

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 40-2017

Adopted October 17, 2017

APPROVING THE AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE MISSION BAY SOUTH REDEVELOPMENT PROJECT TO REMOVE A 0.3-ACRE PORTION OF SEAWALL LOT 337 KNOWN AS “P20” AND ADOPTING ENVIRONMENTAL REVIEW FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; RECOMMENDING ADOPTION OF THE REDEVELOPMENT PLAN AMENDMENTS BY THE BOARD OF SUPERVISORS AND SUBMITTING THE RECOMMENDATION, INCLUDING THE REDEVELOPMENT PLAN AMENDMENTS, TO THE BOARD OF SUPERVISORS; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure, (“Successor Agency” or “OCII”) proposes to adopt amendments (“Plan Amendments”) to the Mission Bay South Redevelopment Plan for the Mission Bay South Redevelopment Project (“Redevelopment Plan”); and,

WHEREAS, The Board of Supervisors of the City and County of San Francisco (“Board of Supervisors”) adopted the Mission Bay South Redevelopment Plan on November 2, 1998 by Ordinance No. 335-98 (“Redevelopment Plan”) and amended the Redevelopment Plan on July 9, 2013 by Ordinance No. 143-13; and,

WHEREAS, The Redevelopment Plan establishes the land use controls for the Mission Bay South Redevelopment Project Area (“Project Area”). The 238-acre Redevelopment Plan designates the boundaries for the Project Area (“Redevelopment Plan Area”). The 238-acre Redevelopment Plan Area includes a 0.3-acre portion of Seawall Lot 337 that is subject to the public trust and administered by the Port of San Francisco (“Port”), identified as “P20” in the Redevelopment Plan. The Redevelopment Plan identifies P20 as an “open space” area, however, the future use of P20 as a small open space buffer is no longer viable or desirable; and,

WHEREAS, The State Legislature adopted Assembly Bill 815 in 2007, which suspended application of certain public trust use restrictions to Seawall Lot 337 in order to facilitate its redevelopment. In addition, the State Legislature has declared, pursuant to Assembly Bill 2797, (Chapter 529 of the Acts of 2016) (“AB 2797”), that redevelopment of Seawall Lot 337 is of “particular importance to the state,” and on that basis, has authorized expedited procedures to facilitate the reconfiguration of Seawall Lot 337, including the removal of P20 from the Redevelopment Plan. Consistent with the foregoing, and as the result of an extended public process, the Port engaged with a private developer to redevelop

Seawall Lot 337, Pier 48 and adjacent streets, all as described in the Final Environmental Impact Report (“FEIR”) for the Seawall Lot 337 and Pier 48 Mixed-Use Project (“Mixed Use-Project”). The Mixed-Use Project calls for the redevelopment of the aforementioned areas as a mixed-use residential and commercial development that will be integrated with the adjacent neighborhood as well as provide parks, open space and enhanced San Francisco Bay connectivity; and,

WHEREAS, Seawall Lot 337 is underutilized and frequently vacant, thereby contributing to blight within the adjacent Redevelopment Project Area, and both the State Legislature and the Port have acknowledged that P20 should be removed from the Redevelopment Plan in order to effectuate the reconfiguration of Seawall lot 337 and the redevelopment of that site consistent with AB 2797; and

WHEREAS, Removal of P20 from the Redevelopment Plan would be consistent with AB 2797 and Proposition D (Nov. 2015), advance the Port’s land use planning efforts for Seawall Lot 337, and promote the objectives and policies of the Redevelopment Plan; and,

WHEREAS, OCII is recommending the Plan Amendments to remove P20 to implement the intent of the State Legislature and the Port and to advance the objectives and policies of the Redevelopment Plan by removing P20 from the Plan. The Plan Amendments do not change the authorized land uses under the Redevelopment, and do not increase financing limits or the duration of the Redevelopment Plan; and,

WHEREAS, Sections 33450-33458 of the CRL sets forth the process for amending a redevelopment plan. This process includes a publicly noticed hearing of the redevelopment agency; environmental review to the extent required, and adoption of the amendments by the redevelopment agency after the public hearing; preparation of the report to the legislative body, a determination of General Plan conformity; a publicly noticed hearing of the legislative body, and legislative body consideration after its hearing. Section 33352 of the CRL further requires the preparation of a report to the legislative body regarding the plan amendment in order to provide relevant background information in support of the need, purpose and impacts of the plan amendment; and,

