

1 [Redevelopment Plan Amendment - Hunters Point Shipyard]

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3 **Ordinance approving and adopting an amendment to the Redevelopment Plan for the**
4 **Hunters Point Shipyard Redevelopment Project Area; directing the Clerk of the Board**
5 **to transmit a copy of this Ordinance upon its enactment to the Successor Agency;**
6 **making findings under the California Environmental Quality Act; and making findings**
7 **of consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1.**

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

13

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

15

16 Section 1. FINDINGS.

17 (a) On July 14, 1997, by Ordinance No. 285-97, the Board of Supervisors approved
18 and adopted the Hunters Point Shipyard Redevelopment Plan (“HPS Plan”), which
19 establishes basic policies for development of the Hunters Point Shipyard Redevelopment
20 Project Area (“HPS Project Area”), pursuant to the Military Base Conversion Chapter of the
21 Community Redevelopment Law California (“CRL”) (California Health and Safety Code
22 Sections 33492 et seq.). On May 23, 2006, by Ordinance No. 113-06, the Board of
23 Supervisors approved and adopted the Redevelopment Plan for the Bayview Hunters Point
24 Redevelopment Project (“BVHP Plan”), which establishes basic policies for development of
25 the Bayview Hunters Point Redevelopment Project Area (“BVHP Project 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, by Ordinance Nos. 0210-10 and 0211-10, the Board of
4 Supervisors approved and adopted amendments to the BVHP Plan and the HPS Plan,
5 respectively, in connection with the approval of the Candlestick Point-Hunters Point Shipyard
6 Phase 2 Project (“Project”).

7 (c) To implement the Project, the Redevelopment Agency and CP Development
8 Co., LP, a Delaware limited partnership ("Developer") entered into various agreements,
9 including a Disposition and Development Agreement (Candlestick Point and Phase 2 of the
10 Hunters Point Shipyard), dated as of June 3, 2010, which the parties previously have
11 amended on two occasions (the “DDA”). The Project proposed a cohesive, overall plan for
12 the development in Phase 2 of the HPS Project Area (which excludes previously authorized
13 development in the Hunters Point Hill Residential District, referred to as “HPS Phase 1”), and
14 development in the Candlestick Point portion of the BVHP Project Area.

15 (d) On July 13, 2010, the Board of Supervisors approved Motion No. 10-0110,
16 affirming the Planning Commission’s certification of the final environmental impact report for
17 the Candlestick Point-Hunters Point Shipyard Phase 2 Project (“FEIR”) in compliance with the
18 California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections
19 21000 et seq.). A copy of said Motion is on file with the Clerk of the Board of Supervisors in
20 File No. 100862 and available on the Board’s website, and is incorporated herein by reference
21 as though fully set forth.

22 (e) The Project, as analyzed in the FEIR and approved, included a new professional
23 football stadium in the HPS Project Area, a mix of other uses throughout the development
24 area, a comprehensive open space plan, an integrated transportation plan, a robust
25 community benefits plan, and improved opportunities to finance the development of affordable

1 housing and the public infrastructure necessary to expedite the revitalization of both areas.
2 Also, as part of the Project, the FEIR analyzed several land use variants, which provided for
3 differing mixes of housing; retail; and research and development and office uses in lieu of the
4 stadium use.

5 (f) Together with approval actions taken in 2010, this Board adopted Resolution
6 No. 347-10, making findings in relation to the Project pursuant to CEQA, including a statement
7 of overriding considerations and a mitigation monitoring and reporting program (“CEQA
8 Findings”). Copies of said Resolution and supporting materials are in the Clerk of the Board of
9 Supervisors File No. 100572 and available on the Board’s website, and the Resolution and
10 supporting materials are incorporated herein by reference as though fully set forth.

11 (g) On February 1, 2012, the State of California dissolved all redevelopment
12 agencies in the state and established successor agencies to assume certain rights and
13 obligations of the former agencies. California Health and Safety Code Sections 34170 et seq.
14 (the “Redevelopment Dissolution Law”). On October 2, 2012, by Ordinance No. 215-12, the
15 Board of Supervisors delegated its state authority under the Redevelopment Dissolution Law
16 to the Successor Agency to the former Redevelopment Agency of the City and County of San
17 Francisco (the “Successor Agency”), established the Commission on Community Investment
18 and Infrastructure (“CCII”), to implement and complete, among other things, the surviving
19 enforceable obligations of the dissolved Redevelopment Agency, and acknowledged that,
20 under the Redevelopment Dissolution Law, the Successor Agency held all transferred assets
21 and obligations of the dissolved Redevelopment Agency. On December 4, 2012, the
22 California Department of Finance finally and conclusively determined that the DDA and
23 related agreements were enforceable obligations of the Successor Agency.

