~~[Facility](#) (subject to Section II.B.8)

Retail Sales and Services Uses:

- tenant)
- Neighborhood Retail Sales and Services (up to ~~10,000~~[12,000](#) sq. ft. per
 - [Regional Retail Sales and Services](#)
 - Non-Retail Sales and Services
 - Animal Services
 - Restaurants
 - Bars
 - [Health clubs, fitness, gymnasium, or exercise facilities](#)
 - Nighttime Entertainment
 - Dry Cleaning Facility (~~including those with on-site dry cleaning plant~~)
 - Commercial Wireless Transmitting Facilities
 - [Grocery Store](#)
 - [Maker Space](#)

Residential Uses:

Residential Uses in this District ~~shall not exceed 440 units and~~ shall be allowed only in the blocks of the District that are adjacent to either Fisher Avenue or Drydock 4 (These blocks are indicated on Map 2). The following Residential Uses are Principal Uses in this Land Use District:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Civic, Arts & Entertainment Uses:

- Community Use
- Recreational Facility
- Arts Education
- Art Production

Parks and Recreation Uses:

- Parks
- Public Recreation
- Open ~~space~~Space
- Marina-related facilities

Within the Wharf District, any Laboratory, Life Science, Light Industrial, and/or Green Technology Use containing a facility that emits regulated toxic air contaminants must show that the facility does not exceed the risk thresholds identified in the Mitigation Measures. In addition, no Laboratory, Life Science, Light Industrial and/or Green Technology Uses containing a facility that emits regulated toxic air contaminants shall be permitted within three hundred fifty (350) feet of any Child-Care Facility, Elementary or Secondary School, or Residential Use in the Wharf District.

(b) *Secondary Uses*: The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section II.B.1 are met:

Institutional Uses:

- Post-Secondary Institutions

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services (over ~~10,000~~12,000 sq. ft. per tenant)
- Automotive Repair and Service station

Office and Industrial Uses:

- Enclosed processing of raw materials for production
- Small boat repair facilities and workshop areas
- Automotive storage
- ~~Automotive Repair~~
- Commercial Storage
- Internet Service Exchange

(c) *Prohibited Uses*: The following Uses are Prohibited Uses in this Land Use District:

- Dwelling Units (except in the area described above and shown on Map 2)
- Elementary ~~and~~ School
- Secondary ~~Schools~~ School
- Drive-through facilities

6. Shipyard South Multi-Use Warehouse District

Objectives for this District. This District will ~~provide a space for a state-of-the-art professional sports stadium, related uses, and regional-serving athletic facilities. This District will also~~ include research and development, office, and light industrial uses similar in scale and character to those in the adjacent ~~Shipyard Research & Development District. If the stadium is developed, retail uses would complement the stadium use and could include stadium-related and community-serving commercial and retail uses. If the stadium is not developed, this~~ Wharf District. This District would include a mix of uses including neighborhood-serving retail, business, research and

development and office uses comparable in scale and intensity to, and complementary of, those in the adjacent ~~Hunters Point Shipyard Research & Development Wharf~~ District, and potentially, Child-Care, Elementary and Secondary Schools and residential units at densities similar to those planned in the Shipyard North Residential District, (subject to Section II.B.8.8).

(a) Principal Uses: The following Uses are Principal Uses in this Land Use District:

~~Athletic and Recreational Facilities Uses:~~

- ~~• National Football League stadium~~
- ~~• Professional sports team training facilities~~
- ~~• Ticket sales and special event staging, including concerts and performances~~
- ~~• Regional athletic and recreation facilities~~
- ~~• Ancillary buildings for recreation, facility programming, and maintenance~~
- ~~• Parks, plazas and open space~~
- ~~• Public restrooms~~

Office & Industrial Uses:

- Office
- Light Industrial
- Life Science
- Laboratory
- Green Technology
- Non-Retail Sales and Services

Hotel Uses

Multi-media and Digital Arts Uses:

- Motion picture production
- Animation studios
- Printing and publishing
- Education and classroom facilities
- Galleries and exhibit space
- Recording studios
- Artist and artisan studios

Institutional Uses:

- Religious Institution
- Vocational/Job Training Facility

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services
- ~~Non-Regional~~ Retail Sales and Services
- Animal Services
- Restaurants
- Bars
- Health clubs, fitness, gymnasium, or exercise facilities
- Nighttime Entertainment
- Dry Cleaning ~~Facilities (including those with on-site dry cleaning plant)~~ Facility
- Commercial Wireless Transmitting Facilities

- [Grocery Store](#)
- [Maker Space](#)

Civic, Arts and Entertainment Uses:

- Community Use
- Recreational Facility
- Arts Education
- Art Production
- [Amusement Enterprise](#)
- [Performance Arts](#)

[Infrastructure/Utility Uses](#)

- [Recycled Water Treatment Facility*](#)
- [Geothermal Borefields for vertical-bore geothermal heating exchange system*](#)
- [Internet Service Exchange](#)

[* As located consistent with Private Infrastructure Map 2a \(except that Geothermal Borefields may not be located beneath property to be provided to the Agency for use as affordable housing without approval by the Agency Commission in its sole discretion\).](#)

~~If a new 49ers stadium is not developed in this District, all of the Principal Uses identified above would be allowed as Principal Uses in this District except for: (1) Dry Cleaning Facilities, which would become a Secondary Use; and (2) the National Football League stadium and directly related uses. In addition, the~~The following Uses would be Principal Uses in this Land Use District, subject to a finding adopted by the Agency Commission that these uses are not subject to any applicable Environmental Restriction described in Section II.B.8.

Residential Uses:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Institutional Uses:

- Child-Care Facility
- Elementary School
- Secondary School
- Post-Secondary Institutions

Parks and Recreation Uses:

- Parks
- Public Recreation
- Open Space
- Marina-related facilities

Within the ~~Shipyard South Multi-Use~~Warehouse District, any Laboratory, Life Science, Light Industrial, and/or Green Technology Use containing a facility that emits regulated toxic air contaminants must show that the facility does not exceed the risk thresholds identified in the Mitigation Measures. In addition, ~~in the event both Residential Uses and Laboratory, Life Science, Light Industrial, and/or Green Technology Uses are developed,~~ no Laboratory, Life Science, Light Industrial and/or Green Technology Uses containing a facility that emits regulated toxic air contaminants shall be permitted within three hundred fifty (350) feet of any Child-Care Facility, Elementary or Secondary School, or Residential Use ~~south of Crisp Road~~ in the ~~Shipyard South Multi-Use~~Warehouse District.

(b) Secondary Uses:

The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section II.B.1 are met:

- Commercial Storage
- Drive-through facilities
- Automotive Repair and service station
- ~~Post-Secondary School~~

(c) Prohibited Uses: The following Uses are Prohibited Uses in this Land Use District:

- Large scale chemical handling and stationary emission sources within two hundred (200) feet of existing or planned residential uses or primary school facilities.

7. Shipyard Shoreline Parks and Open Space District

Objectives for this District This District will provide public recreation access to the San Francisco Bay waterfront along the eastern and southern waterfront of the Shipyard, consistent with the Public Trust, including regional serving open spaces, viewing area of the water and historic Shipyard facilities, the San Francisco Bay Trail, and restorative habitat areas. Recreational sports facilities will be limited to areas not subject to the Public Trust. Only Principal Uses will be permitted in this District.

(a) *Principal Uses:* The following Uses are Principal Uses in this Land Use District:

- Parks
- Open Space
- ~~Passive recreation~~ Public Recreation
- ~~Plazas and promenades~~ Open-air marketplace
- Recreational Facility
- ~~Museums~~ Museum and environmental education centers
- ~~Wetlands restoration~~
- ~~Park maintenance facilities~~
 - Commercial recreational uses serving visitors to the waterfront
 - Small boat marina, watercraft launches and ancillary boating facilities
- ~~Visitor parking~~
 - Retail uses in existing, rehabilitated historic buildings
- Community Use
- Performance Arts
- Geothermal Borefields for vertical-bore geothermal heating exchange system (located consistent with Private Infrastructure Map 2a)

In areas not subject to the Public Trust, the full range of Uses allowed in Parks, open air marketplaces, and similar active recreational Uses shall be allowed in addition to the Permitted Uses listed above.

8. Environmental Restrictions

As of the ~~2010~~2018 Plan Amendment Date, the Navy has issued Final Records of Decisions for Parcels B, C, D-1, E, E-2, UC-1, UC-2, UC-3 & G selecting environmental remedies that will impose land use and activity restrictions on these parcels in the Project Area and is expected to issue additional Records of Decisions selecting environmental remedies that will impose land use and activity restrictions applicable to other locations. Such land use and activity restrictions are referred to in this Plan as “**Environmental Restrictions**”. Notwithstanding any other provision of this Plan, the Uses allowed by this Plan are subject to any applicable Environmental Restrictions contained in quitclaim deeds from the United States Navy or in other enforceable restrictions imposed on the property through the environmental cleanup process under the Federal Facilities Agreement executed by the United States Navy, United States Environmental Protection Agency, California Department of Toxic Substances Control, and San Francisco Bay Area Regional Water Quality Control Board (the “**Regulating Agencies**”) unless and until such Environmental Restrictions are waived or removed by the appropriate Regulating Agencies.

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C. Temporary and Interim Uses

Pending the ultimate development of land consistent with the land use program, certain interim and temporary uses are authorized as follows:

1. Temporary Uses

“**Temporary Uses**” are short-term, transitory uses that may be proposed either prior to or following development of land within a Land Use District consistent with this Plan. The Executive Director or his or her designee may allow Temporary Uses for such period of time as he or she determines to be reasonable provided the Executive Director or his or her designee finds that such Temporary Use is consistent with the objectives of the this Plan and the applicable Hunters Point Shipyard Design for Development (Phase 1 or Phase 2). Permissible Temporary Uses include:

- Booth for charitable, patriotic or welfare purposes
- Exhibition, celebration, festival, circus or neighborhood carnival
- Open air sales of agriculturally-produced seasonal decorations, including Christmas trees and Halloween pumpkins
- Convention staging
- Parking (either primary or accessory to other uses)
- Truck parking and loading accessory to the uses listed above
- Other Temporary Uses that do not conflict with the objectives of the Plan, the Plan Documents, and the Public Trust, where applicable.

2. Interim Uses

“**Interim Uses**” are uses proposed during the time prior to or concurrent with development of land within a Land Use District consistent with this Plan. Interim Uses may be authorized in all areas not subject to the Public Trust for an initial time period to be determined by the Executive Director, upon a determination by the Executive Director that the authorized uses will not impede the orderly development of the Project Area as contemplated in this Plan. Where approved, Interim Uses will be permitted for a defined period of time not to exceed five (5) years. Permissible Interim Uses include:

- Rental or sales office incidental to a new development, provided that it is located in the development or a temporary structure
- Structures and uses incidental to environmental cleanup and staging
- Temporary structures and uses incidental to the demolition or construction of a structure, building, infrastructure, group of buildings, or open space, including construction staging of materials and equipment
- Commercial Storage
- Parking (either primary or accessory to other uses)
- Truck parking and loading accessory to the uses above
- Other Interim Uses that do not impede the orderly development of the Project Area as contemplated in this Plan, as determined by the Executive Director

Interim Uses of areas subject to the Public Trust shall be authorized only if the authorized uses are determined to be consistent with, necessary and convenient for,

or incidental or ancillary to, the purposes of the Public Trust, or if the following criteria are met:

- There are no immediate trust-related needs for the property,
- The proposed lease for the use prohibits construction of new structure or improvements that, as a practical matter, could prevent or inhibit the property from being converted to a permissible trust use if necessary,
- The proposed lease for the use provides that the Agency has the right to terminate the lease in favor of trust uses as trust needs arise, and
- The proposed use of the leased property would not interfere with commerce, navigation, fisheries, or any other existing trust use or purpose.

Extensions of the above approval periods may be authorized by the Executive Director in increments of up to five (5) year periods, subject to the same determinations as required for the initial period.

~~3. Interim Stadium Parking~~

~~Interim parking associated with the future stadium is permitted subject to the requirements of the Public Trust in Chapter 203 of the Statutes of 2009.~~

D. Standards for Development

This Plan and the other Plan Documents, including the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development, establish the standards for development in the Project Area and supersede the San Francisco Planning Code in its entirety, except as otherwise expressly provided herein. The only sections of the Planning Code that shall apply, pursuant to the provisions of this Plan, are: (a) Sections 101.1, ~~295~~295, and 314, as such sections are in effect as of the 2010 Plan Amendment Date; (b) as to Phase 1 of the Project Area only, Sections 320-325 as such sections are in effect as of the 2010 Plan Amendment Date; ~~and~~ (c) as to Phase 2 of the Project Area only, Section 324.1 as that section is in effect as of the 2017 Plan Amendment Date; and (d) as to Phase 2 of the Project, Section 202.2 as provided in Section II.D.1(c) below. Both the Agency Commission and the Planning Commission must approve any amendment to the Hunters Point Phase 1 Design for Development or the Hunters Point Phase 2 Design for Development.

1. Applicability of City Regulations; City's Duty to Protect Public Health and Safety

(a) *General.* Regardless of any future action by the City or the Agency, whether by ordinance, resolution, initiative or otherwise, the rules, regulations, and official policies applicable to and governing the overall design, construction, fees, use or other aspect of development of the Project Area will be (i) this Plan and the other Plan Documents, (ii) to the extent not inconsistent therewith or not superseded by this Plan, the Existing City Regulations (including all provisions of the Building Construction Codes, which are not inconsistent with or superseded by this Plan), (iii) New City Regulations to the extent permitted in this Plan; (iv) new or changed Development Fees and Exactions to the extent permitted under Section II.D.6 of this Plan; (v) any disposition and development agreement or owner participation agreement related to development in the Project Area; and (vi) the Mitigation Measures (collectively, the “**Applicable City Regulations**”).

(b) *Protection of Public Health and Safety; Federal or State Law.* Notwithstanding any other provision of this Plan to the contrary, the Agency and any City Agency having jurisdiction shall exercise its sole discretion under this Plan and the applicable Plan

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Documents in a manner that is consistent with the public health and safety and shall at all times retain their respective authority to take any action that is necessary to protect the physical health and safety of the public (the “**Public Health and Safety Exception**”) or to comply with changes in Federal or State law, including applicable Federal and State regulations (the “**Federal or State Law Exception**”), including the authority to condition or deny a permit, approval, agreement or other entitlement or to adopt a New City Regulation, but subject, in all events, to any rights to terminate between an owner or developer and the Agency as set forth in either the Plan Documents or any disposition and development agreement or owner participation agreement related to development within the Project Area. Except for emergency measures, any City Agency or the Agency, as the case may be, will meet and confer with the owner of the affected Real Property and/or any affected party under any disposition and development agreement or owner participation agreement related to development within the Project Area in advance of the adoption of any New City Regulations or New Construction Requirements to the extent feasible.

