

1 [Redevelopment Plan Amendments - Mission Bay South - 1450 Owens Street]

2
 3 **Ordinance approving amendments to the Mission Bay South Redevelopment Plan to**
 4 **increase the square footage for mixed office, research and development, and light**
 5 **manufacturing uses within the Mission Bay South Redevelopment Plan Area, with such**
 6 **square footage to be allocated to Parcel 7 of Block 43 (also known as 1450 Owens**
 7 **Street), located within Zone A of the Mission Bay South Redevelopment Plan Area;**
 8 **increasing the maximum average floor area in the Plan Area to accommodate such**
 9 **increased square footage; making findings under the California Environmental Quality**
 10 **Act; and making findings of consistency with the General Plan, and the eight priority**
 11 **policies of Planning Code, Section 101.1.**

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

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

20 Section 1. Findings. The Board of Supervisors of the City and County of San
 21 Francisco (the "Board of Supervisors" or "Board") hereby finds, determines, and declares,
 22 based on the record before it, including but not limited to, information contained in the Report
 23 to the Board of Supervisors on the Amendment to the Redevelopment Plan for the Mission
 24 Bay South Redevelopment Project ("Report to the Board") regarding Parcel 7 of Block 43,
 25 that:

(a) On September 17, 1998, by Resolution No. 190-98, the former Redevelopment
 Agency of the City and County of San Francisco ("Agency" or "Redevelopment Agency")

1 approved the Redevelopment Plan for the Mission Bay South Redevelopment Project (the
2 “Redevelopment Plan”) to govern redevelopment in the Mission Bay South Redevelopment
3 Project Area (the “Plan Area”). On the same date, the Agency adopted related documents,
4 including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement
5 (“South OPA”) and related documents between Catellus Development Corporation, a
6 Delaware corporation, and the Agency applicable to the Plan Area. FOCIL-MB, LLC, a
7 Delaware limited liability company (“FOCIL”), entered into an Assignment, Assumption and
8 Release Agreement, dated November 22, 2004, under which FOCIL assumed the rights and
9 obligations of the prior owner under the South OPA.

10 (b) The Board of Supervisors approved and adopted the Redevelopment Plan by
11 Ordinance No. 335-98 on November 2, 1998, and amendments to the Redevelopment Plan
12 by Ordinance No. 143-13 on July 9, 2013, Ordinance No. 032-18 on March 6, 2018,
13 Ordinance No. 128-20 on July 31, 2020, and Ordinance No. 209-20 on October 9, 2020.
14 Copies of these ordinances are on file with the Clerk of the Board of Supervisors in File Nos.
15 981441, 130458, 171280, 200575, and 200815 respectively.

16 (c) On February 1, 2012, the State of California dissolved all redevelopment agencies
17 in the state and established successor agencies to assume certain rights and obligations of
18 the former agencies. Cal. Health & Safety Code §§ 34170 et seq. (“Redevelopment
19 Dissolution Law”). On October 2, 2012, the Board of Supervisors delegated, by Ordinance
20 No. 215-12, its state authority under the Redevelopment Dissolution Law to the Successor
21 Agency Commission, commonly referred to as the Commission on Community Investment
22 and Infrastructure. The Successor Agency Commission is required to implement and
23 complete, among other things, the surviving enforceable obligations of the former
24 Redevelopment Agency and is authorized to approve amendments to redevelopment plans as
25 allowed under Redevelopment Dissolution Law and subject to adoptions of such plan

1 amendments by the Board of Supervisors. On January 24, 2014, the California Department of
2 Finance finally and conclusively determined that the South OPA executed by the
3 Redevelopment Agency on September 17, 1998, by Resolution No. 190-98 with the developer
4 of the Plan Area was an enforceable obligation of the successor to the Redevelopment
5 Agency (the "Successor Agency").

6 (d) As set forth more fully in Section 1, subsection (g) of this ordinance, the Successor
7 Agency Commission recommends approval of an amendment to the Redevelopment Plan
8 (the "Plan Amendment"), which would increase the amount of leasable square feet of mixed
9 office, research and development, and light manufacturing uses in the Plan Area by 170,000
10 leasable square feet, from 5,953,600 leasable square footage to 6,123,600 leasable square
11 feet; provided that this additional leasable square feet is located only on Parcel 7 of Block 43
12 (also known as 1450 Owens Street); and provided further that the maximum average floor
13 area ratio for Commercial Industrial and Commercial Industrial/Retail uses is increased from
14 2.9:1 to a floor area ratio not to exceed 2.95:1 to account for new development at Parcel 7 of
15 Block 43.

