

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 13-2018

Adopted April 17, 2018

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA AND THE REDEVELOPMENT PLAN FOR THE BAYVIEW HUNTERS POINT 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 AND BAYVIEW HUNTERS POINT 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 and on June 22, 2017 by Ordinance No. 122-17; 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, and June 22, 2017 by Ordinance No. 123-17; 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**”); 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, 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, and consist of the following general changes: (a) a new land use pattern reflecting the historic street grid and building typologies within HPS Phase 2; (b) adjusting the mix of land uses within HPS Phase 2, resulting in a reduction of the amount of research and development and office space allowed, and providing for new uses, including hotel and institutional uses, and an increase in retail space, comprising an overall amount of 5,501,000 square feet of nonresidential development within HPS Phase 2, and resulting in a slight reduction of residential uses with HPS Phase 2 (but not an overall reduction within the CP/HPS2 Project); (c) allowing, at the Commission’s discretion, adjustment to contemplated land uses within HPS Phase 2, subject to materially maintaining the overall 5,501,000-square-foot level of development within HPS Phase 2; (d) allowing for private eco-district infrastructure to serve the CP/HPS2 Project; and,

WHEREAS, The BVHP Plan establishes the land use controls for the BVHP Project Area, which is divided into two sub-areas (Project Area A and Project Area B), and Project Area B is further divided into Zone 1 (also known as Candlestick Point) and Zone 2 (the remainder of Project Area B). Proposed amendments to the BVHP Plan consist of the following general changes: (a) slightly increasing the number of residential units within BVHP Zone 1; (b) allowing, at the Commission’s discretion, adjustment to contemplated land uses within BVHP Zone 1, subject to materially maintaining the overall 1,185,000-square-foot level of development within BVHP Zone 1; and (c) allowing, at the Commission’s discretion, the transfer of up to 118,500 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; and (e) amending the boundaries of BVHP Zone 1 to relocate one parcel of land (the “**Jamestown Parcel**”) from Zone 1 to Zone 2, thereby including that parcel within the jurisdiction of the San Francisco Planning Department rather than OCII; 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 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, Pursuant to Section 33352 of the CRL, OCII staff has prepared a Report to the Board of Supervisors on the Amendments to the Hunters Point Shipyard Redevelopment Plan and a Report to the Board of Supervisors on the Amendments to the Bayview Hunters Point Redevelopment Plan; and,

WHEREAS, The Commission held a public hearing on April 17, 2018 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 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 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 Planning and Development subcommittee on March 29, 2018, and to its full Committee on April 2, 2018 and April 9, 2018, 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 April 17, 2018, the Commission adopted Resolution No. 11-2018, by which the Commission determined that the Final EIR (therein defined), together with further analysis provided in Addendum No. 1, Addendum No. 4 and Addendum No. 5, 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 Agency Resolution No. 11-2018. 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 11-2018 for purposes of compliance with CEQA; and be it further

RESOLVED, That in Resolution No. 11-2018, adopted on April 17, 2018, 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 Exhibit B and recommends forwarding the Plan Amendments to the San Francisco Board of Supervisors for its approval, and authorizes OCII to make conforming revisions with regard to adjustment of the Jamestown Parcel in the Candlestick Point Design for Development; 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 April 17, 2018.



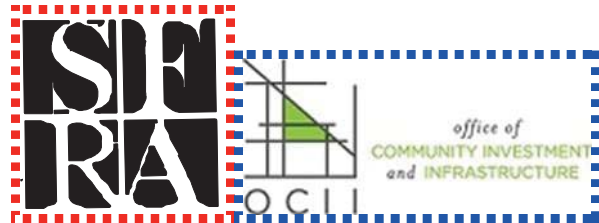
Commission Secretary

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

EXHIBIT B: Amendments to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Plan (Existing Redevelopment Plan available at www.sfocii.org)

HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN

JULY 14, 1997
Amended August 3, 2010
Amended June ~~—~~, 22, 2017
Amended _____, 2018



**SUCCESSOR AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY
~~August 3, 2010~~
_____, 2018**

**REDEVELOPMENT PLAN
for the
HUNTERS POINT SHIPYARD
PROJECT AREA**

HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT

REDEVELOPMENT PLAN

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Attachments:

Attachment A: Legal Description of the Project Area

Attachment B: Authorized Public Improvements

Attachment C: Planning Code Section 314

Attachment D: Planning Code Section 295

Attachment E: Planning Commission Resolution 18102

Attachment F: Proposition O (2016)

HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT

REDEVELOPMENT PLAN

This Redevelopment Plan (this “**Plan**”) for the Hunters Point Shipyard Redevelopment Project Area (the “**Project Area**”) consists of the following text, maps and attachments: (a) the maps are: Map 1: Boundary Map; Map 2: Land Use Districts Map; Map ~~2a: Private Infrastructure; Map 3: Existing Buildings; and Maps~~ Map 4A, 4B and 4C: Street Plans ~~Plan~~; and (b) the attachments are: Attachment A: Legal Description of the Project Area; Attachment B: List of Public Improvements; Attachment C: Planning Code Section 314; Attachment D: Planning Code Section 295; ~~and~~ Attachment E: Planning Commission Resolution 18102 (subject to Section II.D.5 below), and Attachment F: Proposition O.

This Plan was adopted on July 14, 1997 (Ordinance No. 285-97) and amended on August 3, 2010 (Ordinance No. 211-~~10, and~~ 10), on June 22, 2017 (Ordinance No. 122-17), ~~and on~~ , 2018 (Ordinance No. _____). This Plan was prepared in accordance with the California Community Redevelopment Law (as amended from time to time, the “**CRL**”) and pursuant to Chapter 4.5 therein, which governs the redevelopment of closed military bases. During the preparation of this Plan, the Redevelopment Agency of the City and County of San Francisco (the “**Agency**”) consulted with the Mayor’s Hunters Point Shipyard Citizens Advisory Committee (the “**CAC**”), the San Francisco Planning Commission, and with other departments and offices of the City and County of San Francisco (the “**City**”). This Plan conforms with the General Plan of the City insofar as the General Plan applies to the Project. Any development within the jurisdiction of the Bay Conservation and Development Commission shall conform to the San Francisco Bay Plan.

The proposed redevelopment of the Project Area as described in this Plan is consistent with the San Francisco General Plan, the Bayview Hunters Point Area Plan, and the Hunters Point Shipyard Sub-Area Plan as ~~adopted and amended by the Planning Commission on June 3, 2010, of the 2018 Plan Amendment Date~~, and is in conformity with the eight Priority Policies of Section 101.1 of the San Francisco Planning Code (the “**Planning Code**”).

This Plan sets forth the objectives and the basic land use controls within which specific redevelopment activities in the Project Area will be pursued. It is consistent with provisions of the CRL in effect at the date of adoption of this Plan and as of the ~~2017~~ 2018 Plan Amendment Date.

I. DESCRIPTION OF PROJECT

A. Project Boundaries

The boundaries of the Project Area are indicated on Map 1: Boundary Map and the legal description of the Project Area is provided in Attachment A: Legal Description of the Project Area. The Project Area consists of Real Property within the City and County of San Francisco, State of California.

B. The Citizens Advisory Committee Planning Guidelines - A Statement of General Principles

The planning process for the reuse of the Project Area is complex, involving the Mayor’s Hunters Point Shipyard Citizens Advisory Committee and a host of citizen groups and government agencies. The planning process establishes the roles of these various entities, as well as the timeframe during which certain actions must occur. The process began in earnest

in 1993 when the CAC convened to formulate goals and preferred uses for the Shipyard site. The CAC adopted a set of planning guidelines to frame their ideas for the development and reintegration of the Shipyard into the social, economic and physical fabric of Bayview Hunters Point and the City of San Francisco at an intensive conference and public workshop that they sponsored in February 1994. The CAC guidelines represent a strong group consensus and the CAC feels that they should set the tone for the renewal of the Project Area. These planning guidelines are outlined below:

1. Create Jobs for Economic Vitality

Encourage land uses that will foster employment, business and entrepreneurial opportunities, cultural and other public benefits for residents of San Francisco. South Bayshore residents and businesses should be given priority. Legislative and administrative regulation mandating preference to South Bayshore residents and businesses in the course of the environmental remediation, redevelopment and reuse of the property should be used to facilitate this objective. Existing training and educational programs will be supported and new programs created as needed.

2. Support Existing Businesses and Artists' Community

New uses should be compatible with existing South Bayshore businesses, Shipyard businesses and artists, and other sectors of San Francisco's economy. Maintain the large community of artists and artisans on the Shipyard, providing for their need for flexible low-cost space, while accommodating the full diversity of arts and culture in the South Bayshore community. Expand the scope of activities to accommodate the full range of arts and culture.

3. Create Appropriate Mix of New Businesses

Encourage diversity with a mix of large, medium and small businesses to generate revenues for the City's general fund and stimulate the economy of the South Bayshore community. Diversify San Francisco's economic base by restoring its industrial sector with uses based on futuristic technologies tied to regional, national and international markets and economics. Target industries and businesses with a likelihood for long-term growth, such as multimedia, biotech and video-film.

4. Balance Development and Environmental Conservation

Balance development with reclamation of the natural ecology of the southeast waterfront with targeted uses that are environmentally appropriate for the San Francisco Bay. Use the toxic cleanup process to develop training, employment and business opportunities consistent with Guideline #1.

5. Facilitate Appropriate Immediate Access

Incorporate an action program to enable immediate access to existing Shipyard facilities, giving preference to South Bayshore businesses and organizations. Transitional uses in the Shipyard should be consistent with, and not deter, long-term development of the Shipyard in accordance with these Master Plan Guidelines.

6. Integrate Land Uses

Integrate new uses at the Shipyard into current plans for the Bayview area. Plan for the integration of passive and active open space, affordable housing, transportation and traffic circulation, while minimizing land use conflicts between housing and industry.

7. Acknowledge History

Include uses that acknowledge the history of the original Native American inhabitants of the Hunters Point area and historic relationship of Bayview Hunters Point's African-American community to the Shipyard.

C. Existing Conditions

The Project Area is characterized by conditions of blight. Physical conditions include buildings in which it is unsafe or unhealthy for persons to live or work, and the existence of factors that prevent or substantially hinder the economically viable reuse of buildings and areas. Economic conditions include depreciated or stagnant property values, properties containing hazardous wastes, abnormally high business vacancies, abandoned buildings, and excessive vacant lots within an area formerly used as a military base.

D. Summary of Proposed Actions

The Agency, in accordance with and pursuant to applicable Federal and State laws as well as those local laws that are applicable pursuant to this Plan, will remedy, or cause to be remedied, the conditions causing blight presently existing in the Project Area by some or all of the following measures:

1. Rehabilitation, alteration, modernization, general improvement or any combination thereof (hereinafter called “**rehabilitation**”) of certain existing structures.
2. Acquisition of real property by purchase, gift, devise, exchange, condemnation, lease, or any other lawful means.
3. Relocation of certain commercial and industrial occupants presently located in structures that may be subject to acquisition or rehabilitation.
4. Demolition, removal, or clearance of certain existing buildings structures, and improvements.
5. Installation, construction, or reconstruction of streets, utilities, and other public improvements or facilities.
6. Disposition of all land acquired by the Agency for reuse in accordance with this Plan, the Hunters Point Shipyard Phase 1 Design for Development, the Hunters Point Shipyard Phase 2 Design for Development, and such additional conditions as may be established by the Agency in any manner authorized by law in order to carry out the purposes of redevelopment.
7. Formulation and administration of rules governing reasonable preference to owners or tenants of business, or other types of real property who are displaced from the Project Area to reenter the Project Area.

II. PROJECT PLAN

A. Objectives

The objectives of the actions proposed by this Plan are to:

1. Foster employment, business, and entrepreneurial opportunities in the rehabilitation, construction, operations, and maintenance of facilities in the Project Area.
2. Stimulate and attract private investments, thereby improving the City's economic health, tax base, and employment opportunities.
3. Provide for the development of economically vibrant and environmentally sound districts for mixed use; cultural, educational and arts activities; research, industrial and training activities; and housing.
4. Provide for the development of mixed-income housing:
 - With regard to this objective, the project-wide aggregate income-mix goal includes that at least 15% of the housing be affordable to persons and families of low or moderate income.
 - The term "persons and families of low or moderate income" has the same meaning as defined in Section 50093 of the California Health and Safety Code.
5. Provide public parks, open space, and other community facilities.
6. Administer lands granted to the Agency by the State of California consistent with the Public Trust and reconfigure those lands in a manner that enhances their value for Public Trust purposes, in accordance with Chapter 203 of the Statutes of 2009 (as amended from time to time, the "Granting Act").
7. Retain, improve, and re-use historic structures, where feasible, as part of a program to feature the history of people, buildings, and uses at the Shipyard.
8. Provide for infrastructure improvements, including: streets and transportation facilities; open space and recreation areas; and utilities for water, sewer, gas, and electricity.
9. Remove conditions of blight in the form of buildings, site improvements, and infrastructure systems that are substandard and serve as impediments to land development.
10. Encourage use of the most cost-effective, energy efficient, and environmentally sustainable development techniques feasible.
11. Retain those existing viable industries and businesses currently located in the Project Area.
12. ~~Provide the opportunity to build a state-of-the-art sport facility.~~ Position the Project Area at the vanguard of technology development and production as

well as associated labor markets. Accommodate new, emerging, and unforeseen uses not specifically identified herein.

13. Provide sufficient flexibility in the development of real property within the Project Area to respond readily and appropriately to market conditions and innovations.

14. Provide opportunities and support for privately owned “eco-district” utility infrastructure that helps achieve community and ecological priorities within the Project Area.

B. Land Uses

Map 1: Boundary Map, Map 2: Land Use Districts Map, Map [2a: Private Infrastructure](#), Map 3: Existing Buildings, and [Maps Map 4A, 4B and 4C: Street Plans illustrate](#) Plan illustrates the location of the Project Area boundaries, existing buildings, major streets in the Project Area and land uses permitted in the Project Area.

1. Land Use Districts

The Project Area consists of several mixed use districts (each referred to as a “**District**” or “**Land Use District**”) as shown on Map 2: Land Use Districts Map. The map shows the general boundaries of the Districts; precise boundaries of the Districts are to be interpreted in light of the objectives of this Plan at the time specific parcels are subdivided in accordance with City and State subdivision laws.

Allowable land uses within each District will be all those that are consistent with the character of the District as described in this Plan. The specific uses identified below [and on Map 2](#) for each District illustrate the appropriate scope and nature of permitted uses.

Principal Uses. Within each District, “**Principal Uses**” shall be allowed as of right.

Secondary Uses. Within each District, “**Secondary Uses**” shall be allowed through the determination of the Agency Commission or its designee, provided that such use: (a) generally conforms with the redevelopment objectives of this Plan, the objectives of the District as set forth in this Plan and applicable Hunters Point Shipyard Design for Development (Phase 1 or Phase 2); (b) is compatible with the District’s Principal Uses, nearby public facilities, and broader community; (c) is consistent with the Mitigation Measures and appropriately mitigates any adverse impacts; and (d) does not at the proposed size and location materially impede the planned uses and development of the District or Project Area. The Agency Commission or its designee may place conditions on the Secondary Use as necessary to make the findings in clauses (a) through (d) above.

Non-Designated Uses. Uses that are proposed but are not specifically defined herein (“**Non-Designated Uses**”) may be classified by the Executive Director as Principal Uses, Secondary Uses, Temporary Uses, Interim Uses, or Prohibited Uses. The Executive Director or his or her designee may allow a Non-Designated Use as a Principal Use subject to approval by the Agency Commission, provided the Executive Director or his or her designee finds that such Non-Designated Use: (a) is consistent with the other Principal Uses allowed in the applicable District; (b) is consistent with the objectives for the applicable District; (c) generally conforms with the applicable Hunters Point Shipyard Design for Development (Phase 1 or Phase 2); and (d) is consistent with the Mitigation Measures and appropriately mitigates any adverse impacts.

For Temporary or Interim Uses, the Executive Director shall in addition make the findings required for such uses as set forth in Sections C.1 and C.2 below.

In the event the Executive Director determines that a Non-Designated Use should be evaluated as a potential Secondary Use rather than a Principal Use, the Executive Director shall require that the proposed use be considered by the Agency Commission pursuant to the Secondary Use process set forth above.

Prohibited Uses. Within most Districts, certain land uses are expressly prohibited in order to maintain the intended character of the District, avoid conflicts of land uses, or maintain public welfare in response to specific conditions of the District (“**Prohibited Uses**”). The following uses will be Prohibited Uses in all Districts within the Project Area: ~~Medical Cannabis Clubs~~; Mortuary; and Adult Entertainment uses.