(c) Permitted New City Regulations. The City Agencies and the Agency reserve the right to impose any New City Regulations (except for the Planning Code sections superseded by this Plan) provided that (i) they are imposed on a Citywide Basis and (ii) they do not conflict with the development permitted or contemplated within the Project Area by this Plan, the Plan Documents or any disposition and development agreement or owner participation agreement related to development within the Project Area or any portion of such development (unless such conflict is waived by the owners and developers of affected property). As used in this paragraph (c), a New City Regulation “conflicts with the development permitted or contemplated” if it would change the aforementioned development regulations to:

- (1) limit or reduce the density or intensity of development, or otherwise require any reduction in the square footage or number of proposed buildings (including number of Dwelling Units) or other improvements;
- (2) limit or reduce the height or bulk of development within the Project Area, or any part thereof, or of individual proposed buildings or other improvements;
- (3) materially change, restrict, or condition any land uses, including permitted or conditional uses, of development within the Project Area;
- (4) materially limit or control the rate, timing, phasing, or sequencing of approval, development, or construction (including demolition);
- (5) require the issuance of additional land use-related permits or approvals by the City or the Agency;
- (6) materially limit or control the availability of public utilities, services or facilities or any privileges or rights to public utilities, services or facilities for the Project Area, including but not limited to water rights, water connections, sewage capacity rights and sewer connections;
- (7) control or limit commercial or residential rents or purchase prices (excluding property owned or controlled by the Agency or the City during the period of Agency or City ownership and only to the extent such controls or limits would not survive transfer to a successive owner);
- (8) materially limit the processing or procuring of applications and approvals for any subsequent City or Agency approvals;

(9) subject to Section II.D.6, impose any new Development Fees and Exactions or expand or increase Development Fees and Exactions;

(10) subject to Section II.D.1(d) (New Construction Requirements), materially increase the cost of construction or maintenance of all or any development contemplated or permitted in the Project Area or of compliance with any provision of this Plan, the Plan Documents, any disposition and development agreement or owner participation agreement related to development within the Project Area or Existing City Regulations;

(11) materially decrease the value of any land in the Project Area;

(12) materially reduce, limit the availability of or delay the amount or timing of tax increment or Mello-Roos Community Facilities District funding; or

(13) limit the Agency's ability to timely satisfy its obligations under any disposition and development agreement or owner participation agreement related to development within the Project Area or the City's ability to timely satisfy its obligations under any cooperation agreement or tax allocation agreement related to development within the Project Area.

Nothing in this Plan or other applicable Plan Documents shall be deemed to limit any City Agency's or the Agency's ability to comply with the California Environmental Quality Act ("CEQA") or the CRL.

Nothing in this section shall limit the authority of the Agency or any City Agency to exercise its discretion under the Public Health and Safety Exception, or to make changes under the Federal or State Law Exception, as described in Section II.D.1.b (Protection of Public Health and Safety).

[The City Municipal Code \(excluding the Planning Code with the exception of conditions for cannabis-related uses specified in Section 202.2 thereof \(as may be amended or superseded\)\) and related regulations \(as such Code Sections and regulations may be amended from time to time consistent with this Plan\) establishing a permitting program for Cannabis-Related Uses are Permitted New City Regulations applicable to and enforceable against Cannabis-Related Uses within the Project Area.](#)

[The City's Municipal Code and related regulations establishing a permitting program for Short-Term Rentals \(as such Code Sections and regulations may be amended from time to time consistent with this Plan\) are Permitted New City Regulations applicable to and enforceable against Short-Term Rentals within the Project Area.](#)

(d) *New Construction Requirements*. In addition to the Public Health and Safety Exception and the Federal or State Law Exception, the City may change construction requirements for Infrastructure and other Improvements ("**New Construction Requirements**") if the changes: (i) would not materially increase costs or accelerate the payment of costs of developing the Project Area consistent with this Plan; (ii) are imposed by the Board of Supervisors on a Citywide Basis; and (iii) would not: (a) materially adversely affect Net Available Increment; (b) delay development; (c) materially limit or restrict the availability of Infrastructure; or (d) impose limits or controls on the timing, phasing, or sequencing of development permitted under this Plan. In addition, from and after the 10th anniversary of the issuance of the first Building Permit for a project in Phase 2 of the Project Area (as shown on Map 2), the City may impose New Construction Requirements in response to

technological advances in construction if the New Construction Requirements: (1) would materially decrease the City's operation and maintenance costs and would not materially interfere with the uses, heights, density, and intensity of development described in the Plan Documents; (2) will apply on a Citywide Basis for similar land uses; (3) do not conflict with the Mitigation Measures (provided, this requirement may be satisfied with an exemption for specific Mitigation Measures as needed); and (4) do not increase by more than twenty percent (20%) the unit cost of any single component that is the subject of the New Construction Requirement.

2. Limitation on the Number of Buildings

The number of buildings in the Project Area may not exceed 1,125.

3. Limitation on the Number of Dwelling Units

~~There are currently no~~ The maximum number of Dwelling Units in the Project Area. ~~If the 49ers relocate to the Shipyard, the maximum number of Dwelling Units in the Project Area will be approximately 4,250. If the 49ers elect not to relocate to the Shipyard, the maximum number of Dwelling Units in the Project Area will be approximately 5,875. The total combined number of is approximately 5,875, provided that the total~~ Dwelling Units ~~in~~ constructed within both the Project Area and Zone 1 of the Bayview Hunters Point Redevelopment Plan Area ~~(which comprises Candlestick Point) may not exceed 12,100, which includes a maximum of 10,500 units in Zone 1 of the Bayview Hunters Point Redevelopment Project Area and Hunters Point Shipyard Phase 2 as well as a previously approved 1,600 units in Hunters Point Shipyard Phase 1. may not exceed 12,100 Dwelling Units without Commission approval (including attendant environmental review).~~

4. Limitation on Type, Size and Height of Buildings

The size and type of buildings constructed in the Project Area may be as permitted in the Plan, Plan Documents, and Applicable City Regulations. ~~Approximately 125,000, which is approximately 5,501,000 square feet of retail space, non-residential development, including approximately 255,000 square feet of artists space, 50,000 square feet of community uses, 2,500,000 use space, † 401,000 square feet of retail space (including up to 100,000 square feet of Regional Retail) ‡, 120,000 square feet of hotel and hotel related use space, 410,000 square feet of institutional use space, and 4,265,000 square feet of research and development and office space, and a 69,000 seat National Football League stadium will be allowed.~~

The Commission may approve, without amendment to this Plan but subject to any necessary environmental review, adjustment of the foregoing square footages over time (except for artists or community use space), including conversion to other non-residential uses allowed by this Plan, provided the total square footage of non-residential uses within Phase 2 of the Project Area does not materially exceed 5,501,000 square feet.

[†] In addition to 52,000 square feet of Community Uses already identified within Phase 1 of the Plan Area.

[‡] In addition to 9,000 square feet of Neighborhood Retail Uses already identified within Phase 1 of the Plan Area.

~~In the event the stadium is not built in the Project Area, between 500,000 and 2,500,000 additional square feet of research and development and office uses may be developed, depending upon whether Dwelling Units are shifted to the Project Area pursuant to Section II.D.3.~~ addition, to the extent the Bayview Hunters Point Redevelopment Plan allows for a transfer of non-residential-use square footage from the Hunters Point Shipyard Project Area to commercially-zoned areas of the Bayview Hunters Point Project Area, the foregoing limitations shall be commensurately reduced upon such transfer.

Accessory parking facilities for these uses, and infrastructure components Accessory to the foregoing, are not included as part of or subject to these square footage limitations.

The maximum building heights within the Project Area will be prescribed in the Hunters Point Shipyard Phase 1 Design for Development and the Hunters Point Shipyard Phase 2 Design for Development. No building may exceed 370 feet in height. Other size limitations for buildings are set in the Hunters Point Shipyard Phase 1 Design for Development and the Hunters Point Shipyard Phase 2 Design for Development by development controls including block patterns, bulk controls, prescribed setbacks, and open space requirements. Height and other size limitations shall maintain and protect view corridors from Hillpoint ~~park~~Park so that visitors can enjoy substantial vistas of San Francisco Bay, consistent with the requirements of the Granting Act for exchanging the park and adjacent hillside open space into the Public Trust.

5. Office Development Limitations

On November 8, 2016, voters enacted Proposition O (Planning Code Section 324.1), which exempts Phase 2 of the Project Area from the office development limits set forth in Planning Code Sections 320-325. Planning Code Sections 320 — ~~325~~ (Proposition M) shall apply to office development in Phase 1 of the Project Area, and Planning Code Section 324.1 shall apply to office development in Phase 2 of the Project Area. Accordingly, the cap on the annual amount of office development permitted in the City shall apply to Phase 1 but not Phase 2 of the Project Area.

By Resolution No. 18102, the Planning Commission adopted findings pursuant to Planning Code Section 321(b)(1) that the up to 5,000,000 square feet of office development contemplated in this Plan in particular promotes the public welfare, convenience and necessity, and in so doing considered the criteria of Planning Code Section 321(b)(3)(A)-(G). Proposition O states in part that “No project authorization or allocation shall be required for any Development on the Subject Property [Candlestick Point and Hunter’s Shipyard Phase 2]. However, Development on the Subject Property that would require a project authorization or allocation but for this Section 324.1 shall be treated for all purposes as if it had been granted approval of a project authorization or allocation.” Proposition O (2016) ~~supersedes~~supersedes, as to Phase 2 of the Project Area, any part of Resolution No. 18102 (Attachment E) that would require an office authorization or allocation, compliance with Planning Code sections 320-325, or Planning Commission review or approval of office developments.

6. Development Fees and Exactions

The following provisions will apply to all property in the Project Area except parcels used for the development of affordable housing by Agency-sponsored entities. Development Fees and Exactions shall apply to the Project in the manner described below. Except as provided in this section and except as required by the Mitigation Measures, the School Facilities Impact Fee, the Child-Care Requirements, and the Art Requirement shall be the only Development Fees and Exactions that apply to the Project Area for the duration of this Plan. Water Capacity Charges and Wastewater Capacity Charges are Administrative Fees and not Development Fees and Exactions, and shall apply in the Project Area.

The School Facilities Impact Fee shall apply for the duration of this Plan, shall be administered as required by State law, and shall be increased for the duration of this Plan in accordance with State law but only to the extent permitted by State law.

The Art Requirement shall apply for the duration of this Plan and requires that any new office building in excess of 25,000 square feet constructed within the Project Area include one-half of one percent (0.5%) of the hard costs of initial construction (excluding costs of infrastructure and tenant improvements) (the “**Art Fee Amount**”) for the installation and maintenance of works of art in the public realm within the [Project Area or within Zone 1 of the Bayview Hunters Point Redevelopment](#) Project Area. In the event that public spaces are not available at the time the Art Requirement is due, then the Art Fee Amount shall be paid to a fund administered by the Agency to be used for public art within the Project Area [or within Zone 1 of the Bayview Hunters Point Redevelopment Project Area](#). The public realm within which art may be installed so as to comply with the Art Requirement includes: any areas on the site of the building and clearly visible from the public sidewalk or open space feature, on the site of any open space feature, or in any adjacent public property. The type and location of artwork proposed shall be reviewed by the Executive Director for consistency with the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development and other Plan Documents.

The Child-Care Requirements shall apply for the duration of this Plan only to all commercial development over 50,000 square feet per Planning Code Section 314, as it existed on the 2010 Plan Amendment Date (attached and incorporated hereto as Attachment C). The Child-Care Requirements will be administered by the Agency to provide for these public benefits within the [Project Area or within Zone 1 of the Bayview Hunters Point Redevelopment](#) Project Area.

The Child-Care Requirements provide for compliance either by constructing Child-Care Facilities or, alternatively, payment of an in-lieu fee. For the duration of this Plan, development within the Project Area shall not be subject to any change to the provisions of the Child-Care Requirements that permit compliance through the construction of Child-Care Facilities. In addition, no new in lieu fee or increase in the existing in lieu fee related to the Child-Care Requirement shall apply to the Project Area for twelve (12) years following the date the first Building Permit is issued for a project in Phase 2 of the Project Area (as shown in Map 2) and, thereafter, will only be applicable if the new or increased in lieu fee relating to Child-Care Requirements is: (i) not increased at a rate greater than the annual increase in the Consumer Price Index commencing at the end of the 12-year period during which the fee has been frozen as described above; (ii) generally applicable on a Citywide Basis to similar land uses; and (iii) not redundant of a fee, dedication, program, requirement, or facility described in the Plan Documents or in any

applicable disposition and development agreement related to development within the Project Area.

Notwithstanding the foregoing, new or increased Development Fees and Exactions may be imposed to the extent required under the Public Health and Safety Exception and the Federal or State Law Exception.

7. Shadow on Recreation and Park Property

Section 295 of the Planning Code (Proposition K) shall apply to development in the Project Area in the form in which Section 295 was in effect as of the 2010 Plan Amendment Date (and as attached hereto as Attachment D). Section 295 (Proposition K) shall not continue to apply to development in the Project Area in the event it is repealed by legislation or voter initiative.

E. Retention-Rehabilitation

Existing buildings in the Project Area, as of the 2010 Plan Amendment Date, are identified by the Navy's building numbers, on Map 3: Existing Buildings.

1. Historic buildings and other facilities proposed for retention, rehabilitation or adaptive reuse include:

Buildings 101,140, 204, 205, 207, ~~208~~, and ~~813~~208; and

Dry Docks 2, 3, and 4.

2. Four additional buildings identified as historic; Buildings 211, 224, 231 and 253 will be further evaluated for retention, preservation and reuse.

F. Density Bonus

Under State law, the Agency may grant, as a form of local public subsidy, residential density bonuses. These bonuses, if granted, shall insure that additional low- or moderate-income Dwelling Units will actually be produced within the Project Area. In Hunters Point Shipyard Phase 1 (consisting of the Hunters Point Hill Residential District), the Agency will grant such bonuses only after a developer has demonstrated to the Agency's satisfaction that the developer has utilized its best effort to provide such low- or moderate-income Dwelling Units. Hunters Point Shipyard Phase 2 consists of all Land Use Districts other than the Hunters Point Hill Residential District. A density bonus is not proposed to increase the total maximum number of residential units in Phase 2 above those levels described in Section II.D.3.