WHEREAS, In accordance with Section 33457.1 of the of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the Successor Agency has prepared the Report to the Board of Supervisors on the Amendments to the Mission Bay South Redevelopment Plan (“Report to the Board”) that contains only the information required by Health and Safety Code Section 33352 that is warranted by the Plan Amendments; and,

- WHEREAS, On September 14, 2017, the Mission Bay Citizens Advisory Committee (“CAC”) considered the proposed Plan Amendments and recommended approval of the Plan Amendments by the CCII and adoption by the Board of Supervisors; and,
- WHEREAS, On October 5, 2017, the Planning Commission by Motion 20019 certified the Final Environmental Impact Report (“FEIR”) under the California Environmental Quality Act (“CEQA”) for the Seawall Lot 337 and Pier 48 Mixed-Use Project (the “Project”), and adopted findings and statement of overriding considerations as required under CEQA; and,
- WHEREAS, On October 5, 2017, the San Francisco Planning Commission (“Planning Commission”) certified the Final Environmental Impact Report (“FEIR”) for the Mixed-Use Project under the California Environmental Quality Act (“CEQA”) by Motion 20019. The Planning Commission found that the Mixed-Use Project is consistent with the General Plan and in conformity with the priority policies in Planning Code Section 101.1. The Planning Commission findings encompass the Plan Amendments. The Plan Amendments as described and evaluated in the Report are consistent with the amendments to the Redevelopment Plan as considered and evaluated in the certified FEIR, such that no subsequent or supplemental environmental impact report is required pursuant to Public Resources Code section 21166 or CEQA Guidelines Section 15162; and,
- WHEREAS, The Commission held a public hearing on October 17, 2017 on adoption of the Plan Amendments, notice of which was duly and regularly published in a newspaper of general circulation in the City and County of San Francisco once a week for three successive weeks beginning 21 days prior to the date of the hearing, and a copy of that notice and affidavit of publication are on file with OCII; and,
- WHEREAS, Copies of the notice of public hearing were mailed by first-class mail to the last known address of each assessee of land in the Redevelopment Project Area as shown on the last equalized assessment role of the City; and,
- WHEREAS, Copies of the notice of public hearing were mailed by first-class mail to all residential and business occupants in the Redevelopment Project Area; and,
- WHEREAS, Copies of the notice of public hearing were mailed, by certified mail, return receipt requested, to the governing body of each taxing agency which receives taxes from property in the Redevelopment Project Area; and,
- WHEREAS, The Commission has provided an opportunity for all persons to be heard and has considered all evidence and testimony presented for or against any and all aspects of the conforming Plan Amendments; and,

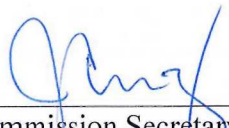
WHEREAS, Development within the Project Area is subject to an Owners Participation Agreement between the Successor Agency and FOCIL-MB, LLC that requires, among other things, that the Successor Agency shall obtain the consent of FOCIL-MB, LLC to amend the Redevelopment Plan, which consent has been, or will be, provided prior to the Successor Agency's approval of the Plan Amendments; and,

WHEREAS, OCII staff has reviewed the Plan Amendments and finds them acceptable and recommends approval thereof; now, therefore, be it

RESOLVED, That the Commission on Community Investment and Infrastructure finds and determines that the Plan Amendments are within the scope of the project analyzed by the FEIR, and require no additional environmental review pursuant to CEQA Guidelines Sections 15162, 15163, as: (a) the Plan Amendments do not result in 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 FEIR will be undertaken that would require major revisions to the FEIR due to new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (c) no new information of substantial importance to the project analyzed in the FEIR has become available that would indicate that (i) the Plan Amendments will have significant effects not discussed in the FEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible that would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives that are considerably different from those in the FEIR/EIR will substantially reduce one or more significant effects on the environment; and, be it further

RESOLVED, That the Commission approves the Plan Amendments attached hereto as Exhibit A and recommends forwarding the Plan Amendments to the San Francisco Board of Supervisors for its approval.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of October 17, 2017.



