Ordinance Approving and adopting the Seventh Amendment to the Redevelopment Plan for the Western Addition Project Area A-2 to amend elements of the density, parking, height and bulk restrictions for five (5) sites referred to as Parcel 732-A and 725-C (also known as the Jazz Center Site), Parcel A, Parcel C, Rosa Parks and the Muni Substation; 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; and adopting other findings pursuant to the California Community Redevelopment Law.

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

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares, based on the record before it, including but not limited to information contained in the Report on the Plan Amendment (as defined below), that:

A. On October 15, 1964, the Board of Supervisors approved and adopted a Redevelopment Plan for the Western Addition Project Area A-2 by Ordinance No. 273-64 and designated such approved plan as the official Redevelopment Plan for the Western Addition Project Area A-2 (the "Project Area"). Since then, the Board has amended such Redevelopment Plan six times: by Ordinance No. 264-70 on August 3, 1970, by Ordinance No. 288-76 on July 6, 1976, by Ordinance No. 491-86 on December 15, 1986, by Ordinance No. 452-87 on November 9, 1987, by Ordinance No. 271-92 on August 10, 1992, and by Ordinance No. 342-94 on October 3, 1994. Ordinance No. 273-64, as it has been amended

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(together, the "Redevelopment Plan"), is by this reference incorporated and made a part
hereof as though fully set forth herein.

B. Working in conjunction with the City’s Planning Department, the Redevelopment
Agency of the City and County of San Francisco (the "Redevelopment Agency") has proposed
an amendment to the Redevelopment Plan for the Western Addition Project Area (the
"Redevelopment Plan Amendment") by changing the allowed parking, height and bulk
restrictions on five sites in the Project Area to: (1) permit affordable senior housing at a
greater density than currently allowed on three of the sites (Parcels A and C and Rosa Parks);
(2) reduce the amount of parking required for senior housing (Parcels A and C and Rosa
Parks); (3) increase the height limit on two of the Sites formerly occupied by the Central
Freeway (Parcels A and C); (4) permit market-rate housing at a greater density than currently
allowed as part of a mixed-use development that would include a jazz club and a public
garage (Jazz Center Site); and (5) provide for a non-residential density bonus for mixed-use
development involving the rehabilitation of an historic Muni Substation building at Turk and
Fillmore streets.

C. The Redevelopment Agency has transmitted to this Board of Supervisors
certified copies of its Resolution No. 21-2005, adopted following a duly noticed public hearing
held on February 1, 2005, attaching its report to the Board of Supervisors (the “Report on the
Plan Amendment”) and recommending the adoption of the Redevelopment Plan Amendment.
Copies of the Redevelopment Plan Amendment and of the Agency’s Report on the Plan
Amendment are on file with the Clerk of the Board of Supervisors in File No. 050218.
The Report on the Plan Amendment was prepared pursuant to and in accordance with
Sections 33457.1 and 33352 of the California Health and Safety Code and has been made
available to the public before the date of the hearing on this Ordinance approving the
Redevelopment Plan Amendment.

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D. Pursuant to Sections 33220, 33343, 33344 and 33370 of the California Health and Safety Code, and in order to promote development in accordance with objectives and purposes of the Redevelopment Plan Amendment and documents relating to the Redevelopment Plan Amendment, the City intends to aid and cooperate with the Agency to undertake and complete proceedings and actions necessary to be carried out by the City under the provisions of the Redevelopment Plan Amendment.

E. The Planning Commission received the proposed Redevelopment Plan Amendment on December 1, 2004, and on December 16, 2004, the Planning Commission adopted Resolution No. 16903 finding that the proposed Redevelopment Plan Amendment is in conformity with the General Plan of the City and County of San Francisco, including, but not limited to, the housing element of the General Plan, and consistent with the eight Priority Policies of City Planning Code Section 101.1, and recommended the adoption of the Redevelopment Plan Amendment to this Board of Supervisors. A copy of the Planning Commission Resolution referred to above together with related documents are on file with the Clerk of the Board of Supervisors in File No. 050218 and are hereby incorporated herein by reference.

F. On May 18, 2004, the Redevelopment Commission adopted Resolution No. 55-2004 in which the Redevelopment Commission determined that the proposed Redevelopment Plan Amendment could not have a significant effect on the environment based on the criteria of California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA") and the CEQA Guidelines and adopted and approved the Negative Declaration for the proposed Redevelopment Plan Amendment. This Board of Supervisors hereby affirms the Redevelopment Commission's approval and adoption of a Negative Declaration for the proposed Redevelopment Plan Amendment and adopts the Redevelopment Commission's findings in connection with the Negative Declaration and its

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actions related to the Western Addition Project Area, including the adoption of a mitigation
monitoring and reporting program. This Board hereby incorporates by reference as if fully set
forth herein such Resolution, including its findings and mitigation program, and relies on such
Resolution as the CEQA basis for the actions proposed in this legislation.

G. On _____ April 12, 2005, the Board of Supervisors held a public hearing on
the Redevelopment Plan Amendment. The hearing has been closed. Notice of such hearing
was published in accordance with Section 33452 of the California Health and Safety Code
and Section 6063 of the California Government Code, in a newspaper of general circulation,
printed, published and distributed in the City and County of San Francisco. At such hearing
the Board considered the report and recommendations of the Redevelopment Agency and the
Planning Commission, the Preliminary Negative Declaration, and all evidence and testimony
for and against the proposed Redevelopment Plan Amendment. The Board hereby adopts
written findings to the extent required by the Community Redevelopment Law as set forth in
this Ordinance.

