

1 [Adopting the Redevelopment Plan for the Transbay Redevelopment Project.]

2

3 **Ordinance approving and adopting the Redevelopment Plan for the Transbay**
4 **Redevelopment Project area; adopting findings pursuant to the California**
5 **Environmental Quality Act; adopting findings that the Redevelopment Plan and related**
6 **documents and agreements (including a Tax Increment Allocation and Sales Proceeds**
7 **Pledge Agreement and an Option Agreement with the Redevelopment Agency of the**
8 **City and County of San Francisco and the Transbay Joint Powers Authority) are**
9 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
10 **Code Section 101.1; adopting other findings pursuant to the California Community**
11 **Redevelopment Law, including findings pursuant to Sections 33445 and 33679;**
12 **authorizing official acts (including the execution of agreements) in furtherance of this**
13 **ordinance.**

14

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

16 Section 1. FINDINGS. The Board of Supervisors of the City and County of
17 San Francisco hereby finds, determines and declares, based on the record before it, including
18 but not limited to information contained in the Report on the Redevelopment Plan, that:

19 A. The Redevelopment Agency of the City and County of San Francisco (the
20 "Agency") has prepared a proposed Redevelopment Plan for the Transbay Redevelopment
21 Project (the "Redevelopment Plan").

22 B. The proposed Redevelopment Plan would establish a redevelopment project
23 area for an approximately 40-acre area generally bounded by Mission Street in the north,
24 Main Street in the east, Folsom Street in the south, and Second Street in the west (the
25 "Project Area"). The Redevelopment Plan is being proposed to: 1) redevelop over 12 acres of

1 vacant land as high-density, transit-oriented residential projects; 2) construct approximately
2 3,400 housing units of which approximately 1,200 would be affordable to very low- to
3 moderate-income households; 3) enforce Development Controls and Design Guidelines to
4 ensure new development provides a high-quality, livable community; 4) create streetscape
5 and public open space improvements throughout the new project area; and 5) provide funding
6 toward the construction of a new Transbay Terminal and Caltrain Downtown Extension (the
7 "Transbay Terminal Project").

8 C. Pursuant to Section 33352 of the California Community Redevelopment Law
9 (Health and Safety Code Sections 33000 et seq., the "Community Redevelopment Law"), the
10 Agency has prepared a Report on the Redevelopment Plan (the "Report on the
11 Redevelopment Plan"). The Report on the Redevelopment Plan has been made available to
12 the public before the date of the hearing on this Ordinance approving the Redevelopment
13 Plan.

14 D. The Redevelopment Agency has transmitted to this Board of Supervisors
15 certified copies of its Resolution No. 19-2005, adopted following a duly noticed public hearing
16 held on January 25, 2005, attaching its report to the Board of Supervisors and recommending
17 the adoption of the Redevelopment Plan for the Transbay Redevelopment Project Area.
18 Copies of the Redevelopment Plan, the Agency's Resolution No. 19-2005, and of the
19 Agency's Report on the Redevelopment Plan are on file with the Clerk of the Board of
20 Supervisors in File No. _____, and are incorporated herein by reference as though
21 fully set forth.

22 E. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health
23 and Safety Code, and in order to promote development in accordance with objectives and
24 purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the
25

1 City intends to aid and cooperate with the Agency to undertake and complete proceedings
2 and actions necessary to be carried out by the City under the provisions of the
3 Redevelopment Plan and provide for the expenditure of monies by the community in carrying
4 out the Redevelopment Plan.

5 F. On December 9, 2004, at a duly noticed public hearing, the Planning
6 Commission, adopted Resolution No. 16906 and Motion No. 16907, which found that the
7 Redevelopment Plan was consistent with the General Plan as proposed for amendment and
8 in conformity with the Priority Policies of Section 101.1 of the Planning Code and
9 recommended the adoption of the Redevelopment Plan to this Board of Supervisors. A copy
10 of the Planning Commission Resolution and Motion are on file with the Clerk of the Board of
11 Supervisors in File No _____ and are incorporated herein by reference as though fully set
12 forth. This Board, for the reasons specified in the aforementioned Resolution and Motion,
13 adopts as its own the findings of the Planning Commission that the Redevelopment Plan is
14 consistent with the General Plan and in conformity with Planning Code Section 101.1.