G. Streets Plan

The Street Plan for the Hunters Point Shipyard Project Area is identified on ~~Maps~~Map ~~4A, 4B and 4C~~: Street ~~Plans~~Plan, which ~~indicate~~indicates generally the public rights-of-way. The categories of streets include the following:

1. Primary Arterial
2. Retail Street

3. Boulevard Park Street
4. Local Street

The Project Area's street pattern contributes to the establishment of its fundamental land use patterns, and in doing so, becomes an integral element of the overall urban design for the Project. It is, however, recognized that there is a need for some degree of adaptability and flexibility in locating and configuring some of the Project's local streets and alleys at the time of actual physical development. Accordingly, the alignment and classification of these streets are subject to adjustment by the Agency and the City at the time of detailed engineering studies.—~~Additionally, this Plan provides three street maps of the Project Area to accommodate the alternative land uses permitted in the Shipyard South Multi-Use District.~~

Certain streets in the Project Area will be impressed with the Public Trust. These streets will provide key vehicular, bicycle and pedestrian access ways to the waterfront, providing a connection between the various parts of the waterfront, and between the waterfront and other Public Trust lands within the Project Area.

In order to accommodate vehicle traffic and transit serving the various uses planned for the Project Area, this Plan also provides for street, lighting, utility, and related improvements to Innes Avenue and Hunters Point Boulevard, outside the northwestern boundary of the Project Area.

III. PROJECT PROPOSALS

A. Rehabilitation and New Development

All new development and all rehabilitation of existing structures must conform to this Plan, and to all applicable Federal and State laws and to those local laws that are applicable pursuant to this Plan.

1. Utilities: Stormwater detention, stormwater treatment, and similar facilities may include above-ground features such as bioswales and channels. New permanent utility lines must be placed underground. Above ground pump stations control rooms and sub-stations are permitted however their visual impact must be minimized per requirements either the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate. Temporary utility poles and wires may be installed during the project build out.

2. Signage: With the exception of temporary marketing and sales signs pertaining to developments within the Project Area (which will be permitted), permanent or temporary billboards (excluding kiosks, streetscape commercial signage, and street furniture-related commercial signage), are prohibited within all Land Use Districts ~~except the Shipyard South Multi-Use District and are prohibited in~~(including any park or street area). Permanent signage for residential, commercial and open space development is subject to the development controls and guidelines of either the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate. The Agency Commission shall review for consistency with the objectives of this Plan any proposed signage not permitted by the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate and any signage master plan.

3. Development Project: Plans for rehabilitation and new development shall be submitted to the Agency for architectural review and approval, consistent with the Agency's Design Review and Document Approval Process (DRDAP) for the Project Area or as attached to

any disposition and development agreement related to development within the Project Area.

4. Agency Sponsored Improvements: To the extent now or hereafter permitted by law, the Agency may pay for, develop, or construct any building, facility, element of infrastructure, structure or other improvement either within or outside the Project Area, for itself or for any public body or entity, provided that such building, facility, element of infrastructure, structure or other improvement would be of benefit to the Project Area and conform to the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate.

B. Owner and Tenant Preference

Persons who are either owners or tenants of businesses, or other types of real property within the Project Area being displaced by rehabilitation, Agency property acquisition, or other Agency action occasioned by the implementation of this Plan will be afforded certain preferences. The Agency shall extend preferences to such persons in order that they may re-enter the redeveloped Project Area. The Agency will adopt a business relocation program to implement these preferences. Participants in this program necessarily will be subject to and limited by the requirements of this Plan.

C. Acquisition of Real Property

Any real property located within the Project Area may be acquired by the Agency by purchase, gift, devise, exchange, lease, or any other lawful method. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than full fee title.

D. Acquisition of Personal Property

Where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means except eminent domain.

E. Property Management

During such time as any property in the Project Area is owned or leased by the Agency, such property will be under the management and control of the Agency and may be leased or subleased.

F. Payment of Taxes

The Agency may in any year during which it owns property in the Project Area pay directly to the City or any district, including a school district or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by the Agency to the City will be disbursed by the City to any school district with territory located within the Project Area in the City. “**Proportionate share**” means the ratio of the school district tax rate that is included in the total tax rate of the City to the total tax rate of the City.

The Agency may also pay to any taxing agency with territory located within a project area other than the community that has adopted the Project, any amount of money that in the Agency’s

determination is appropriate to alleviate any financial burden or detriment caused to any taxing agency by this Plan.

G. Relocation

The Agency will provide relocation assistance and benefits as required under applicable Federal and State law. A review of the current Project Area indicates that there are no persons currently residing therein. Accordingly, relocation activities would relate solely to businesses.

To the extent required under applicable State or Federal law, the Agency shall: (1) assist or cause to be assisted all eligible persons displaced by redevelopment activities undertaken or assisted by the Agency in finding new locations in accordance with applicable law, and where possible, shall relocate businesses to a location of similar size within the Project Area; and (2) make or cause to be made relocation payments to eligible persons displaced by redevelopment activities undertaken or assisted by the Agency as may be required by applicable State or Federal law. The Agency may make such other payments as it determines to be appropriate and for which funds are available.

Pursuant to Section 33339.5 of the California Health and Safety Code, the Agency shall extend reasonable preferences to persons who are engaged in business within the Project Area to reenter in business within the redeveloped Project Area, if they otherwise meet the requirements of this Plan. In order to extend reasonable preferences to businesses to reenter into business within the redeveloped Project Area, the Agency has promulgated, by Agency Resolution No. 93097, rules for the Business Occupant Re-Entry Program within the redeveloped Project Area.

H. Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from real property owned by the Agency in the Project Area as necessary to carry out the purposes of this Plan.

I. Public Improvements and Public Facilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities, on any parcel within or outside the Project Area, appropriate or necessary to carry out this Plan. Such public improvements and public facilities are described in Attachment B, Authorized Public Improvements.

J. Preparation of Building Sites

The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project Area owned or leased by the Agency.

K. Disposition of Real Property

For the purpose of this Plan, the Agency is authorized to sell, lease, sublease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest of real property, except to the extent prohibited by the Granting Act.

Any real or personal property acquired by the Agency in the Project Area will be sold or leased for development in accordance with this Plan and for consideration. However, the Agency may convey real property to the City or to any other public body with or without consideration.

Property containing buildings or structures rehabilitated by the Agency will be offered for resale within one year after completion of rehabilitation or an annual report concerning such property will be published by the Agency as required by law.

The Agency will reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or lessees of property will be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time that the Agency fixes as reasonable, and to comply with other conditions that the Agency deems necessary to carry out the purposes of this Plan.

L. Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or otherwise conveyed by the Agency will be made subject to the provisions of this Plan by lease, deed, contract, agreement, declaration of restrictions, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof will be recorded in the Office of the Recorder of the County of San Francisco.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants running with the land, rights of reverter, powers of termination, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area sold, leased or conveyed by the Agency will be made subject by appropriate documents to the restriction that there will be no discrimination or segregation on any basis listed in subdivision (a) or (d) of Section 12955 of the California Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the California Government Code, or on the basis of race, color, creed, religion, national origin or ancestry, sexual orientation, gender, identity, marital or domestic partner status, age, or disability, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. In addition, such property will be made subject to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as are required by law and this Plan.

M. Disposition of Personal Property

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

N. Replacement Housing

Whenever Dwelling Units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of this redevelopment project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement Dwelling Units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency.

O. Redeveloper's Obligations

In order to provide adequate safeguards that the process of redevelopment will be carried out pursuant to this Plan, agreements for the disposition of land by the Agency shall include provisions recognizing and requiring that:

1. The purchase of land is for redevelopment and not for speculation and reserving to the Agency such powers and controls as may be necessary to prevent transfer, retention or use of the property for speculative purposes.
2. The land shall be built upon and/or improved in conformity with the development standards of this Plan and any applicable Agency regulations, the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, and the Declaration of Restrictions.
3. All developers and owner participants shall submit phasing plans, schematic architectural plans, site and landscape plans and final plans including landscaping and sign plans, and specifications of the improvements proposed to be constructed on the land for architectural review and approval by the Agency in order to ensure that development and construction will be carried out in a manner that will effectuate the purposes of this Plan. To the extent required in disposition and development agreements or agreements with owner participants, as a part of such plans and specifications, developers and, if required by the Agency, owner participants shall submit time schedules for the commencement and completion of such improvements. All such plans and schedules shall be submitted to the extent required by, and within the time specified in, the respective agreements with such developers and owner participants.
4. By and for the contracting parties, their heirs, executors, administrators, and assigns, there may be no discrimination against or segregation of any person or group of persons on any basis listed in subdivision (a) or (d) of Section 12955 of the California Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the California Government Code, or on the basis of race, color, religion, national origin, gender, sexual orientation, gender identity, marital or domestic partner status, age, disability, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises therein described, nor may the contracting parties, or any person claiming under or through them establish or permit such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, subleases, or vendees in the premises described. All deeds, leases or contracts for the sale, lease, sublease, or other transfer of any land shall contain the nondiscrimination and non-segregation clauses specified in the CRL (Section 33436 of the California Health and Safety Code) and this Plan.

IV. METHODS FOR PROJECT FINANCING

A. General

Upon adoption of this Plan by the Board of Supervisors, the Agency is authorized to finance projects consistent with this Plan with assistance from the United States Government, including the Department of Housing and Urban Development (HUD), the Department of Defense (Office of Economic Adjustment) as well as from other Federal programs, from the State, from the City, from Agency bonds, and from other available sources.

The Agency is hereby authorized to issue bonds, obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest of such advances, funds, and indebtedness may be repaid from any funds that may appropriately be available to the Agency.

Any other loans, grants, or financial assistance from the United States, or any other public or private sources will also be utilized, if available.

B. Tax Allocation

Taxes, if any, levied upon the taxable property in the Project Area each year by or for the benefit of the State, the City, any district, or other public corporation, after the Effective Date, shall be divided as follows, in accordance with the CRL (Section 33670 of the Health and Safety Code):

(a) That portion of the taxes that would be produced by the rate upon which the taxes levied each year by or for each of the Taxing Agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective Taxing Agencies as taxes by or for said Taxing Agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies that did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(b) That portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in that project as shown by the last equalized assessment roll referred to in paragraph (a) hereof, all of the taxes levied and collected upon the taxable property in the redevelopment project shall be paid to the respective Taxing Agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the redevelopment project shall be paid to the respective Taxing Agencies as taxes on all other property are paid.”

Not less than twenty percent (20%) of all taxes that are allocated to the Agency pursuant to Health and Safety Code Section 33670 and Section IV.B.(b) of this Plan shall be used by the Agency for the purposes of increasing, improving and preserving the community’s supply of low- and moderate-income housing available at affordable housing cost, as defined by Section 50052.5 of the California Health and Safety Code, to persons and families of low or moderate income, as defined in Section 50093, to lower income households, as defined in Section 50079.5, and to very low income households, as defined in Section 50105.

In the proceedings for the advance of moneys, making loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance, in whole or in part, the Hunters Point Shipyard Redevelopment Project, the portion of taxes set forth in the CRL and the California Constitution (as the same may exist on the date of the making of said advances or loans or the incurring of indebtedness) as available to the Agency for such purposes may be irrevocably pledged for the payment of the principal of and interest on such loans, advances, or indebtedness.

It is anticipated that the amount of taxes to be produced by the method described in Subsections (a) and (b) above may be sufficient to support a bond(s) issue in the range of \$900 million. In addition, it may become necessary and appropriate to issue bonds to be partially repaid from taxes allocated pursuant to Subsections (a) and (b) above. Therefore, the amount of bonded indebtedness that can be outstanding at any one time from the issuance of bonds to be repaid in whole or in part from the allocation of taxes pursuant to Section 33670 of the California Health and Safety Code will be limited to \$900 million. In order to adequately fund the repayment of such bonds (including principal, interest, and issuance cost), the number of dollars of taxes that may be divided and allocated to the Agency pursuant to Section 33670 of the California Health and Safety Code will be limited to \$4.2 billion.

No loans, advances, or indebtedness to finance the redevelopment project in whole or in part and to be repaid from the allocation of taxes pursuant to Section 33670 of the California Health and Safety Code may be established or incurred by the Agency twenty (20) years after the Agency begins collecting substantial tax increment funds in the Project Area, meaning a total allocation of tax increment funds exceeding \$100,000.

The Agency may not pay indebtedness or receive property taxes pursuant to Section 33670 of the California Health and Safety Code forty five (45) years after the Agency begins collecting substantial tax increment funds in the Project Area; meaning a total allocation of tax increment funds exceeding one hundred thousand dollars (\$100,000).

Bond issues, the principal and interest of which the Agency proposes to pay with tax allocations under Health and Safety Code 33670, are subject to Board of Supervisors approvals, as are all bond issues of the Agency; where the Agency proposes to utilize tax allocations for other than repaying principal and interest on bond issues or other existing indebtedness, the Agency shall prepare, for the approval of the Board of Supervisors, an annual Project Work Program, which program shall outline in detail the activities to be undertaken by the Agency, the loans and/or advances to be received and/or the indebtedness to be incurred.

V. ACTIONS BY THE CITY

The City, by the adoption of this Plan, agrees to aid and cooperate with the Agency in carrying out this Plan and shall take any further action necessary to ensure the continued fulfillment of the various objectives and purposes of this Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight. Such actions include the following:

- A. Prior to termination of this Plan, revision of zoning within the Project Area (to be effective as of this Plan expiration date) to conform to the land uses authorized by this Plan and the development standards and design guidelines set forth in the Hunters Point Shipyard

Design for Development documents, as they have been amended from time to time as of the expiration date of this Plan.

- B. Institution and completion of proceedings necessary for changes and improvements in publicly-owned utilities within or affecting the Project Area.
- C. Performance of the above and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule that will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- D. Referral will be made to the Agency prior to approval by the City of each building permit application in the Project Area. No building permit will be issued unless it conforms to this Plan.
- E. The City is authorized, but not obligated to provide funds to ensure the completion of the Project as a whole in accordance with this Plan.
- F. The City shall review, consider, and approve, without unnecessary delay, tentative subdivision maps and parcel maps as necessary to develop the Project Area, provided maps and public infrastructure agreements are found to be consistent with the objectives of this Plan, approved environmental mitigations, and the development standards and design guidelines set forth in the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development.
- G. The undertaking and completing of any other proceedings necessary to carry out the Project.

In order to facilitate the implementation of this Plan, the City and the Agency have entered into Interagency Cooperation Agreements (each, an “ICA”). Each ICA is intended to provide the framework for cooperation among various City Agencies and the Agency in accordance with this Plan, the other applicable Plan Documents and disposition and development agreements entered into in accordance with this Plan with respect to the review and approval of development authorizations in the Project Area and, where appropriate, to facilitate cooperation of the City Agencies in issuance of those permits, approvals, agreements and entitlements at each applicable stage of development. The City shall perform all of its obligations under each ICA.

VI. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Section 33450-33458 of the California Health and Safety Code, or by any other procedure hereafter established by law.