24 (h) On June 13, 2017, the Board of Supervisors approved and adopted, by
25 Ordinance Nos. 0121-17 and 0122-17, respectively, amendments to the HPS Plan and the

1 BVHP Plan to conform the plans to Proposition O, the “Hunters Point Shipyard/Candlestick
2 Point Jobs Stimulus Proposition”, adopted by the San Francisco voters on November 8, 2016.
3 Proposition O exempts the Project from the annual office development cap established under
4 Planning Code, Sections 320-325.

5 (i) The HPS Plan currently provides for the development of a stadium for the 49ers
6 professional football team along with up to 5,875 residential units, 2,500,000 square feet of
7 research and development and office uses and 125,000 square feet of retail use. The HPS
8 Plan also allows an additional 2,500,000 square feet of research and development and office
9 uses in the event the stadium is not constructed.

10 (j) As the 49ers have developed a stadium in Santa Clara, the Developer has
11 proposed modifications to the Project within the HPS Project Area, which would result in a
12 revised street grid and arrangement of development blocks, a reconfiguration of open space
13 and revised land uses. To facilitate the proposed modifications to the Project, the Successor
14 Agency has proposed an amendment to the HPS Plan (“2018 Plan Amendment”), which
15 would accommodate the revised Project layout, continue to allow a maximum of 5,875
16 dwellings units to be constructed in the HPS Project Area, (including housing developed within
17 HPS Phase 1), reduce the amount of research and development and office space currently
18 permitted under the Plan, increase the amount of permitted retail use, and permit hotel and
19 institutional uses, in amounts corresponding to Developer’s proposal.

20 (k) In addition, the 2018 Plan amendment would authorize, subject to prior CCII
21 approval: (1) adjustment of the amount of individual non-residential uses permitted in the HPS
22 Project Area (except for artists or community use space), including conversion to other non-
23 residential uses allowed by the HPS Plan, provided the total square footage of non-residential
24 uses does not materially exceed the Plan’s overall limitation for non-residential development;
25 and (2) the transfer of up to 118,500 square feet of research and development and office

1 space from Phase 2 of the HPS Project Area to those areas of Candlestick Point (BVHP
2 Project Area) where such uses are permitted, with a corresponding reduction in that use in the
3 HPS Project Area. The 2018 Plan Amendment would also make minor amendments to the
4 definitions, regulations, and standards of the HPS Plan.

5 (l) On April 17, 2018, the CCII adopted Resolution Nos. 12-2018 and 13-2018
6 (“CCII Approval Resolutions) which, among other things, approved the Report to the Board
7 and recommended the adoption of the 2018 Plan Amendment. The CCII has transmitted
8 certified copies of the CCII Approval Resolutions to the Board of Supervisors together with its
9 Report to the Board and the amendment to the HPS Plan. A copy of the CCII Approval
10 Resolutions, the Report to the Board, and the 2018 Plan Amendment are in the Clerk of the
11 Board of Supervisors File No. 180515 and available on the Board’s website, and are
12 incorporated herein by reference as though fully set forth.

13 (m) On April 19, 2018, the Successor Agency transmitted the 2018 Plan Amendment
14 to the Planning Commission pursuant to CRL Section 33346 for the Planning Commission’s
15 report and recommendation concerning the 2018 Plan Amendment and its conformity with the
16 General Plan. On April 26, 2018, the Planning Commission, in Resolution No. 20164,
17 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
18 with the City’s General Plan, as amended, and eight priority policies of Planning Code,
19 Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on
20 file with the Clerk of the Board of Supervisors in File No. 180515, and available on the
21 Board’s website and the findings are incorporated by reference herein as though fully set
22 forth.

