

1 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area]

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3 **Ordinance approving a minor amendment to the Redevelopment Plan for the Transbay**
 4 **Redevelopment Project Area to provide bulk limits for general office buildings in Zone**
 5 **One; and making findings under the California Environmental Quality Act, and findings**
 6 **of consistency with the General Plan, and the eight priority policies of Planning Code,**
 7 **Section 101.1.**

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

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

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15 Section 1. **Findings.** The Board of Supervisors of the City and County of San
 16 Francisco (the “Board of Supervisors” or “Board”) makes the following findings,
 17 determinations, and declarations, based on the record before it, including but not limited to,
 18 information contained in the Report to the Board of Supervisors on the Minor Amendment to
 19 the Redevelopment Plan for the Transbay Redevelopment Project Area (“Report to the
 20 Board”), dated _____ and on file with the Clerk of the Board in File No. _____.

21 (a) The San Francisco Redevelopment Agency approved the Redevelopment Plan for
 22 the Transbay Redevelopment Project Area (the “Redevelopment Plan”) by Resolutions No.
 23 19-2005 (January 25, 2005) and No. 95-2005 (June 7, 2005). Copies of these resolutions are
 24 on file with the Clerk of the Board in File No. 050184.

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1 (b) The Board of Supervisors approved the Redevelopment Plan by Ordinances No.
2 124-05 (June 21, 2005) and No. 99-06 (May 9, 2006). Copies of these ordinances are on file
3 with the Clerk of the Board in File Nos. 050184 and 060347 respectively.

4 (c) On February 1, 2012, the former San Francisco Redevelopment Agency (“Former
5 Agency”) was dissolved pursuant to the provisions of California State Assembly Bill No. 1X 26
6 (Chapter 5, California Statutes of 2011-12, First Extraordinary Session) (“AB 26”) that were
7 upheld by the California Supreme Court in *California Redevelopment Association v.*
8 *Matosantos*, 53 Cal.4th 231 (2011). On June 27, 2012, AB 26 was amended in part by
9 California State Assembly Bill No. 1484 (Chapter 26, California Statutes of 2011-12) (“AB
10 1484”). Together, AB 26 and AB 1484 are primarily codified in Sections 34161 et seq. of the
11 California Health and Safety Code, as amended from time to time, and are referred to as the
12 “Redevelopment Dissolution Law”.

13 (d) Pursuant to the Redevelopment Dissolution Law, all of the Former Agency’s
14 assets, other than housing assets, and obligations were transferred to the Office of
15 Community Investment and Infrastructure, as the Successor Agency to the Former Agency
16 (“OCII” or “Successor Agency”). Some of the Former Agency’s housing assets were
17 transferred to the City, acting by and through the Mayor’s Office of Housing and Community
18 Development.

19 (e) Subsequent to the adoption of AB 1484, on October 2, 2012, the Board of
20 Supervisors, acting as the legislative body of the Successor Agency, adopted Ordinance No.
21 215-12, which, among other matters, delegated to the Successor Agency Commission,
22 commonly known as the Commission on Community Investment and Infrastructure, the
23 authority to (1) act in the place of the Redevelopment Commission to, among other matters,
24 implement, modify, enforce, and complete the Former Agency’s enforceable obligations; (2)
25 approve all contracts and actions related to the assets transferred to or retained by the

1 Successor Agency, including, without limitation, the authority to exercise land use,
2 development, and design approval, consistent with the applicable enforceable obligations; and
3 (3) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf
4 of the Successor Agency and any other action that the Successor Agency Commission deems
5 appropriate, consistent with the Redevelopment Dissolution Law, to comply with such
6 obligations. A copy of this ordinance is on file with the Clerk of the Board in File No. 120892.

7 (f) The Board of Supervisors' delegation to the Successor Agency Commission
8 includes authority to exercise land use, development, and design approvals for the Transbay
9 Redevelopment Project Area ("Project Area") and to approve amendments to the
10 Redevelopment Plan as allowed under California Community Redevelopment Law (California
11 Health and Safety Code Section 33000 et seq.) ("CRL" or "Redevelopment Law") and subject
12 to adoption of such plan amendments by the Board of Supervisors.

