

1 [Seventh Amendment to Redevelopment Plan for the Western Addition Project Area A-2.]

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3 **Ordinance Approving and adopting the Seventh Amendment to the Redevelopment**
4 **Plan for the Western Addition Project Area A-2 to amend elements of the density,**
5 **parking, height and bulk restrictions for five (5) sites referred to as Parcel 732-A and**
6 **725-C (also known as the Jazz Center Site), Parcel A, Parcel C, Rosa Parks and the**
7 **Muni Substation; adopting findings pursuant to the California Environmental Quality**
8 **Act; adopting findings that the Redevelopment Plan Amendment is consistent with the**
9 **City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and**
10 **adopting other findings pursuant to the California Community Redevelopment Law.**

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

13 Section 1. FINDINGS. The Board of Supervisors of the City and County of
14 San Francisco hereby finds, determines and declares, based on the record before it, including
15 but not limited to information contained in the Report on the Plan Amendment (as defined
16 below), that:

17 A. On October 15, 1964, the Board of Supervisors approved and adopted a
18 Redevelopment Plan for the Western Addition Project Area A-2 by Ordinance No. 273-64 and
19 designated such approved plan as the official Redevelopment Plan for the Western Addition
20 Project Area A-2 (the "Project Area"). Since then, the Board has amended such
21 Redevelopment Plan six times: by Ordinance No. 264-70 on August 3, 1970, by Ordinance
22 No. 288-76 on July 6, 1976, by Ordinance No. 491-86 on December 15, 1986, by Ordinance
23 No. 452-87 on November 9, 1987, by Ordinance No. 271-92 on August 10, 1992, and by
24 Ordinance No. 342-94 on October 3, 1994. Ordinance No. 273-64, as it has been amended

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1 (together, the "Redevelopment Plan"), is by this reference incorporated and made a part
2 hereof as though fully set forth herein.

3 B. Working in conjunction with the City's Planning Department, the Redevelopment
4 Agency of the City and County of San Francisco (the "Redevelopment Agency") has proposed
5 an amendment to the Redevelopment Plan for the Western Addition Project Area (the
6 "Redevelopment Plan Amendment") by changing the allowed parking, height and bulk
7 restrictions on five sites in the Project Area to: (1) permit affordable senior housing at a
8 greater density than currently allowed on three of the sites (Parcels A and C and Rosa Parks);
9 (2) reduce the amount of parking required for senior housing (Parcels A and C and Rosa
10 Parks); (3) increase the height limit on two of the Sites formerly occupied by the Central
11 Freeway (Parcels A and C); (4) permit market-rate housing at a greater density than currently
12 allowed as part of a mixed-use development that would include a jazz club and a public
13 garage (Jazz Center Site); and (5) provide for a non-residential density bonus for mixed-use
14 development involving the rehabilitation of an historic Muni Substation building at Turk and
15 Fillmore streets.

16 C. The Redevelopment Agency has transmitted to this Board of Supervisors
17 certified copies of its Resolution No. 21-2005, adopted following a duly noticed public hearing
18 held on February 1, 2005, attaching its report to the Board of Supervisors (the "Report on the
19 Plan Amendment") and recommending the adoption of the Redevelopment Plan Amendment.
20 Copies of the Redevelopment Plan Amendment and of the Agency's Report on the Plan
21 Amendment are on file with the Clerk of the Board of Supervisors in File No. _____.
22 The Report on the Plan Amendment was prepared pursuant to and in accordance with
23 Sections 33457.1 and 33352 of the California Health and Safety Code and has been made
24 available to the public before the date of the hearing on this Ordinance approving the
25 Redevelopment Plan Amendment.

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1 D. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health
2 and Safety Code, and in order to promote development in accordance with objectives and
3 purposes of the Redevelopment Plan Amendment and documents relating to the
4 Redevelopment Plan Amendment, the City intends to aid and cooperate with the Agency to
5 undertake and complete proceedings and actions necessary to be carried out by the City
6 under the provisions of the Redevelopment Plan Amendment.

