Ordinance approving an amendment to the Redevelopment Plan for the Mission Bay South Redevelopment Project, which modifies the land use designation for certain property in Blocks 29-32 (also known as the site of Chase Center) to add hotel and residential as permitted uses, increases the total leasable square feet of retail space permitted on this property, increases the number of hotels and hotel rooms in the plan area, and authorizes certain dwelling units to be built on certain property in the plan area; directing the Clerk of the Board of Supervisors to transmit a copy of this Ordinance upon its enactment to the Successor Agency; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

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 (the “Board of Supervisors” or “Board”) hereby finds, determines, and declares, based on the record before it, including but not limited to, information contained in the Report to the Board of Supervisors on the Amendment to the Redevelopment Plan for the Mission Bay South Redevelopment Project (“Report to the Board”) regarding Blocks 29-32, also known as the site of Chase Center, that:
On September 17, 1998, by Resolution No. 190-98, the former Redevelopment Agency of the City and County of San Francisco ("Agency" or "Redevelopment Agency") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project (the "Redevelopment Plan") to govern redevelopment in the Mission Bay South Redevelopment Project Area (the "Plan Area"). On the same date, the Agency adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation, and the Agency applicable to the Plan Area. FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL"), entered into an Assignment, Assumption and Release Agreement, dated November 22, 2004, under which FOCIL assumed the rights and obligations of the prior owner under the South OPA.

The Board of Supervisors approved and adopted the Redevelopment Plan by Ordinance No. 335-98 on November 2, 1998, and amendments to the Redevelopment Plan by Ordinance No. 143-13 on July 9, 2013 and Ordinance No. 032-18 on March 6, 2018. Copies of these ordinances are in Clerk of the Board of Supervisors File Nos. 981441, 130458, and 171280, respectively, and are incorporated herein by reference.

On February 1, 2012, the State of California dissolved all redevelopment agencies in the state and established successor agencies to assume certain rights and obligations of the former agencies. Cal. Health & Safety Code §§ 34170 et seq. ("Redevelopment Dissolution Law"). On October 2, 2012, the Board of Supervisors delegated, by Ordinance No. 215-12, its state authority under the Redevelopment Dissolution Law to the Successor Agency Commission, commonly referred to as the Commission on Community Investment and Infrastructure. The Successor Agency Commission is required to implement and complete, among other things, the surviving enforceable obligations of the former Redevelopment Agency and is authorized to approve amendments to redevelopment plans as
allowed under Redevelopment Dissolution Law and subject to adoptions of such plan amendments by the Board of Supervisors. On January 24, 2014, the California Department of Finance finally and conclusively determined that the South OPA executed by the Redevelopment Agency on September 17, 1998, by Resolution No. 190-98 with the developer of the Plan Area was an enforceable obligation of the successor to the Redevelopment Agency (the “Successor Agency”).

(d) As set forth more fully in Section 1, subparagraph (g) of this ordinance, the Successor Agency Commission recommends approval of an amendment to the Redevelopment Plan (the “Plan Amendment”), which would modify the land use designation for certain property within the Plan Area (Blocks 29-30) to add residential and hotel land uses as permitted principal uses, increase the total Leasable square feet of retail space permitted on certain property within the Plan Area (Blocks 29-32), permit a hotel with up to 230 hotel rooms to be built on certain property in the Plan Area (Blocks 29-30), and authorize certain dwelling units to be built on certain property within the Plan Area (Blocks 29-30). Blocks 29-32, also known as the site of Chase Center, are bounded by 3rd Street on the west, Terry A. Francois Boulevard on the east, Warriors Way (formerly known as South Street) on the north, and 16th Street on the south.

(e) In accordance with Sections 33457.1 and 33352 of the California Redevelopment Law (Health and Safety Code Sections 33000 et seq., the “Redevelopment Law”), the Successor Agency has prepared the Report to the Board that includes information to the extent warranted by the Plan Amendment and made the Report to the Board available to the public on or before the date of the public hearing, noticed in accordance with Redevelopment Law Section 33452, on this ordinance approving the Plan Amendment; said hearing is referenced in Section 1, subparagraph (g) of this ordinance.