Commission Secretary

Exhibit A: Plan Amendments

EXHIBIT A

AMENDMENTS TO THE MISSION BAY SOUTH REDEVELOPMENT PLAN

The following amendments are proposed to the Mission Bay South Redevelopment Plan Adopted July 9, 2013 ("Redevelopment Plan"):

Proposed Amendment #1. Attachment 1 (Land Use Plan and Legal Description)

Attachment 1 – Land Use Plan and Legal Description to the Redevelopment Plan

Proposed Amendment #2. Attachment 2 (Plan Area Map)

Attachment 2 – Plan Area Map to the Redevelopment Plan

Proposed Amendment #3. Attachment 3 (Redevelopment Land Use Map)

Attachment 3 – Redevelopment Land Use Map to the Redevelopment Plan

ATTACHMENT 1

LAND USE PLAN AND LEGAL DESCRIPTION

All that certain real property situate in the City and County of San Francisco, State of California, more particularly described as follows:

Commencing at the intersection point of the northeasterly line of Sixth Street (82.50 feet wide) with the southeasterly line of Berry Street (82.50 feet wide), said intersection having a coordinate of north 468817.32, east 1451868.98 in the California Coordinate System of 1927, Zone 3; thence along said southeasterly line of Berry Street south 46° 18' 07" west 990.05 feet to the southwesterly line of Seventh Street (82.50 feet wide); thence along said southwesterly line of Seventh Street south 43° 41' 53" east 440.00 feet to the southeasterly line of Channel Street (200.00 feet wide), and being the true point of beginning; thence continuing along said southwesterly line of Seventh Street south 43° 41' 53" east 2017.19 feet to the westerly line of Pennsylvania Street (90.00 feet wide); thence along said westerly line of Pennsylvania Street south 3° 10' 56" east 600.92 feet to the southerly line of Mariposa Street (66.00 feet wide); thence along said southerly line of Mariposa Street north 86° 49' 04" east 1690.17 feet to the westerly line of Illinois Street (80.00 feet wide); thence along said westerly line of Illinois Street south 3° 10' 56" east 63.85 feet; thence north 86° 49' 04" east 80.00 feet to a point on the easterly line of Illinois Street, last said point being on the Mission Bay Project boundary; thence along said Mission Bay Project boundary the following courses and distances; thence north 35° 06' 05" east 616.30 feet; thence northeasterly along an arc of a curve to the left, tangent to the preceding course with a radius of 440.00 feet through a central angle of 12° 49' 53" an arc distance of 98.54 feet; thence tangent to the preceding curve north 22° 16' 12" east 700.07 feet; thence northerly along an arc of a curve to the left, tangent to the preceding course with a radius of 340.00 feet through a central angle of 12° 28' 00" an arc distance of 73.98 feet; thence tangent to the preceding curve north 9° 48' 12" east 86.42 feet; thence northerly along the arc of a curve to the left, tangent to the preceding course with a radius of 340.00 feet, through a central angle of 11° 58' 09", an arc distance of 71.03 feet; thence tangent to the preceding curve north 2° 09' 57" west 121.44 feet; thence north 3° 10' 56" west 198.86 feet; thence north 2° 19' 47" west 292.70 feet; thence northwesterly along an arc of a curve to the left, tangent to the preceding course with a radius of 481.57 feet through a central angle of 24° 30' 49", an arc distance of 206.04 feet; thence tangent to the preceding curve north 26° 50' 36" west 402.03 feet; thence northwesterly along an arc of a curve to the right, tangent to the preceding course with a radius of 236.29 feet, through a central angle of 9° 00' 04" an arc distance of 37.12

feet; thence tangent to the preceding curve north $17^{\circ} 50' 32''$ west 652.35 feet to the easterly prolongation of the northerly line of future Mission Rock Street (65.25 feet wide); thence leaving said Mission Bay Project boundary, along said easterly prolongation and along said northerly line of future Mission Rock Street, south $86^{\circ} 49' 04''$ west 673.43 feet to the easterly line of Third Street; thence along said easterly line of Third Street north $3^{\circ} 10' 56''$ west 23.36 feet to an angle point therein; thence along said easterly line of Third Street south $86^{\circ} 49' 04''$ west 12.50 feet to an angle point in the easterly line of Third Street; thence along said easterly line of Third Street north $3^{\circ} 10' 56''$ west 1265.04 feet; thence south $64^{\circ} 21' 26''$ west 95.76 feet to the intersection of the westerly line of Third Street with said southeasterly line of Channel Street; thence along said southeasterly line of Channel Street south $46^{\circ} 18' 07''$ west 3578.74 feet to the true point of beginning.