23 (n) On June 26, 2018, the Board of Supervisors held a duly noticed public hearing
24 on the 2018 Plan Amendment. The hearing has been closed. Notice of such hearing was
25 published in accordance with CRL Section 33361 in The Examiner, a newspaper of general

1 circulation, printed, published and distributed in the City and County of San Francisco
2 describing the boundaries of the HPS Project Area and stating the day, hour and place when
3 and where any interested persons may appear before the Board of Supervisors to object to
4 the 2018 Plan Amendment. At such hearing the Board considered the Report to the Board
5 and recommendations of the CCII and the Planning Commission, the FEIR, and all evidence
6 and testimony for and against the proposed 2018 Plan Amendment.

7 Section 2. CEQA DETERMINATION.

8 (a) The Successor Agency determined in Addendum No. 5 for the Project that the
9 proposed modifications to the Project, referred to in the Addendum No. 5 as the 2018 CP-
10 HPS2 Modified Project (hereinafter referred to as the “Modified Project”) will not result in any
11 new significant impacts or a substantial increase in the severity of previously identified
12 significant effects that would alter the conclusions reached in the FEIR. A copy of Addendum
13 No. 5 and supporting materials are in the Clerk of the Board of Supervisors File No. 180515
14 and available on the Board’s website, and the findings in Addendum No. 5 and supporting
15 materials are incorporated herein by reference as though fully set forth.

16 (b) By Resolution No. 11-2018, adopted April 17, 2018, the CCII determined that
17 the analysis conducted and the conclusions reached in the FEIR as to the environmental
18 effects of the Project, together with further analysis provided in Addendum No. 1, Addendum
19 No. 4 and Addendum No. 5 to the FEIR, remain valid and can be relied upon for approval of
20 the Modified Project in compliance with the CEQA.

21 (c) As part of Resolution No. 11-2018, the CCII made findings regarding the
22 modifications to 16 previously adopted mitigation measures as recommended in Addendum
23 No. 5 and as further set forth in Resolution No 11-2018, and approved the modifications to the
24 adopted mitigation measures. For two of these mitigation measures, Mitigation Measure TR-
25 16, Widen Harney Way, and UT-2, Auxiliary Water Supply System, the language reflects

1 minor changes previously approved based on Addendum No. 1 and Addendum No. 4 as
2 reflected in CCII Resolution Nos. 1-2014 and 13-2016. In addition, CCII Resolution No. 13-
3 2016 approved modifications to Mitigation Measure TR-23.1, Maintain Proposed Headways of
4 the 29 Sunset, to assure that transit travel times would be consistent with the FEIR analysis. A
5 copy of Resolution No. 11-2018 and supporting materials, including without limitation
6 Addendum No. 1 and Addendum No. 4, and copies of Resolution Nos. 1-2014 and 13-2016
7 are in the Clerk of the Board of Supervisors File No. 180515 and available on the Board's
8 website, and are incorporated herein by reference as though fully set forth.

9 (d) The Board has reviewed and considered the CEQA Findings, including the
10 statement of overriding considerations that it previously adopted in Resolution No. 0347-10,
11 the findings in Addendum No. 5, the findings in CCII Resolution No. 11-2018, and the findings
12 in CCII Resolutions Nos. 1-2014 and 13-2016 concerning amendments to adopted mitigation
13 measures. The Board finds that the actions contemplated by this ordinance are included in
14 the actions identified in CCII Resolution 11-2018 for purposes of compliance with CEQA. The
15 Board hereby adopts the additional CEQA Findings in CCII Resolution 11-2018 as its own,
16 including approving the modifications to the 16 adopted mitigation measures recommended
17 for modification in Addendum No. 5. Additionally, the Board approves the modifications
18 previously approved by CCII to Mitigation Measures TR-16, TR-23.1, and UT-2 for the
19 reasons set forth in CCII Resolution Nos. 1-2014 and 13-2016.

20 Section 3. PURPOSE AND INTENT. The purpose and intent of the Board of
21 Supervisors with respect to the 2018 Plan Amendment is to facilitate development of the
22 Project by revising the physical layout of development and adjusting the mix of uses
23 contemplated within Phase 2 of the HPS Project Area, allow for development flexibility within
24 the Project, as well as allowing for private eco-district infrastructure to serve the Project.
25

1 Section 4. PLAN INCORPORATION BY REFERENCE. The HPS 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 fully set forth in this Ordinance. Copies of the HPS Plan,
4 as amended, are on file with the Clerk of the Board of Supervisors in File No. 180515, and
5 available on the Board’s website.

