

1 [Redevelopment Plan Amendments - Hunters Point Shipyard]

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 3 **Ordinance approving amendments to the Hunters Point Shipyard Redevelopment Plan**
 4 **to conform to Proposition O, adopted by the San Francisco voters on November 8,**
 5 **2016, exempting the Candlestick Point and Hunters Point Shipyard Phase 2 Project**
 6 **area from the office development controls established under Planning Code, Sections**
 7 **320-325; directing the Clerk of the Board to transmit a copy of this Ordinance upon its**
 8 **enactment to the Successor Agency; making findings, including environmental**
 9 **findings under the California Environmental Quality Act, and findings of consistency**
 10 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

19 Section 1. FINDINGS.

20 (a) On July 14, 1997, the Board of Supervisors approved and adopted, by
 21 Ordinance No. 285-97, the Hunters Point Shipyard Redevelopment Plan pursuant to the
 22 Military Base Conversion Chapter of the California Community Redevelopment Law (Health
 23 and Safety Code Sections 33492 et seq.). On May 23, 2006, the Board of Supervisors
 24 approved and adopted, by Ordinance No. 113-06, the Redevelopment Plan for the Bayview
 25 Hunters Point Redevelopment Project, which included the Candlestick Point area. The

1 Redevelopment Agency of the City and County of San Francisco (“Redevelopment Agency”)
2 thereby became vested with the responsibility to carry out these redevelopment plans.

3 (b) On August 3, 2010, the Board of Supervisors approved and adopted, by
4 Ordinance Nos. 0210-10 and 0211-10, respectively, amendments to the Bayview Hunters
5 Point Redevelopment Plan (the “BVHP Plan”) and the Hunters Point Shipyard Redevelopment
6 Plan (the “HPS Plan”) in connection with the approval of the Candlestick Point-Hunters Point
7 Shipyard Phase 2 Project (“Project”).

8 (c) To implement the Project, the Redevelopment Agency and CP Development
9 Co., LP, a Delaware limited partnership (“Developer”) entered into various agreements,
10 including a Disposition and Development Agreement (Candlestick Point and Phase 2 of the
11 Hunters Point Shipyard), dated as of June 3, 2010, which has been amended on two
12 occasions (the “DDA”).

13 (d) On February 1, 2012, the State of California dissolved all redevelopment
14 agencies in the state and established successor agencies to assume certain rights and
15 obligations of the former agencies. Cal. Health & Safety Code §§ 34170 et seq. (the
16 “Redevelopment Dissolution Law”). On October 2, 2012, the Board of Supervisors delegated
17 its state authority under the Redevelopment Dissolution Law to the Successor Agency
18 Commission, commonly referred to as the Commission on Community Investment and
19 Infrastructure (“CCII” or “Successor Agency Commission”), to implement and complete,
20 among other things, the surviving enforceable obligations of the Redevelopment Agency. On
21 December 14, 2012, the California Department of Finance finally and conclusively determined
22 that the DDA and related agreements were enforceable obligations of the Successor Agency
23 to the Redevelopment Agency of the City and County of San Francisco, commonly known as
24 the Office of Community Investment and Infrastructure (“Successor Agency” or “OCII”).
25

1 (e) The BVHP Plan and the HPS Plan establish the land use controls for the
2 Candlestick Point area of the BVHP Plan Area (referred to as “Zone 1 of the BVHP Plan”),
3 and all of the HPS Plan Area except for the Hunters Point Hill Residential District (referred to
4 as “Phase 2 of the HPS Plan”).

5 (f) Zone 1 of the BVHP Plan authorizes a maximum of 150,000 square feet of office
6 space. Phase 2 of the HPS Plan authorizes a maximum of 5,000,000 square feet of office
7 space. Both Zone 1 of the BVHP Plan and Phase 2 of the HPS Plan require compliance with
8 the office development limitations of Sections 320-325 of the Planning Code.