16 (e) In accordance with Sections 33457.1 and 33352 of the California Redevelopment
17 Law (Health and Safety Code Sections 33000 et seq., the "Redevelopment Law"), the
18 Successor Agency has prepared the Report to the Board that includes information to the
19 extent warranted by the Plan Amendment and made the Report to the Board available to the
20 public on or before the date of the public hearing, noticed in accordance with Redevelopment
21 Law Section 33452, on this ordinance approving the Plan Amendment; said hearing is
22 referenced in Section 1, subsection (g) of this ordinance.

23 (f) On September 17, 2020, FOCIL, the master developer of the Plan Area, consented
24 to the Successor Agency's approval of the Plan Amendment, as provided for under the South
25 OPA.

1 (g) Successor Agency Commission Action. On November 17, 2020, after holding a
2 duly noticed public hearing in accordance with Redevelopment Law Section 33452, the
3 Successor Agency Commission, in Resolution No. 30-2020, approved the Report to the Board
4 and made certain findings. By Resolution No. 31-2020, it recommended to the Board of
5 Supervisors the adoption of the Plan Amendment. It determined, consistent with its authority
6 under the Redevelopment Law, as amended by the Redevelopment Dissolution Law, that the
7 Plan Amendment is necessary and desirable, approved the Plan Amendment, and
8 recommended forwarding it to the Board of Supervisors for approval. The Successor Agency
9 Commission has transmitted to the Board of Supervisors a certified copy of Resolution No.
10 30-2020 and attached its Report to the Board and its Resolution No. 31-2020 regarding the
11 Plan Amendment. Copies of these documents and Resolution Nos. 30-2020 and 31-2020 are
12 in Clerk of the Board Supervisors File No. 201332 and are incorporated herein by reference.

13 (h) Environmental Findings.

14 (1) On September 17, 1998, the Redevelopment Agency Commission adopted
15 Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report
16 (“FSEIR”) for Mission Bay North and South pursuant to CEQA and State CEQA Guidelines
17 Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). On the same date, the
18 Redevelopment Agency Commission also adopted Resolution No. 183-98, which adopted
19 environmental findings (and a statement of overriding considerations), in connection with the
20 approval of the Plan and other Mission Bay project approvals (the “Mission Bay Project”). The
21 Planning Commission certified the FSEIR by Resolution No. 14696 on the same date. On
22 October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification
23 of the FSEIR by the Planning Commission and the Former Agency, and Resolution No. 854-
24 98 adopting environmental findings and a statement of overriding considerations for the
25 Mission Bay Project. In addition, on November 10, 2020, the Office of Community Investment

1 and Infrastructure, the lead agency for purposes of CEQA, published an Addendum related to
2 this Plan Amendment (the “Addendum”). On November 17, 2020, the Successor Agency
3 Commission adopted this Addendum and related environmental findings as part of Resolution
4 No. 29-2020. The Successor Agency Commission found that the record before it did not
5 identify any substantial new information or new significant impacts or a substantial increase in
6 the severity of previously identified significant effects that alter the conclusions reached in the
7 FSEIR and the Addendum. On November 19, 2020, the Planning Commission in its Motion
8 No. 20810 adopted additional environmental findings. The Successor Agency Commission
9 Resolutions and related materials on CEQA findings, the Board of Supervisors prior CEQA
10 findings, Planning Commission CEQA findings in Motion No. 20810, and the Addendum are
11 incorporated herein by reference.

12 (2) The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a
13 redevelopment plan EIR under CEQA Guidelines Section 15180.

14 (3) The Board of Supervisors, acting in its capacity as a responsible agency
15 under CEQA, has reviewed and considered the FSEIR and the Addendum, and hereby
16 adopts the CEQA findings set forth in Successor Agency Commission Resolution No. 29-2020
17 and Planning Commission Motion No. 20810 and hereby incorporates such findings by
18 reference as though fully set forth in this ordinance.

19 (i) On November 19, 2020, the Planning Commission, in Motion No. 20810, also
20 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
21 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
22 Board adopts these findings as its own. A copy of said Planning Commission Resolution is on
23 file with the Clerk of the Board of Supervisors in File No. 201332 and is incorporated herein by
24 reference.