Provisions Applicable Generally.

Certain lands within the Project Area are or may be subject to the Public Trust. The Public Trust doctrine limits the uses that are permitted on Public Trust lands. A Principal Use or Secondary Use shall be permitted on Public Trust land only to the extent the use is permitted under the Public Trust and is consistent with the Agency’s management of those lands on behalf of the State for Public Trust purposes. Thus, even though a particular use or uses may be shown as a permitted Principal Use or Secondary Use within the Project Area, that use or uses may nevertheless not be permitted on lands subject to the Public Trust within the Project Area.

In all cases below, the height, bulk, setback, parking and open space requirements will be established in the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development, provided that development thereunder shall not exceed the limits established in Section II.D.4.

Parking is a permitted Accessory Use to every Principal Use and Secondary Use permitted in each Land Use District. The design and location of parking is controlled by the applicable Design for Development.

Infrastructure elements that are required to provide access, utilities, and public services to the development described in this Section II.B ~~shall be allowed as Principal Uses, as described in or consistent with the Infrastructure Plan for the Hunters Point Shipyard Phase 2-Candlestick Point Project, are permitted~~ provided they are consistent with the Mitigation Measures and subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR (including any subsequent analysis).

~~Additional infrastructure elements such as decentralized wastewater treatment facilities, automated trash centralized collection facilities, and district heating and cooling facilities that serve the Project Area will be subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR, the Mitigation Measures, and the Infrastructure Plan for the Hunters Point Shipyard Phase 2-Candlestick Point Project (as amended from time to time, the “Infrastructure Plan”). Decentralized wastewater treatment facilities shall be permitted as a Secondary Use in the Shipyard North Residential District, Shipyard Research & Development District and Shipyard South Multi-Use District. Automated trash centralized collection facilities shall be permitted as a Secondary Use in all Districts except in the Shipyard Shoreline Open Space District. District Heating and Cooling Facilities shall be permitted as a Secondary Use in all Districts except in the Shipyard Shoreline Open Space District. “eco-district” and other privately owned utility infrastructure is encouraged in the Project Area, provided such infrastructure does not conflict with elements identified in the~~

Infrastructure Plan, and is consistent with the Mitigation Measures and the Candlestick Point/Hunters Point Shipyard Phase 2 EIR (including any subsequent analysis), each as determined by the Executive Director. Such infrastructure (including components thereof) is encouraged, but not required, to be located within future public or private rights of way, and such infrastructure (including components thereof) is permitted as follows under this Plan (but remain subject to review under other applicable Plan Documents and City review). Privately owned utility infrastructure includes individual stand-alone structures as well as Accessory infrastructure components listed below. Individual structures are permitted as specifically identified in Sections II.B.2-B.7, below, or otherwise as Secondary Uses throughout Phase 2 of the Project area. Accessory infrastructure components (those constructed together with otherwise permitted Uses) are permitted under this Plan (but remain subject to review for consistency with other applicable Plan Documents, including the applicable Design for Development). Such Accessory infrastructure components include:

- District Heating and Cooling Facility, including central energy plant (CEPs), water return and supply distribution system components, and water-to-air and water-to-water heat exchanger including components thereof (but excluding Geothermal Borefields, which are individual structures permitted as discussed above)
- Battery Storage System (including distribution system components thereof)
- Rooftop solar photovoltaic (PV) system (including components thereof)
- Recycled water collection, treatment and distribution system components
- Telecommunications/Fiber System and components
- Automated trash collection system and components
- Stormwater collection and treatment system (including Stormwater BMPs and other components thereof)
- Other Accessory infrastructure facilities and components that, as determined by the Executive Director, do not conflict with the objectives of the Plan, the Plan Documents or other applicable laws and regulations.

2. Hunters Point Hill Residential District

Objectives for this District: This District will accommodate residential uses with lower densities than the surrounding portion of the Project Area, given its hilltop and hillside position. Complementary neighborhood-serving commercial uses will be allowed, but are expected to be less prevalent than in the flatter ~~Shipyard~~North ~~Residential~~Shoreline District, which sits below this District. This District will include Hillpoint Park, a regional Park that will be impressed with the Public Trust and will include recreational and sports uses, special view areas with framed views of the Shipyard and the Bay beyond, public art, terraced sitting areas that take advantage of hilltop and hillside topography and stunning views of the Bay, and public access for visitors, residents, and employees in surrounding Districts.

(a) *Principal Uses:* The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live/Work Units
- Supportive Housing
- Home Office

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services
- Commercial Wireless Transmitting Facilities

Parks and Recreation Uses:

- Parks
- Open Space
- Public Recreation
- ~~Public Restrooms~~

(b) *Prohibited Uses:* ~~All~~ Cannabis-Related Uses and all other uses that are incompatible with the Principal Uses shall be Prohibited Uses in this Land Use District.

3. Shipyard-North Residential Shoreline District

Objectives for this District: This District will accommodate a waterfront-oriented residential neighborhood with higher densities and a greater range of housing types than those on the adjacent hillside. The principal land use is Dwelling Units ranging from townhomes to multi-family high-rise residential apartment or condominium towers. Related uses also include local-serving businesses, family child care services, small professional offices, and recreation facilities. Parks in this District may include a range of uses such as basketball, volleyball, tennis courts, children’s playgrounds, restrooms, and concessionaires. They may also include picnic/barbecue areas, pathways, and shade shelters. The Parks in this District may also include open air marketplace uses.

(a) *Principal Uses:* The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Institutional Uses:

- Residential Care Facility
- Child-Care Facility
- Elementary School
- Post-Secondary Institution
- Religious Institution

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services (up to 10,000 sq. ft. per tenant)
- Restaurants
- Bars
- Dry Cleaning Facility (~~excluding those with on-site dry cleaning plant~~)
- Health clubs, fitness, gymnasium, or exercise facilities
- Commercial Wireless Transmitting Facilities

Civic, Arts & Entertainment Uses:

- Community Use
- Recreational Facility
- Arts Education

- Art Production

Parks and Recreation Uses:

- Parks
- Public Recreation
- Open Space
- ~~• Public restrooms~~
- Open air marketplaces

(b) *Secondary Uses*: The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section II.B.1 are met:

Institutional Uses:

- Secondary School
- ~~• Post-Secondary Institution~~
- Vocational/Job Training Facility

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services (over 10,000 sq. ft. per tenant)
- Nighttime Entertainment
- Maker Space

Office Uses:

- ~~• Office~~

Civic, Arts & Entertainment Uses:

- Performance Arts
- ~~Nighttime Entertainment~~
- Amusement Enterprise

(c) *Prohibited Uses*: The following Uses are Prohibited Uses in this Land Use District:

- Drive-through facilities
- Automotive Repair and service stations
- ~~Dry-Cleaning Facility (with on-site dry-cleaning plant)~~ [Cannabis-Related](#)

[Uses](#)

4. ~~Shipyard~~ Village Center ~~Cultural~~ District

Objectives for this District: This District will accommodate a mixed-use community with a range of housing types, retail uses, and cultural and educational facilities designed to comprise a village that will serve the community in the surrounding Districts. Neighborhood-serving retail uses are proposed to be located on the ground floors along major commercial streets of the area with residential uses or office uses on the upper floors. This District will provide space dedicated for artists and arts-related uses as well as community-serving retail, business, service, and office uses. The arts-related, recreational, and grocery store uses in this District are intended to attract visitors from areas beyond the Project Area.

(a) *Principal Uses*: The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Institutional Uses:

- Residential Care [Facility](#)
- Child-Care Facility
- Elementary School
- Secondary School
- Post-Secondary Institutions
- Religious Institution
- Vocational/Job Training Facility

Retail Sales & Services Uses:

- Neighborhood Retail Sales and Services
- Restaurants
- Bars
- ~~Physical~~ [Health clubs, fitness, gymnasium, or exercise](#) facilities
- [Nighttime Entertainment](#)
- Grocery Store (up to 60,000 sq. ft.)
- Dry Cleaning Facility (~~excluding those with on-site dry-cleaning plant~~)
- Commercial Wireless Transmitting Facilities
- [Maker Space](#)

Office Uses:

- Office
- ~~Meeting rooms~~
- Conference facilities/[meeting rooms](#)

~~Hotel~~ [Uses](#)

Civic, Arts & Entertainment Uses:

- Community Use
- Recreational Facility
- Performance Arts
- Arts Education
- Art Production
- ~~Nighttime Entertainment~~
- Amusement Enterprise

Parks and Recreation Uses:

- Parks
- Public Recreation
- ~~Picnic and barbeque facilities~~
- Open air marketplace
- ~~Information kiosks and shade structures~~
- Open Space

(b) *Secondary Uses*: The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in this Section II.B.1 are met:

Retail Sales & Services Uses:

- Grocery Store (between 60,000 and 80,000 sq. ft.)
- Animal Services
- [Medical Services](#)

Office and Industrial Uses:

- Light Industrial (not including uses that include chemical processing of materials or heavy machinery use)
- ~~Health services~~
- Industrial kitchen
- Internet Service Exchange

(c) *Prohibited Uses*: The following Uses are Prohibited Uses in this Land Use District:

- Drive-through facilities
- ~~Automobile repair~~ [Automotive Repair](#) and service stations
- ~~Dry Cleaning Facility with on-site dry cleaning plants~~

5. ~~Shipyard Research & Development~~ [Wharf District](#)

Objectives for this District: This District will provide a diverse array of commercial and institutional operations for new research and development firms in a dynamic urban campus. This District will allow an integration of various uses suitable for [evolving market conditions and for](#) an innovative business or institutional environment ranging from office to laboratory activities including light industrial and manufacturing operations. It will also support ~~neighborhood commercial and community~~

~~uses~~ Neighborhood Retail Sales and Services and Community Uses to complement the research and development uses.

For Laboratory, Life Science, Light Industrial, and Green Technology Uses within this District, any Use containing a facility that emits regulated toxic air contaminants must show that the facility does not exceed the risk thresholds identified in the Mitigation Measures.

(a) Principal Uses: The following Uses are Principal Uses in this Land Use District:

Office & Industrial Uses:

- Office
- Light Industrial
- Life Science
- Laboratory
- Green Technology
- ~~• Commercial Wireless Transmitting Facilities~~
- Transportation and transit service facilities

Multi-media and Digital Arts Uses:

- Motion picture production
- Animation studios
- Printing and publishing
- Education and classroom facilities
- Galleries and exhibit space
- Recording studios
- Artist and artisan studios

Hotel Uses

Institutional Uses:

- Religious Institution
- Vocational/Job Training Facility
- ~~• Fire station~~
- Child-Care ~~Facilities~~Facility (subject to Section II.B.8)

Retail Sales and Services Uses:

- tenant)
- Neighborhood Retail Sales and Services (up to ~~10,000~~12,000 sq. ft. per
 - Regional Retail Sales and Services
 - Non-Retail Sales and Services
 - Animal Services
 - Restaurants
 - Bars
 - Health clubs, fitness, gymnasium, or exercise facilities
 - Nighttime Entertainment
 - Dry Cleaning Facility (~~including those with on-site dry cleaning plant~~)
 - Commercial Wireless Transmitting Facilities
 - Grocery Store
 - Maker Space

Residential Uses:

Residential Uses in this District ~~shall not exceed 440 units and~~ shall be allowed only in the blocks of the District that are adjacent to either Fisher Avenue or Drydock 4 (These blocks are indicated on Map 2). The following Residential Uses are Principal Uses in this Land Use District:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Civic, Arts & Entertainment Uses:

- Community Use
- Recreational Facility
- Arts Education
- Art Production

Parks and Recreation Uses:

- Parks
- Public Recreation
- Open ~~space~~Space
- Marina-related facilities

Within the Wharf District, any Laboratory, Life Science, Light Industrial, and/or Green Technology Use containing a facility that emits regulated toxic air contaminants must show that the facility does not exceed the risk thresholds identified in the Mitigation Measures. In addition, no Laboratory, Life Science, Light Industrial and/or Green Technology Uses containing a facility that emits regulated toxic air contaminants shall be permitted within three hundred fifty (350) feet of any Child-Care Facility, Elementary or Secondary School, or Residential Use in the Wharf District.

(b) *Secondary Uses*: The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section II.B.1 are met:

Institutional Uses:

- Post-Secondary Institutions

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services (over ~~10,000~~12,000 sq. ft. per tenant)
- Automotive Repair and Service station

Office and Industrial Uses:

- Enclosed processing of raw materials for production
- Small boat repair facilities and workshop areas
- Automotive storage
- ~~Automotive Repair~~
- Commercial Storage
- Internet Service Exchange

(c) *Prohibited Uses*: The following Uses are Prohibited Uses in this Land Use District:

- Dwelling Units (except in the area described above and shown on Map 2)
- Elementary ~~and~~ School
- Secondary ~~Schools~~ School
- Drive-through facilities

6. Shipyard South Multi-Use Warehouse District

Objectives for this District. This District will ~~provide a space for a state-of-the-art professional sports stadium, related uses, and regional-serving athletic facilities. This District will also~~ include research and development, office, and light industrial uses similar in scale and character to those in the adjacent ~~Shipyard Research & Development District. If the stadium is developed, retail uses would complement the stadium use and could include stadium-related and community-serving commercial and retail uses. If the stadium is not developed, this~~ Wharf District. This District would include a mix of uses including neighborhood-serving retail, business, research and

development and office uses comparable in scale and intensity to, and complementary of, those in the adjacent ~~Hunters Point Shipyard Research & Development Wharf~~ District, and potentially, Child-Care, Elementary and Secondary Schools and residential units at densities similar to those planned in the Shipyard North Residential District, (subject to Section II.B.8.8).

(a) Principal Uses: The following Uses are Principal Uses in this Land Use District:

~~Athletic and Recreational Facilities Uses:~~

- ~~• National Football League stadium~~
- ~~• Professional sports team training facilities~~
- ~~• Ticket sales and special event staging, including concerts and performances~~
- ~~• Regional athletic and recreation facilities~~
- ~~• Ancillary buildings for recreation, facility programming, and maintenance~~
- ~~• Parks, plazas and open space~~
- ~~• Public restrooms~~

Office & Industrial Uses:

- Office
- Light Industrial
- Life Science
- Laboratory
- Green Technology
- Non-Retail Sales and Services

Hotel Uses

Multi-media and Digital Arts Uses:

- Motion picture production
- Animation studios
- Printing and publishing
- Education and classroom facilities
- Galleries and exhibit space
- Recording studios
- Artist and artisan studios

Institutional Uses:

- Religious Institution
- Vocational/Job Training Facility

Retail Sales and Services Uses:

- Neighborhood Retail Sales and Services
- ~~Non-Regional~~ Retail Sales and Services
- Animal Services
- Restaurants
- Bars
- Health clubs, fitness, gymnasium, or exercise facilities
- Nighttime Entertainment
- Dry Cleaning ~~Facilities (including those with on-site dry cleaning plant)~~ Facility
- Commercial Wireless Transmitting Facilities

- Grocery Store
- Maker Space

Civic, Arts and Entertainment Uses:

- Community Use
- Recreational Facility
- Arts Education
- Art Production
- Amusement Enterprise
- Performance Arts

Infrastructure/Utility Uses

- Recycled Water Treatment Facility*
- Geothermal Borefields for vertical-bore geothermal heating exchange system*
- Internet Service Exchange

* As located consistent with Private Infrastructure Map 2a (except that Geothermal Borefields may not be located beneath property to be provided to the Agency for use as affordable housing without approval by the Agency Commission in its sole discretion).

~~If a new 49ers stadium is not developed in this District, all of the Principal Uses identified above would be allowed as Principal Uses in this District except for: (1) Dry Cleaning Facilities, which would become a Secondary Use; and (2) the National Football League stadium and directly related uses. In addition, the~~The following Uses would be Principal Uses in this Land Use District, subject to a finding adopted by the Agency Commission that these uses are not subject to any applicable Environmental Restriction described in Section II.B.8.

Residential Uses:

- Dwelling Units
- Live/Work Units
- Group Housing
- Supportive Housing
- Home Office

Institutional Uses:

- Child-Care Facility
- Elementary School
- Secondary School
- Post-Secondary Institutions

Parks and Recreation Uses:

- Parks
- Public Recreation
- Open Space
- Marina-related facilities

Within the ~~Shipyards South Multi-Use~~Warehouse District, any Laboratory, Life Science, Light Industrial, and/or Green Technology Use containing a facility that emits regulated toxic air contaminants must show that the facility does not exceed the risk thresholds identified in the Mitigation Measures. In addition, ~~in the event both Residential Uses and Laboratory, Life Science, Light Industrial, and/or Green Technology Uses are developed,~~ no Laboratory, Life Science, Light Industrial and/or Green Technology Uses containing a facility that emits regulated toxic air contaminants shall be permitted within three hundred fifty (350) feet of any Child-Care Facility, Elementary or Secondary School, or Residential Use ~~south of Crisp Road~~ in the ~~Shipyards South Multi-Use~~Warehouse District.