13 (g) For minor plan amendments, Sections 33450-33458 of the CRL sets forth a
14 simplified amendment process. This process includes a publicly noticed hearing of the
15 Successor Agency Commission; environmental review to the extent required; adoption of the
16 minor amendment by the Successor Agency Commission after the public hearing; preparation
17 of a report to the legislative body; referral of the amendment to the Planning Commission, if
18 warranted; a publicly noticed hearing of the legislative body; and a legislative body
19 consideration after its hearing. CRL Sections 33352 and 33457.1 further require the
20 preparation of a report to the legislative body regarding the plan amendment in order to
21 provide relevant background information in support of the need purpose and impacts of the
22 plan amendment.

23 (h) The Redevelopment Plan establishes the land use controls for the Project Area
24 and divides the Project Area into two subareas. Zone One is generally bounded by Harrison
25 or Folsom Street on the south; Clementina, Tehama, or Natoma Street on the north; Main or

1 Spear Street on the east; and Second or Ecker Street on the west. In Zone 1 the
2 Redevelopment Plan defines the land uses. Zone One is intended to be developed with
3 predominantly residential uses; however, the Redevelopment Plan authorizes general office
4 uses on specific sites within this Zone. Zone Two is generally bounded by Harrison,
5 Clementina, Tehama, or Natoma Street on the south; Minna or Mission Street on the north;
6 Main Street on the east; and Second Street on the west. In Zone 2 the San Francisco
7 Planning Code applies.

8 (i) The Redevelopment Plan and ancillary land use controls, including the
9 Development Controls and Design Guidelines for the Transbay Redevelopment Project
10 (“Development Controls”), already authorize the development of general office uses on
11 specific sites in Zone One. Specifically, Section 3.3.1 of the Redevelopment Plan expressly
12 authorizes the development of general office uses within Zone One in areas (1) north of
13 Howard Street, and (2) north of Folsom Street and west of Ecker Street, which together
14 comprise a small area of Zone One, limited to portions of two City blocks, i.e. Blocks 5 and 10.

15 (j) A modification to general office development controls under the Redevelopment
16 Plan would not have an actual effect on Block 10. The Transbay Redevelopment Project Area
17 Streetscape and Open Space Concept Plan specifies that the western portion of Block 10
18 (Assessor’s Block 3736, Lot 018) must be developed as open space. The eastern portion of
19 Block 10 (Assessor’s Block 3736, Lot 156) is already developed with an office use with a
20 height limit of 85 feet under the Redevelopment Plan.

21 (k) The Development Controls implement the Redevelopment Plan’s authorization for
22 the development of general office uses within Zone One and provide additional guidance for
23 the office development of Block 5, which is generally bounded by Howard Street on the south,
24 Natoma Street on the north, Main Street on the east, and Beale Street on the west. The
25 Development Controls anticipate that in the event a commercial land use alternative is applied

1 to Block 5, “. . . the development density shall be that of the downtown commercial C-3-O
2 district in the Planning Code.” However, the Redevelopment Plan contains language
3 imposing inappropriate bulk limits on commercial development in Block 5.

4 (l) As set forth more fully in subsection (o) below, the Successor Agency Commission
5 recommends approval of a proposed minor amendment to the Redevelopment Plan (the “Plan
6 Amendment” or “Minor Plan Amendment”), which would provide that the maximum floor plate
7 sizes for general office buildings in Zone One shall be consistent with the bulk limits permitted
8 by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk Limits: Special Exceptions in C-3
9 Districts) of the Planning Code, as amended from time to time, for development within the C-
10 3-O (“Downtown Office”) District. Thus, the Minor Amendment makes no substantial change in
11 the authorized land uses under the Redevelopment Plan.

12 (m) In accordance with Sections 33352 and 33457.1 of the CRL, the Successor
13 Agency has prepared a Report to the Board and made it available to the public on or before
14 the date of the notice of the public hearing, held in accordance with Section 33452, on this
15 ordinance approving the Minor Plan Amendment; said hearing is referenced in subsection (o)
16 below.

17 (n) **General Plan and Planning Code Section 101.1 Findings.** The Successor
18 Agency transmitted the Plan Amendment to the Planning Department for the Planning
19 Department’s recommendation concerning the conformity of the Plan Amendment with the
20 General Plan. In a letter dated _____, 2015, the Planning Department found that the
21 Plan Amendment is, on balance, consistent with the General Plan and in conformity with the
22 priority policies in Planning Code Section 101.1. A copy of this letter is on file with the Clerk of
23 the Board in File No. _____ and incorporated herein by reference. This Board adopts as its
24 own the findings of the Planning Department that the Plan Amendment is, on balance,
25 consistent with the General Plan and in conformity with Planning Code Section 101.1.