VII. PROCEDURE FOR VARIANCE

The owner or developer of any property in the Project Area may make a written request for a variance that states fully the grounds of the application and the facts pertaining thereto. Upon receipt of a complete application, the Agency may conduct its own further investigation and the Agency Commission may, in its sole discretion at a duly noticed public hearing, grant a variance from the development controls in this Plan and either the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate, under the following circumstances:

- Due to unique physical constraints or other extraordinary circumstances applicable to the property, the enforcement of development regulations without a variance would otherwise result in practical difficulties for development and create undue hardship for the property owner or developer or constitute an unreasonable limitation beyond the intent of this Plan; and
- The granting of a variance would be in harmony with the goals of this Plan, and will not be materially detrimental to the public welfare or materially injurious to neighboring property or improvements in the vicinity.

In granting a variance, the Agency will specify the character and extent thereof, and also prescribe conditions necessary to secure the goals of this Plan and the Design for Development.

The Agency's determination to grant or deny a variance will be final and will not be appealable to the Planning Department. In no instance will any variance be granted that will substantially change the allowable land uses of this Plan. Procedures for the evaluation of Secondary Uses are described above in Section II.B.1.

[In addition, for certain development controls specified in the Phase 2 Design for Development, the Executive Director may approve deviations \(minor modifications no greater than ten percent of the numerical development control\), in accordance with the standards and processes set forth therein.](#)

VIII. DURATION OF PLAN

This Plan will be effective until thirty (30) years from the date the Controller of the City and County of San Francisco certifies, pursuant to Section 33492.9, as the final day of the first fiscal year in which one hundred thousand dollars (\$100,000) or more of tax increment from the Project Area are paid to the Agency pursuant to Section 33675(d); provided, however, that the nondiscrimination and non-segregation provisions will continue in perpetuity. Any Declaration of Restrictions formulated pursuant to this Plan may contain provisions for the extension of such Declaration of Restrictions for successive periods. The Agency may receive property taxes pursuant to Section 33670 of the California Health and Safety Code for up to forty five (45) years after the Agency begins collecting substantial tax increment funds; meaning a total allocation of tax increment funds exceeding one hundred thousand dollars (\$100,000).

IX. ENFORCEMENT OF PLAN

The provisions of this Plan and other documents formulated pursuant thereto may be enforced by the Agency in any manner authorized by law.

X. SEVERABILITY

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Plan is for any reason held to be invalid or unconstitutional, such decision will not affect the validity of the remaining portion or portions of this Plan.

XI. DEFINITIONS

Following are definitions for certain words and terms used in this Plan. All words used in the present tense include the future. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural

construction of the wording indicates otherwise. The word “shall” is mandatory and not directory; and the term “may not” is prohibitory and not permissive. The words “including”, “such as” or words of similar import when following any general term may not be construed to limit the general term to the specific terms that follow, whether or not language of non-limitation is used; rather, these terms will be deemed to refer to all other terms that could reasonably fall within the broadest possible scope of the term.

2010 Plan Amendment Date means the date on which Ordinance No. 211-10 adopting amendments to this Plan, approved on August 3, 2010, became effective.

2017 Plan Amendment Date means the date on which Ordinance No. 122-17 adopting amendments to this Plan, approved on June ~~12, 22,~~ 2017, became effective.

2018 Plan Amendment Date means the date on which Ordinance No. _____ adopting amendments to this Plan, approved on _____, 2018, became effective.

Accessory Use means uses that are related to and subservient to another use, and serve that use only (with the exception of Parking, which may serve several lawfully permitted uses). For purposes of private infrastructure, accessory means utility systems and/or a component thereof, located within, on or beneath a lawful permitted Use on the same Assessor’s lot.

Administrative Fee means any fee charged by any City Agency or the Agency in effect on a Citywide Basis, including fees associated with Article 31, at the time of submission for the processing of any application for building or other permits, subdivision maps, or other City or Agency regulatory actions or approvals for any development in the Project Area.

Adult Entertainment means a use that includes any of the following: adult bookstore, adult theater, and encounter studio, as defined by Section 1072.1 of the San Francisco Police Code.

Agency Commission means the Commission for the Redevelopment Agency of the City and County of San Francisco.

Amusement Enterprise means enterprises such as billiard halls, bowling alleys, skating rinks, and similar uses when conducted within a completely enclosed building.

Animal Services means an animal care use that provides medical care and/or boarding services for animals.

Arts Education means schools of any of the following for professionals, credentialed individuals, or amateurs: dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance, industrial and product-design and sound arts and craft.

Art Production means commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces may include studios, workshops, galleries, museums, archives and small theaters, and other similar spaces customarily used principally for production and post-production of graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel and other visual, performance and sound arts and craft.

Automotive Repair means a retail automotive service use that provides any of the following automotive repair services, whether outdoors or in an enclosed building: minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying.

Bar means a principal retail use not located in a Restaurant that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under twenty one (21) years of age is admitted (with Alcoholic Beverage Control [ABC] license 42, 48, or 61) and drinking establishments serving liquor (with ABC license 47 or 49) in conjunction with other uses that admit minors, such as theaters, and other entertainment. Restaurants with ABC licenses are not considered bars under this definition.

Battery Storage System means a component of the utility electricity system which stores energy.

Board of Supervisors means the Board of Supervisors of the City and County of San Francisco, California.

Building Construction Codes means the City's (or if applicable, the Port's) Building Code, Electrical Code, Mechanical Code and Plumbing Code and any construction requirements in the Housing Code and the Fire Code.

Business Occupant Re-Entry Policy means a document approved by the Agency Commission in relation to this Plan that establishes, to the extent required by State or Federal law, how the extension of reasonable preferences to business occupants will be implemented within the Project Area.

Cannabis-Related Use means any Use that is required to obtain a permit, and has obtained such permit, from the San Francisco Office of Cannabis (or its successor). For the avoidance of doubt, a Cannabis-Related Use is any category of Use otherwise permitted herein that cultivates, manufactures, distributes, tests, sells, delivers or in any other way uses cannabis or cannabis-derived materials, including for legal adult use or medical use.

Child-Care Facility means a use that provides less than 24-hour care for children by licensed personnel and that meets all the requirements of the State and other authorities for such a facility.

Child-Care Requirements means the requirements set forth in City Planning Code Section 314, as it exists on the 2010 Plan Amendment Date.

City Agency means, individually or collectively as the context requires, all departments, agencies, boards, commissions and bureaus of the City with subdivision or other permit, entitlement or approval authority or jurisdiction over any portion of the Project Area, including but not limited to the Port Authority, Department of Public Works, the Public Utilities Commission, the Planning Commission, the Municipal Transportation Agency, the Building Inspection Commission, the Public Health Commission, the Fire Commission and the Police Commission, or any successor public agency designated by or under law.

City Regulations means ordinances, resolutions, initiatives, rules, regulations, and other official City and Agency policies applicable to and governing the overall design, construction, fees, use or other aspects of development within the Project Area. City Regulations includes City municipal codes, the General Plan, Building Construction Codes, Subdivision Code, and all ordinances, rules, regulations and official policies adopted to implement those City Regulations, except to the extent such regulations are Administrative Fees.

Citywide Basis means all privately-owned property within (a) the City's jurisdictional limits or (b) any designated use classification or use district of the City so long as (1) any such use classification or use district includes a substantial amount of affected private property other than affected private property within the Project Area, (2) the use classification or use district includes all private property that receives the general or special benefits of, or causes the burdens that occasion the need for, the New City Regulation, Development Fees and Exactions, or New Construction Requirements, and (3) the cost of compliance with the New City Regulation, Development Fees and Exactions, or New Construction Requirements applicable to the same type of use in the Project Area (or portion thereof) does not exceed the proportional benefits to, or the proportional burdens caused by private development of that type of use in the Project Area (or portion thereof).

Commercial Storage means a commercial use that stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations and that may include self-storage facilities for members of the public. Commercial storage does not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

Commercial Wireless Transmitting Facility means equipment for the transmission, reception, or relay of radio, television, or other electronic signals, and may include towers, antennae, and related equipment.

Community Use means a publicly or privately owned use that provides public services to the community, whether conducted within a building or on an open lot. This use may include, by way of example and not limitation, museums, post offices, public libraries, police or fire stations, transit and transportation facilities, utility installations, building-integrated sustainable energy generation facilities, neighborhood-serving community recycling centers, and wireless transmission facilities.

Consumer Price Index means the All Items Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor.

Declaration of Restrictions means a recorded declaration that provides notice that properties in the Project Area are subject to restrictions, reservations and covenants for the benefit of the Project Area and this Plan.

Development Fees and Exactions means a monetary or other exaction including in-kind contributions, other than a tax or special assessment or Administrative Fee, that is charged by the Agency or any City Agency in connection with any permit, approval, agreement or entitlement or any requirement for the provision of land for construction of public facilities or Infrastructure or any requirement to provide or contribute to any public amenity or services. Development Fees and Exactions does not include Building Construction Codes in effect from time to time and generally applicable on a Citywide Basis to similar land uses.

District Heating and Cooling Facility means a plant ([including geothermal powered](#)) with hot water (or steam) and chilled water distributed from the district plant to individual buildings via a pipe distribution network ~~located under the streets~~.

Dry-Cleaning Facility means dry-cleaning establishment, including pressing and other miscellaneous processing of clothes.

Dwelling Units means a residential use that consists of a suite of one or more rooms and includes sleeping, bathing, cooking, and eating facilities.

Effective Date means the date the ordinance passed by the Board of Supervisors approving this Plan (Ordinance No. 211-10) became effective.

Elementary School means an institution that provides K-8 education and that may be either public or private.

Executive Director means the Executive Director of the Agency.

Existing City Regulations means City Regulations as they are in effect on the 2010 Plan Amendment Date.

General Plan means the General Plan for the City and County of San Francisco.

Green Technology means a use or several uses that involves the research, development, and fabrication of innovative methods, materials, and technology to improve environmental quality, increase energy and/or resource efficiency, reduce greenhouse gas emissions, reduce waste and pollution, and increase resource sustainability. Green Technology uses may utilize office, laboratory, light manufacturing, or other types of use. Green technology can include office, laboratory, and light-manufacturing uses.

Grocery Store means a retail use of medium or large scale providing sales of food, produce, prepared food, beverages, toiletries, pharmaceutical products and services, and household items to the general public. This includes neighborhood-serving stores, supermarkets, festival market places, or other large format tenants providing primarily food sales up.

Group Housing means a residential use that provides lodging or both meals and lodging without individual cooking facilities. Group Housing may include housing specifically designed for and occupied by seniors, students or disabled residents.

Home Office means the accessory use of a dwelling for office purposes, provided that the principal user of such office resides in that dwelling.

Hotel means a use that provides overnight accommodations including guest rooms or suites and ancillary services to serve hotel guests. Hotels shall be designed to include all lobbies, offices and internal circulation to guest rooms and suites within and integral to the same enclosed building or buildings as the guest rooms or suites.

Hunters Point Shipyard Phase 1 Design for Development means the Design for Development document that sets development standards and design guidelines for Phase 1 of the Project, which consists of the Hunters Point Hill Residential District, as amended from time to time in accordance with its provisions.

Hunters Point Shipyard Phase 2 Design for Development means the Design for Development document that sets development standards and design guidelines for Phase 2 of the Project, which consists of all of the Project Area except for the Hunters Point Hill Residential District, as amended from time to time in accordance with its provisions.

Implementation Plan means a plan adopted periodically by the Agency Commission relating to the implementation of goals and objectives within this Plan, in accordance with the requirements of the CRL.

Internet Service Exchange means a use that provides a location for: switching equipment (whether wireline or wireless) that joins or connects customers, or subscribers to enable them to transmit data, voice, or video signals; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals or provide other data processing services; or a group of network servers.

Institutional Use means Residential Care Facility, Child-Care Facility, Elementary School, Religious Institution, Secondary School, Post-Secondary Institution, or Vocational/Job Training Facility.

Laboratory means a use that provides for space within any structure intended or primarily suitable for scientific research. This includes industrial, chemical, and digital work stations for the purpose of design, developing, and testing product development. The space requirements of uses within this category include specialized facilities or built accommodations that distinguish the space from office uses and light industrial uses.

Life Science means a use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. Life Science uses may utilize office, laboratory, light manufacturing, or other types of uses.

Light Industrial means a non-retail use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials.

Live/Work Units means a structure or portion of a structure combining a residential living space for a household or group of persons with an integrated work space principally used by one or more of the residents of that unit. Work spaces uses in a Live/Work Unit must comply with the other non-residential uses allowed within the respective land use District.

~~**Medical Cannabis Dispensary** means a use as defined by Section 3301(f) of the San Francisco Health Code.~~

Maker Space means uses for contemporary forms of small-scale manufacturing, repair, and post-manufacturing activities. Maker space should typically include a retail component, and may include several other uses within a single space, including but not limited to, Light Industrial (for example, craft, industrial arts and design, robotics, woodwork, jewelry manufacture, clothing and apparel manufacture, and food and beverage production), office and research and development (e.g., digital technologies and electronics, 3D printing, graphic design), and Neighborhood Retail Sales and Services associated with the foregoing (e.g., food and beverage tasting and sale, arts and crafts sales, jewelry sales), among many others. For the purposes of size limitations established in Section II.D.4, Maker Space is considered Neighborhood Retail Sales and Service.

Mitigation Measures means those mitigation measures from the Candlestick Point/Hunters Point Shipyard Phase 2 Project EIR imposed as conditions of approval of the

amendments to this Plan as set forth in Resolution No. 347-2010, as amended or modified from time to time consistent with CEQA.

Neighborhood Retail Sales and Services means a commercial use that provides goods and/or services directly to the customer, whose primary clientele is customers who live or work nearby and who can access the establishment directly from the street on a walk-in basis. This use may provide goods and/or services to the business community, provided that it also serves the general public. This use would include those that sell, for example, groceries, personal toiletries, magazines, smaller scale comparison shopping; personal services such as laundromats, health clubs, formula retail outlets, hair or nail salons; [medical services including, but not limited to, urgent care facilities and standalone emergency rooms, but excluding hospitals](#); and uses designed to attract customers from the surrounding neighborhood. Retail uses can also include outdoor activity areas, open air sales areas, and walk-up facilities (such as ATMs or window service) related to the retail sale or service use and need not be granted separate approvals for such features.

New City Regulations means both City Regulations adopted after the 2010 Plan Amendment Date or a change in Existing City Regulations, including any amendment to this Plan or the Plan Documents, effective after the 2010 Plan Amendment Date.

Nighttime Entertainment means entertainment activities such as dance halls, discotheques, nightclubs, and similar evening-oriented entertainment activities generally involving amplified music, either live or recorded, as well as restaurants and bars, and other venues or spaces used for different uses during the day that present such activities. It excludes Adult Entertainment.

Non-Retail Sales and Services means a commercial or office use that provides goods and/or services primarily to other businesses rather than to the general public and that may include by way of example and not limitation, wholesale sales, sale, rental, installation, servicing and/or repair of business goods and equipment.