(b) Secondary Uses:

The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section II.B.1 are met:

- Commercial Storage
- Drive-through facilities
- Automotive Repair and service station
- ~~Post-Secondary School~~

(c) Prohibited Uses: The following Uses are Prohibited Uses in this Land Use District:

- Large scale chemical handling and stationary emission sources within two hundred (200) feet of existing or planned residential uses or primary school facilities.

7. Shipyard Shoreline Parks and Open Space District

Objectives for this District This District will provide public recreation access to the San Francisco Bay waterfront along the eastern and southern waterfront of the Shipyard, consistent with the Public Trust, including regional serving open spaces, viewing area of the water and historic Shipyard facilities, the San Francisco Bay Trail, and restorative habitat areas. Recreational sports facilities will be limited to areas not subject to the Public Trust. Only Principal Uses will be permitted in this District.

(a) *Principal Uses:* The following Uses are Principal Uses in this Land Use District:

- Parks
- Open Space
- ~~Passive recreation~~ Public Recreation
- ~~Plazas and promenades~~ Open-air marketplace
- Recreational Facility
- ~~Museums~~ Museum and environmental education centers
- ~~Wetlands restoration~~
- ~~Park maintenance facilities~~
 - Commercial recreational uses serving visitors to the waterfront
 - Small boat marina, watercraft launches and ancillary boating facilities
- ~~Visitor parking~~
 - Retail uses in existing, rehabilitated historic buildings
- Community Use
- Performance Arts
- Geothermal Borefields for vertical-bore geothermal heating exchange system (located consistent with Private Infrastructure Map 2a)

In areas not subject to the Public Trust, the full range of Uses allowed in Parks, open air marketplaces, and similar active recreational Uses shall be allowed in addition to the Permitted Uses listed above.

8. Environmental Restrictions

As of the ~~2010~~2018 Plan Amendment Date, the Navy has issued Final Records of Decisions for Parcels B, C, D-1, E, E-2, UC-1, UC-2, UC-3 & G selecting environmental remedies that will impose land use and activity restrictions on these parcels in the Project Area and is expected to issue additional Records of Decisions selecting environmental remedies that will impose land use and activity restrictions applicable to other locations. Such land use and activity restrictions are referred to in this Plan as “**Environmental Restrictions**”. Notwithstanding any other provision of this Plan, the Uses allowed by this Plan are subject to any applicable Environmental Restrictions contained in quitclaim deeds from the United States Navy or in other enforceable restrictions imposed on the property through the environmental cleanup process under the Federal Facilities Agreement executed by the United States Navy, United States Environmental Protection Agency, California Department of Toxic Substances Control, and San Francisco Bay Area Regional Water Quality Control Board (the “**Regulating Agencies**”) unless and until such Environmental Restrictions are waived or removed by the appropriate Regulating Agencies.

C. Temporary and Interim Uses

Pending the ultimate development of land consistent with the land use program, certain interim and temporary uses are authorized as follows:

1. Temporary Uses

“**Temporary Uses**” are short-term, transitory uses that may be proposed either prior to or following development of land within a Land Use District consistent with this Plan. The Executive Director or his or her designee may allow Temporary Uses for such period of time as he or she determines to be reasonable provided the Executive Director or his or her designee finds that such Temporary Use is consistent with the objectives of the this Plan and the applicable Hunters Point Shipyard Design for Development (Phase 1 or Phase 2). Permissible Temporary Uses include:

- Booth for charitable, patriotic or welfare purposes
- Exhibition, celebration, festival, circus or neighborhood carnival
- Open air sales of agriculturally-produced seasonal decorations, including Christmas trees and Halloween pumpkins
- Convention staging
- Parking (either primary or accessory to other uses)
- Truck parking and loading accessory to the uses listed above
- Other Temporary Uses that do not conflict with the objectives of the Plan, the Plan Documents, and the Public Trust, where applicable.

2. Interim Uses

“**Interim Uses**” are uses proposed during the time prior to or concurrent with development of land within a Land Use District consistent with this Plan. Interim Uses may be authorized in all areas not subject to the Public Trust for an initial time period to be determined by the Executive Director, upon a determination by the Executive Director that the authorized uses will not impede the orderly development of the Project Area as contemplated in this Plan. Where approved, Interim Uses will be permitted for a defined period of time not to exceed five (5) years. Permissible Interim Uses include:

- Rental or sales office incidental to a new development, provided that it is located in the development or a temporary structure
- Structures and uses incidental to environmental cleanup and staging
- Temporary structures and uses incidental to the demolition or construction of a structure, building, infrastructure, group of buildings, or open space, including construction staging of materials and equipment
- Commercial Storage
- Parking (either primary or accessory to other uses)
- Truck parking and loading accessory to the uses above
- Other Interim Uses that do not impede the orderly development of the Project Area as contemplated in this Plan, as determined by the Executive Director

Interim Uses of areas subject to the Public Trust shall be authorized only if the authorized uses are determined to be consistent with, necessary and convenient for,

or incidental or ancillary to, the purposes of the Public Trust, or if the following criteria are met:

- There are no immediate trust-related needs for the property,
- The proposed lease for the use prohibits construction of new structure or improvements that, as a practical matter, could prevent or inhibit the property from being converted to a permissible trust use if necessary,
- The proposed lease for the use provides that the Agency has the right to terminate the lease in favor of trust uses as trust needs arise, and
- The proposed use of the leased property would not interfere with commerce, navigation, fisheries, or any other existing trust use or purpose.

Extensions of the above approval periods may be authorized by the Executive Director in increments of up to five (5) year periods, subject to the same determinations as required for the initial period.

~~3. Interim Stadium Parking~~

~~Interim parking associated with the future stadium is permitted subject to the requirements of the Public Trust in Chapter 203 of the Statutes of 2009.~~

D. Standards for Development

This Plan and the other Plan Documents, including the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development, establish the standards for development in the Project Area and supersede the San Francisco Planning Code in its entirety, except as otherwise expressly provided herein. The only sections of the Planning Code that shall apply, pursuant to the provisions of this Plan, are: (a) Sections 101.1, ~~295~~295, and 314, as such sections are in effect as of the 2010 Plan Amendment Date; (b) as to Phase 1 of the Project Area only, Sections 320-325 as such sections are in effect as of the 2010 Plan Amendment Date; ~~and~~ (c) as to Phase 2 of the Project Area only, Section 324.1 as that section is in effect as of the 2017 Plan Amendment Date; and (d) as to Phase 2 of the Project, Section 202.2 as provided in Section II.D.1(c) below. Both the Agency Commission and the Planning Commission must approve any amendment to the Hunters Point Phase 1 Design for Development or the Hunters Point Phase 2 Design for Development.

1. Applicability of City Regulations; City's Duty to Protect Public Health and Safety

(a) *General.* Regardless of any future action by the City or the Agency, whether by ordinance, resolution, initiative or otherwise, the rules, regulations, and official policies applicable to and governing the overall design, construction, fees, use or other aspect of development of the Project Area will be (i) this Plan and the other Plan Documents, (ii) to the extent not inconsistent therewith or not superseded by this Plan, the Existing City Regulations (including all provisions of the Building Construction Codes, which are not inconsistent with or superseded by this Plan), (iii) New City Regulations to the extent permitted in this Plan; (iv) new or changed Development Fees and Exactions to the extent permitted under Section II.D.6 of this Plan; (v) any disposition and development agreement or owner participation agreement related to development in the Project Area; and (vi) the Mitigation Measures (collectively, the “**Applicable City Regulations**”).

(b) *Protection of Public Health and Safety; Federal or State Law.* Notwithstanding any other provision of this Plan to the contrary, the Agency and any City Agency having jurisdiction shall exercise its sole discretion under this Plan and the applicable Plan

~~20~~20

Documents in a manner that is consistent with the public health and safety and shall at all times retain their respective authority to take any action that is necessary to protect the physical health and safety of the public (the “**Public Health and Safety Exception**”) or to comply with changes in Federal or State law, including applicable Federal and State regulations (the “**Federal or State Law Exception**”), including the authority to condition or deny a permit, approval, agreement or other entitlement or to adopt a New City Regulation, but subject, in all events, to any rights to terminate between an owner or developer and the Agency as set forth in either the Plan Documents or any disposition and development agreement or owner participation agreement related to development within the Project Area. Except for emergency measures, any City Agency or the Agency, as the case may be, will meet and confer with the owner of the affected Real Property and/or any affected party under any disposition and development agreement or owner participation agreement related to development within the Project Area in advance of the adoption of any New City Regulations or New Construction Requirements to the extent feasible.

(c) Permitted New City Regulations. The City Agencies and the Agency reserve the right to impose any New City Regulations (except for the Planning Code sections superseded by this Plan) provided that (i) they are imposed on a Citywide Basis and (ii) they do not conflict with the development permitted or contemplated within the Project Area by this Plan, the Plan Documents or any disposition and development agreement or owner participation agreement related to development within the Project Area or any portion of such development (unless such conflict is waived by the owners and developers of affected property). As used in this paragraph (c), a New City Regulation “conflicts with the development permitted or contemplated” if it would change the aforementioned development regulations to:

- (1) limit or reduce the density or intensity of development, or otherwise require any reduction in the square footage or number of proposed buildings (including number of Dwelling Units) or other improvements;
- (2) limit or reduce the height or bulk of development within the Project Area, or any part thereof, or of individual proposed buildings or other improvements;
- (3) materially change, restrict, or condition any land uses, including permitted or conditional uses, of development within the Project Area;
- (4) materially limit or control the rate, timing, phasing, or sequencing of approval, development, or construction (including demolition);
- (5) require the issuance of additional land use-related permits or approvals by the City or the Agency;
- (6) materially limit or control the availability of public utilities, services or facilities or any privileges or rights to public utilities, services or facilities for the Project Area, including but not limited to water rights, water connections, sewage capacity rights and sewer connections;
- (7) control or limit commercial or residential rents or purchase prices (excluding property owned or controlled by the Agency or the City during the period of Agency or City ownership and only to the extent such controls or limits would not survive transfer to a successive owner);
- (8) materially limit the processing or procuring of applications and approvals for any subsequent City or Agency approvals;

(9) subject to Section II.D.6, impose any new Development Fees and Exactions or expand or increase Development Fees and Exactions;

(10) subject to Section II.D.1(d) (New Construction Requirements), materially increase the cost of construction or maintenance of all or any development contemplated or permitted in the Project Area or of compliance with any provision of this Plan, the Plan Documents, any disposition and development agreement or owner participation agreement related to development within the Project Area or Existing City Regulations;

(11) materially decrease the value of any land in the Project Area;

(12) materially reduce, limit the availability of or delay the amount or timing of tax increment or Mello-Roos Community Facilities District funding; or

(13) limit the Agency's ability to timely satisfy its obligations under any disposition and development agreement or owner participation agreement related to development within the Project Area or the City's ability to timely satisfy its obligations under any cooperation agreement or tax allocation agreement related to development within the Project Area.

Nothing in this Plan or other applicable Plan Documents shall be deemed to limit any City Agency's or the Agency's ability to comply with the California Environmental Quality Act ("CEQA") or the CRL.

Nothing in this section shall limit the authority of the Agency or any City Agency to exercise its discretion under the Public Health and Safety Exception, or to make changes under the Federal or State Law Exception, as described in Section II.D.1.b (Protection of Public Health and Safety).

[The City Municipal Code \(excluding the Planning Code with the exception of conditions for cannabis-related uses specified in Section 202.2 thereof \(as may be amended or superseded\)\) and related regulations \(as such Code Sections and regulations may be amended from time to time consistent with this Plan\) establishing a permitting program for Cannabis-Related Uses are Permitted New City Regulations applicable to and enforceable against Cannabis-Related Uses within the Project Area.](#)

[The City's Municipal Code and related regulations establishing a permitting program for Short-Term Rentals \(as such Code Sections and regulations may be amended from time to time consistent with this Plan\) are Permitted New City Regulations applicable to and enforceable against Short-Term Rentals within the Project Area.](#)

(d) *New Construction Requirements*. In addition to the Public Health and Safety Exception and the Federal or State Law Exception, the City may change construction requirements for Infrastructure and other Improvements ("**New Construction Requirements**") if the changes: (i) would not materially increase costs or accelerate the payment of costs of developing the Project Area consistent with this Plan; (ii) are imposed by the Board of Supervisors on a Citywide Basis; and (iii) would not: (a) materially adversely affect Net Available Increment; (b) delay development; (c) materially limit or restrict the availability of Infrastructure; or (d) impose limits or controls on the timing, phasing, or sequencing of development permitted under this Plan. In addition, from and after the 10th anniversary of the issuance of the first Building Permit for a project in Phase 2 of the Project Area (as shown on Map 2), the City may impose New Construction Requirements in response to

technological advances in construction if the New Construction Requirements: (1) would materially decrease the City's operation and maintenance costs and would not materially interfere with the uses, heights, density, and intensity of development described in the Plan Documents; (2) will apply on a Citywide Basis for similar land uses; (3) do not conflict with the Mitigation Measures (provided, this requirement may be satisfied with an exemption for specific Mitigation Measures as needed); and (4) do not increase by more than twenty percent (20%) the unit cost of any single component that is the subject of the New Construction Requirement.

2. Limitation on the Number of Buildings

The number of buildings in the Project Area may not exceed 1,125.

3. Limitation on the Number of Dwelling Units

~~There are currently no~~ The maximum number of Dwelling Units in the Project Area. ~~If the 49ers relocate to the Shipyard, the maximum number of Dwelling Units in the Project Area will be approximately 4,250. If the 49ers elect not to relocate to the Shipyard, the maximum number of Dwelling Units in the Project Area will be approximately 5,875. The total combined number of is approximately 5,875,~~ provided that the total Dwelling Units in constructed within both the Project Area and Zone 1 of the Bayview Hunters Point Redevelopment Plan Area ~~(which comprises Candlestick Point) may not exceed 12,100, which includes a maximum of 10,500 units in Zone 1 of the Bayview Hunters Point Redevelopment Project Area and Hunters Point Shipyard Phase 2 as well as a previously approved 1,600 units in Hunters Point Shipyard Phase 1.~~ may not exceed 12,100 Dwelling Units without Commission approval (including attendant environmental review).

4. Limitation on Type, Size and Height of Buildings

The size and type of buildings constructed in the Project Area may be as permitted in the Plan, Plan Documents, and Applicable City Regulations. ~~Approximately 125,000, which is approximately 5,501,000~~ square feet of ~~retail space, non-residential development, including approximately 255,000 square feet of artists space, 50,000 square feet of community uses, 2,500,000 use space,~~ 401,000 square feet of retail space (including up to 100,000 square feet of Regional Retail) †, 120,000 square feet of hotel and hotel related use space, 410,000 square feet of institutional use space, and 4,265,000 square feet of research and development and office space, and a 69,000 seat National Football League stadium will be allowed.

The Commission may approve, without amendment to this Plan but subject to any necessary environmental review, adjustment of the foregoing square footages over time (except for artists or community use space), including conversion to other non-residential uses allowed by this Plan, provided the total square footage of non-residential uses within Phase 2 of the Project Area does not materially exceed 5,501,000 square feet.

[†] In addition to 52,000 square feet of Community Uses already identified within Phase 1 of the Plan Area.

[‡] In addition to 9,000 square feet of Neighborhood Retail Uses already identified within Phase 1 of the Plan Area.

~~In the event the stadium is not built in the Project Area, between 500,000 and 2,500,000 additional square feet of research and development and office uses may be developed, depending upon whether Dwelling Units are shifted to the Project Area pursuant to Section H.D.3.~~ addition, to the extent the Bayview Hunters Point Redevelopment Plan allows for a transfer of non-residential-use square footage from the Hunters Point Shipyard Project Area to commercially-zoned areas of the Bayview Hunters Point Project Area, the foregoing limitations shall be commensurately reduced upon such transfer.

Accessory parking facilities for these uses, and infrastructure components Accessory to the foregoing, are not included as part of or subject to these square footage limitations.

The maximum building heights within the Project Area will be prescribed in the Hunters Point Shipyard Phase 1 Design for Development and the Hunters Point Shipyard Phase 2 Design for Development. No building may exceed 370 feet in height. Other size limitations for buildings are set in the Hunters Point Shipyard Phase 1 Design for Development and the Hunters Point Shipyard Phase 2 Design for Development by development controls including block patterns, bulk controls, prescribed setbacks, and open space requirements. Height and other size limitations shall maintain and protect view corridors from Hillpoint ~~park~~Park so that visitors can enjoy substantial vistas of San Francisco Bay, consistent with the requirements of the Granting Act for exchanging the park and adjacent hillside open space into the Public Trust.