6 Section 5. FURTHER FINDINGS AND DETERMINATIONS REGARDING THE 2018
7 PLAN AMENDMENT UNDER COMMUNITY REDEVELOPMENT LAW. To the extent
8 required by the CRL, the Board of Supervisors hereby further finds, determines and declares,
9 based on the record before it, including but not limited to information contained in the Report
10 to the Board:

11 (a) The HPS Project Area remains blighted as described in the Report to the Board
12 prepared pursuant to CRL Sections 33457.1 and 33352. The redevelopment of the HPS
13 Project Area is necessary to effect the public purposes declared in the CRL.

14 (b) The HPS Plan as amended by the 2018 Plan Amendment will redevelop the
15 HPS Project Area in conformity with the CRL and in the interest of the public peace, health,
16 safety, and welfare.

17 (c) The adoption and carrying out of the 2018 Plan Amendment is economically
18 sound and feasible as described in the Report to the Board.

19 (d) For the reasons set forth in Section 1, subparagraph (m) of this Ordinance, the
20 2018 Plan Amendment is consistent with the General Plan of the City and County of San
21 Francisco, including with the priority policies in City Planning Code Section 101.1.

22 (e) The carrying out of the 2018 Plan Amendment will promote the public peace,
23 health, safety and welfare of the community and effect the purposes and policies of the CRL.

24 (f) The provisions of the HPS Plan concerning the condemnation of real property
25 have expired and are not necessary to execution of the 2018 Plan Amendment.

1 (g) In 2010, the Board of Supervisors made findings determining that the HPS
2 Redevelopment Plan does not authorize the use of eminent domain to displace persons from
3 residentially zoned areas and legally occupied dwelling units and in other contexts. However,
4 the Board of Supervisors determined that if displacement occurs through other means, the
5 Successor Agency has a feasible method or place for the relocation of families and persons
6 displaced. These findings are contained in Ordinance No. 0210-10, which is on file with the
7 Clerk of the Board of Supervisors in File No. 100658. The 2018 Plan Amendment will not
8 cause or result in any new temporary or permanent displacement of any occupants of housing
9 and does not alter the findings made by the Board of Supervisors in Ordinance No. 0210-10.

10 (h) The 2018 Plan Amendment does not change the boundaries of the HPS Project
11 Area and, therefore, do not include any additional area for the purpose of obtaining any
12 allocation of tax increment revenues pursuant to CRL Section 33670.

13 (i) The HPS Project Area is predominantly urbanized, as defined by CRL
14 33320.1(b).

15 (j) The implementation of the 2018 Plan Amendment will further the HPS Plan's
16 ability to improve or alleviate the physical and economic conditions of the HPS Project Area.

17 Section 6. OFFICIAL PLAN. As required by CRL Sections 33457.1 and 33367, the
18 Board of Supervisors hereby approves and adopts the HPS Plan, as proposed by this
19 Ordinance, as the official redevelopment plan for the HPS Project Area.

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

23 Section 8. TRANSMITTAL OF PLAN AS AMENDED. The Clerk of the Board of
24 Supervisors shall without delay (a) upon enactment, transmit a copy of this Ordinance to the
25 Successor Agency, whereupon the Successor Agency shall be vested with the responsibility

1 for carrying out the HPS Plan as amended, and (b) record or ensure that the Successor
2 Agency records a notice of the approval and adoption of the 2018 Plan Amendment pursuant
3 to this Ordinance, containing a statement that proceedings for the redevelopment of the HPS
4 Project Area pursuant to the HPS Plan, as amended, has been instituted under the CRL.

5 Section 9. RATIFICATION OF PRIOR ACTS. All actions taken by City officials and
6 the CCII in preparing and submitting the 2018 Plan Amendment to the Board of Supervisors
7 for review and consideration are hereby ratified and confirmed, and the Board of Supervisors
8 hereby authorizes all subsequent action to be taken by City officials and the CCII consistent
9 with this Ordinance.

10 Section 10. EFFECTIVE DATE. In accordance with CRL Sections 33378(b) (2) and
11 33450, this ordinance shall become effective 90 days from the date of enactment. Enactment
12 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
13 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
14 overrides the Mayor's veto of the ordinance.

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

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19 By: _____
20 Elaine C. Warren
21 Deputy City Attorney

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