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(f) On May 4, 2020, FOCIL, the master developer of the Plan Area, consented to the Successor Agency's approval of the Plan Amendment, as provided for under the South OPA.

(g) Successor Agency Commission Action. On May 19, 2020, after holding a duly noticed public hearing in accordance with Redevelopment Law Section 33452, the Successor Agency Commission, in Resolution No. 06-2020, approved the Report to the Board and made certain findings. By Resolution No. 07-2020, it recommended to the Board of Supervisors the adoption of the Plan Amendment. It determined, consistent with its authority under the Redevelopment Law, as amended by the Redevelopment Dissolution Law, that the Plan Amendment is necessary and desirable, approved the Plan Amendment, and recommended forwarding it to the Board of Supervisors for approval. The Successor Agency Commission has transmitted to the Board of Supervisors a certified copy of Resolution No. 06-2020 and attached its Report to the Board. Copies of these documents and Resolution No. 06-2020 are in Board File No. 200575, and are incorporated herein by reference.

(h) Environmental Findings.

(1) On November 3, 2015, the Successor Agency Commission by Resolution Nos. 69-2015 and 70-2015 and in accordance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq., “CEQA”) certified the Final Subsequent Environmental Impact Report for the Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (the “Event Center FSEIR”) and adopted CEQA findings, including a statement of overriding considerations and a mitigation monitoring and reporting program (“MMRP”) in support of various approval actions taken by the Successor Agency Commission to implement the Event Center and Mixed-Use Development at Mission Bay Blocks 29-32. The Successor Agency Commission Resolutions and related materials on CEQA findings and the Board of Supervisors CEQA findings are in Clerk of the Board of Supervisors File Nos. 150990 and 151205 and are incorporated herein by reference.
The Event Center FSEIR tiers from the Final Subsequent Environmental Impact Report for Mission Bay North and South ("Mission Bay FSEIR"), a program EIR for Mission Bay North and South pursuant to CEQA and CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). The Commission of the former Redevelopment Agency of the City and County of San Francisco ("Redevelopment Commission") by Resolution No. 182-98, and the San Francisco Planning Commission, by Resolution No. 14696, together acting as co-lead agencies for conducting environmental review for the Redevelopment Plans for the Mission Bay North Redevelopment Project Area and the Mission Bay South Redevelopment Project Area, the Mission Bay North Owner Participation Agreement and the South OPA, and other permits, approvals and related and collateral actions (the "Mission Bay Project"), certified the Mission Bay FSEIR on September 17, 1998. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the Mission Bay FSEIR by the Planning Commission and the Redevelopment Commission, and Resolution No. 854-98 adopting environmental findings, including an MMRP and a statement of overriding considerations, for the Mission Bay Project. This Board of Supervisors Motion and Resolution and related documents as specified above are in Clerk of the Board File Nos. 981426 and 981427, respectively, and are incorporated herein by reference.

On May 13, 2020, the Successor Agency, the lead agency for purposes of CEQA, issued Addendum No. 1 to the Event Center FSEIR (the "Addendum") to address the development that would result from the Plan Amendment, including development of Blocks 29-30, an increase in the Leasable square footage of retail area on Blocks 29-32, and additional dwelling units and hotel rooms in the Plan Area. The Addendum concludes that the proposed Plan Amendment is within the scope of the project analyzed in the Event Center FSEIR and will not result in any new significant impacts or a substantial increase in the
severity of previously identified significant effects that alter the conclusions reached in the
Event Center FSEIR. The Successor Agency relied on the Addendum as part of its action on
the Report to the Board in Resolution No. 06-2020. The Successor Agency Resolution, the
Addendum, and supporting documents have been made available to the Board of Supervisors
and the public and are on file with the Clerk of the Board of Supervisors in File No. 200575.
The Addendum is incorporated in this ordinance by this reference.

