[General Plan Amendments - Candlestick Point and Hunters Point Shipyard Phase 2 Project]

Ordinance amending the General Plan in connection with revisions to the Candlestick Point and Hunters Point Shipyard Phase 2 Project in order to facilitate redevelopment; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 340.

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

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

Section 1. Findings.

(a) The proposed amendments to the Candlestick Point Subarea Plan and the Hunters Point Shipyard Area Plan will facilitate the development of the Hunters Point Shipyard ("HPS") and Candlestick Point ("CP"), as envisioned in the HPS Redevelopment Plan, and the Bayview Hunters Point ("BVHP") Redevelopment Plan.

(b) A primary objective of both the HPS Redevelopment Plan and the BVHP Redevelopment Plan is to create economic development, affordable housing, public parks and open space and other community benefits by development of the under-used lands within the two Redevelopment Plan project areas. In 2010, the San Francisco Redevelopment Agency (now the Successor Agency to the Redevelopment Agency of the City and County of San
Francisco, commonly referred to as the Office of Community Investment and Infrastructure ("OCII") or the "Successor Agency") and the City approved the Candlestick Point-Hunters Point Shipyard Phase 2 Project ("CP-HPS2 Project" or "Project"), which combined development in the HPS Redevelopment Plan area and the Candlestick Point portion of the BVHP Redevelopment Plan area into a cohesive overall plan, including comprehensive public recreation and open space plans and integrated transportation plans, and improved opportunities to finance the development of affordable housing and the public infrastructure necessary to expedite the revitalization of both areas. Approval actions in 2010 ("Original Approvals") included General Plan amendments creating the Candlestick Point ("CP") Subarea Plan and the Hunters Point Shipyard ("HPS") Area Plan, Planning Code amendments creating the Candlestick Point Activity Node Special Use District ("SUD") and the Hunters Point Shipyard Phase 2 SUD, amendments to the BVHP Redevelopment Plan and the HPS Redevelopment Plan, the adoption of Design for Development documents for both Candlestick and Hunters Point Shipyard, and various other approvals.

(c) More specifically, the Original Approvals included amendments to the BVHP Redevelopment Plan that divided the subject BVHP Project Area into Zone 1 and Zone 2. The Candlestick Point portion was designated as Zone 1, indicating that OCII would retain jurisdiction over land use and would be the approval body for development approvals pursuant to California Redevelopment Law. The rest of the BVHP Redevelopment Project Area was designated as Zone 2, indicating that the Planning Department would have jurisdiction over land use regulations, in accordance with a delegation agreement between the Planning Department and OCII.
(d) Zone 1 includes the property once occupied by the Candlestick Stadium, its parking lot, the Candlestick Point State Recreational Area ("CPSRA"), the Alice Griffith Housing Authority site, several private parcels that are generally surrounded by the stadium site and the CPSRA, and Assessor's Lot 276 of Block 4991, which is located on Jamestown Avenue above the stadium site ("Jamestown Parcel").

(e) The Original Approvals anticipated the potential construction of a new stadium at Hunters Point Shipyard for the San Francisco 49ers, as one of several potential development scenarios.

(f) As a part of the Original Approvals, the Successor Agency and CP Development Company, LLC ("Developer") entered into a Disposition and Development Agreement ("DDA") entitling the Developer to implement the Project pursuant to the provisions therein.

(g) As part of the Original Approvals, the City approved the HPS Area Plan under the General Plan for Hunters Point Shipyard specifically to align the Hunters Point Shipyard Redevelopment Plan with the General Plan. Similarly, the City approved the Hunters Point Shipyard Phase 2 SUD and HP Height and Bulk District specifically to refer all land use and development regulations to the HPS Redevelopment Plan. Consistent with the HPS Redevelopment Plan, the HPS Area Plan anticipated the construction of a stadium as one of several development scenarios.

