

FILE NO. 001257

ORDINANCE NO. 236-00

1 [Amendment to YBC Redevelopment Plan to Add Emporium Site Area]
2 APPROVING AND ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR
3 THE YERBA BUENA CENTER PROJECT AREA (ORDINANCE NO. 98-66, AMENDED BY
4 ORDINANCE NOS. 202-71, 393-73, 386-76, 367-77, 420-79, 538-81, 477-86, 404-94 AND
5 33-97) TO EXPAND THE PROJECT AREA BY ADDING LAND CONSISTING OF A
6 PORTION OF THE BLOCK BOUNDED BY MARKET, FOURTH, MISSION AND FIFTH
7 STREETS AND A PORTION OF MISSION STREET BETWEEN FOURTH AND FIFTH
8 STREETS, SPECIFICALLY INCLUDING ASSESSOR'S BLOCK 3705, LOTS 9, 10, 12, 13,
9 14, 15, 17, 18, 33, 38 AND 43; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA
10 ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT THE REDEVELOPMENT
11 PLAN AMENDMENT IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT
12 PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1; ADOPTING OTHER
13 FINDINGS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW; AND
14 APPROVING CERTAIN LIMITATIONS ON DEVELOPMENT FEES AND EXACTIONS
15 UNDER THE REDEVELOPMENT PLAN IN CONSIDERATION OF PUBLIC BENEFITS
16 AFFORDED BY THE PROJECT.
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18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. FINDINGS. The Board of Supervisors of the City and County of
20 San Francisco hereby finds, determines and declares, based on the record before it, including
21 but not limited to reports and analyses prepared by expert real estate economics consultants
22 and information contained in the Report on the Plan Amendment, that:

23 A. On April 25, 1966, the Board of Supervisors approved and adopted a
24 Redevelopment Plan for the Yerba Buena Center Project Area by Ordinance No. 98-66 and
25 designated such approved plan as the official Redevelopment Plan for the Yerba Buena

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1 Center Project Area. Since then, the Board has amended such Redevelopment Plan nine
2 times: by Ordinance No. 201-71 on July 26, 1971, by Ordinance No. 393-73 on October 9,
3 1973, by Ordinance No. 386-76 on September 13, 1976, by Ordinance No. 367-77 on August
4 8, 1977, by Ordinance No. 420-79 on August 13, 1979, by Ordinance No. 538-81 on
5 November 2, 1981, by Ordinance No. 477-86 on December 1, 1986, by Ordinance No. 404-94
6 on November 21, 1994, and by Ordinance No. 33-97 on January 27, 1997. Ordinance No.
7 98-66, as it has been amended (the "Redevelopment Plan"), is by this reference incorporated
8 and made a part hereof as though fully set forth herein.

9 B. Working in conjunction with the City's Planning Department, the Redevelopment
10 Agency of the City and County of San Francisco (the "Redevelopment Agency") has proposed
11 an amendment to the Redevelopment Plan for the Yerba Buena Center Redevelopment
12 Project Area to expand the existing project area (the "YBC Project Area") by adding a portion
13 of the block bounded by Market, Fourth, Mission and Fifth Streets (including the site of the
14 Emporium building and related buildings and a portion of Jessie Street) and a portion of
15 Mission Street between Fourth and Fifth Streets, specifically including Assessor's Block 3705,
16 Lots 9, 10, 12, 13, 14, 15, 17, 18, 33, 38 and 43, as more particularly described in the
17 Redevelopment Plan Amendment referred to in paragraph C below (the "Emporium Site
18 Area"). The YBC Project Area, together with the Emporium Site Area, is sometimes referred
19 to herein as the "Amended Project Area."

20 C. The Redevelopment Agency has transmitted to this Board of Supervisors
21 certified copies of its Resolution No. 144-2000, adopted following a duly noticed public
22 hearing held on August 15, 2000, attaching its report to the Board of Supervisors (the
23 "Report on the Plan Amendment") and recommending the adoption of an amendment to the
24 Redevelopment Plan for the Yerba Buena Center Redevelopment Project Area to expand the
25 Project Area to include the Emporium Site Area (the "Redevelopment Plan Amendment").

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1 Copies of the Redevelopment Plan Amendment and of the Agency's Report on the Plan
2 Amendment are on file with the Clerk of the Board of Supervisors in File No. 001257

3 The Report on the Plan Amendment was prepared pursuant to and in accordance with
4 Sections 33457.1 and 33352 of the California Health and Safety Code and has been made
5 available to the public before the date of the hearing on this Ordinance approving the
6 Redevelopment Plan Amendment.

