

1 [Bayview Hunters Point Redevelopment Project Area]

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3 **Ordinance approving and adopting an amendment to the Redevelopment Plan for the**
4 **Bayview Hunters Point Redevelopment Project Area; approving and authorizing an**
5 **Interagency Cooperation Agreement between the City and County of San Francisco**
6 **and the Redevelopment Agency of the City and County of San Francisco, in**
7 **furtherance of the adoption and implementation of the Redevelopment Plan**
8 **Amendment; adopting findings pursuant to the California Environmental Quality Act;**
9 **adopting findings that the Redevelopment Plan Amendment is consistent with the**
10 **City's General Plan and Eight Priority Policies of City Planning Code Section 101.1;**
11 **adopting other findings pursuant to California Community Redevelopment Law,**
12 **including findings pursuant to Sections 33445 and 33445.1.**

13 NOTE: Additions are *single-underline italics Times New Roman*;
14 deletions are *strike-through italics Times New Roman*.
15 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. FINDINGS. The Board of Supervisors of the City and County of
18 San Francisco hereby finds, determines and declares, based on the record before it, including
19 but not limited to information contained in the Report on the Plan Amendment, Bayview
20 Hunters Point Redevelopment Plan Amendment (the "Report to the Board," a copy of which is
21 on file with the Clerk of the Board of Supervisors in File No. _____ and is
22 incorporated herein by reference) that:

23 A. On May 23, 2006, the Board of Supervisors approved and adopted, by
24 Ordinance No. 113-06, the Redevelopment Plan for the Bayview Hunters Point
25 Redevelopment Project ("Redevelopment Plan"), which expanded and renamed the Hunters

1 Point Redevelopment Project Area (the "Project Area"). The Redevelopment Plan established
2 Activity Nodes in the Project Area, including the Candlestick Point Activity Node.

3 B. In May 2007, the Board of Supervisors approved Resolution No. 264-07,
4 endorsing a conceptual framework (the "Conceptual Framework") for the integrated
5 development of the Candlestick Point subarea of the Project Area and Phase 2 of the Hunters
6 Point Shipyard (the "Project Site"). The Conceptual Framework envisioned a major mixed-
7 use project, including hundreds of acres of new and restored open space, thousands of new
8 units of affordable housing, a robust affordable housing program, extensive job-generating
9 retail and research and development space, permanent space for the artist colony that exists
10 in the Shipyard, and a site for a new stadium for the 49ers on the Shipyard (the "Project").

11 C. On June 3, 2008, the City's voters passed Proposition G, the Jobs Parks and
12 Housing Initiative, which: (i) adopted policies for the revitalization of the Project Site;
13 (ii) authorized the conveyance of City land under Recreation and Park Department jurisdiction
14 within Candlestick Point in furtherance of the Project, provided that the transferred property is
15 replaced with other property of at least the same acreage that will be improved and dedicated
16 as public parks or open space in the Project; (iii) repealed Proposition D and Proposition F
17 (June 1997) relating to prior plans for the development of a new stadium and retail
18 entertainment project on Candlestick Point; and (iv) urged the City, the Redevelopment
19 Agency of the City and County of San Francisco (the "Agency"), and all other governmental
20 agencies with jurisdiction to proceed expeditiously with the Project.

21 D. The Agency, working with the Bayview Hunters Point Project Area Committee
22 ("PAC"), has prepared a proposed amendment to the Redevelopment Plan (the
23 "Redevelopment Plan Amendment") and various other documents consistent with the
24 California Community Redevelopment Law, Health and Safety Code Sections 33000 et seq.
25 ("Community Redevelopment Law"), the Conceptual Framework and Proposition G. The

1 Redevelopment Plan Amendment designates the Candlestick Point Activity Node as Zone 1,
2 and the balance of the Project Area as Zone 2. Additionally, the Redevelopment Plan
3 Amendment revises the land uses within Zone 1 of the Bayview Hunters Point Project Area to
4 facilitate the new development envisioned by the Conceptual Framework and Proposition G,
5 increases the limit on the amount of bonded indebtedness and establishes certain
6 development fees and exactions applicable to Zone 1. The Redevelopment Plan
7 Amendment, however, does not change the boundaries of the Project Area.

