

1 [Redevelopment Plan Amendments - Mission Bay South]

2

3 **Ordinance approving amendments to the Mission Bay South Redevelopment Plan to**
4 **remove a 0.3 acre parcel known as P20 from the Mission Bay South Redevelopment**
5 **Plan Area; making findings under the California Environmental Quality Act; and making**
6 **findings of consistency with the General Plan, and the eight priority policies of Planning**
7 **Code, Section 101.1.**

8

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

13

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

15

16 Section 1. FINDINGS.

17 (a) CEQA Findings. The actions contemplated in this ordinance are within the
18 scope of the project for which the Board adopted the resolution in Board File No. 171286,
19 affirming the Planning Commission's certification of the Final Environmental Impact Report for
20 the Seawall Lot 337 and Pier 48 Mixed-Use Project ("FEIR") and making findings in
21 accordance with the California Environmental Quality Act (California Public Resources Code
22 section 21000 et seq.) and the Administrative Code Chapter 31. Said resolution is
23 incorporated herein by this reference.

24 (b) General Plan and Planning Code Section 101.1 Findings. On October 5, 2017,
25 the Planning Commission, in Motion No. 20018 adopted findings that the actions contemplated

1 in this ordinance are consistent, on balance, with the City's General Plan and eight priority
2 policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy
3 of said Motion is in Board File No. 171280, and available on the Board's website, and is
4 incorporated herein by reference.

5 (c) On November 2, 1998, the Board of Supervisors approved and adopted the
6 Mission Bay South Redevelopment Plan (Redevelopment Plan) by Ordinance No. 335-98. On
7 July 9, 2013, the Board of Supervisors adopted the first amendment to the Redevelopment
8 Plan by Ordinance No. 143-13. The Redevelopment Plan establishes, among other things, the
9 land use controls for the approximately 238-acre Mission Bay South Redevelopment Plan
10 Area.

11 (d) Seawall Lot 337 is public trust property under the jurisdiction of the Port of San
12 Francisco (Port) and subject to the terms and conditions of Chapter 1333 of the Statutes of
13 1968, as amended (the Burton Act). The Redevelopment Plan Area lies to the west and south
14 of Seawall Lot 337. It includes within its boundary an approximately 0.3-acre narrow,
15 undeveloped strip of land located at the southern boundary of Seawall Lot 337, referred to in
16 the Redevelopment Plan as P20. The Redevelopment Plan identifies P20 for open space.
17 The Redevelopment Plan originally intended P20 to function as an open space buffer between
18 previously anticipated industrial uses on Seawall Lot 337 and residential uses to the south of
19 Mission Rock Street. The Port currently leases P20 and Seawall Lot 337 to the China Basin
20 Ballpark Company, LLC for surface parking primarily servicing AT&T Ballpark.

21 (e) To facilitate the redevelopment of Seawall Lot 337, the Legislature adopted
22 Assembly Bill 815 (Chapter 660, Statutes of 2007) and Assembly Bill 2797 (Chapter 529,
23 Statutes 2016). Assembly Bill 815 authorizes the Port to enter into a 75-year lease for Seawall
24 Lot 337. Assembly Bill 2797 contemplates the removal of P20 from the Redevelopment Plan
25 Area and exempts certain actions effecting such removal from Department of Finance review

1 that would otherwise be required under the law governing former redevelopment agencies in
2 the California Health and Safety Code.

3 (f) On February 1, 2012, the State of California dissolved all redevelopment
4 agencies in the state and established successor agencies to assume certain rights and
5 obligations of the former agencies. Cal. Health & Safety Code §§ 34170 et seq.
6 (Redevelopment Dissolution Law). On October 2, 2012, the Board of Supervisors delegated
7 its state authority under the Redevelopment Dissolution Law to the Successor Agency
8 Commission, commonly referred to as the Commission on Community Investment and
9 Infrastructure (CCII or Successor Agency Commission). The Successor Agency Commission
10 is to implement and complete, among other things, the surviving enforceable obligations of the
11 Redevelopment Agency of the City and County of San Francisco (Redevelopment Agency).
12 On January 24, 2014, the California Department of Finance finally and conclusively determined
13 that an Owner Participation Agreement executed by the Redevelopment Agency on
14 September 17, 1998, by Resolution No. 190-98 with the developer of the Mission Bay South
15 Redevelopment Plan Area was an enforceable obligation of the Successor Agency.