7 D. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health
8 and Safety Code, and in order to promote development in accordance with objectives and
9 purposes of the Redevelopment Plan Amendment and documents relating to the
10 Redevelopment Plan Amendment, the City intends to aid and cooperate with the Agency to
11 undertake and complete proceedings and actions necessary to be carried out by the City
12 under the provisions of the Redevelopment Plan Amendment and provide for the expenditure
13 of monies by the community in carrying out the Redevelopment Plan Amendment.

14 E. The Planning Commission has reviewed the proposed Redevelopment Plan
15 Amendment and has transmitted to this Board of Supervisors copies a certified copy of its Resolution
16 Nos. 15947, 15948, adopted on August 17, 2000, in which the Planning Commission
17 finds that the proposed Redevelopment Plan Amendment, when effective, will be consistent
18 with the General Plan of the City and County of San Francisco, as amended, and consistent
19 with the eight Priority Policies of City Planning Code Section 101.1, and recommends the
20 adoption of the Redevelopment Plan Amendment to this Board of Supervisors. A copy of the
21 Planning Commission Resolution referred to above together with related documents are on
22 file with the Clerk of the Board of Supervisors in File No. 001257 and are hereby
23 incorporated herein by reference.

24 F. In Resolution No. 812-00, a copy of which is on file with the

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1 Clerk of the Board of Supervisors in File No. 001265, this Board of Supervisors
2 affirmed the Planning Commission's and Redevelopment Commission's certification of the
3 Final Supplemental Environmental Impact Report for the Yerba Buena Redevelopment
4 Project Area Expansion/Emporium Site Development (SCH. No. 98072072) (the "FSEIR") as
5 adequate and complete pursuant to the California Environmental Quality Act ("CEQA"), the
6 State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. In such
7 Resolution, this Board also adopted findings in connection with the FSEIR, including an
8 Addendum thereto, and its actions related to the Yerba Buena Redevelopment Project Area
9 Expansion, including the actions contemplated herein, and adopted a mitigation monitoring
10 and reporting program. This Board hereby incorporates by reference as if fully set forth herein
11 such Resolution, including its findings and mitigation program, and relies on such Resolution
12 as the CEQA basis for the actions proposed in this legislation.

13 G. On October 10, 2000, the Board of Supervisors held a public hearing on
14 the Redevelopment Plan Amendment. The hearing has been closed. Notice of such hearing
15 was published in accordance with Section 33452 of the California Health and Safety Code
16 and Section 6063 of the California Government Code, in the San Francisco Independent, a
17 newspaper of general circulation, printed, published and distributed in the City and County of
18 San Francisco. At such hearing the Board considered the report and recommendations of the
19 Redevelopment Agency and the Planning Commission, the FSEIR, including the Addendum
20 thereto, and all evidence and testimony for and against the proposed Redevelopment Plan.
21 The Board hereby adopts written findings to the extent required by the Community
22 Redevelopment Law as set forth in this Ordinance.

23 H. Due to the great need for low and moderate income housing at affordable cost in
24 all areas of the City as shown in the "Analysis of the OAHPP Formula prepared by the
25 Department of City Planning in November 1994" (as identified in Section 313.2 of the Planning

1 Code) and in the Jobs Housing Nexus Analysis prepared by Keyser Marston Associates, Inc.
2 in June 1999, and due to the lack of available sites for such housing in redevelopment project
3 areas, the Agency's use of funds in the Low and Moderate Income Housing Fund created
4 under Board of Supervisors' Resolution No. 489-89 both inside and outside of the Amended
5 Project Area will benefit the Amended Project Area by helping to achieve the objectives of the
6 Redevelopment Plan as modified by the Redevelopment Plan Amendment.

7 I. The Redevelopment Plan Amendment includes certain City development fees
8 and exactions to development of a project within the Emporium Site Area ("Project").
9 Specifically, in the Redevelopment Plan Amendment, such fees and exactions are limited to
10 those in effect as of January 13, 2000 (the date the FSEIR was certified) as to any
11 development project for which the initial building or site permits are issued twenty-four (24)
12 months after the effective date of the Redevelopment Plan Amendment, subject to limited
13 extensions as provided in the Redevelopment Plan Amendment. Such limitation is
14 appropriate in consideration of the public benefits from redevelopment of the Emporium Site
15 Area (including the set aside of increment for affordable housing in excess of the minimum
16 requirements under redevelopment law) and is, according to the facts and analyses set forth
17 in the Report on the Plan Amendment and related documents, including but not limited to
18 reports and analyses prepared by expert real estate consultants, necessary in order to make
19 the project feasible and achieve the objectives of the Redevelopment Plan Amendment.

20 J. The Redevelopment Plan Amendment provides for the preservation of
21 historically significant features of the Emporium Building (Lot 43 of Block 3705), as such
22 features are generally described in the FSEIR.

