

1 [Adopting the Redevelopment Plan for the Transbay Redevelopment Project.]

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

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

11 Section 1. FINDINGS. The Board of Supervisors of the City and County of  
12 San Francisco hereby finds, determines and declares, based on the record before it, including  
13 but not limited to information contained in the Report on the Redevelopment Plan, that:

14 A. The Redevelopment Agency of the City and County of San Francisco (the  
15 "Agency") has prepared a proposed Redevelopment Plan for the Transbay Redevelopment  
16 Project (the "Redevelopment Plan").

17 B. The proposed Redevelopment Plan would establish a redevelopment project  
18 area for an approximately 40-acre area generally bounded by Mission Street in the north,  
19 Main Street in the east, Folsom Street in the south, and Second Street in the west (the  
20 "Project Area"). The Redevelopment Plan is being proposed to: 1) redevelop over 12 acres of  
21 vacant land as high-density, transit-oriented residential projects; 2) construct approximately  
22 3,400 housing units of which approximately 1,200 would be affordable to very low- to  
23 moderate-income households; 3) enforce Development Controls and Design Guidelines to  
24 ensure new development provides a high-quality, livable community; 4) create streetscape  
25 and public open space improvements throughout the new project area; and 5) provide funding

Supervisor Maxwell  
**BOARD OF SUPERVISORS**

1 toward the construction of a new Transbay Terminal and Caltrain Downtown Extension (the  
2 "Transbay Terminal Project").

3 C. Pursuant to Section 33352 of the California Community Redevelopment Law  
4 (Health and Safety Code Sections 33000 et seq., the "Community Redevelopment Law"), the  
5 Agency has prepared a Report on the Redevelopment Plan (the "Report on the  
6 Redevelopment Plan"). The Report on the Redevelopment Plan has been made available to  
7 the public before the date of the hearing on this Ordinance approving the Redevelopment  
8 Plan.

9 D. The Redevelopment Agency has transmitted to this Board of Supervisors  
10 certified copies of its (i) Resolution No. 19-2005, adopted following a duly noticed public  
11 hearing held on January 25, 2005, attaching its report to the Board of Supervisors and  
12 recommending the adoption of the Redevelopment Plan for the Transbay Redevelopment  
13 Project Area, and (ii) Resolution No. 95-2005, adopted following a duly noticed public hearing  
14 held on June 7, 2005, making certain changes to the Redevelopment Plan proposed by this  
15 Board of Supervisors. Copies of the Redevelopment Plan (as originally adopted by Agency  
16 Resolution No. 19-2005 and subsequently modified by Agency Resolution 95-2005), the  
17 Agency's Resolution Nos. 19-2005 and 95-2005, and of the Agency's Report on the  
18 Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File  
19 No. \_\_\_\_\_, and are incorporated herein by reference as though fully set forth.

20 E. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health  
21 and Safety Code, and in order to promote development in accordance with objectives and  
22 purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the  
23 City intends to aid and cooperate with the Agency to undertake and complete proceedings  
24 and actions necessary to be carried out by the City under the provisions of the  
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1 Redevelopment Plan and provide for the expenditure of monies by the community in carrying  
2 out the Redevelopment Plan.

3 F. On December 9, 2004, at a duly noticed public hearing, the Planning  
4 Commission, adopted Resolution No. 16906 and Motion No. 16907, which found that the  
5 Redevelopment Plan was consistent with the General Plan as proposed for amendment and  
6 in conformity with the Priority Policies of Section 101.1 of the Planning Code and  
7 recommended the adoption of the Redevelopment Plan to this Board of Supervisors. On  
8 June 2, 2005, at a duly noticed public hearing, the Planning Commission adopted Resolution  
9 No. 17028, which found the Redevelopment Plan amendments adopted by Agency Resolution  
10 No. 95-2005 were consistent with the General Plan as proposed for amendment and in  
11 conformity with the priority policies of Planning Code Section 101.1. A copy of the Planning  
12 Commission Resolutions and Motion are on file with the Clerk of the Board of Supervisors in  
13 File No. \_\_\_\_\_ and are incorporated herein by reference as though fully set forth. This  
14 Board, for the reasons specified in the aforementioned Resolution and Motion, adopts as its  
15 own the findings of the Planning Commission that the Redevelopment Plan is consistent with  
16 the General Plan and in conformity with Planning Code Section 101.1.