15 G. On September 28, 2004, this Board, in Resolution No. 612-04 adopted findings
16 that various actions related to the Transbay Terminal Project were in compliance with the
17 California Environmental Quality Act (California Public Resources Code Sections 21000 et
18 seq.). Said findings, including all documents related thereto, are on file with the Clerk of the
19 Board of Supervisors in File No. 041079 and are incorporated herein by reference. Said
20 findings remain valid for the actions contemplated in this Ordinance and are made part of this
21 Ordinance by reference herein. Said findings also are supplemented by the environmental
22 findings that the Planning Commission adopted on December 9, 2004, in Motion No. 16905
23 regarding the Redevelopment Plan. The Planning Commission Motion is on file with the Clerk
24
25

1 of the Board in File No. _____ and is incorporated herein by reference as though fully set
2 forth herein.

3 H. On _____, 2005, the Board of Supervisors held a duly noticed public
4 hearing on the Redevelopment Plan. The hearing has been closed. Notice of such hearing
5 was published in accordance with Section 33361 of the California Health and Safety Code, in
6 the San Francisco Independent, a newspaper of general circulation, printed, published and
7 distributed in the City and County of San Francisco describing the boundaries of the proposed
8 Project Area and stating the day, hour and place when and where any interested persons may
9 appear before the Board of Supervisors to object to the Redevelopment Plan. At such
10 hearing the Board considered the report and recommendations of the Agency and the
11 Planning Commission, the Final Environmental Impact Report for the Redevelopment Plan,
12 and all evidence and testimony for and against the proposed Redevelopment Plan. The
13 Board hereby adopts written findings to the extent required by the Community Redevelopment
14 Law as set forth in this Ordinance.

15 I. Pursuant to Sections 33205 and 33128 of the Community Redevelopment Law,
16 the Agency may delegate to the City's Planning Department certain administration of the
17 development controls over the Project Area set forth in the Redevelopment Plan. Consistent
18 with this authority, on January 25, 2005, the Agency's Commission, pursuant to Resolution
19 No. 16-2005, approved a Project Delegation Agreement with the City's Planning Department,
20 and on January 27, 2005, the City's Planning Department's Commission, pursuant to
21 Resolution No. 16934, approved the Delegation Agreement.

22 J. Pursuant to a Cooperative Agreement dated _____, 2002 (the
23 "Cooperative Agreement"), amongst the State of California acting by and through its
24 Department of Transportation (the "State"), the City, and the Transbay Joint Powers Authority
25

MAYOR GAVIN NEWSOM, SUPERVISOR DALY
BOARD OF SUPERVISORS

1 (the "TJPA"), the State is assisting local and regional authorities in their efforts to construct
2 the Transbay Terminal Project by transferring specified State-Owned Parcels to the City and
3 the TJPA. The Cooperative Agreement requires, among other things, that all gross sales
4 proceeds and a portion of tax increment from the State-Owned Parcels be paid to the TJPA
5 for the construction of the Transbay Terminal Project. In order to facilitate the sale and
6 development of those State-Owned Parcels that are not needed for the Transbay Terminal
7 Project, the City and the TJPA propose to enter into an Option Agreement (the "Option
8 Agreement") with the Agency to allow the Agency to acquire such State-Owned Parcels for
9 disposition and development in accordance with the Redevelopment Plan. In order to comply
10 with the requirement that all gross sales proceeds and a portion of tax increments from such
11 State-Owned Parcels are paid to the TJPA for the construction of the Transbay Terminal, the
12 City and the TJPA propose to enter into a Tax Increment Allocation and Sales Proceeds
13 Pledge Agreement (the "Pledge Agreement"). A copy of the Cooperative Agreement, the form
14 of the Option Agreement, and the form of the Pledge Agreement are on file with the Clerk of
15 the Board of Supervisors in File No. _____, and each agreement is incorporated herein
16 by reference as if fully set forth.