16 (g) As set forth more fully below, the Successor Agency Commission recommends
17 amendments of the Redevelopment Plan to remove P20 from the Redevelopment Plan
18 boundary, finding that it is not furthering the objectives and policies of the Redevelopment Plan
19 and the future use of P20 as a small open space buffer is no longer viable or desirable. These
20 amendments to the Redevelopment Plan would (1) implement the intent of the Legislature as
21 manifested in AB 2797 and of local voters in the “Mission Rock Affordable Housing, Parks,
22 Jobs and Historic Preservation Initiative” (Proposition D), approved November 2015; (2)
23 advance several key objectives of the Redevelopment Plan, including integration of the
24 Redevelopment Plan Area with surrounding neighborhoods, increasing retail use and
25 employment opportunities and opportunities and visitors to the area, and increasing open

1 space and access to the San Francisco Bay, and (3) eliminate blighting influences immediately
2 adjacent to the Redevelopment Plan Area by activating the under-utilized and often vacant
3 Seawall Lot 337.

4 (h) In accordance with §§ 33352 and 33457.1 of the Community Redevelopment
5 Law (CRL) (Health & Safety Code §§ 33000 et seq.), the Successor Agency has prepared a
6 Report to the Board of Supervisors on the Amendments to the Redevelopment Plan (Report to
7 the Board). The Successor Agency made the Report to the Board available to the public on or
8 before the date of the notice of the public hearing held in accordance with CRL § 33452, on
9 this ordinance approving the Redevelopment Plan Amendments; said hearing is referenced
10 below.

11 (i) On October 15, 2017, the master developer of the Mission Bay South
12 Redevelopment Plan Area, FOCIL-MB, LLC, consented to the Successor Agency's approval of
13 the Amendments to the Redevelopment Plan, as provided for under the Owner Participation
14 Agreement.

15 (j) Successor Agency Commission Action. On October 17, 2017, after holding a
16 duly noticed public hearing in accordance with CRL § 33452, the Successor Agency
17 Commission, in Resolution No. 39-2017, approved the Report to the Board and made certain
18 findings. By Resolution No. 40-2017, it recommended to the Board the adoption of the
19 Redevelopment Plan Amendments. It determined, consistent with its authority under the CRL,
20 as amended by the Redevelopment Dissolution Law, that the Redevelopment Plan
21 Amendments are necessary and desirable, approved the Redevelopment Plan Amendments
22 and recommended forwarding them to the Board of Supervisors for approval. The Successor
23 Agency Commission has transmitted to the Board of Supervisors a certified copy of Resolution
24 No. 39-2017 and attached its Report to the Board. Copies of these documents and Resolution
25

1 No. 40-2017 are in Board File No. 171280, and available on the Board's website, and
2 incorporated herein by reference.

3 (k) The Board of Supervisors held a public hearing on February 13, 2018, on the
4 adoption of the Redevelopment Plan Amendments. The hearing has been closed. Notice of
5 such hearing was published in a newspaper of general circulation in the City and County of
6 San Francisco once per week for three successive weeks prior to the date of such hearing in
7 accordance with CRL § 33452. At such hearing, the Board considered the report and
8 recommendations of the Successor Agency Commission, Planning Commission Motion No.
9 20019, and all evidence and testimony regarding the Redevelopment Plan Amendments. The
10 Board hereby adopts findings to the extent required by the CRL as set forth in this Section 1.

11 Section 2. PURPOSE AND INTENT. The purpose and intent of the Board of
12 Supervisors with respect to the Redevelopment Plan Amendments are to implement AB 2797
13 and Proposition D by removing P20 from the Redevelopment Plan Area. The Redevelopment
14 Plan Amendments will facilitate the redevelopment of an area immediately adjacent to the
15 Redevelopment Plan Area, contribute to, and complement the overall goals and objectives of
16 the Redevelopment Plan to foster the integration of the Redevelopment Plan Area with
17 adjacent neighborhoods, increase economic opportunities, add open space and improved
18 access to San Francisco Bay, and eliminate blight.

19 Section 3. PLAN INCORPORATION BY REFERENCE. The Redevelopment Plan as
20 amended by this ordinance is incorporated in and made a part of this ordinance by this
21 reference with the same force and effect as though set forth fully in this ordinance.

22 Section 4. REDEVELOPMENT PLAN AMENDMENTS.

23 (a) Attachment 1 to the Redevelopment Plan is hereby replaced with
24 Attachment 1 - Land Use Plan and Legal Description, a copy of which is in Board File
25 No. 171280 and available on the Board's website.

1 (b) Attachment 2 to the Redevelopment Plan is hereby replaced with
2 Attachment 2 – Plan Area Map, a copy of which is in Board File No. 171280 and available on
3 the Board’s website.

4 (c) Attachment 3 to the Redevelopment Plan is hereby replaced with
5 Attachment 3 – Redevelopment Land Use Map, a copy of which is in Board File No. 171280
6 and available on the Board’s website.

7 Section 5. FURTHER FINDINGS AND DETERMINATIONS UNDER COMMUNITY
8 REDEVELOPMENT LAW. The Board of Supervisors hereby makes the following findings,
9 determinations, and declarations, based on the record before it, including but not limited to
10 information contained in the Report to the Board.