Office means a use within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities that perform, provide for their own benefit, or provide to others at that location services including the following: professional; medical; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; multimedia [and digital arts](#), software development, web design, electronic commerce, and information technology; administrative services; and professional services. This use does not include retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; or wholesale shipping, receiving and storage.

OPA Rules means rules established by the Agency Commission for property owner participation in redevelopment activities consistent with the provisions of this Plan within the Project Area and consistent with the CRL.

Open Space means space that is retained primarily in an unimproved, natural state. Open Space may be used for passive recreational activities, such as hiking and picnicking, and may include facilities related to such passive recreational uses.

Owner Participation Agreement or **OPA** means a binding agreement between a property owner and the Agency by which the participant agrees to rehabilitate, develop, use and maintain the property in conformance with this Plan.

Parking means the storage of vehicles ~~accessory~~Accessory to a ~~principle~~principal or secondary residential or commercial use. Such storage can be in the form of independently accessible parking spaces, non-independently accessible parking spaces including those accessed on parking lifts or through the use of valet. Parking spaces need not be on the same lot or block to the use it serves.

Parks means publicly owned, or privately owned and publicly accessible, open space improved with either active recreational amenities such as playing fields, sporting courts, and small performance spaces and/or passive recreational amenities such as trails, picnic areas, and fields.

Performance Arts means a use that includes performance, exhibition, rehearsal, production, or post-production of any of the following: dance, music, dramatic art, film, video, and other visual, performance and sound arts and craft.

Plan Documents means the Business Occupant Re-Entry Policy, Implementation Plan, Hunters Point Shipyard Phase 1 Design for Development, Hunters Point Shipyard Phase 2 Design for Development, Relocation Plan and OPA Rules.

Planning Commission means the Planning Commission of the City and County of San Francisco, California.

Planning Department means the Planning Department of the City and County of San Francisco.

Post-Secondary Institutions means a use that is certified by the Western Association of Schools and Colleges that provides post-secondary educational services such as a school, college or university.

Priority Policies means the eight priority policies stated in Section 101.1, Master Plan Consistency and Implementation, of the City's Planning Code.

Public Recreation means privately owned recreational areas that are open to the general public. This use may include may include hiking trails, playgrounds, public parks, sports

fields, community gardens, golf courses, marinas, and tennis courts as well as accessory uses such as maintenance facilities, parking, and concession areas.

Public Trust means collectively the common law public trust for commerce, navigation and fisheries and the statutory trust imposed by the Granting Act.

Real Property means land, including land under water and waterfront property; buildings, structures, fixtures, and improvements on the land; any property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

Recreational Facility means a use that provides social, fraternal, counseling, athletic or other recreational gathering services to the community.

[Recycled Water Treatment Facility is a centralized facility for treating wastewater to be used for non-potable uses in the Project Area and that abides by odor control measures established in the Phase 2 Design for Development. Passive square footage \(i.e., non-administrative office space\) within such facility shall not be not included as part of or subject to square footage limitations in Section II.D.4.](#)

Regional Retail Sales and Services means a commercial use that provides goods and/or services directly to the customer, whose primary clientele is customers who live throughout the surrounding region and may include both small and large format tenants up to 120,000 square feet. This use would include those who sell apparel, electronics, furniture, durable goods, specialty items, formula retail outlets, and other more expensive, and less frequently purchased items; beyond the surrounding neighborhood. Regional Retail sales and services can include counter and other walk-up facilities as well as adjacent outdoor activity areas accessory to such uses. [Includes movie theaters and related or similar uses.](#)

Religious Institution means a use that provides religious services to the community such as a church, temple or synagogue.

Relocation Plan means a document approved by the Agency Commission that establishes how the Agency and/or developers shall assist persons, business concerns and others displaced from the Project Area by redevelopment activities of or assisted by the Agency in finding new locations in accordance with applicable State and Federal law.

Residential Care Facility means medical use that provides lodging, board, and care for one day or more to persons in need of specialized aid by personnel licensed by the State but does not provide outpatient services.

Residential Use means a use that includes for sale and rental housing units, including Dwelling Units, Live/Work Units, and Group Housing

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[Hunters Point Shipyard Redevelopment Plan](#)
[, 2018](#)

Restaurant means a full service or self service retail facility primarily for eating use that provides ready-to-eat food to customers for consumption on or off the premises, which may or may not provide seating, and that may include service of liquor under ABC licenses [those explicitly for any alcoholic service in association with a restaurant]. Food may be cooked or otherwise prepared on the premises.

School Facilities Impact Fee means the sum payable to the San Francisco Unified School District pursuant to Government Code Section 65995.

Short-Term Rental has the meaning established in Article 41A of the Administrative Code (as it may be amended from time to time), and, subject to compliance with regulations of the City's Office of Short-Term Rentals (or its successor), is allowed within Residential Uses unless otherwise prohibited by applicable private covenants or similar restrictions.

Secondary School means a use that provides grade 9-12 education and may be either public or private.

State means the State of California.

Stormwater Best Management Practice (BMP) means constructed facilities or measures to help protect receiving water quality and control stormwater quantity, also referred to as stormwater controls.

Supportive Housing means affordable housing developments with integrated services that are not required as a condition of occupancy and that serve high needs populations including but not limited to low income senior citizens, youth transitioning out of foster care, adults with developmental disabilities, individuals and families who are homeless or at risk of homelessness, and persons with AIDS.

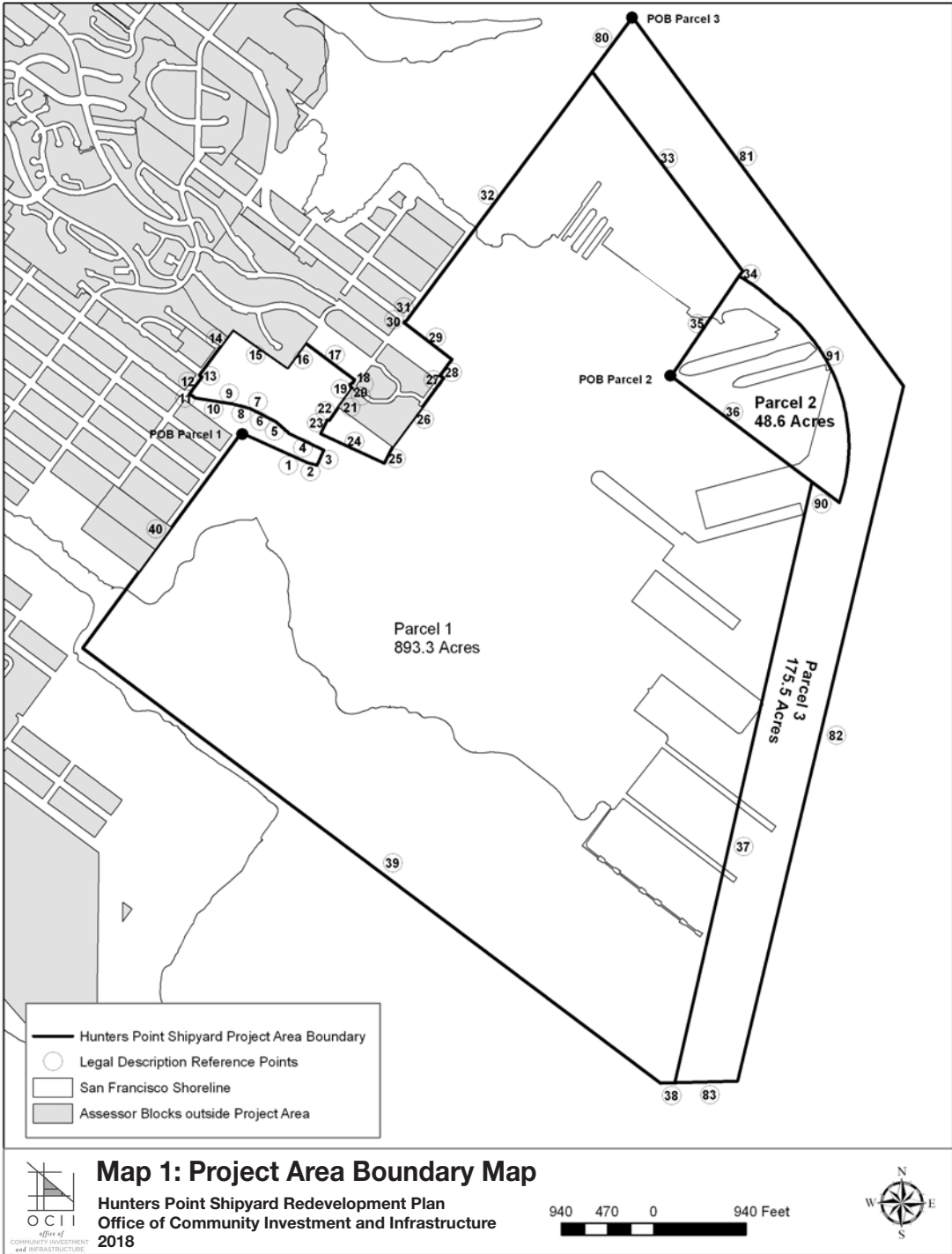
Taxing Agencies means all public entities that have the authority to tax property within the Project Area, including the State, the City, BART, San Francisco Unified School District, City College of San Francisco, Bay Area Air Quality Management District and any district or other public corporation.

Telecommunication/Fiber System means equipment for the transmission, reception or relay of analogue, digital and optical fiber signals.

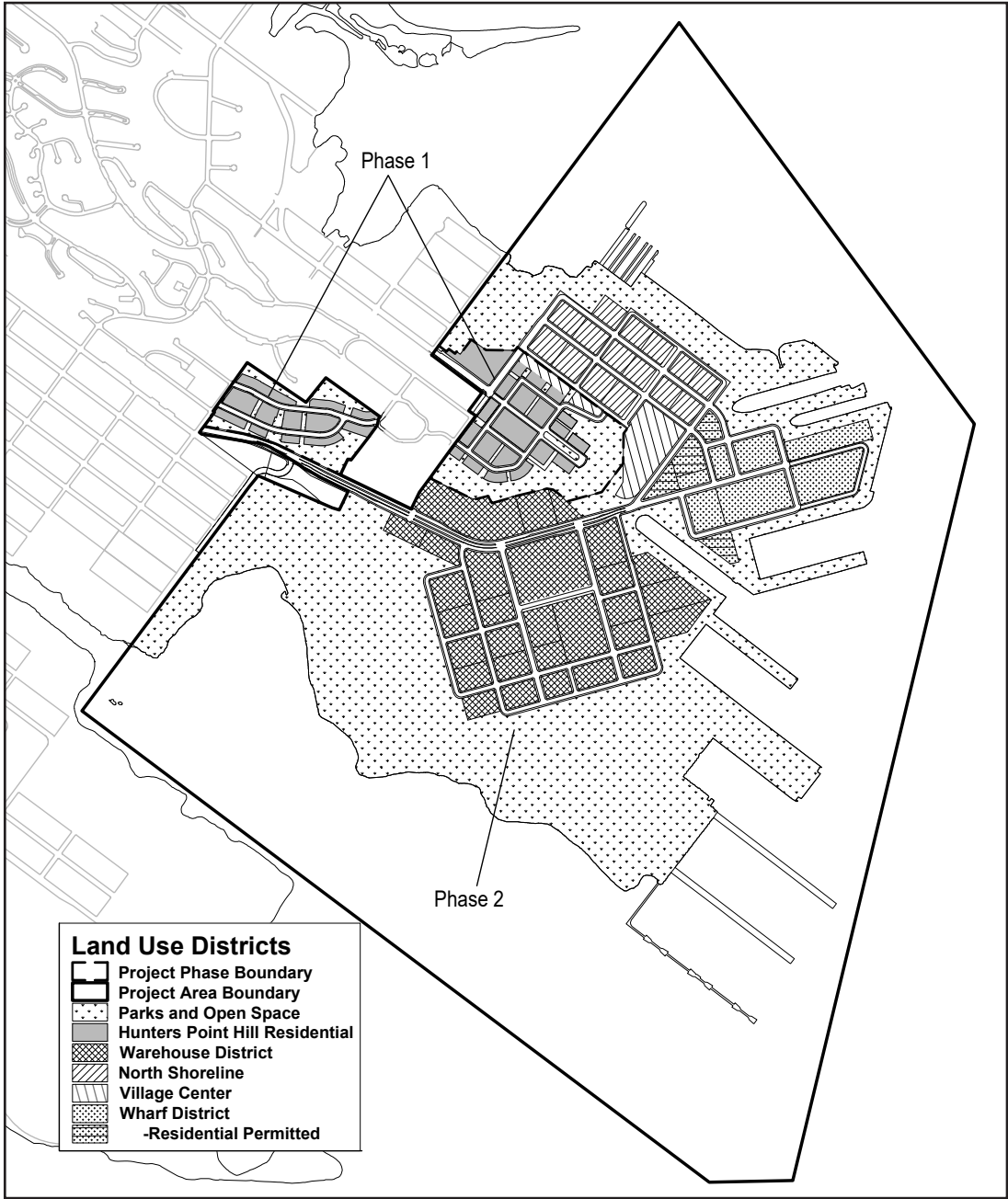
Use means the purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

Vocational/Job Training Facility means a use that provides job training, and may also provide vocational counseling and job referrals and or office or light industrial activities for education purposes.