(4) The Board of Supervisors, acting in its capacity as a responsible agency
under CEQA, has reviewed and considered the CEQA Findings and statement of overriding
considerations that the Successor Agency Commission previously adopted in Resolution Nos.
69-2015 and 70-2015, and reviewed and considered the CEQA Findings contained in the
Addendum and hereby adopts these additional CEQA Findings as its own. The Board
additionally finds that implementation of the Plan Amendment (A) does not require major
revisions in the Event Center FSEIR due to the involvement of new significant environmental
effects or a substantial increase in the severity of previously identified significant effects, (B)
no substantial changes have occurred with respect to the circumstances under which the
project analyzed in the Event Center FSEIR will be undertaken that would require major
revisions to the Event Center FSEIR due to the involvement of new significant environmental
effects, or a substantial increase in the severity of effects identified in the Event Center
FSEIR, and (C) no new information of substantial importance to the project analyzed in the
Event Center FSEIR has become available which would indicate that (i) the Plan Amendment
will have significant effects not discussed in the Event Center FSEIR; (ii) significant
environmental effects will be substantially more severe; (iii) mitigation measures or
alternatives found not feasible which would reduce one or more significant effects have
become feasible; or (iv) mitigation measures or alternatives which are considerably different
from those in the Event Center FSEIR will substantially reduce one or more significant effects
on the environment.

(i) On June 18, 2020, the Planning Commission, in Motion No. 20746, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the
City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
adopts these findings as its own. A copy of said Planning Commission Resolution is on file
with the Clerk of the Board of Supervisors in File No. 200575, and is incorporated herein by
reference.

(j) The Board of Supervisors held a public hearing on July 21, 2020, on the adoption of
the Plan Amendment in the Board Legislative Chamber at City Hall, 1 Dr. Carlton B. Goodlett
Place, Room 250, San Francisco, California. The hearing has been closed. Notice of such
hearing was duly and regularly published in a newspaper of general circulation in the City and
County of San Francisco, once per week for three successive weeks prior to the date of such
hearing in accordance with Redevelopment Law Section 33452. At such hearing, the Board
considered the report of the Successor Agency Commission, the Planning Commission
Motion No. 20746, the Event Center FSEIR, and the Addendum, and all evidence and
testimony regarding the Plan Amendment. The Board hereby adopts findings to the extent
required by the Redevelopment Law as set forth in Section 5 of this ordinance.

Section 2. Purpose and Intent. The purpose and intent of the Board of Supervisors
with respect to the Plan Amendment is to permit hotel and residential land uses on Blocks 29-
30, increase the total Leasable square feet of retail space permitted on Blocks 29-32, permit a
hotel with up to 230 hotel rooms to be built on Blocks 29-30, and authorize up to 21 dwelling
units to be built on Blocks 29-30 in the Plan Area, which will contribute to and complement the
overall goals and objectives of the Redevelopment Plan, facilitate the completion of
redevelopment of the Plan Area, and expeditiously wind down the activities of the dissolved
redevelopment agency as required under Redevelopment Dissolution Law.

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

Section 4. The Redevelopment Plan for the Mission Bay South Redevelopment Project
is hereby amended, to read as follows:

Redevelopment Plan Amendment.

(a) Section 103(H) of the Redevelopment Plan is hereby amended to read as follows:

Strengthening the economic base of the Plan Area and the community by

strengthening retail and other commercial functions in the Plan Area through the addition of

up to approximately 335,000 - 400,000 Leasable square feet of retail space and a hotel of up to

500 rooms and associated uses in the Hotel land use district, depending on the amount of

residential uses constructed in the Hotel land use district, a hotel of up to 230 rooms and

associated uses on Blocks 29-30 in the Commercial Industrial/Retail land use district, and about

5,953,600 Leasable square feet of mixed office, research and development and light

manufacturing uses.