17 G. On September 28, 2004, this Board, in Resolution No. 612-04 adopted findings  
18 that various actions related to the Transbay Terminal Project were in compliance with the  
19 California Environmental Quality Act (California Public Resources Code Sections 21000 et  
20 seq.). Said findings, including all documents related thereto, are on file with the Clerk of the  
21 Board of Supervisors in File No. 041079 and are incorporated herein by reference. Said  
22 findings also are supplemented by the environmental findings that the Planning Commission  
23 adopted on December 9, 2004, in Motion No. 16905 regarding the Redevelopment Plan. The  
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1 Planning Commission Motion is on file with the Clerk of the Board in File No. \_\_\_\_\_ and  
2 is incorporated herein by reference as though fully set forth herein.

3 H. In accordance with California Public Resources Code section 21168.9(b) and  
4 the California Superior Court order in Myers Natoma Venture v. City and County of San  
5 Francisco, et al (Case No. CPF 04-504363), the Board is proceeding with the actions  
6 contemplated in this Ordinance solely for the purposes of establishing a base year for tax  
7 increment financing for the Transbay Redevelopment Plan. A copy of said order is on file with  
8 the Clerk of the Board in File No. \_\_\_\_\_ and is incorporated herein by reference. In  
9 furtherance of these actions only, the Board, to the extent compliance with the California  
10 Environmental Quality Act is necessary, is relying on the environmental findings and related  
11 documents and materials as described above in subsection (G). The Board further  
12 determines that said findings remain valid for the actions contemplated in this Ordinance.

13 I. On \_\_\_\_\_, 2005, the Board of Supervisors held a duly noticed public  
14 hearing on the Redevelopment Plan. The hearing was continued to June 14, 2005, and has  
15 been closed. Notice of such hearing was published in accordance with Section 33361 of the  
16 California Health and Safety Code, in the San Francisco Chronicle, a newspaper of general  
17 circulation, printed, published and distributed in the City and County of San Francisco  
18 describing the boundaries of the proposed Project Area and stating the day, hour and place  
19 when and where any interested persons may appear before the Board of Supervisors to  
20 object to the Redevelopment Plan. At such hearing and on June 14, 2005, the date to which  
21 to the hearing was continued, the Board considered the report and recommendations of the  
22 Agency and the Planning Commission, the Final Environmental Impact Report for the  
23 Redevelopment Plan, and all evidence and testimony for and against the proposed  
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1 Redevelopment Plan. The Board hereby adopts written findings to the extent required by the  
2 Community Redevelopment Law as set forth in this Ordinance.

3 J. Pursuant to Sections 33205 and 33128 of the Community Redevelopment Law,  
4 the Agency may delegate to the City's Planning Department certain administration of the  
5 development controls over the Project Area set forth in the Redevelopment Plan. Consistent  
6 with this authority, on January 25, 2005, the Agency's Commission, pursuant to Resolution  
7 No. 16-2005, approved a Project Delegation Agreement with the City's Planning Department,  
8 and on January 27, 2005, the City's Planning Department's Commission, pursuant to  
9 Resolution No. 16934, approved the Delegation Agreement.

10 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of  
11 Supervisors with respect to this Ordinance are to adopt the Redevelopment Plan, as  
12 amended, in accordance with the Community Redevelopment Law and to achieve the  
13 objectives for redevelopment of the Project Area specified in the Redevelopment Plan.

14 Section 3. By this reference, the Redevelopment Plan, as amended, a copy of which  
15 is on file with the Clerk of the Board of Supervisors under File No. \_\_\_\_\_, is  
16 incorporated in and made a part of this Ordinance with the same force and effect as though  
17 set forth fully herein.

18 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE  
19 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,  
20 determines and declares, based on the record before it, including but not limited to information  
21 contained in the Report on the Redevelopment Plan, that:

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

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Supervisor Maxwell  
**BOARD OF SUPERVISORS**

1           B.     The Redevelopment Plan will redevelop the Project Area as set forth in the  
2 Report on the Redevelopment Plan in conformity with the Community Redevelopment Law  
3 and is in the interests of the public peace, health, safety, and welfare.