5. Office Development Limitations

On November 8, 2016, voters enacted Proposition O (Planning Code Section 324.1), which exempts Phase 2 of the Project Area from the office development limits set forth in Planning Code Sections 320-325. Planning Code Sections 320 — 325 (Proposition M) shall apply to office development in Phase 1 of the Project Area, and Planning Code Section 324.1 shall apply to office development in Phase 2 of the Project Area. Accordingly, the cap on the annual amount of office development permitted in the City shall apply to Phase 1 but not Phase 2 of the Project Area.

By Resolution No. 18102, the Planning Commission adopted findings pursuant to Planning Code Section 321(b)(1) that the up to 5,000,000 square feet of office development contemplated in this Plan in particular promotes the public welfare, convenience and necessity, and in so doing considered the criteria of Planning Code Section 321(b)(3)(A)-(G). Proposition O states in part that “No project authorization or allocation shall be required for any Development on the Subject Property [Candlestick Point and Hunter’s Shipyard Phase 2]. However, Development on the Subject Property that would require a project authorization or allocation but for this Section 324.1 shall be treated for all purposes as if it had been granted approval of a project authorization or allocation.” Proposition O (2016) ~~supersedes~~supersedes, as to Phase 2 of the Project Area, any part of Resolution No. 18102 (Attachment E) that would require an office authorization or allocation, compliance with Planning Code sections 320-325, or Planning Commission review or approval of office developments.

6. Development Fees and Exactions

The following provisions will apply to all property in the Project Area except parcels used for the development of affordable housing by Agency-sponsored entities. Development Fees and Exactions shall apply to the Project in the manner described below. Except as provided in this section and except as required by the Mitigation Measures, the School Facilities Impact Fee, the Child-Care Requirements, and the Art Requirement shall be the only Development Fees and Exactions that apply to the Project Area for the duration of this Plan. Water Capacity Charges and Wastewater Capacity Charges are Administrative Fees and not Development Fees and Exactions, and shall apply in the Project Area.

The School Facilities Impact Fee shall apply for the duration of this Plan, shall be administered as required by State law, and shall be increased for the duration of this Plan in accordance with State law but only to the extent permitted by State law.

The Art Requirement shall apply for the duration of this Plan and requires that any new office building in excess of 25,000 square feet constructed within the Project Area include one-half of one percent (0.5%) of the hard costs of initial construction (excluding costs of infrastructure and tenant improvements) (the “**Art Fee Amount**”) for the installation and maintenance of works of art in the public realm within the [Project Area or within Zone 1 of the Bayview Hunters Point Redevelopment](#) Project Area. In the event that public spaces are not available at the time the Art Requirement is due, then the Art Fee Amount shall be paid to a fund administered by the Agency to be used for public art within the Project Area [or within Zone 1 of the Bayview Hunters Point Redevelopment Project Area](#). The public realm within which art may be installed so as to comply with the Art Requirement includes: any areas on the site of the building and clearly visible from the public sidewalk or open space feature, on the site of any open space feature, or in any adjacent public property. The type and location of artwork proposed shall be reviewed by the Executive Director for consistency with the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development and other Plan Documents.

The Child-Care Requirements shall apply for the duration of this Plan only to all commercial development over 50,000 square feet per Planning Code Section 314, as it existed on the 2010 Plan Amendment Date (attached and incorporated hereto as Attachment C). The Child-Care Requirements will be administered by the Agency to provide for these public benefits within the [Project Area or within Zone 1 of the Bayview Hunters Point Redevelopment](#) Project Area.

The Child-Care Requirements provide for compliance either by constructing Child-Care Facilities or, alternatively, payment of an in-lieu fee. For the duration of this Plan, development within the Project Area shall not be subject to any change to the provisions of the Child-Care Requirements that permit compliance through the construction of Child-Care Facilities. In addition, no new in lieu fee or increase in the existing in lieu fee related to the Child-Care Requirement shall apply to the Project Area for twelve (12) years following the date the first Building Permit is issued for a project in Phase 2 of the Project Area (as shown in Map 2) and, thereafter, will only be applicable if the new or increased in lieu fee relating to Child-Care Requirements is: (i) not increased at a rate greater than the annual increase in the Consumer Price Index commencing at the end of the 12-year period during which the fee has been frozen as described above; (ii) generally applicable on a Citywide Basis to similar land uses; and (iii) not redundant of a fee, dedication, program, requirement, or facility described in the Plan Documents or in any

applicable disposition and development agreement related to development within the Project Area.

Notwithstanding the foregoing, new or increased Development Fees and Exactions may be imposed to the extent required under the Public Health and Safety Exception and the Federal or State Law Exception.

7. Shadow on Recreation and Park Property

Section 295 of the Planning Code (Proposition K) shall apply to development in the Project Area in the form in which Section 295 was in effect as of the 2010 Plan Amendment Date (and as attached hereto as Attachment D). Section 295 (Proposition K) shall not continue to apply to development in the Project Area in the event it is repealed by legislation or voter initiative.

E. Retention-Rehabilitation

Existing buildings in the Project Area, as of the 2010 Plan Amendment Date, are identified by the Navy's building numbers, on Map 3: Existing Buildings.

1. Historic buildings and other facilities proposed for retention, rehabilitation or adaptive reuse include:

Buildings 101,140, 204, 205, 207, ~~208~~, and ~~813~~208; and

Dry Docks 2, 3, and 4.

2. Four additional buildings identified as historic; Buildings 211, 224, 231 and 253 will be further evaluated for retention, preservation and reuse.

F. Density Bonus

Under State law, the Agency may grant, as a form of local public subsidy, residential density bonuses. These bonuses, if granted, shall insure that additional low- or moderate-income Dwelling Units will actually be produced within the Project Area. In Hunters Point Shipyard Phase 1 (consisting of the Hunters Point Hill Residential District), the Agency will grant such bonuses only after a developer has demonstrated to the Agency's satisfaction that the developer has utilized its best effort to provide such low- or moderate-income Dwelling Units. Hunters Point Shipyard Phase 2 consists of all Land Use Districts other than the Hunters Point Hill Residential District. A density bonus is not proposed to increase the total maximum number of residential units in Phase 2 above those levels described in Section II.D.3.

G. Streets Plan

The Street Plan for the Hunters Point Shipyard Project Area is identified on ~~Maps~~Map ~~4A, 4B and 4C~~: ~~Street Plans~~Plan, which ~~indicate~~indicates generally the public rights-of-way. The categories of streets include the following:

1. Primary Arterial
2. Retail Street

3. Boulevard Park Street
4. Local Street

The Project Area's street pattern contributes to the establishment of its fundamental land use patterns, and in doing so, becomes an integral element of the overall urban design for the Project. It is, however, recognized that there is a need for some degree of adaptability and flexibility in locating and configuring some of the Project's local streets and alleys at the time of actual physical development. Accordingly, the alignment and classification of these streets are subject to adjustment by the Agency and the City at the time of detailed engineering studies.—~~Additionally, this Plan provides three street maps of the Project Area to accommodate the alternative land uses permitted in the Shipyard South Multi-Use District.~~

Certain streets in the Project Area will be impressed with the Public Trust. These streets will provide key vehicular, bicycle and pedestrian access ways to the waterfront, providing a connection between the various parts of the waterfront, and between the waterfront and other Public Trust lands within the Project Area.

In order to accommodate vehicle traffic and transit serving the various uses planned for the Project Area, this Plan also provides for street, lighting, utility, and related improvements to Innes Avenue and Hunters Point Boulevard, outside the northwestern boundary of the Project Area.

III. PROJECT PROPOSALS

A. Rehabilitation and New Development

All new development and all rehabilitation of existing structures must conform to this Plan, and to all applicable Federal and State laws and to those local laws that are applicable pursuant to this Plan.

1. Utilities: Stormwater detention, stormwater treatment, and similar facilities may include above-ground features such as bioswales and channels. New permanent utility lines must be placed underground. Above ground pump stations control rooms and sub-stations are permitted however their visual impact must be minimized per requirements either the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate. Temporary utility poles and wires may be installed during the project build out.

2. Signage: With the exception of temporary marketing and sales signs pertaining to developments within the Project Area (which will be permitted), permanent or temporary billboards (excluding kiosks, streetscape commercial signage, and street furniture-related commercial signage), are prohibited within all Land Use Districts ~~except the Shipyard South Multi-Use District and are prohibited in~~(including any park or street area). Permanent signage for residential, commercial and open space development is subject to the development controls and guidelines of either the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate. The Agency Commission shall review for consistency with the objectives of this Plan any proposed signage not permitted by the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate and any signage master plan.

3. Development Project: Plans for rehabilitation and new development shall be submitted to the Agency for architectural review and approval, consistent with the Agency's Design Review and Document Approval Process (DRDAP) for the Project Area or as attached to

any disposition and development agreement related to development within the Project Area.

4. Agency Sponsored Improvements: To the extent now or hereafter permitted by law, the Agency may pay for, develop, or construct any building, facility, element of infrastructure, structure or other improvement either within or outside the Project Area, for itself or for any public body or entity, provided that such building, facility, element of infrastructure, structure or other improvement would be of benefit to the Project Area and conform to the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate.

B. Owner and Tenant Preference

Persons who are either owners or tenants of businesses, or other types of real property within the Project Area being displaced by rehabilitation, Agency property acquisition, or other Agency action occasioned by the implementation of this Plan will be afforded certain preferences. The Agency shall extend preferences to such persons in order that they may re-enter the redeveloped Project Area. The Agency will adopt a business relocation program to implement these preferences. Participants in this program necessarily will be subject to and limited by the requirements of this Plan.

C. Acquisition of Real Property

Any real property located within the Project Area may be acquired by the Agency by purchase, gift, devise, exchange, lease, or any other lawful method. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than full fee title.

D. Acquisition of Personal Property

Where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means except eminent domain.

E. Property Management

During such time as any property in the Project Area is owned or leased by the Agency, such property will be under the management and control of the Agency and may be leased or subleased.

F. Payment of Taxes

The Agency may in any year during which it owns property in the Project Area pay directly to the City or any district, including a school district or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by the Agency to the City will be disbursed by the City to any school district with territory located within the Project Area in the City. “**Proportionate share**” means the ratio of the school district tax rate that is included in the total tax rate of the City to the total tax rate of the City.

The Agency may also pay to any taxing agency with territory located within a project area other than the community that has adopted the Project, any amount of money that in the Agency’s

determination is appropriate to alleviate any financial burden or detriment caused to any taxing agency by this Plan.

G. Relocation

The Agency will provide relocation assistance and benefits as required under applicable Federal and State law. A review of the current Project Area indicates that there are no persons currently residing therein. Accordingly, relocation activities would relate solely to businesses.

To the extent required under applicable State or Federal law, the Agency shall: (1) assist or cause to be assisted all eligible persons displaced by redevelopment activities undertaken or assisted by the Agency in finding new locations in accordance with applicable law, and where possible, shall relocate businesses to a location of similar size within the Project Area; and (2) make or cause to be made relocation payments to eligible persons displaced by redevelopment activities undertaken or assisted by the Agency as may be required by applicable State or Federal law. The Agency may make such other payments as it determines to be appropriate and for which funds are available.

Pursuant to Section 33339.5 of the California Health and Safety Code, the Agency shall extend reasonable preferences to persons who are engaged in business within the Project Area to reenter in business within the redeveloped Project Area, if they otherwise meet the requirements of this Plan. In order to extend reasonable preferences to businesses to reenter into business within the redeveloped Project Area, the Agency has promulgated, by Agency Resolution No. 93097, rules for the Business Occupant Re-Entry Program within the redeveloped Project Area.

H. Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from real property owned by the Agency in the Project Area as necessary to carry out the purposes of this Plan.

I. Public Improvements and Public Facilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities, on any parcel within or outside the Project Area, appropriate or necessary to carry out this Plan. Such public improvements and public facilities are described in Attachment B, Authorized Public Improvements.

J. Preparation of Building Sites

The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project Area owned or leased by the Agency.

K. Disposition of Real Property

For the purpose of this Plan, the Agency is authorized to sell, lease, sublease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest of real property, except to the extent prohibited by the Granting Act.

Any real or personal property acquired by the Agency in the Project Area will be sold or leased for development in accordance with this Plan and for consideration. However, the Agency may convey real property to the City or to any other public body with or without consideration.

Property containing buildings or structures rehabilitated by the Agency will be offered for resale within one year after completion of rehabilitation or an annual report concerning such property will be published by the Agency as required by law.

The Agency will reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or lessees of property will be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time that the Agency fixes as reasonable, and to comply with other conditions that the Agency deems necessary to carry out the purposes of this Plan.

L. Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or otherwise conveyed by the Agency will be made subject to the provisions of this Plan by lease, deed, contract, agreement, declaration of restrictions, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof will be recorded in the Office of the Recorder of the County of San Francisco.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants running with the land, rights of reverter, powers of termination, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area sold, leased or conveyed by the Agency will be made subject by appropriate documents to the restriction that there will be no discrimination or segregation on any basis listed in subdivision (a) or (d) of Section 12955 of the California Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the California Government Code, or on the basis of race, color, creed, religion, national origin or ancestry, sexual orientation, gender, identity, marital or domestic partner status, age, or disability, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. In addition, such property will be made subject to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as are required by law and this Plan.

M. Disposition of Personal Property

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

N. Replacement Housing

Whenever Dwelling Units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of this redevelopment project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement Dwelling Units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency.

O. Redeveloper's Obligations

In order to provide adequate safeguards that the process of redevelopment will be carried out pursuant to this Plan, agreements for the disposition of land by the Agency shall include provisions recognizing and requiring that:

1. The purchase of land is for redevelopment and not for speculation and reserving to the Agency such powers and controls as may be necessary to prevent transfer, retention or use of the property for speculative purposes.
2. The land shall be built upon and/or improved in conformity with the development standards of this Plan and any applicable Agency regulations, the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, and the Declaration of Restrictions.
3. All developers and owner participants shall submit phasing plans, schematic architectural plans, site and landscape plans and final plans including landscaping and sign plans, and specifications of the improvements proposed to be constructed on the land for architectural review and approval by the Agency in order to ensure that development and construction will be carried out in a manner that will effectuate the purposes of this Plan. To the extent required in disposition and development agreements or agreements with owner participants, as a part of such plans and specifications, developers and, if required by the Agency, owner participants shall submit time schedules for the commencement and completion of such improvements. All such plans and schedules shall be submitted to the extent required by, and within the time specified in, the respective agreements with such developers and owner participants.
4. By and for the contracting parties, their heirs, executors, administrators, and assigns, there may be no discrimination against or segregation of any person or group of persons on any basis listed in subdivision (a) or (d) of Section 12955 of the California Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the California Government Code, or on the basis of race, color, religion, national origin, gender, sexual orientation, gender identity, marital or domestic partner status, age, disability, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises therein described, nor may the contracting parties, or any person claiming under or through them establish or permit such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, subleases, or vendees in the premises described. All deeds, leases or contracts for the sale, lease, sublease, or other transfer of any land shall contain the nondiscrimination and non-segregation clauses specified in the CRL (Section 33436 of the California Health and Safety Code) and this Plan.

IV. METHODS FOR PROJECT FINANCING

A. General

Upon adoption of this Plan by the Board of Supervisors, the Agency is authorized to finance projects consistent with this Plan with assistance from the United States Government, including the Department of Housing and Urban Development (HUD), the Department of Defense (Office of Economic Adjustment) as well as from other Federal programs, from the State, from the City, from Agency bonds, and from other available sources.

The Agency is hereby authorized to issue bonds, obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest of such advances, funds, and indebtedness may be repaid from any funds that may appropriately be available to the Agency.

Any other loans, grants, or financial assistance from the United States, or any other public or private sources will also be utilized, if available.

B. Tax Allocation

Taxes, if any, levied upon the taxable property in the Project Area each year by or for the benefit of the State, the City, any district, or other public corporation, after the Effective Date, shall be divided as follows, in accordance with the CRL (Section 33670 of the Health and Safety Code):

(a) That portion of the taxes that would be produced by the rate upon which the taxes levied each year by or for each of the Taxing Agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective Taxing Agencies as taxes by or for said Taxing Agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies that did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(b) That portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in that project as shown by the last equalized assessment roll referred to in paragraph (a) hereof, all of the taxes levied and collected upon the taxable property in the redevelopment project shall be paid to the respective Taxing Agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the redevelopment project shall be paid to the respective Taxing Agencies as taxes on all other property are paid.”