11 (a) The purpose of the Redevelopment Plan Amendments is to implement
12 Assembly Bill 2797, pursuant to which the Legislature determined that the removal of P20 to
13 facilitate the reconfiguration and redevelopment of Seawall Lot 337 is of “particular importance
14 to the state.”

15 (b) The Redevelopment Plan Amendments contribute to the Redevelopment
16 Plan’s goals and objectives of integrated neighborhoods, economic advancement and job
17 opportunities, increased open space and San Francisco Bay access, and the elimination of
18 blight.

19 (c) As set forth in the Report to the Board, the Redevelopment Plan
20 Amendments will facilitate the redevelopment of an area adjacent to the Redevelopment Plan
21 Area in conformity with the CRL and promote the public peace, health, safety, and welfare.

22 (d) The redevelopment and activation of Seawall Lot 337 will benefit the
23 Redevelopment Plan Area by providing jobs, parks and open space and by increasing property
24 values in an area immediately adjacent to the Redevelopment Plan Area. The Redevelopment
25 Plan Amendments do not propose any new Successor Agency capital expenditure, involve any

1 new indebtedness or financial obligation of the Successor Agency, or change the Successor
2 Agency's overall method of financing the redevelopment of the Redevelopment Plan Area.

3 (e) For the reasons set forth in Section 1 above, the Redevelopment Plan
4 Amendments are consistent with the General Plan of the City and County of San Francisco
5 and in conformity with the policies in Planning Code Section 101.1.

6 (f) The Redevelopment Plan Amendments do not authorize the
7 condemnation of real property.

8 (g) The Redevelopment Plan Amendments will not result in the displacement
9 of any persons, temporarily or permanently, from housing facilities. Accordingly, no residential
10 relocation plan is required.

11 (h) There are no non-contiguous areas in the Redevelopment Plan Area.

12 (i) The elimination of blight and redevelopment of the Redevelopment Plan
13 Area could not be reasonably expected to be accomplished by private enterprise acting alone
14 without the application of the appropriate land use controls.

15 (j) The Redevelopment Plan Amendments do not change the time limitation
16 or the limitation on the number of dollars to be allocated to the Successor Agency.

17 (k) The Redevelopment Plan Amendments change the boundary of the
18 Redevelopment Plan Area. As such, the Successor Agency provided notice to the Department
19 of Finance and the Department of Community Housing on September 1, 2017, notifying the
20 aforementioned agencies of the Successor Agency Commission's October 17, 2017, hearing
21 to consider the Plan Amendments, pursuant to CRL § 33451.5.

22 Section 6. OFFICIAL PLAN. As required by CRL §§ 33457.1 and 33367, the Board of
23 Supervisors hereby approves and adopts the Redevelopment Plan, as amended by the
24 Redevelopment Plan Amendments, as the official redevelopment plan for the Redevelopment
25 Plan Area.

1 Section 7. CONTINUED EFFECT OF PREVIOUS ORDINANCES AS AMENDED.
2 Ordinance Nos. 335-98 and 143-13 shall continue in full force and effect as amended by this
3 ordinance.

4 Section 8. TRANSMITTAL OF PLAN AS AMENDED. The Clerk of the Board of
5 Supervisors shall (a) transmit a copy of this ordinance to the Successor Agency, whereupon
6 the Successor Agency shall be vested with the responsibility for carrying out the
7 Redevelopment Plan as amended, and (b) record or ensure that the Successor Agency
8 records a notice of the approval and adoption of the Redevelopment Plan Amendments
9 pursuant to this ordinance, containing a statement that proceedings for the redevelopment of
10 the Redevelopment Plan Area pursuant to the Redevelopment Plan Amendments have been
11 instituted under the CRL.

12 Section 9. RATIFICATION OF PRIOR AND SUBSEQUENT ACTS. All actions taken
13 by the officers and agents of the City and the Successor Agency Commission in preparing and
14 submitting the Redevelopment Plan Amendments to the Board of Supervisors for review and
15 consideration, as consistent with the documents herein and this ordinance, are hereby ratified
16 and confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be
17 taken by City officials and the Successor Agency Commission consistent with this ordinance.
18 Any such actions are solely intended to further purposes of the ordinance, and are subject in
19 all respects to the terms of this ordinance.

20 Section 10. EFFECTIVE DATE. In accordance with CRL §§ 33378(b)(2) and 33450,
21 this ordinance shall become effective 90 days after enactment. Enactment occurs when the
22 Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the
23
24
25

1 ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's
2 veto of the ordinance.

3

4

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

7

7 By: _____
8 Elaine Warren
9 Deputy City Attorney

9

n:\legana\as2017\1800029\01230118.docx

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25