Containing 10,340,343 square feet, more or less.

The bearings used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 0.999928 to obtain grid distances.

ATTACHMENT 2

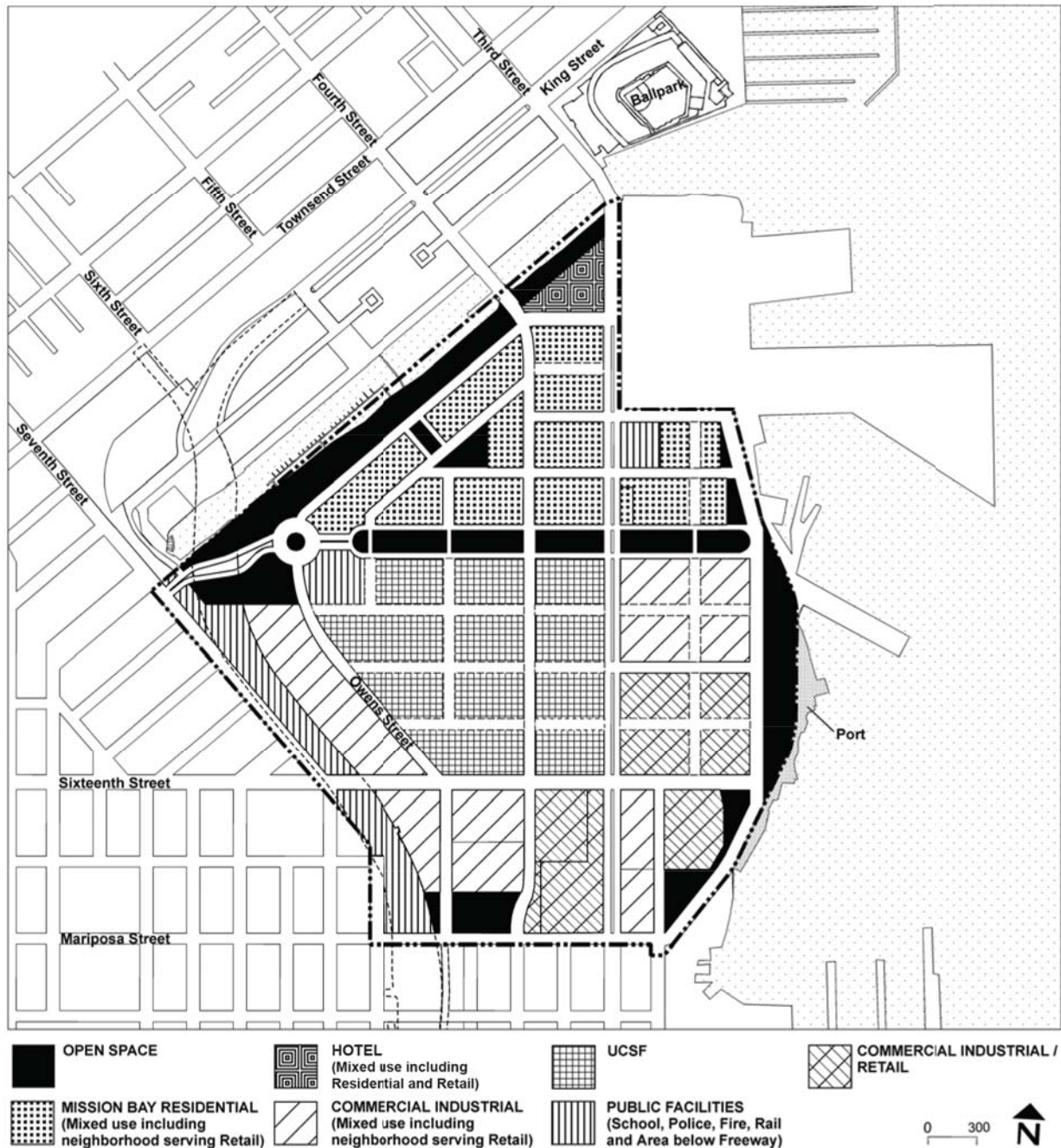
PLAN AREA MAP



Note: Street alignments and open space configurations shown on the figure are not exact and are indicated for illustrative purposes.

ATTACHMENT 3

REDEVELOPMENT LAND USE MAP



Note: Street alignments and open space configurations shown on the figure are not exact and are indicated for illustrative purposes.