(h) As part of the Original Approvals, the City approved the CP Subarea Plan under the BVHP Area Plan of the General Plan specifically to align provisions for Zone 1 of the BVHP Redevelopment Plan with the General Plan. Similarly, the City approved the Candlestick Point Activity Node SUD and the CP Height and Bulk District to refer all land use and development regulations to the BVHP Redevelopment Plan for Zone 1. Consistent with the BVHP Redevelopment Plan, the boundaries of the CP Subarea Plan, the Candlestick Point Activity Node SUD, and the CP Height and Bulk District include the Jamestown Parcel.
Subsequent to the Original Approvals, the San Francisco 49ers constructed a new stadium in Santa Clara, removing the need for the Project to accommodate a stadium.

In 2016, the voters of San Francisco approved Proposition O, the "Hunters Point Shipyard/Candlestick Point Jobs Stimulus Proposition," which established that office development would not be subject to the annual office cap regulated by Planning Code Sections 320 - 325. In 2017, the City approved amendments to the HPS Redevelopment Plan and the BVHP Redevelopment Plan to reflect this voter-approved proposition.

The Developer and OCI are now pursuing refinements to the Project ("2018 Modified Project Variant" or "Modified Project") to facilitate the redevelopment of the area. As a part of the Modified Project, OCI is proposing to amend the BVHP Redevelopment Plan to remove the Jamestown Parcel from Zone 1 to clarify that it is not a part of the Project being implemented by the Developer under the DDA. Similarly, as a part of the Modified Project, OCI is proposing to amend the HPS Redevelopment Plan by removing accommodation of a stadium, among other changes.

California Environmental Quality Act.

On July 13, 2010, the Board of Supervisors approved Motion No. 10-110, affirming the Planning Commission's certification of the final environmental impact report ("FEIR") for the CP-HPS Phase 2 Project ("Project") in compliance with the California Environmental Quality Act ("CEQA") (California Public Resources Code sections 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations sections 15000 et seq.). A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 100862 and available on the Board's website, and is incorporated herein by reference as though fully set forth. The FEIR analyzed a mixed used development, including a stadium use at the Hunters Point Shipyard and various project variants, including the development of up to 5,000,000 square feet of office, research, and development space in lieu of a stadium.
(2) In accordance with the actions contemplated in 2010, this Board adopted Resolution No.347-10 concerning findings pursuant to CEQA, including a statement of overriding considerations and a mitigation monitoring and reporting program ("CEQA Findings"). Copies of said Resolution and supporting materials are in the Clerk of the Board of Supervisors File No. 100572 and available on the Board’s website, and the Resolution and supporting materials are incorporated herein by reference as though fully set forth.

(3) The OCII has determined in Addendum No. 5 for the CP-HPS Phase 2 Project that the actions contemplated at this time related to the Modified Project will not result in any new significant impacts or a substantial increase in the severity of previously identified significant effects that would alter the conclusions reached in the FEIR. A copy of Addendum No. 5 and supporting materials are in the Clerk of the Board of Supervisors File No. 180475 and available on the Board’s website, and the findings in Addendum No. 5 and supporting materials are incorporated herein by reference as though fully set forth.

(4) On April 17, 2018, the Commission on Community Investment and Infrastructure ("CCII" or "Successor Agency Commission") adopted CCII Resolution No. 11-2018, by which the Successor Agency Commission determined that the analysis conducted and the conclusions reached in the FEIR as to the environmental effects of the Project, together with further analysis provided in Addendum No. 1, Addendum No. 4 and Addendum No. 5 to the FEIR, remain valid and can be relied upon for approval of the Modified Project in compliance with the CEQA.