Not less than twenty percent (20%) of all taxes that are allocated to the Agency pursuant to Health and Safety Code Section 33670 and Section IV.B.(b) of this Plan shall be used by the Agency for the purposes of increasing, improving and preserving the community’s supply of low- and moderate-income housing available at affordable housing cost, as defined by Section 50052.5 of the California Health and Safety Code, to persons and families of low or moderate income, as defined in Section 50093, to lower income households, as defined in Section 50079.5, and to very low income households, as defined in Section 50105.

In the proceedings for the advance of moneys, making loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance, in whole or in part, the Hunters Point Shipyard Redevelopment Project, the portion of taxes set forth in the CRL and the California Constitution (as the same may exist on the date of the making of said advances or loans or the incurring of indebtedness) as available to the Agency for such purposes may be irrevocably pledged for the payment of the principal of and interest on such loans, advances, or indebtedness.

It is anticipated that the amount of taxes to be produced by the method described in Subsections (a) and (b) above may be sufficient to support a bond(s) issue in the range of \$900 million. In addition, it may become necessary and appropriate to issue bonds to be partially repaid from taxes allocated pursuant to Subsections (a) and (b) above. Therefore, the amount of bonded indebtedness that can be outstanding at any one time from the issuance of bonds to be repaid in whole or in part from the allocation of taxes pursuant to Section 33670 of the California Health and Safety Code will be limited to \$900 million. In order to adequately fund the repayment of such bonds (including principal, interest, and issuance cost), the number of dollars of taxes that may be divided and allocated to the Agency pursuant to Section 33670 of the California Health and Safety Code will be limited to \$4.2 billion.

No loans, advances, or indebtedness to finance the redevelopment project in whole or in part and to be repaid from the allocation of taxes pursuant to Section 33670 of the California Health and Safety Code may be established or incurred by the Agency twenty (20) years after the Agency begins collecting substantial tax increment funds in the Project Area, meaning a total allocation of tax increment funds exceeding \$100,000.

The Agency may not pay indebtedness or receive property taxes pursuant to Section 33670 of the California Health and Safety Code forty five (45) years after the Agency begins collecting substantial tax increment funds in the Project Area; meaning a total allocation of tax increment funds exceeding one hundred thousand dollars (\$100,000).

Bond issues, the principal and interest of which the Agency proposes to pay with tax allocations under Health and Safety Code 33670, are subject to Board of Supervisors approvals, as are all bond issues of the Agency; where the Agency proposes to utilize tax allocations for other than repaying principal and interest on bond issues or other existing indebtedness, the Agency shall prepare, for the approval of the Board of Supervisors, an annual Project Work Program, which program shall outline in detail the activities to be undertaken by the Agency, the loans and/or advances to be received and/or the indebtedness to be incurred.

V. ACTIONS BY THE CITY

The City, by the adoption of this Plan, agrees to aid and cooperate with the Agency in carrying out this Plan and shall take any further action necessary to ensure the continued fulfillment of the various objectives and purposes of this Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight. Such actions include the following:

- A. Prior to termination of this Plan, revision of zoning within the Project Area (to be effective as of this Plan expiration date) to conform to the land uses authorized by this Plan and the development standards and design guidelines set forth in the Hunters Point Shipyard

Design for Development documents, as they have been amended from time to time as of the expiration date of this Plan.

- B. Institution and completion of proceedings necessary for changes and improvements in publicly-owned utilities within or affecting the Project Area.
- C. Performance of the above and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule that will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- D. Referral will be made to the Agency prior to approval by the City of each building permit application in the Project Area. No building permit will be issued unless it conforms to this Plan.
- E. The City is authorized, but not obligated to provide funds to ensure the completion of the Project as a whole in accordance with this Plan.
- F. The City shall review, consider, and approve, without unnecessary delay, tentative subdivision maps and parcel maps as necessary to develop the Project Area, provided maps and public infrastructure agreements are found to be consistent with the objectives of this Plan, approved environmental mitigations, and the development standards and design guidelines set forth in the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development.
- G. The undertaking and completing of any other proceedings necessary to carry out the Project.

In order to facilitate the implementation of this Plan, the City and the Agency have entered into Interagency Cooperation Agreements (each, an “ICA”). Each ICA is intended to provide the framework for cooperation among various City Agencies and the Agency in accordance with this Plan, the other applicable Plan Documents and disposition and development agreements entered into in accordance with this Plan with respect to the review and approval of development authorizations in the Project Area and, where appropriate, to facilitate cooperation of the City Agencies in issuance of those permits, approvals, agreements and entitlements at each applicable stage of development. The City shall perform all of its obligations under each ICA.

VI. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Section 33450-33458 of the California Health and Safety Code, or by any other procedure hereafter established by law.

VII. PROCEDURE FOR VARIANCE

The owner or developer of any property in the Project Area may make a written request for a variance that states fully the grounds of the application and the facts pertaining thereto. Upon receipt of a complete application, the Agency may conduct its own further investigation and the Agency Commission may, in its sole discretion at a duly noticed public hearing, grant a variance from the development controls in this Plan and either the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate, under the following circumstances:

- Due to unique physical constraints or other extraordinary circumstances applicable to the property, the enforcement of development regulations without a variance would otherwise result in practical difficulties for development and create undue hardship for the property owner or developer or constitute an unreasonable limitation beyond the intent of this Plan; and
- The granting of a variance would be in harmony with the goals of this Plan, and will not be materially detrimental to the public welfare or materially injurious to neighboring property or improvements in the vicinity.

In granting a variance, the Agency will specify the character and extent thereof, and also prescribe conditions necessary to secure the goals of this Plan and the Design for Development.

The Agency's determination to grant or deny a variance will be final and will not be appealable to the Planning Department. In no instance will any variance be granted that will substantially change the allowable land uses of this Plan. Procedures for the evaluation of Secondary Uses are described above in Section II.B.1.

In addition, for certain development controls specified in the Phase 2 Design for Development, the Executive Director may approve deviations (minor modifications no greater than ten percent of the numerical development control), in accordance with the standards and processes set forth therein.

VIII. DURATION OF PLAN

This Plan will be effective until thirty (30) years from the date the Controller of the City and County of San Francisco certifies, pursuant to Section 33492.9, as the final day of the first fiscal year in which one hundred thousand dollars (\$100,000) or more of tax increment from the Project Area are paid to the Agency pursuant to Section 33675(d); provided, however, that the nondiscrimination and non-segregation provisions will continue in perpetuity. Any Declaration of Restrictions formulated pursuant to this Plan may contain provisions for the extension of such Declaration of Restrictions for successive periods. The Agency may receive property taxes pursuant to Section 33670 of the California Health and Safety Code for up to forty five (45) years after the Agency begins collecting substantial tax increment funds; meaning a total allocation of tax increment funds exceeding one hundred thousand dollars (\$100,000).

IX. ENFORCEMENT OF PLAN

The provisions of this Plan and other documents formulated pursuant thereto may be enforced by the Agency in any manner authorized by law.

X. SEVERABILITY

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Plan is for any reason held to be invalid or unconstitutional, such decision will not affect the validity of the remaining portion or portions of this Plan.

XI. DEFINITIONS

Following are definitions for certain words and terms used in this Plan. All words used in the present tense include the future. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural

construction of the wording indicates otherwise. The word “shall” is mandatory and not directory; and the term “may not” is prohibitory and not permissive. The words “including”, “such as” or words of similar import when following any general term may not be construed to limit the general term to the specific terms that follow, whether or not language of non-limitation is used; rather, these terms will be deemed to refer to all other terms that could reasonably fall within the broadest possible scope of the term.

2010 Plan Amendment Date means the date on which Ordinance No. 211-10 adopting amendments to this Plan, approved on August 3, 2010, became effective.

2017 Plan Amendment Date means the date on which Ordinance No. 122-17 adopting amendments to this Plan, approved on June ~~12, 22,~~ 2017, became effective.

2018 Plan Amendment Date means the date on which Ordinance No. _____ adopting amendments to this Plan, approved on _____, 2018, became effective.

Accessory Use means uses that are related to and subservient to another use, and serve that use only (with the exception of Parking, which may serve several lawfully permitted uses). For purposes of private infrastructure, accessory means utility systems and/or a component thereof, located within, on or beneath a lawful permitted Use on the same Assessor’s lot.

Administrative Fee means any fee charged by any City Agency or the Agency in effect on a Citywide Basis, including fees associated with Article 31, at the time of submission for the processing of any application for building or other permits, subdivision maps, or other City or Agency regulatory actions or approvals for any development in the Project Area.

Adult Entertainment means a use that includes any of the following: adult bookstore, adult theater, and encounter studio, as defined by Section 1072.1 of the San Francisco Police Code.

Agency Commission means the Commission for the Redevelopment Agency of the City and County of San Francisco.

Amusement Enterprise means enterprises such as billiard halls, bowling alleys, skating rinks, and similar uses when conducted within a completely enclosed building.

Animal Services means an animal care use that provides medical care and/or boarding services for animals.

Arts Education means schools of any of the following for professionals, credentialed individuals, or amateurs: dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance, industrial and product-design and sound arts and craft.

Art Production means commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces may include studios, workshops, galleries, museums, archives and small theaters, and other similar spaces customarily used principally for production and post-production of graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel and other visual, performance and sound arts and craft.

Automotive Repair means a retail automotive service use that provides any of the following automotive repair services, whether outdoors or in an enclosed building: minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying.

Bar means a principal retail use not located in a Restaurant that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under twenty one (21) years of age is admitted (with Alcoholic Beverage Control [ABC] license 42, 48, or 61) and drinking establishments serving liquor (with ABC license 47 or 49) in conjunction with other uses that admit minors, such as theaters, and other entertainment. Restaurants with ABC licenses are not considered bars under this definition.

Battery Storage System means a component of the utility electricity system which stores energy.

Board of Supervisors means the Board of Supervisors of the City and County of San Francisco, California.

Building Construction Codes means the City's (or if applicable, the Port's) Building Code, Electrical Code, Mechanical Code and Plumbing Code and any construction requirements in the Housing Code and the Fire Code.

Business Occupant Re-Entry Policy means a document approved by the Agency Commission in relation to this Plan that establishes, to the extent required by State or Federal law, how the extension of reasonable preferences to business occupants will be implemented within the Project Area.

Cannabis-Related Use means any Use that is required to obtain a permit, and has obtained such permit, from the San Francisco Office of Cannabis (or its successor). For the avoidance of doubt, a Cannabis-Related Use is any category of Use otherwise permitted herein that cultivates, manufactures, distributes, tests, sells, delivers or in any other way uses cannabis or cannabis-derived materials, including for legal adult use or medical use.

Child-Care Facility means a use that provides less than 24-hour care for children by licensed personnel and that meets all the requirements of the State and other authorities for such a facility.

Child-Care Requirements means the requirements set forth in City Planning Code Section 314, as it exists on the 2010 Plan Amendment Date.

City Agency means, individually or collectively as the context requires, all departments, agencies, boards, commissions and bureaus of the City with subdivision or other permit, entitlement or approval authority or jurisdiction over any portion of the Project Area, including but not limited to the Port Authority, Department of Public Works, the Public Utilities Commission, the Planning Commission, the Municipal Transportation Agency, the Building Inspection Commission, the Public Health Commission, the Fire Commission and the Police Commission, or any successor public agency designated by or under law.

City Regulations means ordinances, resolutions, initiatives, rules, regulations, and other official City and Agency policies applicable to and governing the overall design, construction, fees, use or other aspects of development within the Project Area. City Regulations includes City municipal codes, the General Plan, Building Construction Codes, Subdivision Code, and all ordinances, rules, regulations and official policies adopted to implement those City Regulations, except to the extent such regulations are Administrative Fees.

Citywide Basis means all privately-owned property within (a) the City's jurisdictional limits or (b) any designated use classification or use district of the City so long as (1) any such use classification or use district includes a substantial amount of affected private property other than affected private property within the Project Area, (2) the use classification or use district includes all private property that receives the general or special benefits of, or causes the burdens that occasion the need for, the New City Regulation, Development Fees and Exactions, or New Construction Requirements, and (3) the cost of compliance with the New City Regulation, Development Fees and Exactions, or New Construction Requirements applicable to the same type of use in the Project Area (or portion thereof) does not exceed the proportional benefits to, or the proportional burdens caused by private development of that type of use in the Project Area (or portion thereof).

Commercial Storage means a commercial use that stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations and that may include self-storage facilities for members of the public. Commercial storage does not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

Commercial Wireless Transmitting Facility means equipment for the transmission, reception, or relay of radio, television, or other electronic signals, and may include towers, antennae, and related equipment.

Community Use means a publicly or privately owned use that provides public services to the community, whether conducted within a building or on an open lot. This use may include, by way of example and not limitation, museums, post offices, public libraries, police or fire stations, transit and transportation facilities, utility installations, building-integrated sustainable energy generation facilities, neighborhood-serving community recycling centers, and wireless transmission facilities.

Consumer Price Index means the All Items Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor.

Declaration of Restrictions means a recorded declaration that provides notice that properties in the Project Area are subject to restrictions, reservations and covenants for the benefit of the Project Area and this Plan.

Development Fees and Exactions means a monetary or other exaction including in-kind contributions, other than a tax or special assessment or Administrative Fee, that is charged by the Agency or any City Agency in connection with any permit, approval, agreement or entitlement or any requirement for the provision of land for construction of public facilities or Infrastructure or any requirement to provide or contribute to any public amenity or services. Development Fees and Exactions does not include Building Construction Codes in effect from time to time and generally applicable on a Citywide Basis to similar land uses.

District Heating and Cooling Facility means a plant ([including geothermal powered](#)) with hot water (or steam) and chilled water distributed from the district plant to individual buildings via a pipe distribution network ~~located under the streets~~.

Dry-Cleaning Facility means dry-cleaning establishment, including pressing and other miscellaneous processing of clothes.

Dwelling Units means a residential use that consists of a suite of one or more rooms and includes sleeping, bathing, cooking, and eating facilities.

Effective Date means the date the ordinance passed by the Board of Supervisors approving this Plan (Ordinance No. 211-10) became effective.

Elementary School means an institution that provides K-8 education and that may be either public or private.

Executive Director means the Executive Director of the Agency.

Existing City Regulations means City Regulations as they are in effect on the 2010 Plan Amendment Date.

General Plan means the General Plan for the City and County of San Francisco.

Green Technology means a use or several uses that involves the research, development, and fabrication of innovative methods, materials, and technology to improve environmental quality, increase energy and/or resource efficiency, reduce greenhouse gas emissions, reduce waste and pollution, and increase resource sustainability. Green Technology uses may utilize office, laboratory, light manufacturing, or other types of use. Green technology can include office, laboratory, and light-manufacturing uses.

Grocery Store means a retail use of medium or large scale providing sales of food, produce, prepared food, beverages, toiletries, pharmaceutical products and services, and household items to the general public. This includes neighborhood-serving stores, supermarkets, festival market places, or other large format tenants providing primarily food sales up.

Group Housing means a residential use that provides lodging or both meals and lodging without individual cooking facilities. Group Housing may include housing specifically designed for and occupied by seniors, students or disabled residents.

Home Office means the accessory use of a dwelling for office purposes, provided that the principal user of such office resides in that dwelling.

Hotel means a use that provides overnight accommodations including guest rooms or suites and ancillary services to serve hotel guests. Hotels shall be designed to include all lobbies, offices and internal circulation to guest rooms and suites within and integral to the same enclosed building or buildings as the guest rooms or suites.

Hunters Point Shipyard Phase 1 Design for Development means the Design for Development document that sets development standards and design guidelines for Phase 1 of the Project, which consists of the Hunters Point Hill Residential District, as amended from time to time in accordance with its provisions.

Hunters Point Shipyard Phase 2 Design for Development means the Design for Development document that sets development standards and design guidelines for Phase 2 of the Project, which consists of all of the Project Area except for the Hunters Point Hill Residential District, as amended from time to time in accordance with its provisions.

Implementation Plan means a plan adopted periodically by the Agency Commission relating to the implementation of goals and objectives within this Plan, in accordance with the requirements of the CRL.

Internet Service Exchange means a use that provides a location for: switching equipment (whether wireline or wireless) that joins or connects customers, or subscribers to enable them to transmit data, voice, or video signals; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals or provide other data processing services; or a group of network servers.

Institutional Use means Residential Care Facility, Child-Care Facility, Elementary School, Religious Institution, Secondary School, Post-Secondary Institution, or Vocational/Job Training Facility.