Replaces Map 1 in the current Plan



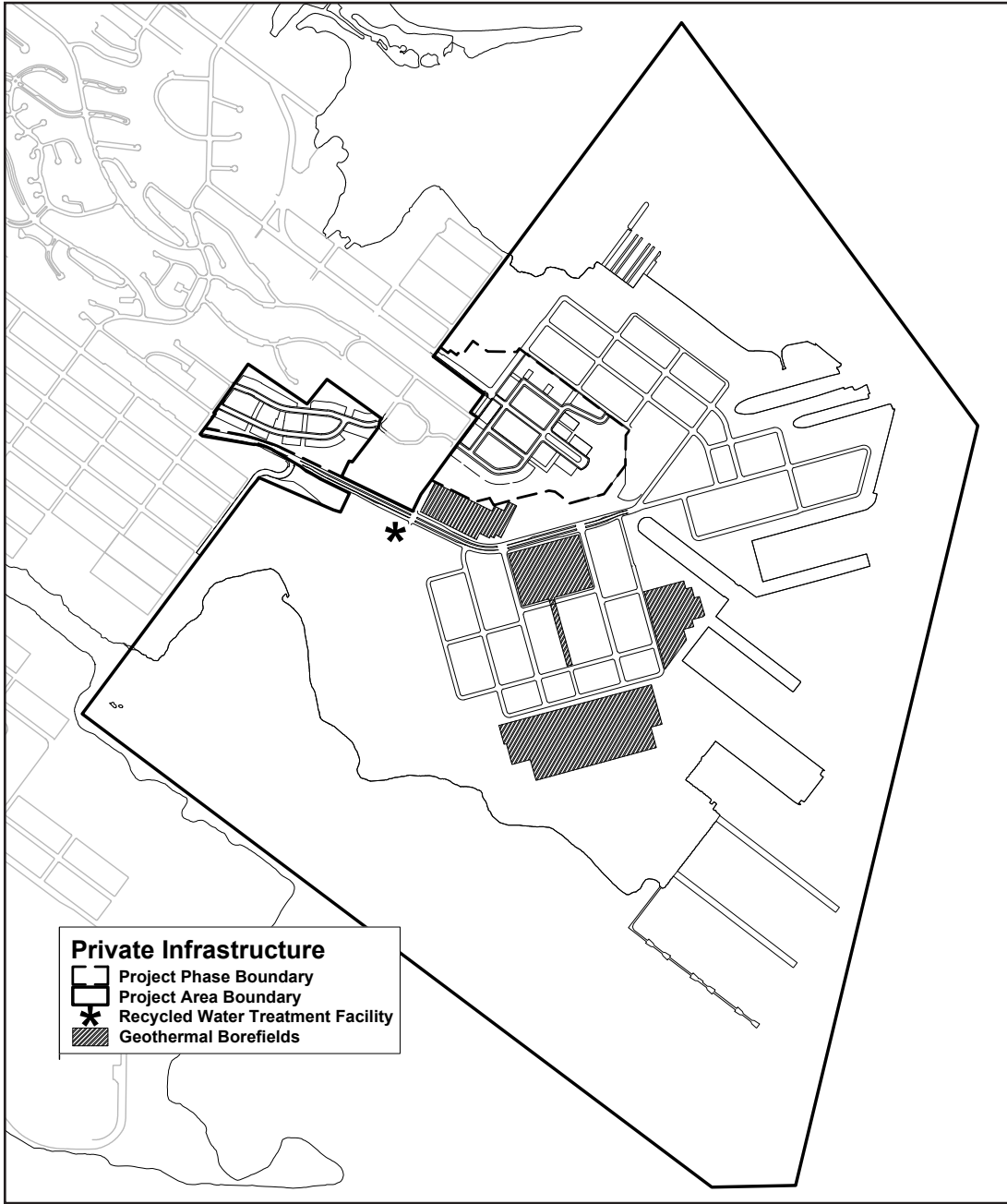
Replaces Map 2 in the current Plan



Map 2: Land Use Districts Map
Hunters Point Shipyard Redevelopment Plan
Office of Community Investment and Infrastructure
2018


1,000 500 0 1,000 Feet

Replaces Map 2A in the current Plan




Private Infrastructure

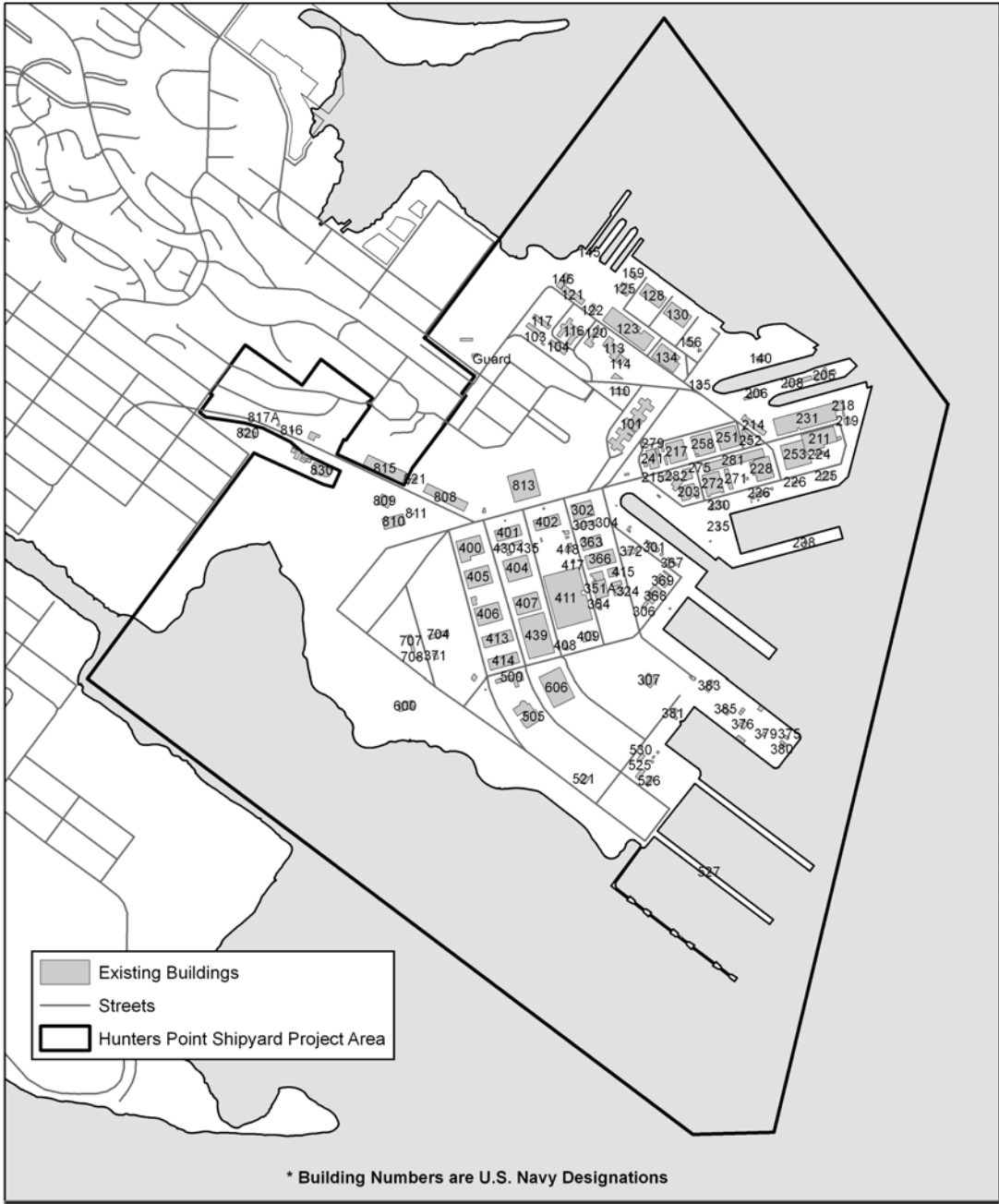
- Project Phase Boundary
- Project Area Boundary
- Recycled Water Treatment Facility
- Geothermal Borefields

 **Map 2A: Private Infrastructure**
Hunters Point Shipyard Redevelopment Plan
Office of Community Investment and Infrastructure
2018

1,000 500 0 1,000 Feet



Replaces Map 3 in the current Plan

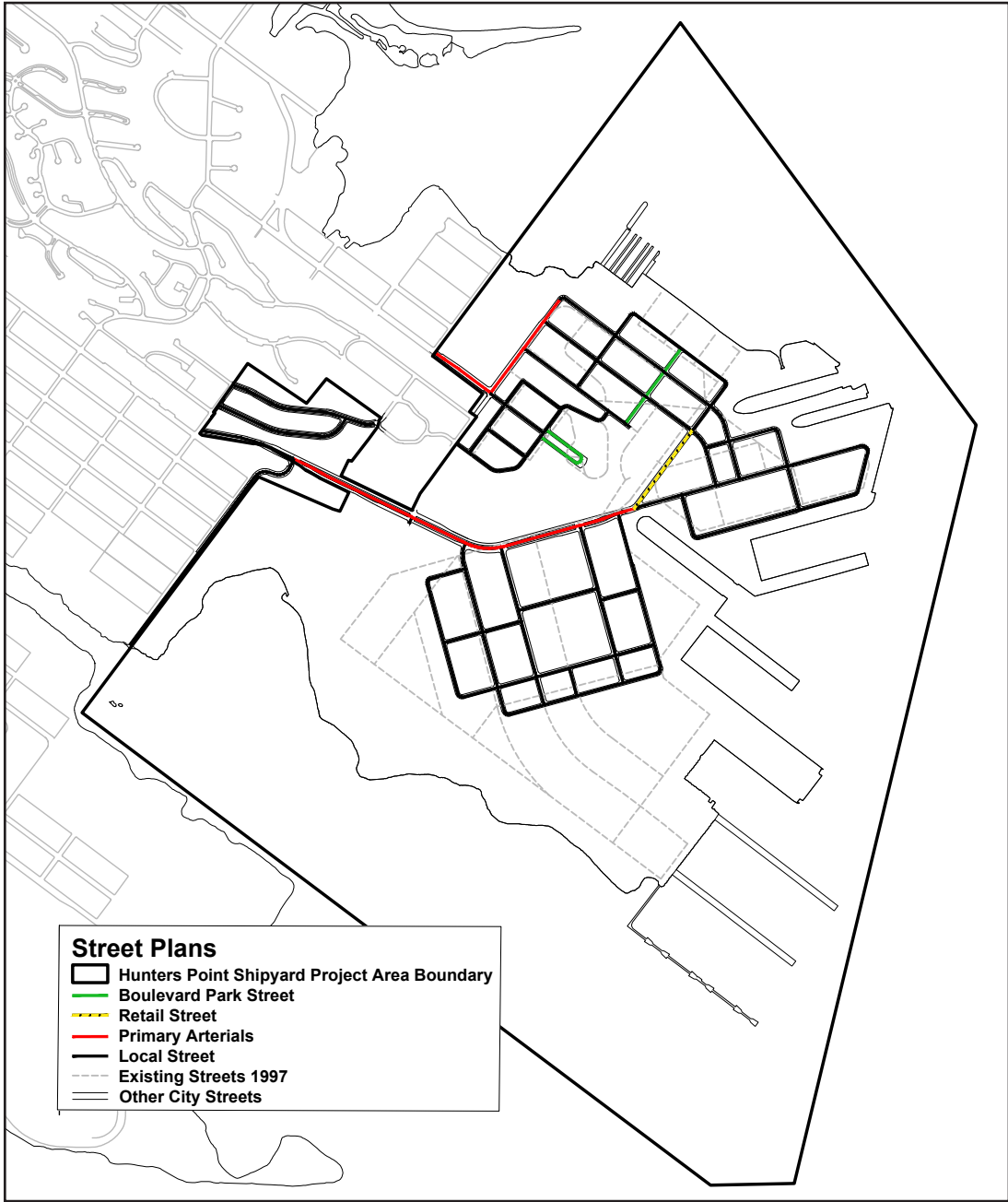


 **Map 3: Existing Buildings Map**
Hunters Point Shipyard Redevelopment Plan
Office of Community Investment and Infrastructure
2018

100 500 0 1,000 Feet



Replaces Map 4 in the current Plan



- Street Plans**
- Hunters Point Shipyard Project Area Boundary
 - Boulevard Park Street
 - Retail Street
 - Primary Arterials
 - Local Street
 - Existing Streets 1997
 - Other City Streets

Attachment A: Legal Description of the Project Area

The area consists of real property within the City and County of San Francisco, State of California, more particularly described as follows:

PARCEL ONE

Beginning at the point of intersection of the southeasterly line of Fitch Street and the northeasterly line of Palou Avenue as said streets are shown upon the “Map of the property of the South San Francisco Homestead and Railroad Association”, filed April 15, 1867, in Book 2, “A” and “B” of Maps, Page 39, in the County Recorder’s Office of the City and County of San Francisco, said point having California Coordinate values: N.452,070.23 E.1,457,299.61 (Zone III); and and running thence from said Point of Beginning easterly, northerly and westerly along the following series of courses and distances:

- #1 S.66°24’34”E. 774.37 feet;
- #2 S.74°08’24”E. 68.77 feet;
- #3 N.25°47’36”E. 177.17 feet;
- #4 N.65°00’41”W. 377.67 feet;
- #5 N.51°35’29”W. 202.50 feet;
- #6 N.65°31’39”W. 227.49 feet;
- #7 N.67°43’50”W. 60.90 feet;
- #8 N.69°21’07”W. 156.62 feet;
- #9 N.74°41’13”W. 78.46 feet;
- #10 N.79°19’57”W. 383.85 feet to the above referenced northeasterly line of Palou Avenue; thence along said northeasterly line
- #11 N.53°17’47”W. 25.88 feet to the southeasterly line of Griffith Street; thence along said southeasterly line
- #12 N.36°42’13”E. 200.00 feet to the southwesterly line of Oakdale Avenue; thence along said southwesterly line
- #13 N.53°17’47”W. 32.00 feet to the centerline of Griffith Street; thence along said centerline
- #14 N.36°42’13”E. 600.00 feet to the centerline of McKinnon Avenue; thence along said centerline
- #15 S.53°17’47”E. 664.00 feet to the centerline of Fitch Street; thence along said centerline
- #16 N.36°42’13”E. 319.20 feet to the northeasterly line of LaSalle Avenue; thence along said northeasterly line
- #17 S.53°17’47”E. 632.06 feet to a point in the northwesterly
- #18 line of Earl Street; thence southwesterly 69.24 feet along the arc of a curve to the right whose radial bearing is N.53°17’47”W. having a radius of 105.00 feet, through a central angle of 37°47’02”; thence southeasterly along the radial bearing produced
- #19 S.15°30’45”E. 50.00 feet to a point on a curve to the right

- #20 having a radial bearing S.15°30'45"E. and having a radius of 20.00 feet, through a central angle of 48°28'07" and an arc distance of 16.92 feet, said point also being located on the centerline of Earl Street, thence along said centerline
- #21 S.36°42'13"W. 398.94 feet; thence southerly, easterly and northerly the following series of courses and distances:
- #22 N.64°12'01"W. 22.16 feet;
- #23 S.24°37'25"W. 158.00 feet;
- #24 S.64°12'01"E. 727.00 feet;
- #25 N.25°47'59"E. 174.85 feet;
- #26 N.36°42'13"E. 890.12 feet;
- #27 N.53°17'47"W. 48.00 feet;
- #28 N.36°42'13"E. 206.90 feet to the southwesterly line of Innes Avenue, thence along said southwesterly line
- #29 N.53°17'47"W. 640.93 feet to the centerline of Earl Street; thence along said centerline
- #30 N.36°42'13"E. 40.00 feet to the centerline of Innes Avenue; thence along said centerline
- #31 S.53°17'47"E. 32.00 feet to the southeasterly line of Earl Street; thence along said southeasterly line
- #32 N.36°42'13"E. 3,151.02 feet to the 1948 Bulkhead Line as shown on the map entitled "Real Estate Summary Map Navfac Drwg No. 1045757" on WestDiv, San Bruno, California; thence southeasterly along said 1948 Bulkhead Line
- #33 S.35°56'38"E. 2,533.02 feet; thence leaving said Bulkhead line
- #34 S.30°50'40"W. 50.69 feet to the most northerly point on the parcel of land described in the deed recorded in Volume 3677, Official Records of the City and County of San Francisco, at Page 349, thence southwesterly and southeasterly around said parcel of land
- #35 S.36°42'09"W. 1,179.13 feet;
- #36 S.53°17'47"E. 1,826.56 feet to the aforementioned 1948 Bulkhead Line; thence southwesterly along said 1948 Bulkhead Line
- #37 S.12°07'46"W. 6,384.03 feet to a point on the County line dividing the County of San Mateo and the County of San Francisco; thence northwesterly along said County line
- #38 N.88°54'38"W. 127.35 feet to the northeasterly line of Bancroft Avenue extended; thence along said northeasterly line extended
- #39 N.53°17'47"W. 7,483.89 feet to the southeasterly line of Fitch Street; thence along said southeasterly line
- #40 N.36°42'13"E. 2,800.00 feet to the Point of Beginning of this description.