(5) As part of Resolution No. 11-2018, the CCII made findings regarding the modifications to 16 previously adopted mitigation measures as recommended in Addendum No. 5 and as further set forth in Resolution No. 11-2018 and approved the modifications to the adopted mitigation measures. For two of these mitigation measures, Mitigation Measure TR-16, Widen Harney Way, and UT-2, Auxiliary Water Supply System, the language reflects
minor changes CCII previously approved based on Addendum No. 1 and Addendum No. 4 as reflected in CCII Resolutions Nos. 1-2014 and 13-2016. In addition, CCII Resolution No. 13-2016 approved modifications to Mitigation Measure TR-23.1, Maintain Proposed Headways of the 29 Sunset, to assure that transit travel times would be consistent with the FEIR analysis. A copy of Resolution No. 11-2018 and supporting materials, including without limitation Addendum No. 1 and Addendum No. 4, and copies of Resolution Nos. 1-2014 and 13-2016 are in the Clerk of the Board of Supervisors File Nos. 180515 and 180516 and available on the Board’s website, and are incorporated herein by reference as though fully set forth.

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

(m) Planning Code Findings.

(1) Under Charter Section 4.105 and Planning Code Section 340, any amendments to the General Plan shall first be considered by the Planning Commission and thereafter recommended for approval or rejection by the Board of Supervisors. On April 26, 2018, the Planning Commission conducted a duly noticed public hearing on the General Plan amendments pursuant to Planning Code Section 340, and by Resolution No. 20162, found
that the public necessity, convenience, and general welfare required the proposed General
Plan amendments, adopted the General Plan amendments, and recommended them for
approval to the Board of Supervisors. A copy of the Planning Commission Resolution No.
20162, is on file with the Clerk of the Board of Supervisors in File No. 180475, and
incorporated by reference herein.

(2) On April 26, 2018, the Planning Commission, in Resolution No. 20162, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan, as amended, and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 180475, and incorporated by reference herein.

Section 2. The General Plan is hereby amended by revising the CP Subarea Plan boundaries on each of the following CP Subarea Plan maps by removing the Jamestown Parcel from the CP Subarea Plan area:

Map 1 – Candlestick Point Subarea Plan Area.
Map 2 – Context: Bayview Hunters Point Area Plan Area.
Map 3 – Land Use.
Map 4 – Block Pattern: Extended Grid.
Map 5 – Major Transit.
Map 6 – Bay Trail and Bicycle Network.
Map 7 – Pedestrian Circulation Network.
Map 8 – Open Space Network.

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Section 3. The General Plan is hereby amended by revising the BVHP Area Plan of the General Plan by revising the maps throughout the General Plan that include references to the CP Subarea Plan by changing the boundaries of the CP Subarea Plan to match the revised boundaries that remove the Jamestown Parcel from the CP Subarea Plan.

Section 4. The General Plan is hereby amended by amending the HPS Area Plan to remove discussion of the previously planned stadium and to amend the maps to indicate the revised block pattern without the stadium. The full text of the HPS Area Plan with the additions and deletions is shown in Exhibit A to this ordinance, which is on file with the Clerk of the Board of Supervisors in File No. 180475 and incorporated herein by this reference. The HPS Area Plan maps that are amended are as follows:

Map 2 – Context: Bayview Hunters Point Area Plan Area.

Map 3 – Land Use.

Map 4 – Block Pattern: Extended Grid.

Map 6 – Bay Trail and Bicycle Network.

Map 7 – Pedestrian Circulation Network.

Map 8 – Open Space Network.

Section 5. Effective and Operative Dates.

(a) This ordinance shall become effective 30 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.

(b) This ordinance shall become operative on, and no rights or duties are affected until, the date that the ordinances approving amendments to the Bayview Hunters Point Redevelopment Plan and amendments to the Hunters Point Shipyard Redevelopment Plan both have become effective. Copies of said Ordinances are on file with the Clerk of the Board
of Supervisors in File Nos. 180515 and 180516.

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

By: 
Elaine C. Warren
Deputy City Attorney

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File Number: 180475  Date Passed: July 10, 2018

Ordinance amending the General Plan in connection with revisions to the Candlestick Point and Hunters Point Shipyard Phase 2 Project in order to facilitate redevelopment; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 340.

June 25, 2018 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

June 26, 2018 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Safai, Sheehy, Stefani, Tang and Yee

July 10, 2018 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Cohen, Breed, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

File No. 180475  I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/10/2018 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: 7/10/18