23 K. Pursuant to Sections 33205 and 33128 of the Community Redevelopment Law,
24 the Redevelopment Agency may delegate to the City's Planning Department certain

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1 administration of the development controls over the Emporium Site Area set forth in the
2 Redevelopment Plan Amendment.

3 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of
4 Supervisors with respect to this Ordinance are to expand the YBC Project Area by adding the
5 Emporium Site Area in accordance with the Community Redevelopment Law of California
6 (California Health and Safety Code Sections 33000 *et seq.*) and to achieve the objectives for
7 redevelopment of the Emporium Site Area specified in the Redevelopment Plan Amendment.

8 Section 3. By this reference, the Redevelopment Plan Amendment, a copy of which
9 is on file with the Clerk of the Board of Supervisors under File No. 001257, is
10 incorporated in and made a part of this Ordinance with the same force and effect as though
11 set forth fully herein.

12 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE
13 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,
14 determines and declares, based on the the record before it, including but not limited to reports
15 and analyses prepared by expert real estate economics consultants and information
16 contained in the Report on the Plan Amendment, that:

17 A. The Emporium Site Area, which is the subject of the Redevelopment Plan
18 Amendment, is a blighted area (as described in the Report on the Plan Amendment), the
19 redevelopment of which is necessary to effectuate the public purposes declared in the
20 Community Redevelopment Law.

21 B. The Redevelopment Plan Amendment will redevelop the Emporium Site Area as
22 set forth in the Report on the Plan Amendment in conformity with the Community
23 Redevelopment Law and in the interests of the public peace, health, safety, and welfare.

24 C. The adoption and carrying out of the Redevelopment Plan Amendment is
25 economically sound and feasible as described in the Report on the Plan Amendment.

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1 D. The Redevelopment Plan Amendment, once effective, will be consistent with the
2 General Plan of the City and County of San Francisco, as amended, including, but not limited
3 to, the housing element of the General Plan, which substantially complies with the
4 requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of
5 Title 7 of the California Government Code and other applicable requirements of law, and is
6 consistent with the eight Priority Policies in City Planning Code Section 101.1 for the reasons
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rt 7 set forth in City Planning Commission Resolution Nos. 15947, 15948, which findings are
8 incorporated herein by reference as though fully set forth herein.

9 E. The carrying out of the Redevelopment Plan Amendment will promote the public
10 peace, health, safety and welfare of the community and effectuate the purposes and policies
11 of the Community Redevelopment Law as generally described in the Report on the Plan
12 Amendment.

13 F. The condemnation of real property, to the extent provided for in the
14 Redevelopment Plan Amendment is necessary to the execution of the Redevelopment Plan
15 Amendment. No residential property is proposed to be the subject of any eminent domain
16 action. Adequate provisions have been made for payment for property to be so acquired as
17 provided by law.

18 G. According to the Report on the Plan Amendment, there are no persons living in
19 housing facilities in the Emporium Site Area who will be displaced by the Redevelopment Plan
20 Amendment. Accordingly, no residential relocation plan is required.

21 H. There are no non-contiguous areas in the Emporium Site Area.

22 I. The Emporium Site Area includes lands, buildings and improvements which are
23 not individually detrimental to the public health, safety or welfare but which are necessary for
24 the effective redevelopment of the Emporium Site Area. Any area included in the Emporium
25 Site Area is necessary for effective redevelopment and is not included for the purpose of

1 obtaining an allocation of tax increment revenues from the Emporium Site Area pursuant
2 Section 33670 of the California Health and Safety Code without other substantial justification
3 for its inclusion.

4 J. The elimination of blight and the redevelopment of the Emporium Site Area
5 could not reasonably be expected to be accomplished by private enterprise acting alone
6 without the aid and assistance of the Redevelopment Agency.

7 K. The Emporium Site Area is predominantly urbanized, as defined by California
8 Health and Safety Code Section 33320.1(b).

9 L. The time limitation and the limitation on the number of dollars to be allocated to
10 the Redevelopment Agency that are contained in the Redevelopment Plan Amendment are
11 reasonably related to the proposed projects to be implemented in the Emporium Site Area and
12 to the ability of the Redevelopment Agency to eliminate blight within the Emporium Site Area.

13 M. The Agency's expenditure of funds in the Low and Moderate Income Housing
14 Fund created under Board of Supervisors' Resolution No. 498-89 within the territorial limits of
15 the City, whether within or outside the territorial limits of the Amended Project Area, will be of
16 benefit to the Amended Project Area for the reasons set forth in Section 1.I above.