Containing 893.3 acres of land more or less.

PARCEL TWO

(The original 48-acre more or less shipyard in the northeast corner of the Naval Base)

Beginning at a point on the northeasterly line of Evans Avenue extended, distant thereon 450 feet southeasterly from the southeasterly line of Boalt Street extended, as said streets are shown on the "map of the property of the South San Francisco Homestead and Railroad Association", filed April 15, 1867, in Book 2, "A" and "B" of maps, page 39, in the County Recorder's Office of the City and County of San Francisco; and running thence northeasterly on a line drawn parallel with said southeasterly line of Boalt Street

#35 N.36°42'09"E. 1,179.13 feet to a point on a curve to the right
#91 with a radius of 1,800 feet, whose center is a point on the northeasterly line of Galvez Avenue, distant thereon 250 feet southeasterly from the southeasterly line of Alvord Street extended, and the radial bearing to said centerpoint being S.21°45'52"W.; thence southeasterly, southerly, and southwesterly along said curve to the right with a radius of 1,800 feet through a central angle of 86°48'43", a distance of 2,727.28 feet to a point on the northeasterly line of Evans Avenue extended, said point having a radial bearing S.71°25'25"E. to the centerpoint of said curve; thence northwesterly along said line of Evans Avenue and the extension thereof the following two courses:

#90 N.53°17'47"W. 348.11 feet;
#36 N.53°17'47"W. 1,826.56 feet to the Point of Beginning

Containing 48.6 acres of land more or less.

PARCEL THREE

(The strip of underwater land lying between the Pierhead and Bulkhead lines)

Beginning at the point of intersection of the direct extension northeasterly of the southeasterly line of Earl Street as shown on the map referenced in Parcel Two above, with the United States Pierhead Line as shown on the map entitled "Hunters Point Naval Shipyard, General Development Map. Key Map No. 1174922" on file at the Department of the Navy, Western Division, in San Bruno, California; thence southeasterly and southwesterly along said Pierhead Line the following courses and distances:

#81 S.35°56'38"E. 4,619.53 feet more or less;
#82 S.13°41'06"W. 7,542.33 feet more or less to the point of intersection with the line dividing the City and County of San Francisco and San Mateo County, thence northwesterly along said boundary line
#83 N.88°54'38"W. 543.06 feet more or less to the easterly line of Parcel One above described; thence northeasterly, easterly and northwesterly along the easterly and northeasterly lines of Parcels One and Two above described to the southeasterly line of Earl Street extended, thence northeasterly along the direct extension of the southeasterly line of Earl Street

#80 N.36°42'13"E. 838.14 feet more or less to the Point of Beginning.

Containing 175.5 acres of land more or less.

Notes:

1. Numbers (#'s) indicate course numbers as referenced on the Hunters Point Shipyard Redevelopment Project Area Boundary Map.
2. Bearings shown above are referenced to the California Coordinate System Zone III.

Attachment B: Authorized Public Improvements

- Public open spaces including parks, plazas, habitat restoration, sports facilities and playgrounds
- Facilities in parks such as tables, waste receptacles, signage, landscaping, market stalls and maintenance facilities
- Public roadways and other walkways, roadways, lanes, and connectors
- Medians, curbs, bulb-outs and gutters
- Sidewalks, street trees, landscaping, and street furnishings
- Street, sidewalk, street lights, and park lighting
- Traffic signals, control centers, street signage, and pavement striping
- Parking meters
- Potable water distribution and fire suppression facilities
- Reclaimed water facilities and irrigation distribution
- Sanitary sewer facilities and pump stations
- Storm drains, storm water sewer, treatment and conveyance facilities
- Natural gas, electric, telephone and telecommunication facilities
- Utilities and utility relocation
- MUNI light rail/bus/transit facilities, cantenary wires, communication facilities, transit stops and markings, poles, eyebolts and substations as needed and related improvements
- Arts facilities and community centers
- Bridges, trails, and staircases
- Seawall upgrades, small boat harbor, piers, railings, and other shoreline improvements
- Retaining walls, remediation caps, and permanent grading
- Public art installations and interpretive signage
- Education and job training centers
- Libraries
- Improvements to existing roadways, streetscapes and utilities
- Improvements to historic buildings
- Police and fire stations
- School facilities
- Erosion control features
- Street, lighting, utility, and related improvements to Innes Avenue and Hunters Point Boulevard outside the Project Area
- [Any public improvements to be accepted by the City or the Agency \(including, without limitation, distribution pipes for recycled water facility\) in connection with any private sustainability infrastructure such as recycled water facilities, solar energy facilities, geothermal heating and cooling systems, and decentralized stormwater facilities.](#)
- Additional temporary, interim and/or permanent facilities and improvements to the foregoing

Attachment C: Planning Code Section 314

SEC. 314. - CHILD-CARE REQUIREMENTS FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS.

When the words "this Section" appear in Sections 314.1 through 314.8, they shall be construed to mean "Sections 314.1 through 314.8."

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.1. - DEFINITIONS.

The following definitions shall govern interpretation of this Section:

- (a) "Child-care facility" shall mean a child day-care facility as defined in California Health and Safety Code Section 1596.750.

- (b) "Child care provider" shall mean a provider as defined in California Health and Safety Code Section 1596.791.

- (c) "Commission" shall mean the City Planning Commission.

- (d) "DBI" shall mean the Department of Building Inspection.

- (e) "Department" shall mean the Department of City Planning.

- (f) "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy, as defined in San Francisco Building Code Section 109, whichever is issued first.

- (g) "Hotel" shall mean a building containing six or more guest rooms as defined in San Francisco Housing Code Section 401 intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes and dwelling purposes by guests, whether rent is paid in money, goods, or services, including motels as defined in San Francisco Housing Code Section 401.

- (h) "Hotel use" shall mean space within a structure or portion thereof intended or primarily suitable for the operation of a hotel, including all office and other uses accessory to the renting of guest rooms, but excluding retail uses and office uses not accessory to the hotel use.

- (i) "Household of low income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the

qualifying limit for a lower-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(j) "Household of moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a median-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(k) "Licensed child-care facility" shall mean a child-care facility which has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80—1596.875, 1596.95—1597.09, or 1597.30—1597.61.

(l) "Net addition of gross square feet of hotel space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, hotel use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed hotel development project space used primarily and continuously for office or hotel use and not accessory to any use other than office or hotel use for five years prior to Planning Commission approval of the hotel development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(m) "Net addition of gross square feet of office space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, office use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed office development project space used primarily and continuously for office or hotel use and not accessory to any use other than office or hotel use for five years prior to Planning Commission approval of the office development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(n) "Nonprofit child-care provider" shall mean a child-care provider that is an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701—23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

(o) "Nonprofit organization" shall mean an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701—23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

(p) "Office development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space.

(q) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; design showcases or any other space intended and primarily suitable for display of goods; and child-care facilities. This definition shall include all uses encompassed within the meaning of Planning Code Section 219.

(r) "Retail use" shall mean space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220 through 225, and also including all space accessory to such retail use.

(s) "Sponsor" shall mean an applicant seeking approval for construction of an office or hotel development project subject to this Section and such applicant's successors and assigns.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 22-00, File No. 991877, App. 2/18/2000; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.2. - FINDINGS.

The Board hereby finds and declares as follows:

Large-scale office and hotel developments in the City and County of San Francisco (hereinafter "City") have attracted and continue to attract additional employees to the City, and there is a causal connection between such developments and the need for additional child-care facilities in the City, particularly child-care facilities affordable to households of low and moderate income.

Office and hotel uses in the City are benefitted by the availability of child care for persons employed in such offices and hotels close to their place of employment. However, the supply of child care in the City has not kept pace with the demand for child care created by these new employees. Due to this shortage of child care, employers will have difficulty in securing a labor force, and employees unable to find accessible and affordable quality child care will be forced either to work where such services are available outside of San

Francisco, or leave the work force entirely, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

Projections from the EIR for the Downtown Plan indicate that between 1984 and 2000 there will be a significant increase of nearly 100,000 jobs in the C-3 District under the Downtown Plan. Most of that employment growth will occur in office and hotel work, which consist of a predominantly female work force.

According to the survey conducted of C-3 District workers in 1981, 65 percent of the work force was between the ages of 25—44. These are the prime childbearing years for women, and the prime fathering years for men. The survey also indicated that only 12 percent of the C-3 District jobs were part-time, leaving up to 88 percent of the positions occupied by full-time workers. All of these factors point to the inevitable increase in the number of working parents in the C-3 District and the concomitant increase in need for accessible, quality child-care.

Presently, there exists a scarcity of child care in the C-3 District and citywide for all income groups, but the scarcity is more acutely felt by households of low and moderate income. Hearings held on April 25, 1985 before the Human Services Committee of the San Francisco Board of Supervisors documented the scarcity of child care available in the C-3 District, the impediments to child-care program startup and expansion, the increase in the numbers of children needing care, and the acute shortage of supply throughout the Bay Area. The Board of Supervisors also takes legislative notice of the existing and projected shortage of child-care services in the City as documented by the Child-Care Information Kit prepared by the California Child-Care Resources and Referral Network located in San Francisco.

The scarcity of child care in the City is due in great part to large office and hotel development, both within the C-3 District and elsewhere in the City, which has attracted and will continue to attract additional employees and residents to the City. Some of the employees attracted to large office and hotel developments are competing with present residents for the few openings in child-care programs available in the City. Competition for child care generates the greatest pressure on households of low and moderate income. At the same time that large office and hotel development is generating an increased demand for child care, it is improbable that factors inhibiting increased supply of child care will be mitigated by the marketplace; hence, the supply of child care will become increasingly scarce.

The Master Plan encourages "continued growth of prime downtown office activities so long as undesirable consequences of such growth can be avoided" and requires that there be the provision of "adequate amenities for those who live, work and use downtown." In light of these provisions, the City should impose requirements on developers of office and hotel projects designed to mitigate the adverse effects of the expanded employment facilitated by such projects. To that end, the City Planning Commission is authorized to promote affirmatively the policies of the San Francisco Master Plan through the imposition

of special child-care development or assessment requirements. It is desirable to impose the costs of the increased burden of providing child care necessitated by such office and hotel development projects directly upon the sponsors of new development generating the need. This is to be done through a requirement that the sponsor construct child-care facilities or pay a fee into a fund used to foster the expansion of and to ease access to affordable child care as a condition of the privilege of development.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.3. - APPLICATION.

(a) This Section shall apply to office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.

(b) This Section shall not apply to:

(1) Any development project other than an office or hotel development project, including that portion of an office or hotel development project consisting of a retail use;

(2) That portion of an office or hotel development project located on property owned by the United States or any of its agencies;

(3) That portion of an office or hotel development project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(4) That portion of an office or hotel development project located on property under the jurisdiction of the Port of San Francisco or the San Francisco Redevelopment Agency where the application of this Section is prohibited by State or local law; and

(5) Any office or hotel development project approved by the Planning Commission prior to the effective date of this Section.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.4. - IMPOSITION OF CHILD CARE REQUIREMENT.

(a) (1) The Department or the Commission shall impose conditions on the approval of building or site permit applications for office or hotel development projects covered by this Section in order to mitigate the impact on the availability of child-care facilities which will be caused by the employees attracted to the proposed development project. The conditions shall require that the sponsor

construct or provide a child-care facility on or near the site of the development project, either singly or in conjunction with the sponsors of other office or hotel development projects, or arrange with a nonprofit organization to provide a child-care facility at a location within the City, or pay an in-lieu fee to the City Treasurer which shall thereafter be used exclusively to foster the expansion of and ease access to child-care facilities affordable to households of low or moderate income.

(2) Prior to either the Department's or the Commission's approval of a building or site permit for a development project subject to this Section, the Department shall issue a notice complying with Planning Code Section 306.3 setting forth its initial determination of the net addition of gross square feet of office or hotel space subject to this Section.

(3) Any person may appeal the initial determination by delivering an appeal in writing to the Department within 15 days of such notice. If the initial determination is not appealed within the time allotted, the initial determination shall become a final determination. If the initial determination is appealed, the Commission shall schedule a public hearing prior to the approval of the development project by the Commission or the Department to determine the net addition of gross square feet of office or hotel space subject to this Section. The public hearing may be scheduled separately or simultaneously with a hearing under City Planning Code Sections 139, 306.2, 309(h), 313.4, 315.3 or a Discretionary Review hearing under San Francisco Business and Tax Regulations Code Section 26. The Commission shall make a final determination of the net addition of gross square feet at the hearing.

(4) The final determination of the net addition of gross square feet of office or hotel space subject to this Section shall be set forth in the conditions of approval relating to the child-care requirement in any building or site permit application approved by the Department or the Commission. The Department shall notify the Treasurer of the final determination of the net addition of gross square feet of office or hotel space subject to this ordinance within 30 days of the date of the final determination. The Department shall notify the Treasurer and DBI that the development project is subject to this Section prior to the time the Department or the Commission approves the permit application.

(b) (1) The sponsor of a development project subject to this (1) Section may elect to provide a child-care facility on the premises of the development project for the life of the project to meet the requirements of this Section. The sponsor shall, prior to the issuance of the first certificate of occupancy by DBI for the development project, provide proof to the Treasurer and the Department that:

(A) A space on the premises of the development project has been provided to a nonprofit child-care provider without charge for rent,

utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

| | | |
|---|----------------|---------------------------------------|
| <i>Net add. gross sq. ft. off. or hotel space</i> | <i>X .01 =</i> | <i>sq. ft. of child-care facility</i> |
|---|----------------|---------------------------------------|

In the event that the net addition of gross square feet of office or hotel of the development project is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A notice of special restriction has been recorded stating that the development project is subject to this Section and is in compliance herewith by providing a child-care facility on the premises.