8 E. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community
9 Redevelopment Law, and in order to promote development in accordance with objectives and
10 purposes of the Redevelopment Plan Amendment and documents relating to the
11 Redevelopment Plan, the City intends to undertake and complete proceedings and actions
12 necessary to be carried out by the City under the provisions of the Redevelopment Plan, as
13 amended by the Redevelopment Plan Amendment, and provide for the expenditure of monies
14 by the community in carrying out the Redevelopment Plan, and, specifically, the City wishes to
15 enter into an Interagency Cooperation Agreement with the Redevelopment Agency,
16 substantially in the form on file with the Clerk of the Board in File No. _____ (the
17 "Interagency Cooperation Agreement"), to provide for cooperation between the City and the
18 Redevelopment Agency in administering the process for control and approval of subdivisions,
19 and all other applicable land use, development, construction, improvement, infrastructure,
20 occupancy and use requirements and in establishing the policies and procedures relating to
21 such approvals and other actions as set forth in the Interagency Cooperation Agreement. The
22 Interagency Cooperation Agreement relates to the entire Project Site, including property under
23 the Hunters Point Shipyard Redevelopment Plan. All references to documents and
24 agreements in the Board File in this Ordinance are incorporated into this Ordinance by
25 reference as though fully set forth herein.

1 F. Over the past three years more than 230 public meetings, workshops and
2 presentations have been held on every aspect of the Project to the PAC, the Mayor's Citizens
3 Advisory Committee for the Hunters Point Shipyard Redevelopment Project Area (the "CAC"),
4 the Agency Commission, the Planning Commission, this Board of Supervisors and other City
5 commissions and community groups.

6 G. The PAC has reviewed and considered the Redevelopment Plan Amendment on
7 numerous occasions, including PAC meetings held on January 28, 2010, April 5, 2010 and
8 April 22, 2010. On _____, the PAC voted and recommended approval of the
9 Redevelopment Plan Amendment by the Agency Commission and the Board of Supervisors.

10 H. Pursuant to Section 33457.1 of the Community Redevelopment Law, a
11 proposed amendment to a redevelopment plan requires the preparation and public availability
12 of reports and information that would otherwise be required for a redevelopment plan adoption
13 "to the extent warranted" by the proposed amendment. The Agency has prepared the Report
14 to the Board. The Report to the Board has been made available to the public before the date
15 of the public hearing on this Ordinance approving the Redevelopment Plan Amendment, all in
16 accordance with the Community Redevelopment Law.

17 I. On May 6, 2010, the Agency transmitted the proposed Redevelopment Plan
18 Amendment to the Planning Commission pursuant to Section 33346 of the Community
19 Redevelopment Law for the Planning Commission's report and recommendation concerning
20 the Redevelopment Plan Amendment and its conformity with the General Plan. On
21 _____, 2010, at a duly noticed joint public hearing with the Agency Commission,
22 the Planning Commission, after certifying the completion of the Final Environmental Impact
23 Report ("FEIR") for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan
24 Project ("CP-HPS II Project"), and adopting amendments to the General Plan, Planning Code
25 and Zoning Map, adopted Motion No. _____, which found that the

1 Redevelopment Plan Amendment and the other related actions being taken concurrently with
2 the Motion, are consistent with the General Plan as proposed for amendment and with the
3 Eight Priority Policies of Section 101.1 of the Planning Code and further recommended
4 approval of the Redevelopment Plan Amendment. A copy of the Planning Commission
5 Motion is on file with the Clerk of the Board of Supervisors in File No. _____.

6 J. At the same joint public hearing, following the Planning Commission's action,
7 the Agency adopted its Resolution No. _____ (the "Agency Approval Resolution")
8 which, among other things, approved the Report to the Board and the adoption of the
9 Redevelopment Plan Amendment. The Agency has transmitted certified copies of the Agency
10 Approval Resolution to the Board of Supervisors and attached its Report to the Board and the
11 Redevelopment Plan Amendment. A copy of the Agency Approval Resolution is on file with
12 the Clerk of the Board of Supervisors in File No. _____, and is incorporated
13 herein by reference as though fully set forth.

14 K. On _____, 2010, the Board of Supervisors held a duly noticed
15 public hearing on the Redevelopment Plan Amendment. The hearing has been closed. Notice
16 of such hearing was published in accordance with Section 33361 of the Community
17 Redevelopment Law in The San Francisco Examiner , a newspaper of general circulation,
18 printed, published and distributed in the City and County of San Francisco describing the
19 boundaries of the Project Area and stating the day, hour and place when and where any
20 interested persons may appear before the Board of Supervisors to object to the
21 Redevelopment Plan Amendment. At such hearing the Board considered the Report to the
22 Board and recommendations of the Agency and the Planning Commission, the FEIR, and all
23 evidence and testimony for and against the proposed Redevelopment Plan Amendment.