17 Section 5. Pursuant to Section 33450 of the California Health and Safety Code, the
18 Board of Supervisors hereby approves and adopts the Redevelopment Plan Amendment, and
19 Ordinance No. 98-66, as amended by Ordinance Nos. 201-71, 393-73, 386-76, 367-77, 420-
20 79, 538-81, 477-86, 404-94, and 33-97, is hereby further amended by this Ordinance. The
21 Redevelopment Plan, as amended by this Ordinance, will expand the YBC Project Area to
22 include the Emporium Site Area as described in this Ordinance.

23 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a
24 copy of this Ordinance to the Redevelopment Agency pursuant to California Health and Safety
25 Code Section 33372, whereupon the Redevelopment Agency shall be vested with the

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1 responsibility for carrying out the Redevelopment Plan Amendment, (2) record or ensure that
2 the Redevelopment Agency records a description of the Emporium Site Area and a certified
3 copy of this Ordinance pursuant to California Health and Safety Sections 33456, and
4 (3) transmit, by certified mail, return receipt requested, a copy of this Ordinance, together with
5 a copy of the Redevelopment Plan Amendment, which contains a legal description of the
6 Project Area and a map indicating the boundaries of the Emporium Site Area, to the
7 Controller, the Tax Assessor, the State Board of Equalization and the governing body of all
8 taxing agencies in the Amended Project Area pursuant to California Health and Safety Code
9 Sections 33457 and 33670.

10 Section 7. In accordance with Section 33220, 33343, 33344 and 33370 of the
11 Community Redevelopment Law, the Board of Supervisors declares its intent to undertake
12 and complete actions and proceedings necessary to be carried out by the City under the
13 Redevelopment Plan Amendment and related Plan Documents and authorizes and urges the
14 Mayor and other applicable officers, commissions and employees of the City to take any and
15 all steps as they or any of them deem necessary or appropriate, in consultation with the City
16 Attorney, to cooperate with the Agency in the implementation of the Redevelopment Plan
17 Amendment and to effectuate the purposes and intent of this Ordinance, such determination
18 to be conclusively evidenced by the execution and delivery by such person or persons of any
19 such documents. Such steps shall include, but not limited to (i) the execution and delivery of
20 any and all agreements, notices, consents and other instruments or documents (including,
21 without limitation, execution by the Mayor, or the Mayor's designee, of any agreements to
22 extend any applicable statutes of limitation) and (ii) the institution and completion of
23 proceedings for the closing, vacating, opening, acceptance of dedication and other necessary
24 modifications of public streets, sidewalks, street layout and other rights-of-way in the
25 Emporium Site Area.

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1 Section 8. The approval under this Ordinance shall take effect upon the effective
2 date of the amendments to the General Plan approved under Board of Supervisors Ordinance
3 No. 229-00, adopted on October 13, 2000.

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5 APPROVED AS TO FORM:
6 LOUISE H. RENNE, City Attorney
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9 By: 
10 JESSE CAPIN SMITH
11 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 001257

Date Passed:

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Yerba Buena Center Project Area (Ordinance No. 98-66, amended by Ordinance Nos. 202-71, 393-73, 386-76, 367-77, 420-97, 538-81, 477-86, 404-94, and 33-97) to expand the project area by adding land consisting of a portion of the block bounded by Market, Fourth, Mission and Fifth Streets and a portion of Mission Street between Fourth and Fifth Streets, specifically including Assessor's Block 3705, Lots 9, 10, 12, 13, 14, 15, 17, 18, 33, 38 and 43; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan amendment is consistent with the city's General Plan and Eight Priority Policies of city Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and approving certain limitations on development fees and exactions under the Redevelopment Plan in consideration of public benefits afforded by the project.

August 28, 2000 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee
Excused: 2 - Becerril, Newsom

September 18, 2000 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 8 - Ammiano, Bierman, Brown, Kaufman, Leno, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Becerril, Newsom

September 25, 2000 Board of Supervisors — AMENDED

Ayes: 7 - Ammiano, Bierman, Katz, Kaufman, Leno, Newsom, Yaki
Absent: 3 - Brown, Teng, Yee
Excused: 1 - Becerril

September 25, 2000 Board of Supervisors — CONTINUED AS AMENDED ON FIRST READING

Ayes: 7 - Ammiano, Bierman, Katz, Kaufman, Leno, Newsom, Yaki
Absent: 3 - Brown, Teng, Yee
Excused: 1 - Becerril

October 2, 2000 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Noes: 1 - Ammiano
Absent: 1 - Katz
Excused: 1 - Becerril

October 10, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee

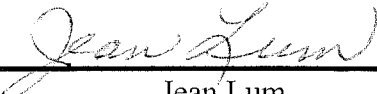
Noes: 1 - Ammiano

Absent: 1 - Katz

Excused: 1 - Becerril

File No. 001257


I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 10, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Jean Lum
Acting Clerk of the Board

OCT 13 2000

Date Approved



Mayor Willie L. Brown Jr.