1 (o) **Successor Agency Commission Action.** On April 7, 2015, after holding a duly
2 noticed public hearing in accordance with CRL Section 33452, the Successor Agency
3 Commission, in Resolution Nos. 15-2015 and 16-2015, approved the Report to the Board and
4 made certain findings. It determined, consistent with its authority under Redevelopment
5 Dissolution Law, that a minor amendment to the Redevelopment Plan providing that the
6 maximum floor plate sizes for general office buildings in Zone One be consistent with the bulk
7 limits permitted by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk Limits: Special
8 Exceptions in C-3 Districts) of the Planning Code, as amended from time to time, for
9 development within the C-3-O District (“Downtown Office”) is necessary and desirable for
10 implementation of the Redevelopment Plan. The Successor Agency also adopted the Minor
11 Plan Amendment. The Successor Agency has transmitted to the Board of Supervisors
12 certified copies of these Resolutions and attached its Report to Board. Copies of these
13 documents are on file with the Clerk of the Board in File No. _____ and are
14 incorporated herein by reference.

15 (p) The Board of Supervisors held a public hearing on _____, 2015, on
16 the adoption of the Minor Plan Amendment. The hearing has been closed. Notice of such
17 hearing was published in a newspaper of general circulation in the City once per week for
18 three successive weeks prior to the date of such hearing in accordance with Redevelopment
19 Law Section 33452. At such hearing the Board considered the report and recommendations
20 of the Successor Agency Commission, the Planning Department’s letter, the Final
21 Environmental Impact Statement/Environmental Impact Report for the Transbay
22 Terminal/Caltrain Downtown Extension/Redevelopment Project (“FEIS/EIR”), and all evidence
23 and testimony regarding the Plan Amendment. The Board hereby adopts findings to the
24 extent required by the CRL as set forth in this Section 1.

25 (q) **California Environmental Quality Act Findings.**

1 (1) The Board of Supervisors, in Motion No. 04-67, affirmed the certification
2 under the California Environmental Quality Act (“CEQA”) of the FEIS/EIR. Subsequently, the
3 Board, in Resolution No. 612-04, adopted CEQA findings that various actions related to the
4 Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project complied with
5 CEQA. As part of this action, the Board imposed mitigation measures, rejected alternatives,
6 adopted a statement of overriding benefits, and approved a mitigation monitoring and
7 reporting program. Also, the Board, in Ordinance Nos. 124-05 and 99-06, adopted additional
8 CEQA findings. The FEIS/EIR expressly contemplated development of commercial office and
9 hotel uses within the Project Area, including up to 848,435 square feet of mixed-use office and
10 retail development on Block 5 of Zone One. The Board motion, resolution, and ordinances
11 are on file with the Clerk of the Board in File Nos. 040629, 041079, 050184, and 060347
12 respectively and are incorporated herein by reference.

13 (2) The Successor Agency has reviewed the FEIS/EIR and the Minor Plan
14 Amendment and determined that development resulting from the Minor Plan Amendment
15 requires no additional environmental review pursuant to State CEQA Guidelines Sections
16 15180, 15168, 15162, and 15163. All environmental effects of the Minor Plan Amendment
17 have been considered and analyzed in the prior FEIS/EIR and subsequent FEIS/EIR Addenda
18 Nos. 1-6. These documents and supporting administrative record data are on file with the
19 Successor Agency in its offices at 1 So. Van Ness Avenue, San Francisco, 94102, and are
20 incorporated herein by reference.

21 (3) The CEQA findings and statement of overriding considerations adopted in
22 accordance with CEQA by this Board as set forth above remain adequate, accurate, and
23 objective.