Laboratory means a use that provides for space within any structure intended or primarily suitable for scientific research. This includes industrial, chemical, and digital work stations for the purpose of design, developing, and testing product development. The space requirements of uses within this category include specialized facilities or built accommodations that distinguish the space from office uses and light industrial uses.

Life Science means a use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. Life Science uses may utilize office, laboratory, light manufacturing, or other types of uses.

Light Industrial means a non-retail use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials.

Live/Work Units means a structure or portion of a structure combining a residential living space for a household or group of persons with an integrated work space principally used by one or more of the residents of that unit. Work spaces uses in a Live/Work Unit must comply with the other non-residential uses allowed within the respective land use District.

~~**Medical Cannabis Dispensary** means a use as defined by Section 3301(f) of the San Francisco Health Code.~~

Maker Space means uses for contemporary forms of small-scale manufacturing, repair, and post-manufacturing activities. Maker space should typically include a retail component, and may include several other uses within a single space, including but not limited to, Light Industrial (for example, craft, industrial arts and design, robotics, woodwork, jewelry manufacture, clothing and apparel manufacture, and food and beverage production), office and research and development (e.g., digital technologies and electronics, 3D printing, graphic design), and Neighborhood Retail Sales and Services associated with the foregoing (e.g., food and beverage tasting and sale, arts and crafts sales, jewelry sales), among many others. For the purposes of size limitations established in Section II.D.4, Maker Space is considered Neighborhood Retail Sales and Service.

Mitigation Measures means those mitigation measures from the Candlestick Point/Hunters Point Shipyard Phase 2 Project EIR imposed as conditions of approval of the

amendments to this Plan as set forth in Resolution No. 347-2010, as amended or modified from time to time consistent with CEQA.

Neighborhood Retail Sales and Services means a commercial use that provides goods and/or services directly to the customer, whose primary clientele is customers who live or work nearby and who can access the establishment directly from the street on a walk-in basis. This use may provide goods and/or services to the business community, provided that it also serves the general public. This use would include those that sell, for example, groceries, personal toiletries, magazines, smaller scale comparison shopping; personal services such as laundromats, health clubs, formula retail outlets, hair or nail salons; medical services including, but not limited to, urgent care facilities and standalone emergency rooms, but excluding hospitals; and uses designed to attract customers from the surrounding neighborhood. Retail uses can also include outdoor activity areas, open air sales areas, and walk-up facilities (such as ATMs or window service) related to the retail sale or service use and need not be granted separate approvals for such features.

New City Regulations means both City Regulations adopted after the 2010 Plan Amendment Date or a change in Existing City Regulations, including any amendment to this Plan or the Plan Documents, effective after the 2010 Plan Amendment Date.

Nighttime Entertainment means entertainment activities such as dance halls, discotheques, nightclubs, and similar evening-oriented entertainment activities generally involving amplified music, either live or recorded, as well as restaurants and bars, and other venues or spaces used for different uses during the day that present such activities. It excludes Adult Entertainment.

Non-Retail Sales and Services means a commercial or office use that provides goods and/or services primarily to other businesses rather than to the general public and that may include by way of example and not limitation, wholesale sales, sale, rental, installation, servicing and/or repair of business goods and equipment.

Office means a use within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities that perform, provide for their own benefit, or provide to others at that location services including the following: professional; medical; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; multimedia and digital arts, software development, web design, electronic commerce, and information technology; administrative services; and professional services. This use does not include retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; or wholesale shipping, receiving and storage.

OPA Rules means rules established by the Agency Commission for property owner participation in redevelopment activities consistent with the provisions of this Plan within the Project Area and consistent with the CRL.

Open Space means space that is retained primarily in an unimproved, natural state. Open Space may be used for passive recreational activities, such as hiking and picnicking, and may include facilities related to such passive recreational uses.

Owner Participation Agreement or OPA means a binding agreement between a property owner and the Agency by which the participant agrees to rehabilitate, develop, use and maintain the property in conformance with this Plan.

Parking means the storage of vehicles ~~accessory~~Accessory to a ~~principle~~principal or secondary residential or commercial use. Such storage can be in the form of independently accessible parking spaces, non-independently accessible parking spaces including those accessed on parking lifts or through the use of valet. Parking spaces need not be on the same lot or block to the use it serves.

Parks means publicly owned, or privately owned and publicly accessible, open space improved with either active recreational amenities such as playing fields, sporting courts, and small performance spaces and/or passive recreational amenities such as trails, picnic areas, and fields.

Performance Arts means a use that includes performance, exhibition, rehearsal, production, or post-production of any of the following: dance, music, dramatic art, film, video, and other visual, performance and sound arts and craft.

Plan Documents means the Business Occupant Re-Entry Policy, Implementation Plan, Hunters Point Shipyard Phase 1 Design for Development, Hunters Point Shipyard Phase 2 Design for Development, Relocation Plan and OPA Rules.

Planning Commission means the Planning Commission of the City and County of San Francisco, California.

Planning Department means the Planning Department of the City and County of San Francisco.

Post-Secondary Institutions means a use that is certified by the Western Association of Schools and Colleges that provides post-secondary educational services such as a school, college or university.

Priority Policies means the eight priority policies stated in Section 101.1, Master Plan Consistency and Implementation, of the City's Planning Code.

Public Recreation means privately owned recreational areas that are open to the general public. This use may include may include hiking trails, playgrounds, public parks, sports

fields, community gardens, golf courses, marinas, and tennis courts as well as accessory uses such as maintenance facilities, parking, and concession areas.

Public Trust means collectively the common law public trust for commerce, navigation and fisheries and the statutory trust imposed by the Granting Act.

Real Property means land, including land under water and waterfront property; buildings, structures, fixtures, and improvements on the land; any property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

Recreational Facility means a use that provides social, fraternal, counseling, athletic or other recreational gathering services to the community.

Recycled Water Treatment Facility is a centralized facility for treating wastewater to be used for non-potable uses in the Project Area and that abides by odor control measures established in the Phase 2 Design for Development. Passive square footage (i.e., non-administrative office space) within such facility shall not be not included as part of or subject to square footage limitations in Section II.D.4.

Regional Retail Sales and Services means a commercial use that provides goods and/or services directly to the customer, whose primary clientele is customers who live throughout the surrounding region and may include both small and large format tenants up to 120,000 square feet. This use would include those who sell apparel, electronics, furniture, durable goods, specialty items, formula retail outlets, and other more expensive, and less frequently purchased items; beyond the surrounding neighborhood. Regional Retail sales and services can include counter and other walk-up facilities as well as adjacent outdoor activity areas accessory to such uses. Includes movie theaters and related or similar uses.

Religious Institution means a use that provides religious services to the community such as a church, temple or synagogue.

Relocation Plan means a document approved by the Agency Commission that establishes how the Agency and/or developers shall assist persons, business concerns and others displaced from the Project Area by redevelopment activities of or assisted by the Agency in finding new locations in accordance with applicable State and Federal law.

Residential Care Facility means medical use that provides lodging, board, and care for one day or more to persons in need of specialized aid by personnel licensed by the State but does not provide outpatient services.

Residential Use means a use that includes for sale and rental housing units, including Dwelling Units, Live/Work Units, and Group Housing

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Hunters Point Shipyard Redevelopment Plan
, 2018

Restaurant means a full service or self service retail facility primarily for eating use that provides ready-to-eat food to customers for consumption on or off the premises, which may or may not provide seating, and that may include service of liquor under ABC licenses [those explicitly for any alcoholic service in association with a restaurant]. Food may be cooked or otherwise prepared on the premises.

School Facilities Impact Fee means the sum payable to the San Francisco Unified School District pursuant to Government Code Section 65995.

Short-Term Rental has the meaning established in Article 41A of the Administrative Code (as it may be amended from time to time), and, subject to compliance with regulations of the City’s Office of Short-Term Rentals (or its successor), is allowed within Residential Uses unless otherwise prohibited by applicable private covenants or similar restrictions.

Secondary School means a use that provides grade 9-12 education and may be either public or private.

State means the State of California.

Stormwater Best Management Practice (BMP) means constructed facilities or measures to help protect receiving water quality and control stormwater quantity, also referred to as stormwater controls.

Supportive Housing means affordable housing developments with integrated services that are not required as a condition of occupancy and that serve high needs populations including but not limited to low income senior citizens, youth transitioning out of foster care, adults with developmental disabilities, individuals and families who are homeless or at risk of homelessness, and persons with AIDS.

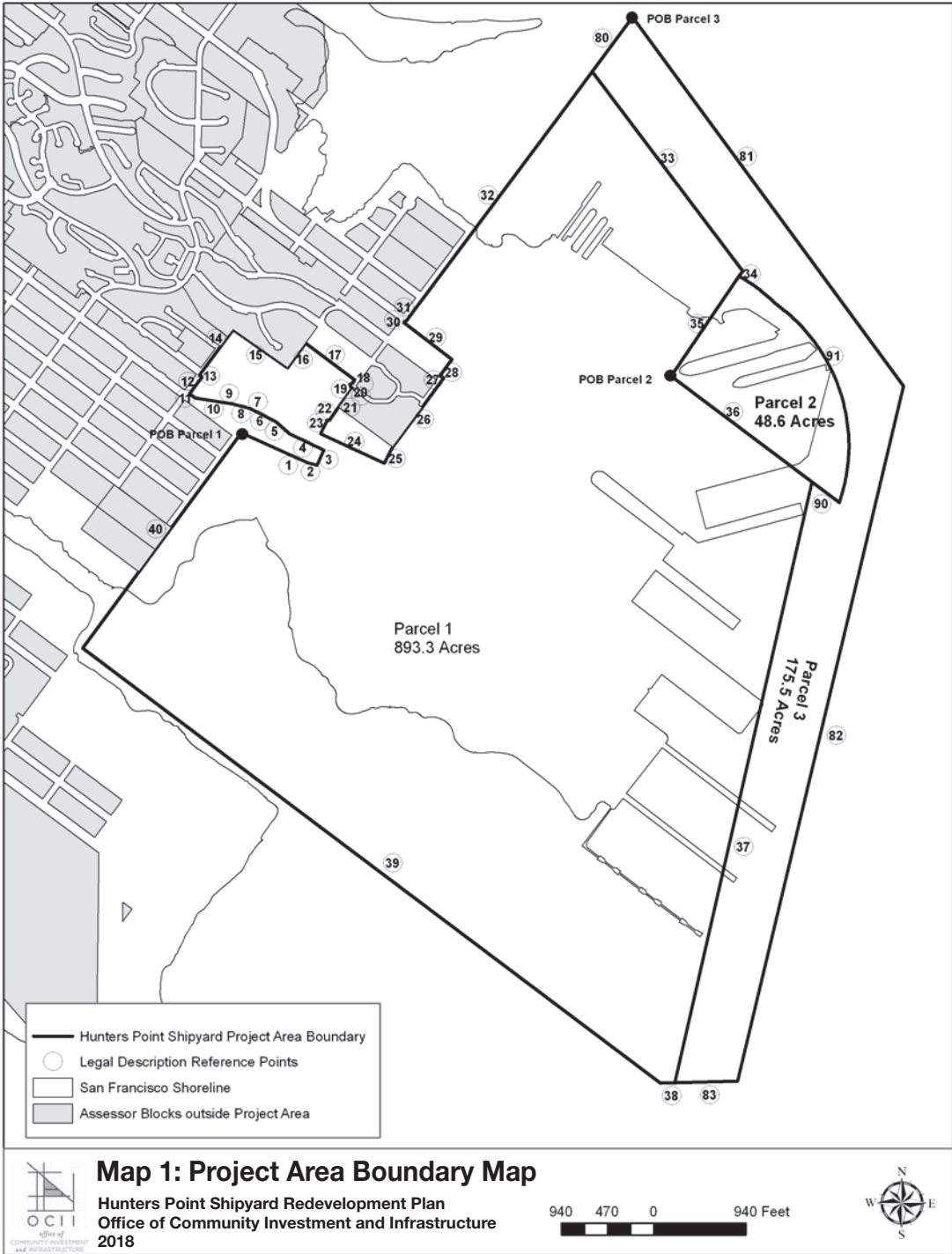
Taxing Agencies means all public entities that have the authority to tax property within the Project Area, including the State, the City, BART, San Francisco Unified School District, City College of San Francisco, Bay Area Air Quality Management District and any district or other public corporation.

Telecommunication/Fiber System means equipment for the transmission, reception or relay of analogue, digital and optical fiber signals.

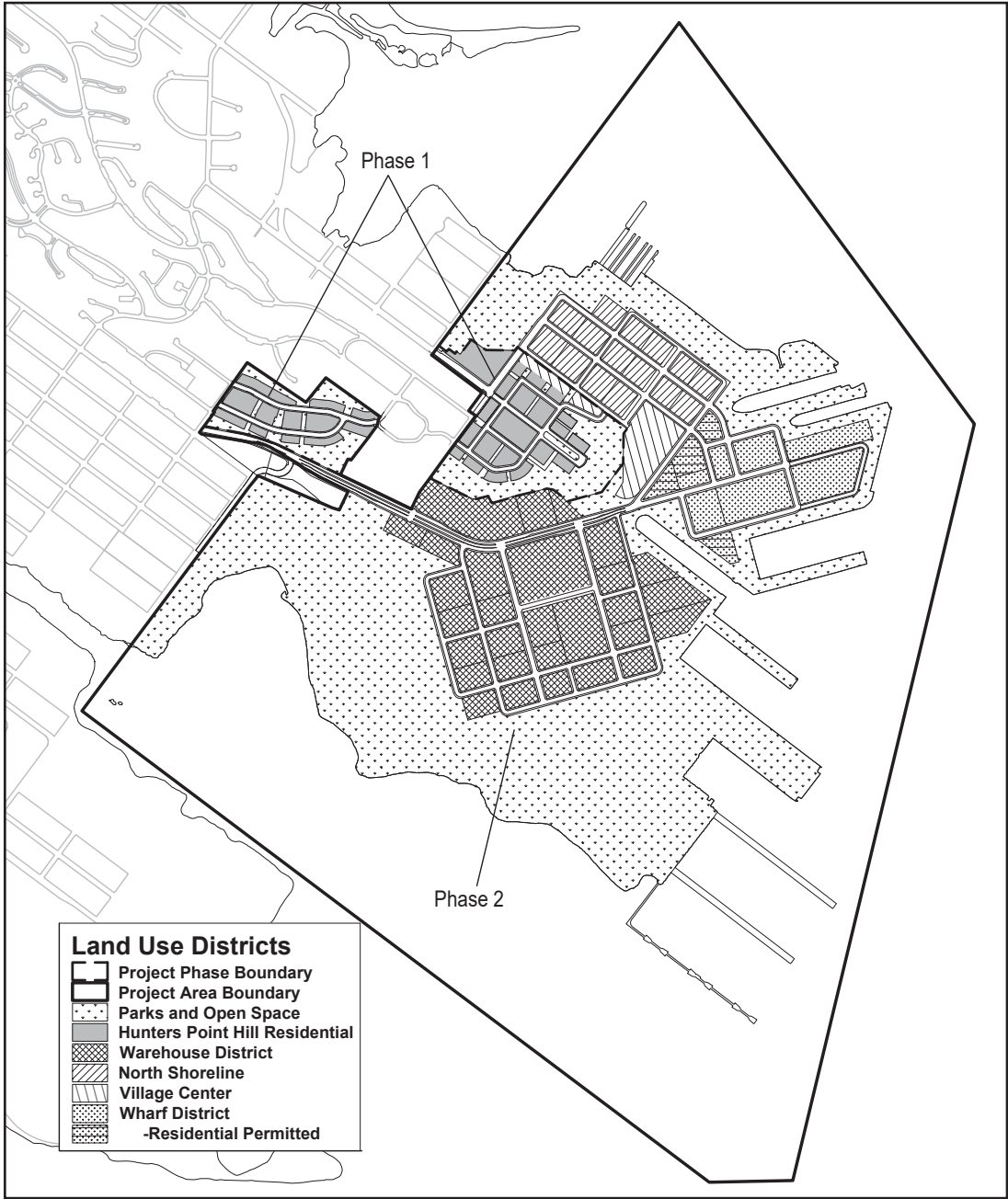
Use means the purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

Vocational/Job Training Facility means a use that provides job training, and may also provide vocational counseling and job referrals and or office or light industrial activities for education purposes.