25

1 (j) The Board of Supervisors held a remote public hearing on January 26, 2021, on the
2 adoption of the Plan Amendment in San Francisco, California. The hearing has concluded.
3 Notice of such hearing was duly and regularly published in a newspaper of general circulation
4 in the City and County of San Francisco, once per week for three successive weeks prior to
5 the date of such hearing in accordance with Redevelopment Law Section 33452. At such
6 hearing, the Board considered the report of the Successor Agency Commission, the Planning
7 Commission Motion No. 20810, the FSEIR, Addendum, and other CEQA records, and all
8 evidence and testimony regarding the Plan Amendment. The Board hereby adopts findings to
9 the extent required by the Redevelopment Law as set forth in Section 5 of this ordinance.
10

11 Section 2. Purpose and Intent. The purpose and intent of the Board of Supervisors
12 with respect to the Plan Amendment is to increase the maximum permitted mixed office,
13 research and development, and light manufacturing square footage in Zone A of the
14 Redevelopment Plan Area and to eliminate blight within the Redevelopment Plan Area. The
15 Plan Amendments will facilitate the redevelopment of property within the Mission Bay South
16 Redevelopment Plan Area, contribute to, and complement the overall goals and objectives of
17 the Redevelopment Plan, increase economic opportunities, eliminate blight, facilitate the
18 completion of redevelopment of the Plan Area, and expeditiously wind down the activities of
19 the dissolved redevelopment agency as required under Redevelopment Dissolution Law.
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21 Section 3. Plan Incorporation by Reference. The Redevelopment Plan as amended by
22 this ordinance is incorporated in and made a part of this ordinance by this reference with the
23 same force and effect as though set forth fully in this ordinance.

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1 Section 4. Redevelopment Plan Amendments. The Board of Supervisors approves
2 the following amendments to the Mission Bay South Redevelopment Plan:

3 103 Redevelopment Project Objectives

4 * * * *

5 H. Strengthening the economic base of the Plan Area and the community by
6 strengthening retail and other commercial functions in the Plan Area through the addition of
7 up to approximately 335,000 Leasable square feet of retail space and a hotel of up to 500
8 rooms and associated uses, depending on the amount of residential uses constructed in the
9 Hotel land use district, and about ~~5,953,600~~ 6,123,600 Leasable square feet of mixed office,
10 research and development and light manufacturing uses.

11 * * * *

12 304.5 Limitation on Type, Size and Height of Buildings

13 The type of buildings may be as permitted in the Building Code as in effect from time to
14 time. Approximately 335,000 Leasable square feet of retail space, a 500-room hotel,
15 including associated uses such as retail, banquet and conferencing facilities, approximately
16 ~~5,953,600~~ 6,123,600 Leasable square feet of mixed office, research and development and light
17 manufacturing uses, with about 2,650,000 square feet of UCSF instructional, research and
18 support uses are allowed in the Plan Area.

19 The ~~5,953,600~~ 6,123,600 Leasable square feet is allocated to the Zones depicted on
20 Attachment 3A as follows: 504,000 Zone B; 414,000 Zone C; 35,600 Zone D. The balance is
21 permitted in Zone A and on other sites designated Commercial Industrial on Attachment 3
22 *(except that 170,000 Leasable square feet of the balance may only be located on Parcel 7 of Block 43).*
23 In addition to the ~~5,953,600~~ 6,123,600 Leasable square feet of Commercial Industrial uses, up
24 to 45,000 Leasable square feet of such Commercial Industrial uses are permitted in Zone B
25 and 36,000 Leasable square feet in Zone C, respectively, in lieu of all or a portion of the retail

1 allocations provided below for such zones; provided, however, that the total development
2 programs for Zones B and C shall not exceed 549,000 and 450,000 Leasable square feet,
3 respectively.

4 * * * *

5 The floor area ratio (FAR) for Commercial Industrial and Commercial Industrial/Retail
6 shall be a maximum of 2.9:1, averaged over the entire area of these two land use districts
7 combined, except that the area in Zones B-D shall be excluded from the calculation and except
8 that if some or all of the additional Leasable square feet allocated to Parcel 7 of Block 43 is
9 constructed, the maximum average of the FAR of 2.9:1 for Commercial Industrial and Commercial
10 Industrial/Retail shall be increased to, but shall not exceed, 2.95:1, to account for the additional
11 Leasable square feet allocated to Parcel 7 of Block 43. The floor area ratio for Zones B-D shall be
12 a maximum of 2.9:1, calculated separately for each Zone. Maximum building height within the
13 Plan Area is 160 feet.

