

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 26-2024

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA, REFERRING THE PLAN AMENDMENTS TO THE PLANNING COMMISSION FOR ITS REPORT ON CONFORMITY WITH THE GENERAL PLAN, AND RECOMMENDING THE PLAN AMENDMENTS TO THE BOARD OF SUPERVISORS FOR ADOPTION; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA

WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, Section 33000 et seq. the “**CRL**”), the Redevelopment Agency of the City and County of San Francisco (the “**Former Agency**”) undertook programs for the reconstruction and construction of blighted areas in the City and County of San Francisco (“**City**”), including the Bayview Hunters Point Redevelopment Project Area (“**BVHP Project Area**”) and the Hunters Point Shipyard Redevelopment Project Area (“**HPS Project Area**”); and,

WHEREAS, The Board of Supervisors of the City and County of San Francisco (“**Board of Supervisors**”) adopted the Hunters Point Shipyard Redevelopment Plan (“**HPS Plan**”) on July 14, 1997 by Ordinance No. 285-97 and amended the HPS Plan on August 3, 2010 by Ordinance No. 211-10, on June 22, 2017 by Ordinance No. 122-17, and on July 16, 2018 by Ordinance No. 0166-18; and,

WHEREAS, On May 23, 2006, the Board of Supervisors amended the Bayview Hunters Point Redevelopment Plan (“**BVHP Plan**”) by Ordinance No. 113-06, on August 3, 2010 by Ordinance No. 210-10, on June 22, 2017 by Ordinance No. 123-17, and on July 16, 2018 by Ordinance No. 0167-18; and,

WHEREAS, On June 3, 2010, the Former Agency took several actions approving (or recommending approval of) a program of development for approximately 700 acres of land within the BVHP Plan and HPS Plan areas (“**CP/HPS2 Project**”) including a Disposition and Development Agreement (Candlestick Point and Phase 2 of the Hunters Point Shipyard) by and between the Former Agency and CP Development Co., LLC (“**Developer**”); and,

WHEREAS, Pursuant to California Health and Safety Code §§ 34170 *et seq.* (the “**Dissolution Law**”), the Former Agency was dissolved as of February 1, 2012; and,

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, herein “**Successor Agency**” or “**OCII**”) is completing the enforceable obligations of the Former Agency with regard to the HPS Plan and BVHP Plan areas, including implementation of the CP/HPS2 Project, under the authority of the CRL as amended by the Dissolution Law, and under San Francisco Ordinance No. 215-12 (Oct. 4, 2012) (establishing the Successor Agency Commission (“**Commission**”) and delegating to it state authority under the Dissolution Law); and,

WHEREAS, On September 13, 2023, the Governor signed into law Senate Bill 143 (2023) (“SB 143”) which amended Health & Safety Code Section 34177.7 to add subdivision (j) which states that “the limitations relating to time for establishing loans, advances, and indebtedness, the effectiveness of the redevelopment plans, the time to repay indebtedness, the time for applying tax increment, the number of tax dollars, or any other matters set forth in Section 33333.2 and Section 33492.13 shall not apply” to the Project. SB 143 provides that the applicable time limits for establishing loans, advances, and indebtedness, the effectiveness of the redevelopment plans, the time to repay indebtedness and receive property taxes will be established in the Project agreements. SB 143 further clarified that Redevelopment Dissolution Law does not “limit the receipt and use of property tax revenues generated from the HPS Redevelopment Plan project area or Zone 1 of the BVHP Redevelopment Plan project area” in connection with the Project; and,

WHEREAS, The Successor Agency proposes to adopt amendments to the HPS Plan and the BHVP Plan (“**Plan Amendments**”) to facilitate modifications to the CP/HPS2 Project, which modifications are proposed to be approved by the Commission together with its adoption of the Plan Amendments; and,

WHEREAS, The HPS Plan establishes the land use controls for the HPS Project Area, which consists of two sub-areas, HPS Phase 1 and HPS Phase 2. Proposed amendments to the HPS Plan primarily concern Phase 2 of the HPS Project Area. Proposed amendments to the HPS Plan land use controls consist of the following general changes: (a) allowing the transfer of up to 2,050,000 square feet of research and development and office space from HPS Phase 2 to those portions of BVHP Zone 1 where that use is allowed, subject to Commission approval and any necessary environmental review, with a corresponding reduction in those uses at Phase 2 of the HPS Project Area; and (b) allowing the transfer of residential units from HPS Phase 2 to BVHP Zone 1, subject to Commission approval and any necessary environmental review; and,