1 Section 2. CEQA DETERMINATIONS.

2 A. On _____, 2010, the Agency Commission by resolution and the
3 Planning Commission by motion certified the FEIR as adequate, accurate, and objective and
4 in compliance with the California Environmental Quality Act (California Public Resources
5 Code Sections 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of
6 Regulations Sections 15000 et seq.).

7 B. On _____, 2010, the Planning Commission adopted findings, as
8 required by CEQA, regarding the alternatives, mitigation measures, and significant
9 environmental effects analyzed in the FEIR; a statement of overriding considerations for
10 approval of the CP-HPS II Project; and a proposed mitigation monitoring and reporting
11 program (collectively, "CEQA Findings"). On _____, 2010, the Agency
12 Commission adopted the CEQA Findings, which are attached to the Agency Approval
13 Resolution and include a proposed Mitigation Monitoring and Reporting Program. This
14 material, together with the FEIR and related Planning Department and Agency files, were
15 made available to the public and the Board of Supervisors for its review, consideration, and
16 action, are on file with the Clerk of the Board of Supervisors in File No. _____.

17 C. Concurrently with this Ordinance, the Board of Supervisors has adopted
18 Resolution No. _____, adopting findings under CEQA, including the adoption of a
19 mitigation monitoring and reporting program and a statement of overriding considerations in
20 connection with the development of the CP-HPS II Project, which resolution is on file with the
21 Clerk of the Board of Supervisors in File No. _____. The Board of Supervisors
22 endorses the implementation of the mitigation measures for implementation by other City
23 departments and recommends for adoption those mitigation measures that are enforceable by
24 agencies other than City departments, all as set forth in the foregoing resolution.

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

5 Section 4. INCORPORATION BY REFERENCE. By this reference, the
6 Redevelopment Plan Amendment, a copy of which is on file with the Clerk of the Board of
7 Supervisors in File No. _____, is incorporated in and made part of this Ordinance
8 with the same force and effect as though set forth fully herein.

9 Section 5. FURTHER FINDINGS AND DETERMINATIONS UNDER THE
10 COMMUNITY REDEVELOPMENT LAW. To the extent required by the Community
11 Redevelopment Law, the Board of Supervisors hereby finds, determines and declares, based
12 on the record before it, including but not limited to information contained in the Report to the
13 Board on the Redevelopment Plan Amendment that:

14 A. Significant blight (as described in the Report to the Board) remains within the
15 Project Area, the redevelopment of which is necessary to effectuate the public purposes
16 declared in the Community Redevelopment Law.

17 B. The remaining significant blight in the Project Area cannot be eliminated without
18 the increase in the amount of bonded indebtedness from \$400 million to \$1.22 billion.

19 C. The Redevelopment Plan Amendment will redevelop the Project Area in
20 conformity with the Community Redevelopment Law and is in the interests of the public
21 peace, health, safety and welfare.

22 D. The adoption and carrying out of the Redevelopment Plan Amendment is
23 economically sound and feasible as described in the Report to the Board.

24 E. The Redevelopment Plan Amendment, once effective, will be consistent with the
25 General Plan of the City and County of San Francisco, as amended, and is consistent with the

1 Eight Priority Policies in the City's Planning Code Section 101.1 for the reasons stated in the
2 General Plan and Priority Policy Consistency findings and in other documents on file with the
3 Clerk of the Board of Supervisors in File No. _____.

4 F. The carrying out the Redevelopment Plan Amendment will promote the public
5 peace, health, safety and welfare of the community and effectuate the purposes and policies
6 of the Community Redevelopment Law.

7 G. The Redevelopment Plan Amendment does not change the existing limitations
8 on the condemnation of real property established in the Redevelopment Plan.

9 H. The Redevelopment Plan does not authorize the use of eminent domain to
10 displace persons from residentially-zoned areas and legally occupied dwelling units and in
11 other contexts. Nonetheless, if displacement occurs through other means, the Agency has a
12 feasible method or plan for the relocation of families and person displaced from the Project
13 Area. There are, or shall be provided, in the Project Area or in other areas not generally less
14 desirable in regard to public utilities and public and commercial facilities and at rents or prices
15 within the financial means of the families and persons displaced from the Project Area,
16 decent, safe, and sanitary dwellings equal in number to the number of and available to the
17 displaced families and persons and reasonably accessible to their places of employment.

18 I. Families and persons shall not be displaced prior to the adoption of a relocation
19 plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law.
20 Dwelling units housing person and families of low or moderate income shall not be removed
21 or destroyed prior to the adoption of a replacement housing plan pursuant to
22 Sections 33334.5, 33413, and 33413.5 of the Community Redevelopment Law.