17 K. On February ____, 2005, the Planning Department issued a letter finding that the
18 real property transactions contemplated in the aforementioned Option Agreement are
19 consistent with the General Plan as proposed for amendment and in conformity with the
20 Priority Policies of Section 101.1 of the Planning Code. A copy of the Planning Department
21 letter is on file with the Clerk of the Board of Supervisors in File No. _____ and is
22 incorporated herein by reference as though fully set forth. This Board, for the reasons
23 specified in the aforementioned letter, adopts as its own the findings of the Planning
24
25

MAYOR GAVIN NEWSOM, SUPERVISOR DALY
BOARD OF SUPERVISORS

1 Department that said transactions are consistent with the General Plan and in conformity with
2 Planning Code Section 101.1.

3 Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of
4 Supervisors with respect to this Ordinance are to adopt the Redevelopment Plan in
5 accordance with the Community Redevelopment Law and to achieve the objectives for
6 redevelopment of the Project Area specified in the Redevelopment Plan.

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

10 Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE
11 COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds,
12 determines and declares, based on the the record before it, including but not limited to
13 information contained in the Report on the Redevelopment Plan, that:

14 A. The Project Area, which is the subject of the Redevelopment Plan, is a blighted
15 area (as described in the Report on the Plan), the redevelopment of which is necessary to
16 effectuate the public purposes declared in the Community Redevelopment Law.

17 B. The Redevelopment Plan will redevelop the Project Area as set forth in the
18 Report on the Redevelopment Plan in conformity with the Community Redevelopment Law
19 and is in the interests of the public peace, health, safety, and welfare.

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

22 D. For the reasons set forth in Section 1F of this Ordinance, the Redevelopment
23 Plan, once effective, will be consistent with the General Plan of the City and County of
24 San Francisco, as amended, including, but not limited to, the housing element of the General
25

1 Plan, which substantially complies with the requirements of Article 10.6 (commencing with
2 Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and
3 other applicable requirements of law, and is consistent with the eight Priority Policies in City
4 Planning Code Section 101.1.

5 E. The carrying out of the Redevelopment Plan will promote the public peace,
6 health, safety and welfare of the community and effectuate the purposes and policies of the
7 Community Redevelopment Law as generally described in the Report on the Redevelopment
8 Plan.

9 F. The condemnation of real property, to the extent provided for in the
10 Redevelopment Plan may be necessary for the execution of the Redevelopment Plan. Some
11 residential property may be the subject of eminent domain actions, but a substantial number
12 of low- or moderate-income persons do not reside in the Project Area. Adequate provisions
13 have been made for payment for property to be so acquired as provided by law.

14 G. There are no public projects identified in the Redevelopment Plan that will
15 displace a substantial number of low- or moderate-income persons. The Agency has a
16 feasible method or plan for the relocation of families and persons displaced from the Project
17 Area, if the Redevelopment Plan results in the temporary or permanent displacement of any
18 occupants of housing facilities in the Project Area.

19 H. There are, or shall be provided, in the Project Area or in other areas not
20 generally less desirable in regard to public utilities and public and commercial facilities and at
21 rents or prices within the financial means of the families and persons displaced from the
22 Project Area, decent, safe, and sanitary dwellings equal in number to the number of and
23 available to the displaced families and persons and reasonably accessible to their places of
24 employment.

25

MAYOR GAVIN NEWSOM, SUPERVISOR DALY
BOARD OF SUPERVISORS

1 I. Families and persons shall not be displaced prior to the adoption of a relocation
2 plan pursuant to Sections 33411 and 33411.1 of the California Health and Safety Code.
3 Dwelling units housing persons and families of low or moderate income shall not be removed
4 or destroyed prior to the adoption of a replacement housing plan pursuant to
5 Sections 33334.5, 33413, and 33413.5 of the California Health and Safety Code.

6 J. There are no non-contiguous areas in the Project Area.

7 k. The Project Area includes lands, buildings and improvements which are not
8 individually detrimental to the public health, safety or welfare but which are necessary for the
9 effective redevelopment of the Project Area. All areas included in the Project Area are
10 necessary for effective redevelopment of the Project Area, and no areas in the Project Area
11 are included solely for the purpose of obtaining an allocation of tax increment revenues from
12 the Project Area pursuant Section 33670 of the California Health and Safety Code without
13 other substantial justification for its inclusion.

14 L. The elimination of blight and the redevelopment of the Project Area could not
15 reasonably be expected to be accomplished by private enterprise acting alone without the aid
16 and assistance of the Agency.