14 * * * *

15
16 Section 5. Further Findings and Determinations under Community Redevelopment
17 Law. The Board of Supervisors hereby further finds, determines, and declares, based on the
18 record before it, including but not limited to information contained in the Report to the Board
19 that:

20 (a) The purpose of the Redevelopment Plan Amendments is to increase the maximum
21 permitted mixed office, research and development, and light manufacturing square footage in
22 the Redevelopment Plan Area to permit development on Parcel 7 of Block 43 and to eliminate
23 blight within the Redevelopment Plan Area.

24 (b) The Redevelopment Plan Amendments contribute to the Redevelopment Plan's
25 goals and objectives of economic advancement and job opportunities, facilitating emerging

1 commercial-industrial sectors, creating a variety of retail uses and mixed office, research and
2 development, and light manufacturing uses, and eliminating blight.

3 (c) As set forth in the Report to the Board, the Redevelopment Plan Amendments will
4 facilitate the redevelopment of property within the Redevelopment Plan Area in conformity
5 with the Redevelopment Law and promote the public peace, health, safety, and welfare.

6 (d) The Redevelopment Plan Amendments do not propose any new Successor
7 Agency capital expenditure, involve any new indebtedness or financial obligation of the
8 Successor Agency, or change the Successor Agency's overall method of financing the
9 redevelopment of the Redevelopment Plan Area.

10 (e) The carrying out of the Redevelopment Plan, as amended, is economically sound
11 and feasible.

12 (f) For the reasons set forth in Planning Commission Motion No. 20810 cited in Section
13 (1), subsection (i) of this ordinance, the Plan Amendment is in conformity with the General
14 Plan of the City and County of San Francisco, including the priority policies in Planning Code
15 Section 101.1.

16 (g) The carrying out of the Plan Amendment will promote the public peace, health,
17 safety, and welfare of the community and would effectuate the purposes and policy of
18 Redevelopment Law, as amended by the Redevelopment Dissolution Law.

19 (h) The Plan Amendment does not authorize the condemnation of real property.
20 Under Redevelopment Law, the authority to condemn real property provided for in the
21 Redevelopment Plan expired on November 2, 2010.

22 (i) No persons will be displaced, temporarily or permanently, from housing facilities as
23 a result of the Redevelopment Plan or Plan Amendment. Accordingly, no residential
24 relocation plan is required.

25 (j) There are no non-contiguous areas in the Plan Area.

1 (k) The elimination of blight and redevelopment of the Redevelopment Plan Area could
2 not be reasonably expected to be accomplished by private enterprise acting alone without the
3 application of the appropriate land use controls.

4 (l) The Redevelopment Plan Amendments do not change the time limitation or the
5 limitation on the number of dollars to be allocated to the Successor Agency.

6 (m) The Redevelopment Plan Amendments do not change the boundary of the
7 Redevelopment Plan Area.

8 (n) As set forth in the Report to the Board, the Redevelopment Plan Amendments will
9 improve or alleviate the physical and economic conditions of blight in the Redevelopment Plan
10 Area.

11
12 Section 6. Official Plan. As required by Redevelopment Law Sections 33457.1 and
13 33367, the Board of Supervisors hereby approves and adopts the Redevelopment Plan, as
14 amended by the Plan Amendment, as the official redevelopment plan for the Plan Area.

15
16 Section 7. Continued Effect of Previous Ordinances as Amended. Ordinance Nos.
17 335-98, 143-13, 032-18, 128-20, and 209-20 shall continue in full force and effect as
18 amended by this ordinance.

19
20 Section 8. Transmittal of Plan as Amended. The Clerk of the Board of Supervisors
21 shall without delay (a) transmit a copy of this ordinance to the Successor Agency, whereupon
22 the Successor Agency shall be vested with the responsibility for carrying out the
23 Redevelopment Plan as amended, and (b) record or ensure that the Successor Agency
24 records a notice of the approval and adoption of the Plan Amendment pursuant to this
25 ordinance, containing a statement that proceedings for the redevelopment of the Plan Area

1 pursuant to the Plan Amendment have been instituted under the Redevelopment Law.

2
3 Section 9. Effective Date. In accordance with Redevelopment Law Sections
4 33378(b)(2) and 33450, this ordinance shall become effective 90 days after enactment.
5 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
6 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
7 Supervisors overrides the Mayor’s veto of the ordinance.

8
9 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the
12 Redevelopment Plan for the Mission Bay South Redevelopment Project that are explicitly
13 shown in this ordinance as additions, deletions, Board amendment additions, and Board
14 amendment deletions in accordance with the “Note” that appears under the official title of the
15 ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: /s/ John D. Malamut
20 JOHN D. MALAMUT
21 Deputy City Attorney

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