Replaces Map 1 in the current Plan



Replaces Map 2 in the current Plan

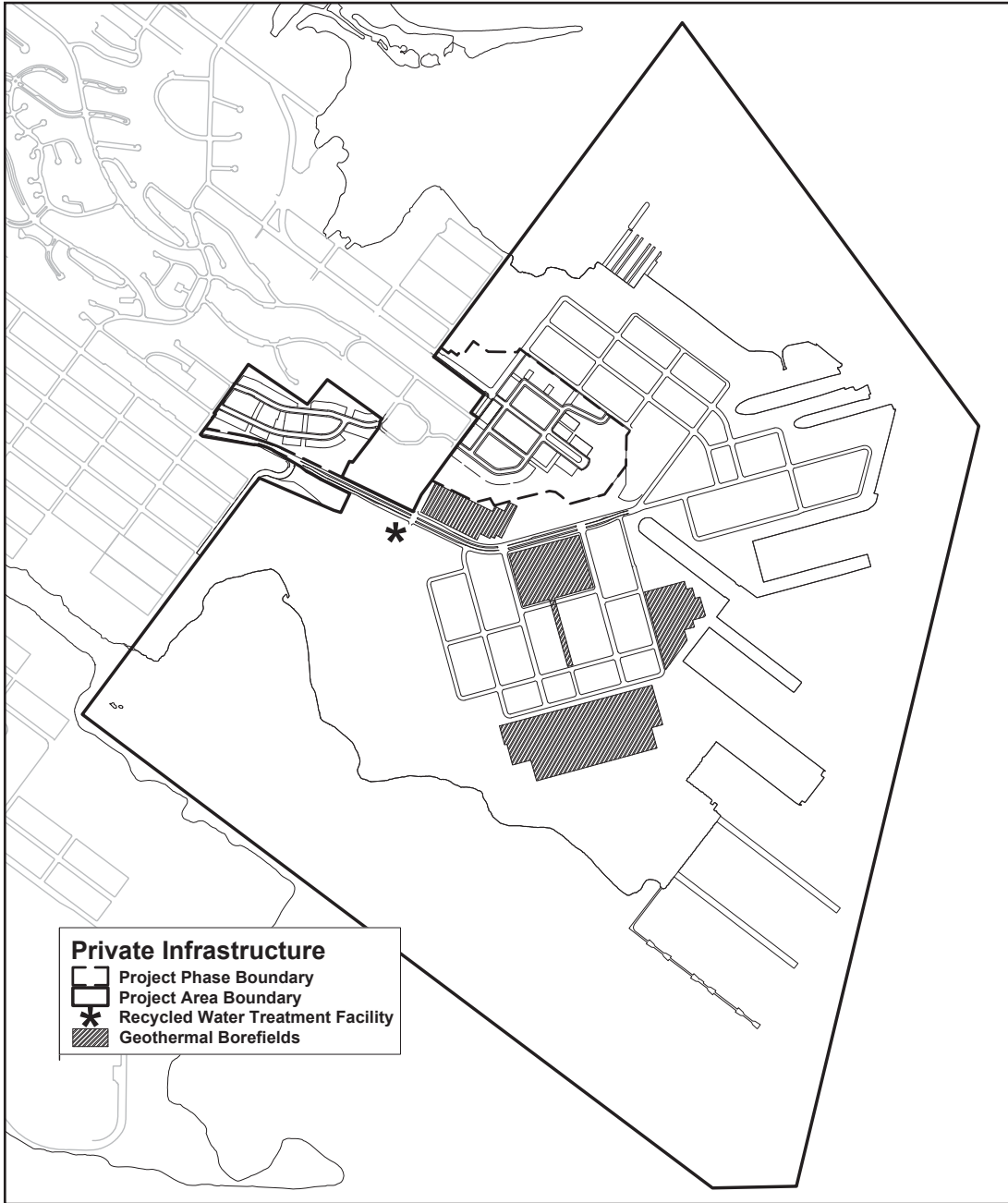


 **Map 2: Land Use Districts Map**
Hunters Point Shipyard Redevelopment Plan
Office of Community Investment and Infrastructure
2018


1,000 500 0 1,000 Feet




Replaces Map 2A in the current Plan



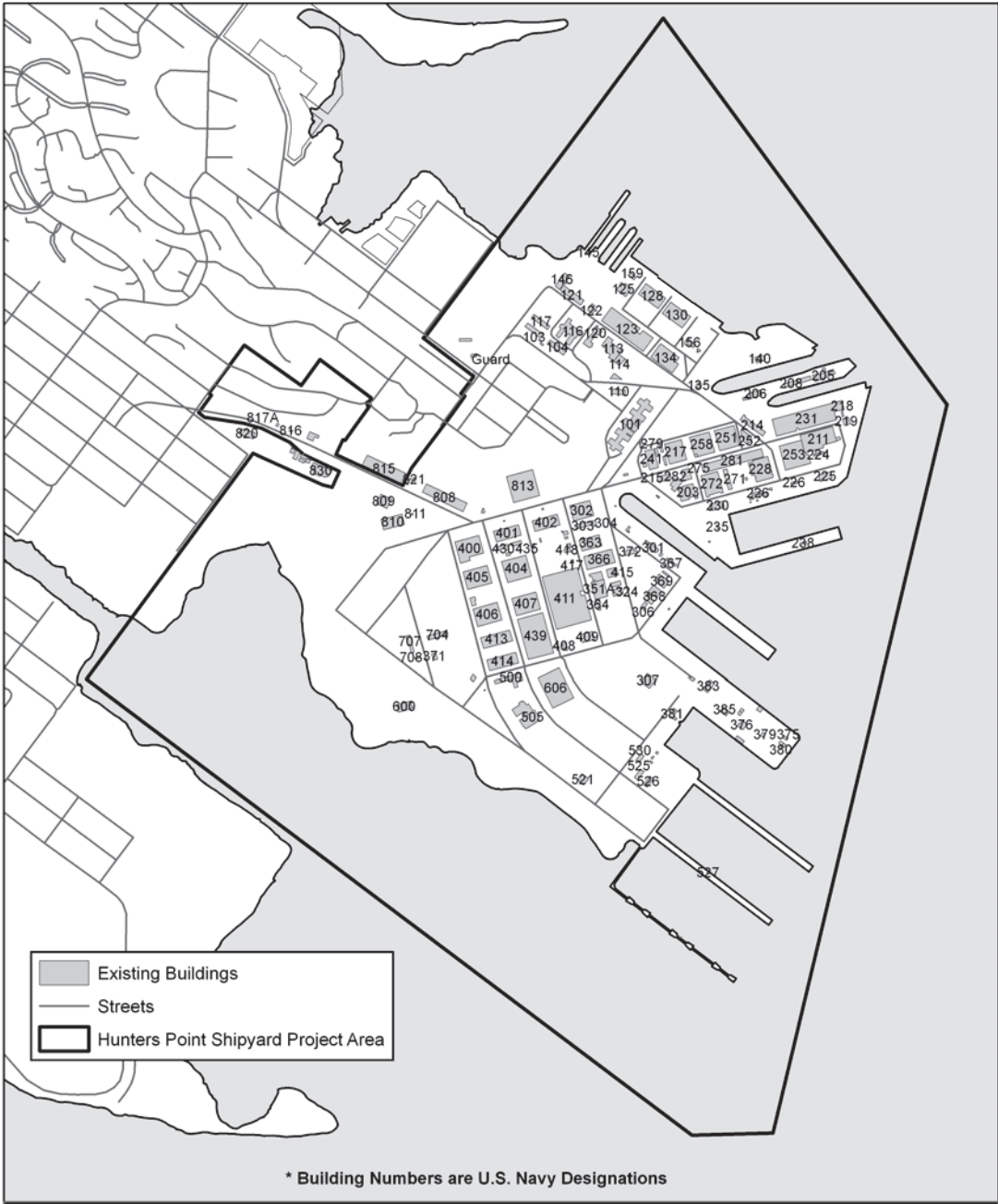
- Private Infrastructure**
- Project Phase Boundary
 - Project Area Boundary
 - Recycled Water Treatment Facility
 - Geothermal Borefields

 **Map 2A: Private Infrastructure**
Hunters Point Shipyard Redevelopment Plan
Office of Community Investment and Infrastructure
2018

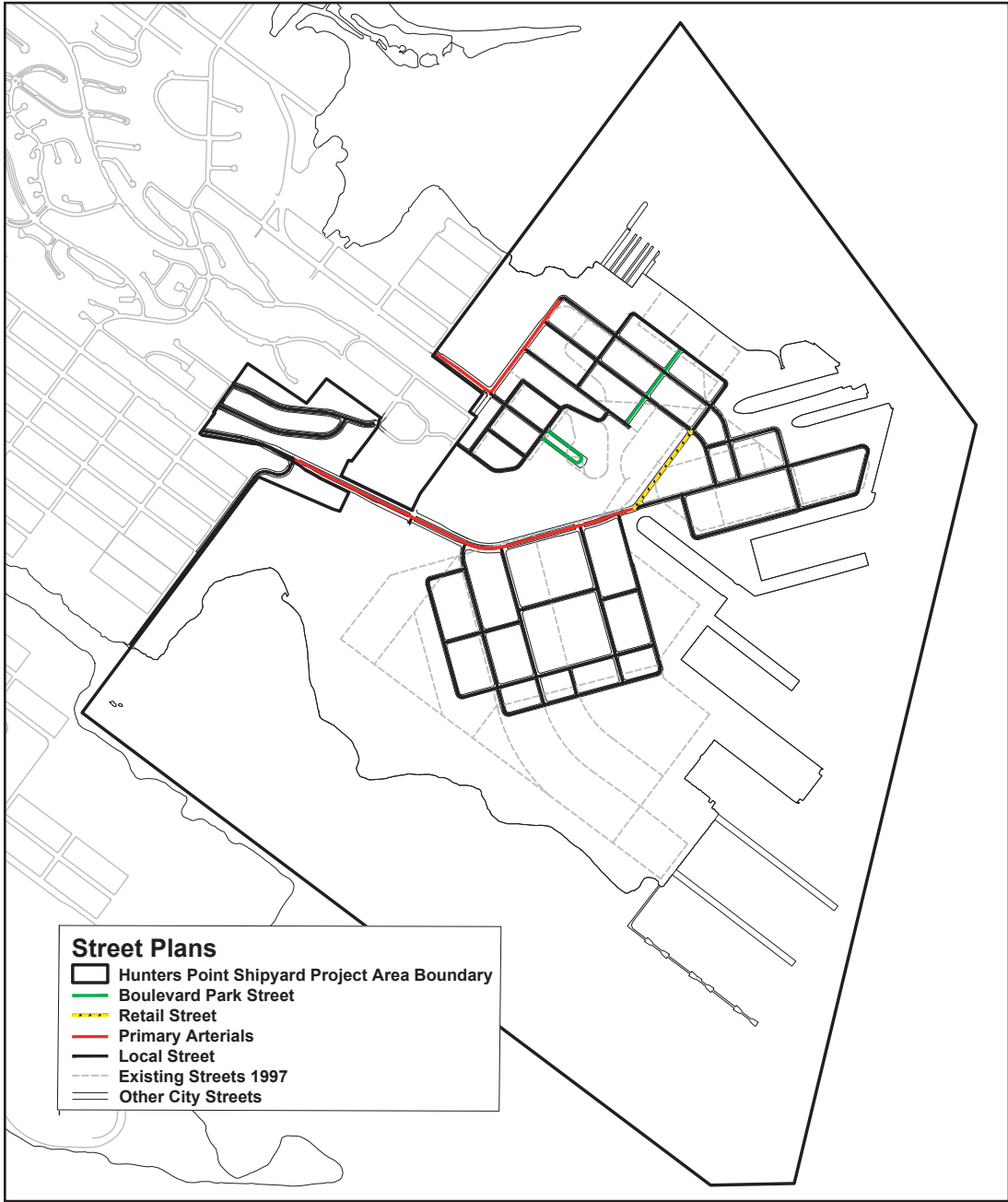
1,000 500 0 1,000 Feet



Replaces Map 3 in the current Plan



Replaces Map 4 in the current Plan



- Street Plans**
- Hunters Point Shipyard Project Area Boundary
 - Boulevard Park Street
 - Retail Street
 - Primary Arterials
 - Local Street
 - Existing Streets 1997
 - Other City Streets

 **Map 4: Street Plans**
Hunters Point Shipyard Redevelopment Plan
Office of Community Investment and Infrastructure
2018

1,000 500 0 1,000 Feet



Attachment A: Legal Description of the Project Area

The area consists of real property within the City and County of San Francisco, State of California, more particularly described as follows:

PARCEL ONE

Beginning at the point of intersection of the southeasterly line of Fitch Street and the northeasterly line of Palou Avenue as said streets are shown upon the “Map of the property of the South San Francisco Homestead and Railroad Association”, filed April 15, 1867, in Book 2, “A” and “B” of Maps, Page 39, in the County Recorder’s Office of the City and County of San Francisco, said point having California Coordinate values: N.452,070.23 E.1,457,299.61 (Zone III); and running thence from said Point of Beginning easterly, northerly and westerly along the following series of courses and distances:

- #1 S.66°24’34”E. 774.37 feet;
- #2 S.74°08’24”E. 68.77 feet;
- #3 N.25°47’36”E. 177.17 feet;
- #4 N.65°00’41”W. 377.67 feet;
- #5 N.51°35’29”W. 202.50 feet;
- #6 N.65°31’39”W. 227.49 feet;
- #7 N.67°43’50”W. 60.90 feet;
- #8 N.69°21’07”W. 156.62 feet;
- #9 N.74°41’13”W. 78.46 feet;
- #10 N.79°19’57”W. 383.85 feet to the above referenced northeasterly line of Palou Avenue; thence along said northeasterly line
- #11 N.53°17’47”W. 25.88 feet to the southeasterly line of Griffith Street; thence along said southeasterly line
- #12 N.36°42’13”E. 200.00 feet to the southwesterly line of Oakdale Avenue; thence along said southwesterly line
- #13 N.53°17’47”W. 32.00 feet to the centerline of Griffith Street; thence along said centerline
- #14 N.36°42’13”E. 600.00 feet to the centerline of McKinnon Avenue; thence along said centerline
- #15 S.53°17’47”E. 664.00 feet to the centerline of Fitch Street; thence along said centerline
- #16 N.36°42’13”E. 319.20 feet to the northeasterly line of LaSalle Avenue; thence along said northeasterly line
- #17 S.53°17’47”E. 632.06 feet to a point in the northwesterly
- #18 line of Earl Street; thence southwesterly 69.24 feet along the arc of a curve to the right whose radial bearing is N.53°17’47”W. having a radius of 105.00 feet, through a central angle of 37°47’02”; thence southeasterly along the radial bearing produced
- #19 S.15°30’45”E. 50.00 feet to a point on a curve to the right

- #20 having a radial bearing S.15°30'45"E. and having a radius of 20.00 feet, through a central angle of 48°28'07" and an arc distance of 16.92 feet, said point also being located on the centerline of Earl Street, thence along said centerline
- #21 S.36°42'13"W. 398.94 feet; thence southerly, easterly and northerly the following series of courses and distances:
- #22 N.64°12'01"W. 22.16 feet;
- #23 S.24°37'25"W. 158.00 feet;
- #24 S.64°12'01"E. 727.00 feet;
- #25 N.25°47'59"E. 174.85 feet;
- #26 N.36°42'13"E. 890.12 feet;
- #27 N.53°17'47"W. 48.00 feet;
- #28 N.36°42'13"E. 206.90 feet to the southwesterly line of Innes Avenue, thence along said southwesterly line
- #29 N.53°17'47"W. 640.93 feet to the centerline of Earl Street; thence along said centerline
- #30 N.36°42'13"E. 40.00 feet to the centerline of Innes Avenue; thence along said centerline
- #31 S.53°17'47"E. 32.00 feet to the southeasterly line of Earl Street; thence along said southeasterly line
- #32 N.36°42'13"E. 3,151.02 feet to the 1948 Bulkhead Line as shown on the map entitled "Real Estate Summary Map Navfac Drwg No. 1045757" on WestDiv, San Bruno, California; thence southeasterly along said 1948 Bulkhead Line
- #33 S.35°56'38"E. 2,533.02 feet; thence leaving said Bulkhead line
- #34 S.30°50'40"W. 50.69 feet to the most northerly point on the parcel of land described in the deed recorded in Volume 3677, Official Records of the City and County of San Francisco, at Page 349, thence southwesterly and southeasterly around said parcel of land
- #35 S.36°42'09"W. 1,179.13 feet;
- #36 S.53°17'47"E. 1,826.56 feet to the aforementioned 1948 Bulkhead Line; thence southwesterly along said 1948 Bulkhead Line
- #37 S.12°07'46"W. 6,384.03 feet to a point on the County line dividing the County of San Mateo and the County of San Francisco; thence northwesterly along said County line
- #38 N.88°54'38"W. 127.35 feet to the northeasterly line of Bancroft Avenue extended; thence along said northeasterly line extended
- #39 N.53°17'47"W. 7,483.89 feet to the southeasterly line of Fitch Street; thence along said southeasterly line
- #40 N.36°42'13"E. 2,800.00 feet to the Point of Beginning of this description.