(b) Section 302.4(A) of the Redevelopment Plan is hereby amended to read as

follows:

The following principal uses are permitted in the Commercial Industrial/Retail district:

*   *   *   *

Retail Sales and Services:

All Retail Sales and Services, including Bars and aerobic studios
Restaurants

Automobile Rental

*Tourist Hotel (Blocks 29-30 only)*

Arts Activities and Spaces

* * * *

Automotive:

Automobile service station

Automobile wash

*Dwelling Units (Blocks 29-30 only)*

Other Uses:

* * * *

(c) Section 304.4 of the Redevelopment Plan is hereby amended to read as follows:

The number of Dwelling Units presently in the Plan Area is currently none, and shall be approximately 3,440 under this Plan. Of those 3,440 Dwelling Units, 350 are allocated to the Hotel land use district and cannot be constructed on any site other than Block 1, and up to 21 are allocated to Blocks 29-30 in the Commercial Industrial/Retail land use district and cannot be constructed on any site other than Blocks 29-30, with the remaining Dwelling Units allocated to the Mission Bay South Residential land use district. The total number of Dwelling Units that may be constructed within the Hotel land use district must not exceed 350 Dwelling Units and must not preclude the development of a hotel within the Hotel land use district as provided for in Section 302.2. Further, inclusion of Dwelling Units within the Hotel land use district will reduce the total number of hotel size rooms and Leasable square footage of retail allowed in the Plan Area Hotel land use district as provided for in Section 304.5.

(d) Section 304.5 of the Redevelopment Plan is hereby amended to read as follows:
The type of buildings may be as permitted in the Building Code as in effect from time to time. Approximately 335,000-400,000 Leasable square feet of retail space, an up to 500-room hotel in the Hotel land use district and an up to 230-room hotel on Blocks 29-30 in the Commercial Industrial/Retail land use district, including associated uses such as retail, banquet and conferencing facilities, approximately 5,953,600 Leasable square feet of mixed office, research and development and light manufacturing uses, with about 2,650,000 square feet of UCSF instructional, research and support uses are allowed in the Plan Area.

* * * *

Of the 335,000-400,000 Leasable square feet, up to 105,700-170,700 Leasable square feet may be City-serving retail, allocated as follows: 20,700-85,700 on blocks 29, 30, 31, 32 and 36 in Zone A (except that approximately 65,000 Leasable square feet of such City-serving retail may only be located on Blocks 29-32); 45,000 Zone B; 36,000 Zone C; 4,000 Zone D. The balance of the permitted retail use, 229,300 Leasable square feet, is allocated as follows: 50,000 entertainment/neighborhood-serving retail in the Hotel district, 159,300 neighborhood-serving retail in Zone A and sites designated Commercial or Mission Bay South Residential on Attachment 3 in the Plan Area, and 20,000 neighborhood-serving retail on Agency-sponsored affordable housing sites.

* * * *

If Dwelling Units are constructed within the Hotel land use district, the maximum size of the hotel within the Hotel land use district will be reduced to 250 rooms and the maximum amount of retail square footage within the Hotel land use district will be reduced to 25,000 Leasable square feet.

(e) Attachment 3 of the Plan (Redevelopment Land Use Map) is hereby amended to include the following text in the Commercial Industrial / Retail land use description:

COMMERCIAL INDUSTRIAL / RETAIL (including Hotel and Residential on Blocks 29-30)
(f) Attachment 5 of the Plan (Definitions) is hereby amended to read as follows:

*   *   *   *

Plan Documents. This Plan and its implementing documents including, without limitation, any owner participation agreements, the Mission Bay *NorthSouth* Design for Development and the Mission Bay Subdivision Ordinance and regulations adopted thereunder.

*   *   *   *

Section 5. Further Findings and Determinations under Redevelopment Law. The Board of Supervisors hereby further finds, determines, and declares, based on the record before it, including but not limited to information contained in the Report to the Board that:

(a) Certain portions of the Plan Area remain blighted areas and remain undeveloped. The Plan Amendment will improve or alleviate the physical and economic conditions in the Plan Area by allowing for a diversity of land uses, including residential use and hotel use, and thus will support the full economic use of Blocks 29-32, further activating and revitalizing the surrounding neighborhood.

(b) The carrying out of the Plan Amendment will effectuate the purposes and policies of the Redevelopment Dissolution Law, which requires the expeditious wind down of redevelopment activities.

(c) The Plan Amendment will allow redevelopment of the area in conformity with Redevelopment Law, as amended by the Redevelopment Dissolution Law, and in the interests of the public peace, health, safety, and welfare.