17 M. The Project Area is predominantly urbanized, as defined by California Health
18 and Safety Code Section 33320.1(b).

19 N. The time limitation and the limitation on the number of dollars to be allocated to
20 the Agency that are contained in the Redevelopment Plan are reasonably related to the
21 proposed projects to be implemented in the Project Area and to the ability of the Agency to
22 eliminate blight within the Project Area.

23 O. This Board of Supervisors is satisfied that permanent housing facilities will be
24 available within three (3) years from the time occupants of the Project Area are displaced and
25

1 that, pending the development of the facilities, there will be available to the displaced
2 occupants adequate temporary housing facilities at rents comparable to those in the
3 community at the time of their displacement.

4 P. Pursuant to Sections 33445 and 33679 of the California Health and Safety
5 Code, and as further detailed in the Report on the Redevelopment Plan: (1) the estimated
6 Agency obligation for the tax increment revenue dedicated to the Transbay Terminal Project is
7 \$178.2 million (in constant FY 2004/05 dollars); (2) the Transbay Terminal Project is of benefit
8 to the Project Area; (3) no other reasonable means of financing the construction of the
9 Transbay Terminal Project is available; and (4) the use of Agency funds to construct the
10 Transbay Terminal Project will assist in the elimination of blighting conditions in the Project
11 Area, specifically, the elimination of a dilapidated terminal building which will be replaced by
12 the Transbay Terminal Project. The Transbay Terminal Project will help to revitalize the
13 Project Area and stimulate private investment. The Transbay Terminal Project is a public
14 benefit and a central part of the Redevelopment Plan.

15 Section 5. Pursuant to Section 33365 of the California Health and Safety Code, the
16 Board of Supervisors hereby approves and adopts the Redevelopment Plan as the official
17 Redevelopment Plan for the Project Area.

18 Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a
19 copy of this Ordinance to the Agency pursuant to California Health and Safety Code
20 Section 33372, whereupon the Agency shall be vested with the responsibility for carrying out
21 the Redevelopment Plan, (2) record or ensure that the Agency records a description of the
22 Project Area and a certified copy of this Ordinance pursuant to California Health and Safety
23 Sections 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this
24 Ordinance, together with a copy of the Redevelopment Plan, which contains a legal
25

MAYOR GAVIN NEWSOM, SUPERVISOR DALY
BOARD OF SUPERVISORS

1 description of the Project Area and a map indicating the boundaries of the Project Area, to the
2 Controller, the Tax Assessor, the State Board of Equalization and the governing body of all
3 taxing agencies in the Project Area pursuant to California Health and Safety Code
4 Sections 33375 and 33670.

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

21 Section 8. The Board of Supervisors hereby approves and the Mayor and the
22 Controller are hereby authorized and urged to execute the Pledge Agreement.

23 Section 9. The Board of Supervisors hereby approves and the Director of Property is
24 hereby authorized and urged to execute the Option Agreement.

25

MAYOR GAVIN NEWSOM, SUPERVISOR DALY
BOARD OF SUPERVISORS

1 Section 10. The Board of Supervisors authorizes and urges the Mayor, the Controller,
2 the Director of Property, and any other officers, agents and employees of the City to take any
3 and all steps (including, but not limited to, the execution and delivery of any and all
4 agreements, notices, consents and other instruments or documents, including, without
5 limitation, any agreements to extend any applicable statues of limitation) as they or any of
6 them deem necessary or appropriate, in consultation with the City Attorney, in order to
7 consummate the Pledge Agreement and/or the Option Agreement in accordance with this
8 Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance, such
9 determination to be conclusively evidenced by the execution and delivery by such person or
10 persons of any such documents.

11 Section 11. The approval under this Ordinance shall take effect upon the effective
12 date of the amendments to the General Plan approved under Board of Supervisors Ordinance
13 No. _____, a copy of which is on file with the Clerk of the Board of Supervisors in
14 File No. _____ and is incorporated herein by reference as if fully set forth.

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

17 By: _____
18 DONNELL W. CHOY
19 Deputy City Attorney

20
21
22
23
24
25

MAYOR GAVIN NEWSOM, SUPERVISOR DALY
BOARD OF SUPERVISORS