9 (g) On November 8, 2016, voters adopted Proposition O, the Office Development in
10 Candlestick Point and Hunters Point Initiative, which removed the Project from the office
11 development limitations established by Proposition M, an initiative approved by voters in 1986
12 and codified in Planning Code Sections 320-325. Proposition O does not affect the
13 applicability of Proposition M to office development in other areas of the City and does not
14 affect the total amount of office space authorized under Zone 1 of the BVHP Plan, Phase 2 of
15 the HPS Plan, and the DDA. Proposition O amended the Planning Code by adding Section
16 324.1, which provides that Zone 1 of the BVHP Plan and Phase 2 of the HPS Plan are not
17 subject to the office development limitations of Planning Code Sections 320-325 as originally
18 enacted by voters in 1986. Proposition O, however, did not remove Planning Code Sections
19 320-325 from the BVHP Plan and the HPS Plan, which can only be amended under the
20 procedures described in Sections 33450 through 33458 and Section 33352 of the California
21 Community Redevelopment Law (Health and Safety Code Sections 33000 et seq., the
22 “Redevelopment Law”).

23 (h) In accordance with the Redevelopment Law, the Successor Agency has
24 prepared a Report to the Board of Supervisors on the Amendments to the BVHP Plan and the
25 Amendments to the HPS Plan (“Report to the Board”) to conform these plans to the provisions

1 of Proposition O. The Successor Agency made the Report to the Board available to the public
2 on or before the date of the notice of the public hearing on the Ordinance proposing to
3 approve the Amendments to the BVHP Plan and the Amendments to the HPS Plan
4 (collectively, the “Amendments”), held on April 4, 2017, in accordance with Section 33452.

5 (i) On April 4, 2017, after holding a duly noticed public hearing in accordance with
6 Redevelopment Law Section 33452, by Resolution No. 15-2017, CCII approved the Report to
7 the Board and determined that the Amendments conforming those plans to Proposition O are
8 necessary and desirable for the implementation of the BVHP Plan and the HPS Plan, and
9 adopted the Amendments. The Successor Agency has transmitted to the Board of
10 Supervisors certified copies of Resolution No. 15-2017, and attached its Report to the Board.
11 Copies of the Amendments and the CCII Resolution No. 15-2017, are on file with the Clerk of
12 the Board of Supervisors in File No. _____ and on the Board’s website, and are
13 incorporated in this Ordinance by this reference.

14 (j) The Successor Agency transmitted the proposed Amendments to the Planning
15 Department for its report and recommendation concerning the conformity of the Amendments
16 with the General Plan. On April 5, 2017, in the General Plan Referral for the Hunters Point
17 Shipyard Redevelopment Plan and the Bayview Hunters Point Redevelopment Plan (“General
18 Plan Referral”), the Planning Department determined that the proposed Amendments are
19 consistent with the General Plan and the eight priority policies of the Planning Code Section
20 101.1. A copy of the Planning Department’s General Plan Referral is on file with the Clerk of
21 the Board of Supervisors in File No. _____ and available on the Board’s website, and
22 is incorporated in this Ordinance by this reference as though fully set forth.

23 (k) The Board of Supervisors finds that this ordinance is, on balance, consistent
24 with the General Plan and in conformity with the eight priority policies of Planning Code
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1 Section 101.1 for the reasons set forth in the Planning Department’s General Plan Referral
2 dated April 5, 2017. The Board hereby adopts these findings as its own.

3 (l) On July 13, 2010, the Board of Supervisors approved Motion No. 10-0110
4 affirming the Planning Commission’s certification of the final environmental impact report for
5 the CP-HPS Phase 2 Project (“FEIR”) in compliance with the California Environmental Quality
6 Act (“CEQA”) (California Public Resources Code sections 21000 et seq.). A copy of said
7 Motion is on file with the Clerk of the Board of Supervisors in File No. 100862 and available on
8 the Board’s website, and is incorporated herein by reference as though fully set forth. The
9 FEIR analyzed various Project Variants, including the development of up to 5,150,000 square
10 feet of office, research and development space.