24 (4) The Board has reviewed and considered the CEQA findings that it
25 previously adopted. It also reviewed and considered the CEQA findings contained in

1 Successor Agency Resolution Nos. 15-2015 and 16-2015, and hereby adopts those additional
2 CEQA findings as its own. The Board additionally finds that : (A) implementation of the Plan
3 Amendment does not require revisions to the FEIS/EIR due to involvement of new significant
4 environmental effects or a substantial increase in the severity of previously identified
5 significant effects; (B) no substantial changes have occurred with respect to the
6 circumstances under which the project analyzed in the FEIS/EIR will be undertaken that would
7 require major revisions to the FEIS/EIR due to the involvement of new significant
8 environmental effects, or a substantial increase in the severity of effects identified in the
9 FEIS/EIR; and (C) no new information of substantial importance to the project analyzed in the
10 FEIS/EIR has become available that would indicate that (i) the Plan Amendment will have
11 significant effects not discussed in the FEIS/EIR; (ii) significant environmental effects will be
12 substantially more severe; (iii) mitigation measures or alternatives found not feasible that
13 would reduce one or more significant effects have become feasible; or (iv) mitigation
14 measures or alternatives that are considerably different from those in the FEIS/EIR will
15 substantially reduce one or more significant effects on the environment. Copies of the
16 abovementioned resolutions are on file with the Clerk of the Board in File No.
17 _____.

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19 Section 2. **Purpose and Intent.** The purpose and intent of the Board of Supervisors
20 with respect to the Plan Amendment is to make general office development within Zone One
21 subject to bulk limits permitted by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk
22 Limits: Special Exceptions in C-3 Districts) of the Planning Code, as amended from time to
23 time, for development within the C-3-O (“Downtown Office”) Zoning District.

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1 Section 3. **Plan Incorporation by Reference.** The Redevelopment Plan as amended
2 by this ordinance is incorporated in and made a part of this ordinance by this reference with
3 the same force and effect as though set forth fully in this ordinance.

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5 Section 4. **Redevelopment Plan Amendment.**

6 (a) Section 3.5.2 of the Redevelopment Plan is hereby amended to read as follows:

7 The Zone One Plan Map and the table and text below illustrate the heights and floor
8 plate sizes permitted for *residential* buildings in Zone One.

9 Maximum Floor Plates for Residential Buildings

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<u>Building Height (feet)</u>	<u>Maximum Floor Plate Size (square feet)</u>
<u>85-250</u>	<u>7,500</u>
<u>251-300</u>	<u>10,000</u>
<u>301-350</u>	<u>10,500</u>
<u>351-400</u>	<u>11,000</u>
<u>401-450</u>	<u>11,500</u>
<u>451-500</u>	<u>12,000</u>
<u>501-550</u>	<u>13,000</u>

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21 For *residential* towers above 500 feet in total height, the average floor plate size of the
22 portion of the tower above 350 feet must not exceed 12,000 square feet. Below 85 feet, no
23 bulk controls will apply.

24 The bulk controls for residential buildings prescribed in this section have been carefully
25 considered in relation to the objectives and policies for Zone One of the Project Area. The

1 maximum average floor plate size above 350 feet for residential towers with heights of 501-
2 550 feet has been written to conform to the San Francisco Downtown Area Plan. There may
3 be some exceptional cases in which the maximum average floor plate above 350 feet for
4 residential towers with heights of 501-550 feet could be permitted to be exceeded. The
5 Successor Agency Commission may approve exceptions to this control provided that the
6 project sponsors demonstrate that all of the design guidelines for residential towers in the
7 Development Controls and Design Guidelines are incorporated into the tower design. In no
8 case shall residential tower floor plates exceed 13,000 square feet.

9 For general office buildings in Zone One, the maximum floor plate sizes shall be consistent with
10 the bulk limits permitted by Sections 270 (Bulk Limits: Measurement) and 272 (Bulk Limits: Special
11 Exceptions in C-3 Districts) of the Planning Code, as amended from time to time, for the C-3-O
12 District (Downtown Office).

13 14 Section 5. **Further Findings and Determinations under Community**

15 **Redevelopment Law.** The Board of Supervisors hereby makes the following findings,
16 determinations, and declarations, based on the record before it, including but not limited to
17 information contained in the Report to the Board.

18 (a) The purpose of the Plan Amendment is to facilitate on Block 5 of the Project Area,
19 general office use that is already permitted under the Redevelopment Plan and the
20 Development Controls.