7 E. The Planning Commission received the proposed Redevelopment Plan
8 Amendment on December 1, 2004, and on December 16, 2004, the Planning Commission
9 adopted Resolution No. 16903 finding that the proposed Redevelopment Plan Amendment is
10 in conformity with the General Plan of the City and County of San Francisco, including, but not
11 limited to, the housing element of the General Plan, and consistent with the eight Priority
12 Policies of City Planning Code Section 101.1, and recommended the adoption of the
13 Redevelopment Plan Amendment to this Board of Supervisors. A copy of the Planning
14 Commission Resolution referred to above together with related documents are on file with the
15 Clerk of the Board of Supervisors in File No. _____ and are hereby incorporated
16 herein by reference.

17 F. On May 18, 2004, the Redevelopment Commission adopted Resolution No. 55-
18 2004 in which the Redevelopment Commission determined that the proposed Redevelopment
19 Plan Amendment could not have a significant effect on the environment based on the criteria
20 of California Environmental Quality Act (California Public Resources Code Sections 21000
21 et seq.)("CEQA") and the CEQA Guidelines and adopted and approved the Negative
22 Declaration for the proposed Redevelopment Plan Amendment. This Board of Supervisors
23 hereby affirms the Redevelopment Commission's approval and adoption of a Negative
24 Declaration for the proposed Redevelopment Plan Amendment and adopts the
25 Redevelopment Commission's findings in connection with the Negative Declaration and its

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1 actions related to the Western Addition Project Area, including the adoption of a mitigation
2 monitoring and reporting program. This Board hereby incorporates by reference as if fully set
3 forth herein such Resolution, including its findings and mitigation program, and relies on such
4 Resolution as the CEQA basis for the actions proposed in this legislation.

5 G. On _____, 2005, the Board of Supervisors held a public hearing on
6 the Redevelopment Plan Amendment. The hearing has been closed. Notice of such hearing
7 was published in accordance with Section 33452 of the California Health and Safety Code
8 and Section 6063 of the California Government Code, in a newspaper of general circulation,
9 printed, published and distributed in the City and County of San Francisco. At such hearing
10 the Board considered the report and recommendations of the Redevelopment Agency and the
11 Planning Commission, the Preliminary Negative Declaration, and all evidence and testimony
12 for and against the proposed Redevelopment Plan Amendment. The Board hereby adopts
13 written findings to the extent required by the Community Redevelopment Law as set forth in
14 this Ordinance.

15 H. On May 18, 2004, the Redevelopment Commission adopted Resolution No. 56-
16 2004 authorizing, among other things, a disposition and development agreement ("DDA") with
17 Fillmore Development Associates, LLC for the Jazz Center Site referenced in Section 1B
18 above. In connection with proposed public financing of the public garage portion of the Jazz
19 Center Site as set forth in the DDA, the Redevelopment Commission found that: (1) the
20 public garage of the Jazz Center Site is of benefit to the Western Addition Project Area; (2) no
21 other reasonable means of financing the construction of the garage are available; (3) the use
22 of Agency funds to construct the public garage will assist in the elimination of blighting
23 conditions in the Western Addition Project Area, specifically, the elimination of a surface
24 parking lot and the lack of private investment in the Western Addition Project Area; and,
25 (4) such actions are consistent with the Redevelopment Agency's Implementation Plan for the

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1 Western Addition Project Area. This Board of Supervisors hereby adopts the findings of the
2 Redevelopment Commission in connection with the public financing of the public garage as
3 set forth in such Resolution No. 56-2004. A copy of Resolution No. 56-2004 is on file with the
4 Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
5 reference.

6 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of
7 Supervisors with respect to this Ordinance are to 1) permit affordable senior housing at a
8 greater density than is currently permitted on three sites; 2) reduce the amount of parking
9 required for senior housing on those sites; 3) increase the height limit on two of those sites
10 formerly occupied by the Central Freeway; 4) provide for a non-residential density bonus for
11 mixed-use development as part of a mixed-use project that would include a jazz club and
12 public garage; and 5) provide for a non-residential density bonus for mixed-use development
13 involving rehabilitation of the former Muni substation, a designated historic resource, all in
14 accordance with the Community Redevelopment Law of California (California Health and
15 Safety Code Sections 33000 *et seq.*) and to achieve the objectives for redevelopment
16 specified in the Redevelopment Plan Amendment.