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

1 K. The Project Area continues to be predominantly urbanized, as defined by
2 Subdivision (b) of Section 33320.1.

3 L. The implementation of the Redevelopment Plan Amendment will improve or
4 alleviate the physical and economic conditions of the remaining significant blight that are
5 described in the Report to the Board of Supervisors prepared pursuant to Sections 33457.1
6 and 33352 of the Community Redevelopment Law.

7 Section 6. APPROVAL OF PLAN AMENDMENT. Pursuant to Section 33365 of the
8 Community Redevelopment Law, the Board of Supervisors hereby approves and adopts the
9 Redevelopment Plan Amendment as the official Redevelopment Plan for the Project Area.

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

20 Section 8. IMPLEMENTATION OF REDEVELOPMENT PLAN AMENDMENT AND
21 APPROVAL OF THE INTERAGENCY COOPERATION AGREEMENT. The Board of
22 Supervisors declares its intent to undertake and complete actions and proceedings necessary
23 to be carried out by the City under the Redevelopment Plan Amendment and related Plan
24 Documents (as defined in the Redevelopment Plan Amendment) and authorizes and urges
25 the Mayor and other applicable officers, commissions and employees of the City to take any

1 and all steps as they or any of them deem necessary or appropriate, in consultation with the
2 City 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), (ii) the institution and completion of proceedings
9 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 Project
11 Area, and (iii) the execution, delivery and performance of the Interagency Cooperation
12 Agreement as it relates to the Project Area. The Board of Supervisors finds and determines
13 that the Interagency Cooperation Agreement is and will be beneficial to the residents of the
14 City and the Project Area, and is consistent with the General Plan as amended and the Eight
15 Priority Policies of Section 101.1. In accordance with the Interagency Cooperation
16 Agreement, the City will undertake certain actions to ensure the continued fulfillment of the
17 objectives of the Redevelopment Plan Amendment. Such agreement by the City shall also
18 include, without limitation, compliance with the specified mitigation measures that are
19 referenced in the Interagency Cooperation Agreement..

20 Section 9. ADDITIONAL BOARD FINDINGS FOR INFRASTRUCTURE IN THE
21 PROJECT AREA. The Board of Supervisors finds that pursuant to Section 33445 of the
22 Community Redevelopment Law and further detailed in the Infrastructure Plan attached to the
23 Interagency Cooperation Agreement (the "Infrastructure Plan") and other matters in the
24 record before it: (1) the Agency will use tax increment and other funds to construct and install
25 certain public improvements located inside or contiguous to the Project Area (the "Project

1 Area Public Improvements"); (2) the Project Area Public Improvements are of benefit to the
2 Project Area by helping to eliminate blight within the Project Area; (3) no other reasonable
3 means of financing the installation and construction of the Project Area Public Improvements
4 are available to the City; and (4) the payment of funds for the cost of the Project Area Public
5 Improvements is consistent with the Implementation Plan that is adopted pursuant to Section
6 33490 and that is part of the Report to the Board of Supervisors.

7 Section 10 ADDITIONAL BOARD FINDINGS FOR INFRASTRUCTURE OUTSIDE
8 OF THE PROJECT AREA. The Board of Supervisors finds that pursuant to Section 33445.1
9 of the Community Redevelopment Law and further detailed in the Infrastructure Plan and
10 other matters in the record before it: (1) the Agency will use tax increment and other funds to
11 construct and install certain public improvements located outside and not contiguous to the
12 Project Area (the "Other Public Improvements"); (2) the Other Public Improvements are of
13 primary benefit to the Project Area ; (3) the Other Public Improvements will help eliminate
14 blight within the Project Area; (4) no other reasonable means of financing the installation and
15 construction of the Other Public Improvements are available to the City; (5) the payment of
16 funds for the cost of the Other Public Improvements is consistent with the Implementation
17 Plan that is adopted pursuant to Section 33490 and that is part of the Report to the Board of
18 Supervisors ; and (6) the installation of each Other Public Improvement is provided for in the
19 Redevelopment Plan Amendment.

20 Section 11. EFFECTIVE DATE. The approval under this Ordinance shall take effect
21 upon the effective date of the amendments to the General Plan, Planning Code and Zoning
22 Map approved under Board of Supervisors Ordinance No. _____, a copy of which
23 is on file with the Clerk of the Board of Supervisors in File No. _____.

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1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 Charles Sullivan
5 Deputy City Attorney
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