21 (b) Although significant improvements have occurred in the Project Area since
22 adoption of the Redevelopment Plan, most of Block 5 remains an undeveloped and blighted
23 area currently used for surface parking and storage. The Plan Amendment will alleviate the
24 adverse physical and economic conditions on Block 5 by maximizing developable square feet,
25 creating an efficient and leasable general office building.

1 (c) The Plan Amendment will redevelop the Project Area as set forth in the Report to
2 the Board in conformity with Redevelopment Law and promote the public peace, health,
3 safety, and welfare.

4 (d) The adoption and carrying out of the Plan Amendment is economically sound and
5 feasible as described in the Report to the Board. Private enterprise will finance the
6 commercial development on Block 5. The Plan Amendment does not propose any new
7 Successor Agency capital expenditures, involve any new indebtedness or financial obligation
8 of the Successor Agency, or change the Successor Agency's overall method of financing the
9 redevelopment of the Project Area.

10 (e) For the reasons set forth in subsection (n) of Section 1 above, the Plan
11 Amendment is consistent with the General Plan of the City and County of San Francisco and
12 in conformity with the priority policies in City Planning Code Section 101.1.

13 (f) The Plan Amendment does not authorize the condemnation of real property.

14 (g) The Plan Amendment does not displace any occupants of housing in the Project
15 Area and thus no residential relocation plan is required.

16 (h) There are no non-contiguous areas in the Project Area.

17 (i) The Plan Amendment does not change the boundaries of the Project Area.

18 (j) The elimination of blight and redevelopment of the Project Area could not be
19 reasonably expected to be accomplished by private enterprise acting alone without the
20 application of the appropriate land use controls.

21 (k) The Project Area is predominantly urbanized, as defined by Redevelopment Law
22 Section 33320.1(b).

23 (l) The Plan Amendment changes neither the Redevelopment Plan's time limitation nor
24 its limitation on the number of dollars to be allocated to the Successor Agency.

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1 Section 6. **Official Plan.** As required by Sections 33457.1 and 33367 of the CRL, the
2 Board of Supervisors hereby approves and adopts the Redevelopment Plan, as amended by
3 the Plan Amendment, as the official Redevelopment Plan for the Transbay Redevelopment
4 Project Area. A copy of the Plan is in Clerk of the Board File Nos. 050184, 060347. A copy of
5 the Plan Amendment is in Clerk of the Board File No. _____. These documents are
6 incorporated herein by reference.

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8 Section 7. **Continued Effect of Previous Ordinances as Amended.** Ordinance
9 Nos. 124-05 and 99-06 remain in full force and effect as amended by this ordinance.

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11 Section 8. **Transmittal of Plan as Amended.** The Clerk of the Board of Supervisors
12 shall (a) transmit a copy of this ordinance to the Successor Agency, whereupon the
13 Successor Agency shall be vested with the responsibility for carrying out the Redevelopment
14 Plan as amended, and (b) record or ensure that the Successor Agency records a notice of the
15 approval and adoption of the Plan Amendment pursuant to this ordinance, containing a
16 statement that the proceedings for the redevelopment of the Project Area pursuant to the Plan
17 Amendment have been instituted under the CRL.

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19 Section 9. **Ratification of Prior and Subsequent Acts.** All actions heretofore taken
20 by the officers and agents of the City and the Successor Agency Commission in preparing
21 and submitting the Plan Amendment to the Board of Supervisors for review and consideration,
22 as consistent with the documents herein and this ordinance, are hereby ratified and
23 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken
24 by City officials and the Successor Agency Commission consistent with this ordinance. Any
25 such actions are solely intended to further the purposes of the ordinance, and are subject in

1 all respects to the terms of the ordinance, and any such action cannot increase the risk to the
2 City, or require the City to spend any resources, and within 30 days of the documents
3 approved by this ordinance receiving final approvals, such final documents (showing marked
4 changes, if any) shall be provided to the Clerk of the Board, for inclusion in the official file,
5 together with a brief explanation of any changes from the date of the adoption of this
6 ordinance.

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8 Section 10. **Effective Date.** In accordance with Sections 33378(b)(2) and 33450 of
9 the CRL, this Ordinance shall become effective 90 days after enactment. Enactment occurs
10 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
11 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
12 Mayor's veto of the ordinance.

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14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

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17 By: _____
18 Heidi J. Gewertz
19 Deputy City Attorney

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