17 Section 3. By this reference, the Redevelopment Plan Amendment is incorporated in
18 and made a part of this Ordinance with the same force and effect as though set forth fully
19 herein.

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

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1 A. The proposed Redevelopment Plan Amendment does not add territory, increase
2 or extend time or financial limits of the Redevelopment Plan, and it will not alter the existing
3 Implementation Plan for the Western Addition Project Area.

4 B. The Redevelopment Plan Amendment will redevelop the Western Addition
5 Redevelopment Project Area as set forth in the Report on the Plan Amendment consistent
6 with the goals of the Redevelopment Plan and in conformity with the Community
7 Redevelopment Law and in the interests of the public peace, health, safety, and welfare.

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

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

19 E. According to the Report on the Plan Amendment, no persons or families of low
20 or moderate income in the Western Addition Project Area will be displaced unless and until
21 there is a suitable housing unit available and ready for occupancy by such displaced person
22 or family at rents comparable to those at the time of their displacement.

23 F. The program of activities for the implementation of the Redevelopment Plan
24 Amendment does not contemplate the displacement of persons or businesses or the
25 acquisition of property through the use of eminent domain.

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1 G. There is no existing Project Area Committee for the Western Addition Project
2 Area, but the Redevelopment Agency has consulted with the Western Addition A-2 Citizens
3 Advisory Committee (the "CAC") and has provided the CAC with a copy of the proposed
4 Redevelopment Plan Amendment.

5 Section 5. Pursuant to Section 33450 of the California Health and Safety Code, the
6 Board of Supervisors hereby approves and adopts the Redevelopment Plan Amendment, and
7 Ordinance No. 98-66, as amended by Ordinance Nos. 201-71, 393-73, 386-76, 367-77, 420-
8 79, 538-81, 477-86, 404-94, and 33-97, is hereby further amended by this Ordinance.

9 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a
10 copy of this Ordinance to the Redevelopment Agency pursuant to California Health and Safety
11 Code Section 33372, whereupon the Redevelopment Agency shall be vested with the
12 responsibility for carrying out the Redevelopment Plan Amendment, (2) record or ensure that
13 the Redevelopment Agency records a description of the Western Addition Project Area and a
14 certified copy of this Ordinance pursuant to California Health and Safety Sections 33456, and
15 (3) transmit, by certified mail, return receipt requested, a copy of this Ordinance, together with
16 a copy of the Redevelopment Plan Amendment, which contains a legal description of the
17 Project Area and a map indicating the boundaries of the Western Addition Project Area, to the
18 Controller, the Tax Assessor, the State Board of Equalization and the governing body of all
19 taxing agencies in the Western Addition Project Area pursuant to California Health and Safety
20 Code Sections 33457 and 33670.

21 Section 7. In accordance with Section 33220, 33343, 33344 and 33370 of the
22 Community Redevelopment Law, the Board of Supervisors declares its intent to undertake
23 and complete actions and proceedings necessary to be carried out by the City under the
24 Redevelopment Plan Amendment and related plan documents and authorizes and urges the
25 Mayor and other applicable officers, commissions and employees of the City to take any and

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1 all steps as they or any of them deem necessary or appropriate, in consultation with the City
2 Attorney, to cooperate with the Agency in the implementation of the Redevelopment Plan
3 Amendment and to effectuate the purposes and intent of this Ordinance, such determination
4 to be conclusively evidenced by the execution and delivery by such person or persons of any
5 such documents. Such steps shall include, but not be limited to (i) the execution and delivery
6 of any and all agreements, notices, consents and other instruments or documents (including,
7 without limitation, execution by the Mayor, or the Mayor's designee, of any agreements to
8 extend any applicable statutes of limitation) and (ii) the institution and completion of
9 proceedings for the closing, vacating, opening, acceptance of dedication and other necessary
10 modifications of public streets, sidewalks, street layout and other rights-of-way in the Western
11 Addition Project Area.

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13 APPROVED AS TO FORM:

14 DENNIS J. HERRERA, City Attorney

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17 By: _____
18 DONNELL W. CHOY
19 Deputy City Attorney

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