(2) The sponsor of a development project subject to this Section in conjunction with the sponsors of one or more other development projects subject to this Section located within ½ mile of one another may elect to provide a single child-care facility on the premises of one of their development projects for the life of the project to meet the requirements of this Section. The sponsors shall, prior to the issuance of the first certificate of occupancy by DBI for any one of the development projects complying with this part, provide proof to the Treasurer and the Planning Department that:

(A) A space on the premises of one of their development projects has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor in whose project the facility will be located and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

| | | |
|--|--------------------------|--|
| <i>Combined net add. gross sq. ft. office or hotel space of all participating dev. projects</i> | <i>X .01</i> = | <i>sq. ft. of child-care facility</i> |
|--|--------------------------|--|

In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors guaranteeing that the child-care facility will be provided for the life of the development project in which it is located, or for as long as there is a demonstrated demand, as determined under Subsection (h) of this Section 314.4, has been executed and recorded in the chain of title of each participating building.

(3) The sponsor of a development project subject to this Section, either singly or in conjunction with the sponsors of one or more other development projects subject to this Section located within ½ mile of one another, may elect to provide a single child-care facility to be located within one mile of the development project(s) to meet the requirements of this Section. Subject to the discretion of the Department, the child-care facility shall be located so that it is reasonably accessible to public transportation or transportation provided by the sponsor(s). The sponsor(s) shall, prior to the issuance of the first certificate of occupancy by DBI for any development project complying with this part, provide proof to the Treasurer and the Planning Department that:

(A) A space has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the sponsor(s) and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

| | | |
|--|--------------------------|--|
| <i>Combined net add. gross sq. ft. office or hotel space of all participating dev. projects</i> | <i>x .01</i> = | <i>sq. ft. of child-care facility</i> |
|--|--------------------------|--|

In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a

minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors, with a term of 20 years from the date of issuance of the first certificate of occupancy for any development project complying with this part, guaranteeing that a child-care facility will be leased or subleased to one or more nonprofit child-care providers for as long as there is a demonstrated demand under Subsection (h) of this Section 314.4 has been executed and recorded in the chain of title of each participating building.

(4) The sponsor of a development project subject to this Section may elect to pay a fee in lieu of providing a child-care facility. The fee shall be computed as follows:

| | |
|---|-----------------------------|
| <i>Net add. gross sq. ft. office or hotel space</i> | <i>X \$1.00 = Total Fee</i> |
|---|-----------------------------|

Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Department prior to the issuance by DBI of the first certificate of occupancy for the development project.

(5) The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by combining payment of an in-lieu fee to the Child Care Capital Fund with construction of a child-care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other sponsors. The child-care facility to be constructed on-site or provided near-site under this election shall be subject to all of the requirements of whichever of Parts (b)(1), (2) and (3) of this Section 314.4 is applicable, and shall have a minimum floor area of 3,000 gross square feet. If the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the minimum gross floor area of the facility shall be 2,000 square feet. The in-lieu fee to be paid under this election shall be subject to all of the requirements of Part (b)(4) of this Section 314.4 and shall be determined by the Commission according to the following formula:

| | | | | | | | | | |
|--|----------|--|----------|---|-------------|----------------|----------|----------|--|
| <i>Net. add. gross sq. ft. space - subject project</i> | <i>/</i> | <i>Net. add. gross sq. ft. space <u>subject project</u> Net. add. gross sq. ft. space all participating projects</i> | <i>X</i> | <i>Sq. ft. child- care facility</i> | <i>X100</i> | <i>X\$1.00</i> | <i>/</i> | <i>=</i> | <i>Total Fee for Subject Project</i> |
|--|----------|--|----------|---|-------------|----------------|----------|----------|--|

(6) The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by entering into an arrangement pursuant to which a

nonprofit organization will provide a child-care facility at a site within the City. The sponsor shall, prior to the issuance of the first certificate of occupancy by the Director of the Department of Building Inspection for the development project, provide proof to the Director of Planning that:

(A) A space for a child-care facility has been provided by the nonprofit organization, either for its own use if the organization will provide child-care services, or to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the nonprofit organization and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

| | | |
|---|----------------|--|
| <i>Net add. gross sq. ft. office or hotel space</i> | <i>X .01 =</i> | <i>sq. ft. of child- care facility</i> |
|---|----------------|--|

In the event that the net addition of gross square feet of office or hotel space is less than 300,000 square feet, the child-care facility may have a minimum gross floor of 2,000 square feet or the area determined according to the above formula, whichever is greater;

(D) The nonprofit organization has executed and recorded a binding written agreement, with a term of 20 years from the date of issuance of the first certificate of occupancy for the development project, pursuant to which the nonprofit organization guarantees that it will operate a child-care facility or it will lease or sublease a child-care facility to one or more nonprofit child-care providers for as long as there is a demonstrated need under Subsection (h) of this Section 314.4, and that it will comply with all of the requirements imposed on the nonprofit organization under this Paragraph (b)(6) and imposed on a sponsor under Subsections (g), (h) and (i) of Section 314.4.

(E) To support the provision of a child-care facility in accordance with the foregoing requirements, the sponsor has paid to the nonprofit organization a sum which equals or exceeds the amount of the in-lieu fee which would have been applicable to the project under Section 314.4(b)(4).

(F) The Department of Children, Youth and Their Families has determined that the proposed child-care facility will help meet the needs identified in the San Francisco Child Care Needs Assessment

and will be consistent with the City Wide Child Care Plan; provided, however, that this Paragraph (F) shall not apply to any office or hotel development project approved by the Planning Commission prior to December 31, 1999.

Upon compliance with the requirements of this Part, the nonprofit organization shall enjoy all of the rights and be subject to all of the obligations of the sponsor, and the sponsor shall have no further rights or obligations under this Section.

(c) The Director of the Department of Building Inspections shall provide notice in writing to the Director of Planning at least five business days prior to issuing the first certificate of occupancy for any development project subject to this Section. If the Director of Planning notifies the Director of the Department of Building Inspections within such time that the sponsor has not complied with the provisions of this Section, the Director of the Department of Building Inspections shall deny any and all certificates of occupancy. If the Director of Planning notifies the Director of the Department of Building Inspections that the sponsor has complied with this Section or fails to respond within five business days, a certificate of occupancy shall not be disapproved pursuant to this Section. Any failure of the Director of the Department of Building Inspections or the Director of Planning to give any notice under this Subsection shall not relieve a sponsor from compliance with this Section.

(d) In the event that the Department or the Commission takes action affecting any development project subject to this Section and such action is thereafter modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the permit application for such office development project shall be remanded to the Department or Commission within 60 days following the date on which such action is final to determine whether the proposed project has been changed in a manner which affects the area of the child-care facility or the amount of the in-lieu fee to be provided under this Section 314.4 and, if so, the Department or the Commission shall revise the child-care requirement imposed on the permit application in compliance with this Section, and shall promptly notify the Treasurer and DBI of that revision.

(e) The sponsor shall supply all information to the Treasurer, the Department, and the Commission necessary to make a determination as to the applicability of this Section and the number of gross square feet of office or hotel space subject to this Section.

(f) Within nine months of the effective date of this Section, the Commission shall, after public notice and a hearing pursuant to Charter Section 4.104, adopt rules and regulations by which compliance with this Subsection shall be determined.

(g) In the event that a sponsor elects to satisfy its child-care requirement under Section 314(b)(1), (2), (3) or (5) by providing an on-site or near-site child-care facility, the sponsor shall submit a report to the Department in January of each year for the life of the child-care facility. The report shall have attached thereto a copy of the license issued by the California Department of Social Services permitting operation of the child-care facility, and shall state:

- (1) The address of the child-care facility;
- (2) The name and address of the child-care provider operating the facility;
- (3) The size of the center in terms of floor area;
- (4) The capacity of the child-care facility in terms of the maximum number of children for which the facility is authorized to care under the license;
- (5) The number and ages of children cared for at the facility during the previous year; and
- (6) The fees charged parents for use of the facility during the previous year.

(h) In the event that a sponsor elects to satisfy its child-care requirement under Paragraphs 314.4 (b)(1), (2), (3) or (5) by providing an on-site or near-site child-care facility, or under Paragraph 314.4(b)(6) by agreement with a non-profit organization, the sponsor, or in the case of a facility created pursuant to Paragraph 314.4(b)(6) the non-profit organization, may apply to the Department to eliminate the facility or to reduce the floor area of the facility in any amount, providing, however, that the gross floor area of a reduced facility is at least 2,000 square feet. The Department shall schedule a public hearing on any such application before the Commission and provide notice pursuant to City Planning Code Section 306.3(a) at least two months prior to the hearing. The application may be granted only where the sponsor has demonstrated that there is insufficient demand for the amount of floor area then devoted to the on-site or near-site child-care facility. The actual reduction in floor area or elimination of the child-care facility shall not be permitted in any case until six months after the application is granted. Such application may be made only five years or more after the issuance of the first certificate of occupancy for the project. Prior to the reduction in floor area or elimination of the child care facility, the sponsor shall pay an in-lieu fee to the City's Treasurer to be computed as follows:

| | | | | |
|---|----------|--|----------------|------------------|
| (20 - No. of years since issuance of first <u>certificate of occupancy</u>) 20 | X | Net reduction gross sq. ft. child-care facility | =\$100X | Total Fee |
|---|----------|--|----------------|------------------|

Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Director prior to the reduction in the floor area or elimination of the child care facility.

(i) The child care provider operating any child care facility pursuant to Sections 314.4(b)(1), (2), (3) or (5) shall reserve at least 10 percent of the maximum capacity of the child care facility as determined by the license for the facility issued by the California Department of Social Services to be affordable to children of households of low income. The Department shall adopt rules and regulations to determine the rates to be charged to such households at the same time and following the procedures for the adoption of rules and regulations under Section 314.5.

(j) The fee required by this ordinance is due and payable to the Treasurer prior to issuance of the first certificate of occupancy for the office development project. Except in the case of a reduction in space of the child care facility pursuant to Subsection (h), if the fee remains unpaid following issuance of the certificate, any amount due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the certificate until the date of final payment. Where the amount due is as a result of a reduction in space of the child care facility pursuant to subsection (h), such interest shall accrue from the date on which the available space is reduced until the date of final payment.

(k) In the event that a development project for which an in-lieu fee imposed under this Section has been fully paid is demolished or converted to a use or uses not subject to this ordinance prior to the expiration of its estimated useful life, the City shall refund to the sponsor a portion of the amount of an in-lieu fee paid. The portion of the fee refunded shall be determined on a pro rata basis according to the ratio of the remaining useful life of the project at the time of demolition or conversion in relation to its total useful life. For purposes of this ordinance, the useful life of a development project shall be 50 years.

(l) A sponsor's failure to pay the fee imposed pursuant to (1) this Section shall constitute cause for the City to record a lien against the development project in the sum of the in-lieu fee required under this ordinance, as adjusted under this Section.

(2) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following issuance of the certificate, the Treasurer shall initiate proceedings in accordance with the procedures set forth in Article XX of Chapter 10, of the San Francisco Administrative Code to make the entire unpaid balance of the fee, including interest, a lien against all parcels used for the development project. The Treasurer shall send all notices required by that Article to the owner of the property as well as the sponsor. The Treasurer shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance,

and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fee authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and deposited in the Child Care Capital Fund established in Section 314.5.

(3) Any notice required to be given to a sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the development project, and to the applicant for the site or building permit at the address on the permit application.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 409-87, App. 10/9/87; Ord. 22-00, File No. 991877, App. 2/18/2000; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.5. - CHILD CARE CAPITAL FUND.

There is hereby established a separate fund set aside for a special purpose called the Child Care Capital Fund ("Fund"). All monies contributed pursuant to the provisions of this Section, and all other monies from the City's General Fund or from contributions from third parties designated for the fund shall be deposited in the fund. For a period of three years from the date of final adoption of this ordinance, no more than 25 percent of the money deposited in the fund shall be paid to providers operating child care facilities subject to Sections 314.4(b)(1), (2), (3) and (5) to reduce the cost of providing affordable child care services to children from households of low income as required in Section 314.4(i). The remaining monies deposited in the fund during such three-year period, and all monies in the fund following expiration of such three-year period, shall be used solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income; except that monies from the fund shall be used by the Director to fund in a timely manner a nexus study to demonstrate the relationship between commercial development projects and child care demand as described in San Francisco Planning Code Section 314.4. In the event that no child care facility is in operation under Sections 314.4(b)(1), (2), (3) or (5) during such three-year period, the maximum of 25 percent of the fund reserved for households of low income shall be spent solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income. The fund shall be administered by the Director, who shall adopt rules and regulations governing the disposition of the fund which are consistent with this Section.

Such rules and regulations shall be subject to approval by resolution of the Board of Supervisors.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 409-87, App. 10/9/87; Ord. 263-98, App. 8/21/98; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.6. - PARTIAL INVALIDITY AND SEVERABILITY.

If any provision of this Section, or its application to any development project or to any geographical area of the City, is held invalid, the remainder of the Section, or the application of such provision to other office or hotel development projects or to any other geographical areas of the City, shall not be affected thereby.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.7. - ANNUAL EVALUATION.

Commencing one year after the effective date of this Section and each year thereafter, the Director shall report to the Commission at a public hearing and to the Planning, Housing and Development Committee of the Board of Supervisors at a separate public hearing, on the status of compliance with this Section and the efficacy of this Section in mitigating the City's shortage of child care facilities generated by the office and hotel development projects subject to this Section. Five years after the effective date of this Section, the Commission shall review the formulae set forth in Section 314.4. In such report, the Director shall recommend any changes in the formulae.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.8. - DECREASE IN CHILD CARE FORMULAE AFTER STUDY.

If the Commission determines after review of an empirical study that the formulae set forth in Section 314.4 impose a greater requirement for child care facilities than is necessary to provide child care for the number of employees attracted to office and hotel development projects subject to this Section, the Commission shall, within three years of making such determination, refund that portion of any fee paid or permit a reduction of the space dedicated for child care by a sponsor consistent with the conclusions of such study. The Commission shall adjust any sponsor's requirement and the formulae set forth in Section 314.4 so that the amount of the exaction is set at the level necessary to provide child care for the employees attracted to office and hotel development projects subject to this Section.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

Attachment D: Planning Code Section 295

SEC. 295 HE HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.

(a) No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing:

(1) Structures which do not exceed 40 feet in height;

(2) Structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset;

(3) Structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes;

(4) Structures of the same height and in the same location as structures in place on June 6, 1984;

(5) Projects for which a building permit application has been filed and either (i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or (ii) a Negative Declaration has been published by the Department of City Planning prior to July 3, 1984;

(6) Projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

(b) The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this Section if it finds

that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant. The City Planning Commission shall not make the determination required by the provisions of this Subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the City Planning Commission upon the proposed project.

(c) The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

(d) The Zoning Administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this Section, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the Open Space Acquisition and Park Renovation Fund, which property is to be placed under the jurisdiction of the Recreation and Park Commission.

(Added Ord. 62-85, App. 1/31/1985)

Attachment E: Planning Commission Resolution 18102

[Attachment F: Proposition O \(2016\)](#)