11 (m) The Board of Supervisors in Resolution No. 0347-10, adopted environmental
12 findings in relation to the Project, including a statement of overriding considerations and a
13 mitigation monitoring and reporting program in support of various approval actions taken by
14 the Board to implement the Project, including the amendments to the BVHP Plan and HPS
15 Plan in 2010. Copies of said Resolution and supporting materials are in the Clerk of the
16 Board of Supervisors File No. 100572 and available on the Board’s website, and the
17 Resolution and supporting materials are incorporated herein by reference as though fully set
18 forth.

19 (n) As part of its action on Resolution No.16-2017, approving the proposed
20 Amendments, CCII adopted environmental findings pursuant to CEQA, finding that the
21 analysis conducted and conclusions reached in the FEIR remain valid, and the proposed
22 Amendments will not result in any new significant impacts or a substantial increase in the
23 severity of previously identified significant effects that would alter the conclusions reached in
24 the FEIR.

1 (o) The Board has reviewed and considered the CEQA Findings and statement of
2 overriding considerations that it previously adopted in Resolution No. 0347-10, and reviewed
3 and considered the CEQA Findings contained in CCII Resolution No. 16-2017, and hereby
4 adopts these additional CEQA Findings as its own. The Board additionally finds that: (1)
5 implementation of the Amendments to the HPS Plan do not require major revisions in the
6 FEIR due to the involvement of new significant environmental effects or a substantial increase
7 in the severity of previously identified significant effects; (2) no substantial changes have
8 occurred with respect to the circumstances under which the project analyzed in the FEIR will
9 be undertaken that would require major revisions to the FEIR due to the involvement of new
10 significant environmental effects, or a substantial increase in the severity of effects identified
11 in the FEIR; and (3) no new information of substantial importance to the project analyzed in
12 the FEIR has become available which would indicate that (A) the Amendments to the HPS
13 Plan will have significant effects not discussed in the FEIR; (B) significant environmental
14 effects will be substantially more severe; (C) mitigation measures or alternatives found not
15 feasible which would reduce one or more significant effects have become feasible; or (D)
16 mitigation measures or alternatives which are considerably different from those in the FEIR
17 will substantially reduce one or more significant effects on the environment.

18 Section 2. PURPOSE AND INTENT. The purpose and intent of the Board of
19 Supervisors with respect to the Amendments to the HPS Plan is to conform the HPS Plan to
20 Proposition O exempting the Project from the office development limitation in Planning Code
21 Section 320-325 as originally enacted by voters in 1986. The Amendments to the HPS Plan
22 will contribute to and complement the overall goals and objectives of the HPS Plan, including
23 the revitalization of the HPS Project Area, by ensuring an efficient and reliable pace of office
24 development that will foster economic and job opportunities, facilitate the completion of
25

1 redevelopment of the HPS Plan Area, and expeditiously wind down the activities of the
2 dissolved Redevelopment Agency as required under state law.

3 Section 3. PLAN INCORPORATION BY REFERENCE. The HPS Plan, as amended
4 by this Ordinance, is incorporated in and made a part of this Ordinance by this reference with
5 the same force and effect as though set forth fully in this Ordinance. Copies of the HPS Plan,
6 as amended, are on file with the Clerk of the Board of Supervisors in File No.
7 _____ and available on the Board’s website.

8 Section 4. FURTHER FINDINGS AND DETERMINATIONS REGARDING THE
9 AMENDMENTS TO THE HPS PLAN UNDER COMMUNITY REDEVELOPMENT LAW. To
10 the extent required by the Community Redevelopment Law, the Board of Supervisors hereby
11 further finds, determines and declares, based on the record before it, including but not limited
12 to information contained in the Report to the Board.

13 (a) Phase 2 of the HPS Plan remains a blighted area (as described in the Report to
14 the Board and as defined in Section 33492 of the Military Base Conversion law). The
15 redevelopment of Phase 2 of the HPS Plan is necessary to effectuate the public purposes
16 declared in the Redevelopment Law.

17 (b) The Amendments to the HPS Plan will redevelop Phase 2 of the HPS Plan in
18 conformity with the Redevelopment Law and the Military Base Conversion Law, and is in the
19 interest of the public peace, health, safety, and welfare.

20 (c) The adoption and carrying out of the Amendments to the HPS Plan is
21 economically sound and feasible as described in the Report to the Board.