4           C.     The adoption and carrying out of the Redevelopment Plan is economically  
5 sound and feasible as described in the Report on the Redevelopment Plan.

6           D.     For the reasons set forth in Section 1F of this Ordinance, the Redevelopment  
7 Plan, once effective, will be consistent with the General Plan of the City and County of  
8 San Francisco, as amended, including, but not limited to, the housing element of the General  
9 Plan, which substantially complies with the requirements of Article 10.6 (commencing with  
10 Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and  
11 other applicable requirements of law, and is consistent with the eight Priority Policies in City  
12 Planning Code Section 101.1.

13          E.     The carrying out of the Redevelopment Plan will promote the public peace,  
14 health, safety and welfare of the community and effectuate the purposes and policies of the  
15 Community Redevelopment Law as generally described in the Report on the Redevelopment  
16 Plan.

17          F.     The condemnation of real property, to the extent provided for in the  
18 Redevelopment Plan may be necessary for the execution of the Redevelopment Plan. Some  
19 residential property may be the subject of eminent domain actions, but a substantial number  
20 of low- or moderate-income persons do not reside in the Project Area. Adequate provisions  
21 have been made for payment for property to be so acquired as provided by law.

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

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

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

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

15 k. The Project Area includes lands, buildings and improvements which are not  
16 individually detrimental to the public health, safety or welfare but which are necessary for the  
17 effective redevelopment of the Project Area. All areas included in the Project Area are  
18 necessary for effective redevelopment of the Project Area, and no areas in the Project Area  
19 are included solely for the purpose of obtaining an allocation of tax increment revenues from  
20 the Project Area pursuant Section 33670 of the California Health and Safety Code without  
21 other substantial justification for its inclusion.

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

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Supervisor Maxwell  
**BOARD OF SUPERVISORS**

1 M. The Project Area is predominantly urbanized, as defined by California Health  
2 and Safety Code Section 33320.1(b).

3 N. The time limitation and the limitation on the number of dollars to be allocated to  
4 the Agency that are contained in the Redevelopment Plan are reasonably related to the  
5 proposed projects to be implemented in the Project Area and to the ability of the Agency to  
6 eliminate blight within the Project Area.

7 O. This Board of Supervisors is satisfied that permanent housing facilities will be  
8 available within three (3) years from the time occupants of the Project Area are displaced and  
9 that, pending the development of the facilities, there will be available to the displaced  
10 occupants adequate temporary housing facilities at rents comparable to those in the  
11 community at the time of their displacement.

12 Section 5. Pursuant to Section 33365 of the California Health and Safety Code, the  
13 Board of Supervisors hereby approves and adopts the Redevelopment Plan, as amended, as  
14 the official Redevelopment Plan for the Project Area.

15 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a  
16 copy of this Ordinance to the Agency pursuant to California Health and Safety Code  
17 Section 33372, (2) record or ensure that the Agency records a description of the Project Area  
18 and a certified copy of this Ordinance pursuant to California Health and Safety  
19 Sections 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this  
20 Ordinance, together with a copy of the Redevelopment Plan, which contains a legal  
21 description of the Project Area and a map indicating the boundaries of the Project Area, to the  
22 Controller, the Tax Assessor, the State Board of Equalization and the governing body of all  
23 taxing agencies in the Project Area pursuant to California Health and Safety Code  
24 Sections 33375 and 33670.

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1           Section 7.    In accordance with Sections 33220, 33343, 33344 and 33370 of the  
2   Community Redevelopment Law, the Board of Supervisors declares its intent to undertake  
3   and complete actions and proceedings necessary to be carried out by the City under the  
4   Redevelopment Plan and related Plan Documents (as defined in the Redevelopment Plan).

5           Section 8.    The approval under this Ordinance shall take effect upon the effective  
6   date of the amendments to the General Plan approved under Board of Supervisors Ordinance  
7   No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board of Supervisors in  
8   File No. 050181 and is incorporated herein by reference as if fully set forth.

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

11   By: \_\_\_\_\_  
12        DONNELL W. CHOY  
13        Deputy City Attorney

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