WHEREAS, Proposed amendments to the HPS Plan further implement SB 143 and establish the applicable limitations relating to time for establishing loans, advances, and indebtedness, the effectiveness of the HPS Plan, and the time to repay indebtedness and receive property taxes, in connection with Phase 2 of the HPS Plan as follows: (a) the time limit for establishing loans, advances, and indebtedness in connection with Phase 2 shall be 30 years from the date of conveyance to the Developer all Phase 2 parcel(s) required for the completion of development of the first Major Phase (as defined in that certain Disposition and Development Agreement for the CP-HPS2 Project) located within Phase 2 (defined as the “Initial HPS Transfer Date”) plus an additional 15 years which represents the “Anticipated Navy Delay” as further described below; (b) the time limit for the effectiveness of the HPS Plan for Phase 2 shall be 30 years from the Initial HPS Transfer Date plus an additional 15 years which represents the Anticipated Navy Delay; (c) the time limit to repay indebtedness and receive property taxes for Phase 2 shall be 45 years from the Initial HPS Transfer Date plus an additional 15 years which represents the Anticipated Navy Delay; and,

- WHEREAS, The Navy has recently informed OCII that completion of remediation and conveyance of all portions of the Shipyard Site, excluding Parcel F, to Developer will occur between 2036-2038, including time needed for a Finding of Suitability for Transfer and associated conveyance documentation. Documentation from the Navy relaying these schedule delays are described in correspondence provided to OCII by the Navy, and which are on file with the Commission Secretary. This estimated delay (defined as the Anticipated Navy Delay in the HPS Plan) warrants the additional 15-year periods referenced in clauses (a) – (c) of the preceding paragraph for purposes of redevelopment activities on the Shipyard Site and related tax increment financing; and,
- WHEREAS, The Plan Amendment further proposes adjusting the limit on the amount of bonded indebtedness that can be outstanding at one time by combining the existing \$800 million applicable to Candlestick Point and the existing \$900 million limit applicable to the Shipyard Site into a single limit in the amount of \$5.9 billion applicable to both BVHP Zone 1 and Phase 2 of the HPS Project Area. The limits on bonded indebtedness, which have not been adjusted since the approval of the Project in 2010, is necessary to address increases in project costs and inflation that have occurred since 2010 and future increases in project costs and inflation as redevelopment activities within Zone 1 of Project Area B and Phase 2 of the HPS Project Area progress; and,
- WHEREAS, The proposed amendments to the Redevelopment Plans remain consistent with the development envisioned by the Conceptual Framework (Board of Supervisors Resolution No. 264-07 (May 15, 2007); Agency Commission Resolution No. 40-2007 (May 1, 2007), Proposition G, the Jobs Parks and Housing Initiative (June 2008)), and Proposition O, the Hunters Point Shipyard/Candlestick Point Jobs Stimulus Proposition (November 2016); 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 amendment by the redevelopment agency after the public hearing; preparation of the report to the legislative body, referral of the amendment to any applicable planning entity for a determination of General Plan conformity, if warranted; a publicly noticed hearing of the legislative body, and legislative body consideration after its hearing. Section 33457.1 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, Pursuant to Section 33457.1 of the CRL, OCII staff has prepared a Report to the Board of Supervisors on the Amendments to the Hunters Point Shipyard Redevelopment Plan that includes the information required by Section 33352 to the extent warranted by the proposed amendment; and,
- WHEREAS, The Commission held a public hearing on September 3, 2024 on adoption of the Plan Amendments, notice of which was duly and regularly published in a newspaper of general circulation in the City once a week for four 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 the Commission Secretary; 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 HPS Project Area and the BVHP 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 HPS Project Area and the BVHP 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 HPS Project Area and the BVHP 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, The Plan Amendments were presented to the Mayor's Hunters Point Shipyard Citizens Advisory Committee Business & Employment, Housing and Planning subcommittee on May 16, 2024, and to its full Committee on June 17, 2024, and received its recommendation for approval; and,
- WHEREAS, OCII staff has reviewed the Plan Amendments, and find them acceptable and recommends approval thereof; and,
- WHEREAS, OCII has provided for appropriate public hearings, and referred them to the City's Planning Commission for determination that the Plan Amendments are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1; and,
- WHEREAS, On September 3, 2024, the Commission adopted Resolution No. 22-2024, by which the Commission determined that the Final EIR (therein defined), together with further analysis provided in Addendum No. 1, Addendum No. 4, Addendum No. 5, Addendum No. 6, and Addendum No. 7 remain adequate, accurate, and objective and in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.); and,
- WHEREAS, The environmental effects of the Redevelopment Plan Amendment have been analyzed in the environmental documents, which are described in Resolution No. 22-2024. Copies of the environmental documents are on file with the Agency; now, therefore, be it:
- RESOLVED, That the Commission hereby finds that the Plan Amendments are included in the actions identified in Resolution No. 22-2024 for purposes of compliance with CEQA; and be it further
- RESOLVED, That in Resolution No. 22-2024, adopted on September 3, 2024, the Commission adopted findings that various actions, including the Plan Amendments, were in compliance with CEQA. Said findings are on file with the Commission Secretary and are incorporated herein by reference. Said findings are in furtherance of the actions contemplated in this Resolution and are made part of this Resolution by reference herein; and be it