H. On May 18, 2004, the Redevelopment Commission adopted Resolution No. 56-
2004 authorizing, among other things, a disposition and development agreement ("DDA") with
Fillmore Development Associates, LLC for the Jazz Center Site referenced in Section 1B
above. In connection with proposed public financing of the public garage portion of the Jazz
Center Site as set forth in the DDA, the Redevelopment Commission found that: (1) the
public garage of the Jazz Center Site is of benefit to the Western Addition Project Area; (2) no
other reasonable means of financing the construction of the garage are available; (3) the use
of Agency funds to construct the public garage will assist in the elimination of blighting
conditions in the Western Addition Project Area, specifically, the elimination of a surface
parking lot and the lack of private investment in the Western Addition Project Area; and,
(4) such actions are consistent with the Redevelopment Agency's Implementation Plan for the

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Western Addition Project Area. This Board of Supervisors hereby adopts the findings of the Redevelopment Commission in connection with the public financing of the public garage as set forth in such Resolution No. 56-2004. A copy of Resolution No. 56-2004 is on file with the Clerk of the Board of Supervisors in File No. 050218, and is incorporated herein by reference.

Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of Supervisors with respect to this Ordinance are to 1) permit affordable senior housing at a greater density than is currently permitted on three sites; 2) reduce the amount of parking required for senior housing on those sites; 3) increase the height limit on two of those sites formerly occupied by the Central Freeway; 4) provide for a non-residential density bonus for mixed-use development as part of a mixed-use project that would include a jazz club and public garage; and 5) provide for a non-residential density bonus for mixed-use development involving rehabilitation of the former Muni substation, a designated historic resource, all in accordance with the Community Redevelopment Law of California (California Health and Safety Code Sections 33000 et seq.) and to achieve the objectives for redevelopment specified in the Redevelopment Plan Amendment.

Section 3. By this reference, the Redevelopment Plan Amendment is incorporated in and made a part of this Ordinance with the same force and effect as though set forth fully herein.

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

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A. The proposed Redevelopment Plan Amendment does not add territory, increase or extend time or financial limits of the Redevelopment Plan, and it will not alter the existing Implementation Plan for the Western Addition Project Area.

B. The Redevelopment Plan Amendment will redevelop the Western Addition Redevelopment Project Area as set forth in the Report on the Plan Amendment consistent with the goals of the Redevelopment Plan and in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare.

C. For the reasons stated in Section 1E of this Ordinance, the Redevelopment Plan Amendment, once effective, will be consistent with the General Plan of the City and County of San Francisco, including, but not limited to, the housing element of the General Plan, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other applicable requirements of law, and is consistent with the eight Priority Policies in City Planning Code Section 101.1.

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

E. According to the Report on the Plan Amendment, no persons or families of low or moderate income in the Western Addition Project Area will be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement.

F. The program of activities for the implementation of the Redevelopment Plan Amendment does not contemplate the displacement of persons or businesses or the acquisition of property through the use of eminent domain.
G. There is no existing Project Area Committee for the Western Addition Project Area, but the Redevelopment Agency has consulted with the Western Addition A-2 Citizens Advisory Committee (the "CAC") and has provided the CAC with a copy of the proposed Redevelopment Plan Amendment.

Section 5. Pursuant to Section 33450 of the California Health and Safety Code, the Board of Supervisors hereby approves and adopts the Redevelopment Plan Amendment, and Ordinance No. 98-66, as amended by Ordinance Nos. 201-71, 393-73, 386-76, 367-77, 420-79, 538-81, 477-86, 404-94, and 33-97, is hereby further amended by this Ordinance.

Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a copy of this Ordinance to the Redevelopment Agency pursuant to California Health and Safety Code Section 33372, whereupon the Redevelopment Agency shall be vested with the responsibility for carrying out the Redevelopment Plan Amendment, (2) record or ensure that the Redevelopment Agency records a description of the Western Addition Project Area and a certified copy of this Ordinance pursuant to California Health and Safety Sections 33456, and (3) transmit, by certified mail, return receipt requested, a copy of this Ordinance, together with a copy of the Redevelopment Plan Amendment, which contains a legal description of the Project Area and a map indicating the boundaries of the Western Addition Project Area, to the Controller, the Tax Assessor, the State Board of Equalization and the governing body of all taxing agencies in the Western Addition Project Area pursuant to California Health and Safety Code Sections 33457 and 33670.

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

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:

DONNELL W. CHOY
Deputy City Attorney
Ordinance Approving and adopting the Seventh Amendment to the Redevelopment Plan for the Western Addition Project Area A-2 to amend elements of the density, parking, height and bulk restrictions for five (5) sites referred to as Parcel 732-A and 725-C (also known as the Jazz Center Site), Parcel A, Parcel C, Rosa Parks and the Muni Substation; 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; and adopting other findings pursuant to the California Community Redevelopment Law.

April 12, 2005 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 19, 2005 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Daly, Dufy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier
I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

APR 27 2005

Date Approved

Mayor Gavin Newsom