22 (d) For the reasons set forth in Section 1, subparagraph (k) of this Ordinance, the
23 Amendments to the HPS Plan are consistent with the General Plan of the City and County of
24 San Francisco, including with the priority policies in City Planning Code Section 101.1.

1 (e) The carrying out of the Amendments to the HPS Plan will promote the public
2 peace, health, safety and welfare of the community and effectuate the purposes and policies
3 of the Community Redevelopment Law.

4 (f) The Amendments to the HPS Plan do not change the existing limitations on the
5 condemnation of real property established in the HPS Plan.

6 (g) The Amendments to the HPS Plan will not result in the temporary or permanent
7 displacement of any occupants of housing facilities.

8 (h) The Amendments to the HPS Plan do not change the boundaries of the HPS
9 Plan Area and, therefore, do not include any additional area for the purpose of obtaining any
10 allocation of tax increment revenues pursuant to Redevelopment Law Section 33670.

11 (i) Phase 2 of the HPS Plan is predominantly urbanized, as defined by
12 Redevelopment Law Section 33320.1(b).

13 (j) The implementation of the Amendments to the HPS Plan will improve or
14 alleviate the physical and economic conditions of the remaining blight in Phase 2 of the HPS
15 Plan; these conditions are defined in Sections 33492.10 and 33492.11 of the Military Base
16 Conversion Law and are described in the Report to the Board prepared pursuant to Section
17 33352.

18 Section 5. OFFICIAL PLAN. As required by Redevelopment Law Sections 33457.1
19 and 33367, the Board of Supervisors hereby approves and adopts the HPS Plan, as amended
20 by the Amendments to the HPS Plan, as the official redevelopment plan for the HPS Plan
21 Area.

22 Section 6. COOPERATION IN IMPLEMENTING HPS PLAN AS AMENDED. By
23 Ordinance Nos. 0210-10 and 0211-10, the Board of Supervisors approved an Interagency
24 Cooperation Agreement with the Redevelopment Agency (the "Interagency Cooperation
25 Agreement"), for the BVHP Plan Area and the HPS Plan Area, respectively, to provide for

1 cooperation between the City and the Redevelopment Agency in administering the process for
2 control and approval of subdivisions, and all other applicable land use, development,
3 construction, improvement, infrastructure, occupancy and use requirements and in
4 establishing the policies and procedures relating to such approvals. The Board hereby agrees
5 to cooperate with the Successor Agency through the Interagency Cooperation Agreement in
6 carrying out the HPS Plan as amended.

7 Section 7. CONTINUED EFFECT OF PREVIOUS ORDINANCES AS AMENDED.
8 Ordinances Nos. 0210-10 and 0211-10 are continued in full force and effect as amended by
9 this Ordinance.

10 Section 8. TRANSMITTAL OF PLAN AS AMENDED. The Clerk of the Board of
11 Supervisors shall without delay (a) upon enactment, transmit a copy of this Ordinance to the
12 Successor Agency, whereupon the Successor Agency shall be vested with the responsibility
13 for carrying out the HPS Plan as amended, and (b) record or ensure that the Successor
14 Agency records a notice of the approval and adoption of the Amendments to the HPS Plan
15 pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of
16 the HPS Plan Area pursuant to the Amendments to the HPS Plan has been instituted under
17 the Redevelopment Law.

18 Section 9. RATIFICATION OF PRIOR ACTS. All actions taken by City officials and
19 the Successor Agency Commission in preparing and submitting the Amendments to the HPS
20 Plan to the Board of Supervisors for review and consideration are hereby ratified and
21 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken
22 by City officials and the Successor Agency Commission consistent with this Ordinance.

23 Section 10. EFFECTIVE DATE. In accordance with Sections 33378(b)(2) and 33450
24 of the California Redevelopment Law (California Health and Safety Code secs. 33378(b)(2)
25 and 33450), this ordinance shall become effective 90 days from the date of enactment.

1 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
2 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
3 Supervisors overrides the Mayor's veto of the ordinance.

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

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8 By: _____
9 Elaine C. Warren
10 Deputy City Attorney

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