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; and be it

RESOLVED, That the Commission authorizes the OCII Executive Director to take all actions as may be necessary or appropriate, to the extent permitted under applicable law and the Redevelopment Plans, to effectuate OCII's performance thereunder.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of September 3, 2024.

Commission Secretary

EXHIBIT A: Amendments to the Redevelopment Plan for the Hunters Point Shipyard.

Please refer to the large “Attachments” binder for a copy of Exhibit A – Amendments to the Redevelopment Plan for the Hunters Point Shipyard to Resolution No. 26-2024

- Attachment 1: July 2, 2024, Commission Workshop Memo
- Attachment 2: July 2, 2024, Commission Workshop Memo Attachments
- Attachment 3(a): BVHP Redevelopment Plan Amendment-Description of Changes
- Attachment 3(b): BVHP Redevelopment Plan (Redline)
- Attachment 4(a): HPS Redevelopment Plan Amendment – Description of Changes
- Attachment 4(b): HPS Redevelopment Plan (Redline)
- Attachment 5: BVHP Report to the Board on the BVHP Plan Amendment
- Attachment 6: HPS Report to the Board on the HPS Plan Amendment
- Attachment 7(a): Fourth Amendment to the CP/HPS2 DDA – Description of Changes
- Attachment 7(b): Fourth Amendment to CP/HPS 2 DDA (Clean)
- Attachment 7(c): Fourth Amendment (Redline)
- Attachment 8(a): Development Plan – Description of Changes
- Attachment 8(b): Development Plan
- Attachment 9(a): Phasing Plan – Description of Changes
- Attachment 9(b): Phasing Plan
- Attachment 10(a): Schedule of Performance – Description of Changes
- Attachment 10(b): Schedule of Performance
- Attachment 11(a): Financing Plan – Description of Changes
- Attachment 11(b): Financing Plan (Clean)
- Attachment 11(c): Summary Proforma
- Attachment 11(d): Financing Plan (Redline)
- Attachment 12(a): First Amendment to Pledge Agreement – Description of Changes
- Attachment 12(b): First Amendment to Pledge Agreement (Clean)
- Attachment 12(c): First Amendment to Pledge (Redline)
- Attachment 12(d): Pledge Agreement
- Attachment 13(a): Below-Market-Rate Housing Plan-Description of Changes
- Attachment 13(b): Below Market-Rate Housing Plan (Clean)

- Attachment 13(c): Below Market-Rate Housing Plan (Redline)
- Attachment 13(d): Housing Map
- Attachment 14(a): Candlestick Point Design for Development– Description of Changes
- Attachment 14(b): Candlestick Point Design for Development – Amendment and Restated
- Attachment 15(a): DRDAP – Description of Changes
- Attachment 15(b): DRDAP – Amended and Restated
- Attachment 16(a): Transportation Plan and Appendix – Description of Changes
- Attachment 16(b): Transportation Plan and Appendix – (Redline)
- Attachment 17: Fiscal and Economic Impact Report
- Attachment 18: Addendum 7 to the Project FEIR (available in the enclosed flash drive)