(d) The development of dwelling units and hotel use on Blocks 29-30 will provide flexibility in the development of the Plan Area to respond readily and appropriately to market conditions, providing opportunities for participation by owners in the redevelopment of their
properties, strengthening the economic base of the Plan Area and the community by
strengthening retail and other commercial functions in the Plan Area, and achieving these
objectives in the most expeditious manner feasible.

(e) The adoption and carrying out of the Plan Amendment is economically sound and
feasible. Development of Blocks 29-30 for mixed-use residential and hotel uses will
significantly increase revenues generated from property taxes payable to the taxing entities,
including the City and County of San Francisco, the Bay Area Rapid Transit District, the San
Francisco Community College District, the San Francisco Unified School District, and the San
Francisco County Office of Education. The Plan Amendment does not propose any new
capital expenditures by the Successor Agency nor any change in the Successor Agency’s
overall method of financing the redevelopment of the Plan Area, but nonetheless accelerates
the completion of development under the Redevelopment Plan and thus benefits the taxing
entities by ensuring that they receive increased property tax revenues through pass-through
and other payments.

(f) For the reasons set forth in Section (1), subparagraph (i) of this ordinance, the Plan
Amendment is in conformity with the General Plan of the City and County of San Francisco,
including the priority policies in City Planning Code Section 101.1.

(g) The carrying out of the Plan Amendment will promote the public peace, health,
safety, and welfare of the community and would effectuate the purposes and policy of
Redevelopment Law, as amended by the Redevelopment Dissolution Law.

(h) The Plan Amendment does not authorize the condemnation of real property.
Under Redevelopment Law, the authority to condemn real property provided for in the
Redevelopment Plan expired on November 2, 2010.

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(i) No persons will be displaced, temporarily or permanently, from housing facilities as a result of the Redevelopment Plan or Plan Amendment. Accordingly, no residential relocation plan is required.

(j) There are no non-contiguous areas in the Plan Area.

(k) The Plan Amendment does not change the boundaries of the Plan Area and, therefore, does not include any additional area for the purpose of obtaining any allocation of tax increment revenues from the Plan Area pursuant to Redevelopment Law Section 33670.

(l) The Plan Amendment does not change the time limitation on the Redevelopment Plan.

Section 6. Official Plan. As required by Redevelopment Law Sections 33457.1 and 33367, the Board of Supervisors hereby approves and adopts the Redevelopment Plan, as amended by the Plan Amendment, as the official redevelopment plan for the Plan Area.

Section 7. Continued Effect of Previous Board of Supervisors Ordinances as Amended. Ordinance Nos. 335-98, 143-13, and 032-18 are continued in full force and effect as amended by this ordinance.

Section 8. Transmittal of Redevelopment Plan as Amended. The Clerk of the Board of Supervisors shall without delay (a) transmit a copy of this ordinance to the Successor Agency, whereupon the Successor Agency shall be vested with the responsibility for carrying out the Redevelopment Plan as amended, and (b) record or ensure that the Successor Agency records a notice of the approval and adoption of the Plan Amendment pursuant to this ordinance, containing a statement that proceedings for the redevelopment of the Plan Area pursuant to the Plan Amendment have been instituted under the Redevelopment Law.
Section 9. Effective Date. In accordance with Redevelopment Law Sections 33378(b)(2) and 33450, this ordinance shall become effective 90 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Redevelopment Plan for the Mission Bay South Redevelopment Project that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: /s/ JOHN D. MALAMUT
JOHN D. MALAMUT
Deputy City Attorney

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Ordinance approving an amendment to the Redevelopment Plan for the Mission Bay South Redevelopment Project, which modifies the land use designation for certain property in Blocks 29-32 (also known as the site of Chase Center) to add hotel and residential as permitted uses, increases the total leasable square feet of retail space permitted on this property, increases the number of hotels and hotel rooms in the plan area, and authorizes certain dwelling units to be built on certain property in the plan area; directing the Clerk of the Board of Supervisors to transmit a copy of this Ordinance upon its enactment to the Successor Agency; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

July 21, 2020 Board of Supervisors - PASSED ON FIRST READING
Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani and Walton
Noes: 1 - Yee

July 28, 2020 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/28/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved: 7/31/20