Containing 893.3 acres of land more or less.

PARCEL TWO

(The original 48-acre more or less shipyard in the northeast corner of the Naval Base)

Beginning at a point on the northeasterly line of Evans Avenue extended, distant thereon 450 feet southeasterly from the southeasterly line of Boalt Street extended, as said streets are shown on the “map of the property of the South San Francisco Homestead and Railroad Association”, filed April 15, 1867, in Book 2, “A” and “B” of maps, page 39, in the County Recorder’s Office of the City and County of San Francisco; and running thence northeasterly on a line drawn parallel with said southeasterly line of Boalt Street

#35 N.36°42’09”E. 1,179.13 feet to a point on a curve to the right
#91 with a radius of 1,800 feet, whose center is a point on the northeasterly line of Galvez Avenue, distant thereon 250 feet southeasterly from the southeasterly line of Alvord Street extended, and the radial bearing to said centerpoint being S.21°45’52”W.; thence southeasterly, southerly, and southwesterly along said curve to the right with a radius of 1,800 feet through a central angle of 86°48’43”, a distance of 2,727.28 feet to a point on the northeasterly line of Evans Avenue extended, said point having a radial bearing S.71°25’25”E. to the centerpoint of said curve; thence northwesterly along said line of Evans Avenue and the extension thereof the following two courses:

#90 N.53°17’47”W. 348.11 feet;
#36 N.53°17’47”W. 1,826.56 feet to the Point of Beginning

Containing 48.6 acres of land more or less.

PARCEL THREE

(The strip of underwater land lying between the Pierhead and Bulkhead lines)

Beginning at the point of intersection of the direct extension northeasterly of the southeasterly line of Earl Street as shown on the map referenced in Parcel Two above, with the United States Pierhead Line as shown on the map entitled “Hunters Point Naval Shipyard, General Development Map. Key Map No. 1174922” on file at the Department of the Navy, Western Division, in San Bruno, California; thence southeasterly and southwesterly along said Pierhead Line the following courses and distances:

#81 S.35°56’38”E. 4,619.53 feet more or less;
#82 S.13°41’06”W. 7,542.33 feet more or less to the point of intersection with the line dividing the City and County of San Francisco and San Mateo County, thence northwesterly along said boundary line
#83 N.88°54’38”W. 543.06 feet more or less to the easterly line of Parcel One above described; thence northeasterly, easterly and northwesterly along the easterly and northeasterly lines of Parcels One and Two above described to the southeasterly line of Earl Street extended, thence northeasterly along the direct extension of the southeasterly line of Earl Street

#80 N.36°42'13"E. 838.14 feet more or less to the Point of Beginning.

Containing 175.5 acres of land more or less.

Notes:

1. Numbers (#'s) indicate course numbers as referenced on the Hunters Point Shipyard Redevelopment Project Area Boundary Map.
2. Bearings shown above are referenced to the California Coordinate System Zone III.

Attachment B: Authorized Public Improvements

- Public open spaces including parks, plazas, habitat restoration, sports facilities and playgrounds
- Facilities in parks such as tables, waste receptacles, signage, landscaping, market stalls and maintenance facilities
- Public roadways and other walkways, roadways, lanes, and connectors
- Medians, curbs, bulb-outs and gutters
- Sidewalks, street trees, landscaping, and street furnishings
- Street, sidewalk, street lights, and park lighting
- Traffic signals, control centers, street signage, and pavement striping
- Parking meters
- Potable water distribution and fire suppression facilities
- Reclaimed water facilities and irrigation distribution
- Sanitary sewer facilities and pump stations
- Storm drains, storm water sewer, treatment and conveyance facilities
- Natural gas, electric, telephone and telecommunication facilities
- Utilities and utility relocation
- MUNI light rail/bus/transit facilities, cantenary wires, communication facilities, transit stops and markings, poles, eyebolts and substations as needed and related improvements
- Arts facilities and community centers
- Bridges, trails, and staircases
- Seawall upgrades, small boat harbor, piers, railings, and other shoreline improvements
- Retaining walls, remediation caps, and permanent grading
- Public art installations and interpretive signage
- Education and job training centers
- Libraries
- Improvements to existing roadways, streetscapes and utilities
- Improvements to historic buildings
- Police and fire stations
- School facilities
- Erosion control features
- Street, lighting, utility, and related improvements to Innes Avenue and Hunters Point Boulevard outside the Project Area
- Any public improvements to be accepted by the City or the Agency (including, without limitation, distribution pipes for recycled water facility) in connection with any private sustainability infrastructure such as recycled water facilities, solar energy facilities, geothermal heating and cooling systems, and decentralized stormwater facilities.
- Additional temporary, interim and/or permanent facilities and improvements to the foregoing

Attachment C: Planning Code Section 314

SEC. 314. - CHILD-CARE REQUIREMENTS FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS.

When the words "this Section" appear in Sections 314.1 through 314.8, they shall be construed to mean "Sections 314.1 through 314.8."

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.1. - DEFINITIONS.

The following definitions shall govern interpretation of this Section:

- (a) "Child-care facility" shall mean a child day-care facility as defined in California Health and Safety Code Section 1596.750.

- (b) "Child care provider" shall mean a provider as defined in California Health and Safety Code Section 1596.791.

- (c) "Commission" shall mean the City Planning Commission.

- (d) "DBI" shall mean the Department of Building Inspection.

- (e) "Department" shall mean the Department of City Planning.

- (f) "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy, as defined in San Francisco Building Code Section 109, whichever is issued first.

- (g) "Hotel" shall mean a building containing six or more guest rooms as defined in San Francisco Housing Code Section 401 intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes and dwelling purposes by guests, whether rent is paid in money, goods, or services, including motels as defined in San Francisco Housing Code Section 401.

- (h) "Hotel use" shall mean space within a structure or portion thereof intended or primarily suitable for the operation of a hotel, including all office and other uses accessory to the renting of guest rooms, but excluding retail uses and office uses not accessory to the hotel use.

- (i) "Household of low income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the

qualifying limit for a lower-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(j) "Household of moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a median-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(k) "Licensed child-care facility" shall mean a child-care facility which has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80—1596.875, 1596.95—1597.09, or 1597.30—1597.61.

(l) "Net addition of gross square feet of hotel space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, hotel use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed hotel development project space used primarily and continuously for office or hotel use and not accessory to any use other than office or hotel use for five years prior to Planning Commission approval of the hotel development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(m) "Net addition of gross square feet of office space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, office use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed office development project space used primarily and continuously for office or hotel use and not accessory to any use other than office or hotel use for five years prior to Planning Commission approval of the office development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(n) "Nonprofit child-care provider" shall mean a child-care provider that is an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701—23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

(o) "Nonprofit organization" shall mean an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701—23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

(p) "Office development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space.

(q) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; design showcases or any other space intended and primarily suitable for display of goods; and child-care facilities. This definition shall include all uses encompassed within the meaning of Planning Code Section 219.

(r) "Retail use" shall mean space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220 through 225, and also including all space accessory to such retail use.

(s) "Sponsor" shall mean an applicant seeking approval for construction of an office or hotel development project subject to this Section and such applicant's successors and assigns.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 22-00, File No. 991877, App. 2/18/2000; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.2. - FINDINGS.

The Board hereby finds and declares as follows:

Large-scale office and hotel developments in the City and County of San Francisco (hereinafter "City") have attracted and continue to attract additional employees to the City, and there is a causal connection between such developments and the need for additional child-care facilities in the City, particularly child-care facilities affordable to households of low and moderate income.

Office and hotel uses in the City are benefitted by the availability of child care for persons employed in such offices and hotels close to their place of employment. However, the supply of child care in the City has not kept pace with the demand for child care created by these new employees. Due to this shortage of child care, employers will have difficulty in securing a labor force, and employees unable to find accessible and affordable quality child care will be forced either to work where such services are available outside of San

Francisco, or leave the work force entirely, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

Projections from the EIR for the Downtown Plan indicate that between 1984 and 2000 there will be a significant increase of nearly 100,000 jobs in the C-3 District under the Downtown Plan. Most of that employment growth will occur in office and hotel work, which consist of a predominantly female work force.

According to the survey conducted of C-3 District workers in 1981, 65 percent of the work force was between the ages of 25—44. These are the prime childbearing years for women, and the prime fathering years for men. The survey also indicated that only 12 percent of the C-3 District jobs were part-time, leaving up to 88 percent of the positions occupied by full-time workers. All of these factors point to the inevitable increase in the number of working parents in the C-3 District and the concomitant increase in need for accessible, quality child-care.

Presently, there exists a scarcity of child care in the C-3 District and citywide for all income groups, but the scarcity is more acutely felt by households of low and moderate income. Hearings held on April 25, 1985 before the Human Services Committee of the San Francisco Board of Supervisors documented the scarcity of child care available in the C-3 District, the impediments to child-care program startup and expansion, the increase in the numbers of children needing care, and the acute shortage of supply throughout the Bay Area. The Board of Supervisors also takes legislative notice of the existing and projected shortage of child-care services in the City as documented by the Child-Care Information Kit prepared by the California Child-Care Resources and Referral Network located in San Francisco.

The scarcity of child care in the City is due in great part to large office and hotel development, both within the C-3 District and elsewhere in the City, which has attracted and will continue to attract additional employees and residents to the City. Some of the employees attracted to large office and hotel developments are competing with present residents for the few openings in child-care programs available in the City. Competition for child care generates the greatest pressure on households of low and moderate income. At the same time that large office and hotel development is generating an increased demand for child care, it is improbable that factors inhibiting increased supply of child care will be mitigated by the marketplace; hence, the supply of child care will become increasingly scarce.

The Master Plan encourages "continued growth of prime downtown office activities so long as undesirable consequences of such growth can be avoided" and requires that there be the provision of "adequate amenities for those who live, work and use downtown." In light of these provisions, the City should impose requirements on developers of office and hotel projects designed to mitigate the adverse effects of the expanded employment facilitated by such projects. To that end, the City Planning Commission is authorized to promote affirmatively the policies of the San Francisco Master Plan through the imposition

of special child-care development or assessment requirements. It is desirable to impose the costs of the increased burden of providing child care necessitated by such office and hotel development projects directly upon the sponsors of new development generating the need. This is to be done through a requirement that the sponsor construct child-care facilities or pay a fee into a fund used to foster the expansion of and to ease access to affordable child care as a condition of the privilege of development.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.3. - APPLICATION.

(a) This Section shall apply to office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.

(b) This Section shall not apply to:

(1) Any development project other than an office or hotel development project, including that portion of an office or hotel development project consisting of a retail use;

(2) That portion of an office or hotel development project located on property owned by the United States or any of its agencies;

(3) That portion of an office or hotel development project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(4) That portion of an office or hotel development project located on property under the jurisdiction of the Port of San Francisco or the San Francisco Redevelopment Agency where the application of this Section is prohibited by State or local law; and

(5) Any office or hotel development project approved by the Planning Commission prior to the effective date of this Section.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.4. - IMPOSITION OF CHILD CARE REQUIREMENT.

(a) (1) The Department or the Commission shall impose conditions on the approval of building or site permit applications for office or hotel development projects covered by this Section in order to mitigate the impact on the availability of child-care facilities which will be caused by the employees attracted to the proposed development project. The conditions shall require that the sponsor

construct or provide a child-care facility on or near the site of the development project, either singly or in conjunction with the sponsors of other office or hotel development projects, or arrange with a nonprofit organization to provide a child-care facility at a location within the City, or pay an in-lieu fee to the City Treasurer which shall thereafter be used exclusively to foster the expansion of and ease access to child-care facilities affordable to households of low or moderate income.

(2) Prior to either the Department's or the Commission's approval of a building or site permit for a development project subject to this Section, the Department shall issue a notice complying with Planning Code Section 306.3 setting forth its initial determination of the net addition of gross square feet of office or hotel space subject to this Section.

(3) Any person may appeal the initial determination by delivering an appeal in writing to the Department within 15 days of such notice. If the initial determination is not appealed within the time allotted, the initial determination shall become a final determination. If the initial determination is appealed, the Commission shall schedule a public hearing prior to the approval of the development project by the Commission or the Department to determine the net addition of gross square feet of office or hotel space subject to this Section. The public hearing may be scheduled separately or simultaneously with a hearing under City Planning Code Sections 139, 306.2, 309(h), 313.4, 315.3 or a Discretionary Review hearing under San Francisco Business and Tax Regulations Code Section 26. The Commission shall make a final determination of the net addition of gross square feet at the hearing.

(4) The final determination of the net addition of gross square feet of office or hotel space subject to this Section shall be set forth in the conditions of approval relating to the child-care requirement in any building or site permit application approved by the Department or the Commission. The Department shall notify the Treasurer of the final determination of the net addition of gross square feet of office or hotel space subject to this ordinance within 30 days of the date of the final determination. The Department shall notify the Treasurer and DBI that the development project is subject to this Section prior to the time the Department or the Commission approves the permit application.

(b) (1) The sponsor of a development project subject to this (1) Section may elect to provide a child-care facility on the premises of the development project for the life of the project to meet the requirements of this Section. The sponsor shall, prior to the issuance of the first certificate of occupancy by DBI for the development project, provide proof to the Treasurer and the Department that:

(A) A space on the premises of the development project has been provided to a nonprofit child-care provider without charge for rent,

utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Net add. gross sq. ft. off. or hotel space</i>	<i>X .01 =</i>	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel of the development project is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A notice of special restriction has been recorded stating that the development project is subject to this Section and is in compliance herewith by providing a child-care facility on the premises.

(2) The sponsor of a development project subject to this Section in conjunction with the sponsors of one or more other development projects subject to this Section located within ½ mile of one another may elect to provide a single child-care facility on the premises of one of their development projects for the life of the project to meet the requirements of this Section. The sponsors shall, prior to the issuance of the first certificate of occupancy by DBI for any one of the development projects complying with this part, provide proof to the Treasurer and the Planning Department that:

(A) A space on the premises of one of their development projects has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor in whose project the facility will be located and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Combined net add. gross sq. ft. office or hotel space of all participating dev. projects</i>	<i>X .01</i> =	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors guaranteeing that the child-care facility will be provided for the life of the development project in which it is located, or for as long as there is a demonstrated demand, as determined under Subsection (h) of this Section 314.4, has been executed and recorded in the chain of title of each participating building.

(3) The sponsor of a development project subject to this Section, either singly or in conjunction with the sponsors of one or more other development projects subject to this Section located within ½ mile of one another, may elect to provide a single child-care facility to be located within one mile of the development project(s) to meet the requirements of this Section. Subject to the discretion of the Department, the child-care facility shall be located so that it is reasonably accessible to public transportation or transportation provided by the sponsor(s). The sponsor(s) shall, prior to the issuance of the first certificate of occupancy by DBI for any development project complying with this part, provide proof to the Treasurer and the Planning Department that:

(A) A space has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the sponsor(s) and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Combined net add. gross sq. ft. office or hotel space of all participating dev. projects</i>	<i>x .01</i> =	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a

minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors, with a term of 20 years from the date of issuance of the first certificate of occupancy for any development project complying with this part, guaranteeing that a child-care facility will be leased or subleased to one or more nonprofit child-care providers for as long as there is a demonstrated demand under Subsection (h) of this Section 314.4 has been executed and recorded in the chain of title of each participating building.

(4) The sponsor of a development project subject to this Section may elect to pay a fee in lieu of providing a child-care facility. The fee shall be computed as follows:

<i>Net add. gross sq. ft. office or hotel space</i>	<i>X \$1.00 = Total Fee</i>
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Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Department prior to the issuance by DBI of the first certificate of occupancy for the development project.

(5) The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by combining payment of an in-lieu fee to the Child Care Capital Fund with construction of a child-care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other sponsors. The child-care facility to be constructed on-site or provided near-site under this election shall be subject to all of the requirements of whichever of Parts (b)(1), (2) and (3) of this Section 314.4 is applicable, and shall have a minimum floor area of 3,000 gross square feet. If the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the minimum gross floor area of the facility shall be 2,000 square feet. The in-lieu fee to be paid under this election shall be subject to all of the requirements of Part (b)(4) of this Section 314.4 and shall be determined by the Commission according to the following formula:

<i>Net. add. gross sq. ft. space - subject project</i>	<i>/</i>	<i>Net. add. gross sq. ft. space <u>subject project</u> Net. add. gross sq. ft. space all participating projects</i>	<i>X</i>	<i>Sq. ft. child- care facility</i>	<i>X100</i>	<i>X\$1.00</i>	<i>/</i>	<i>=</i>	<i>Total Fee for Subject Project</i>
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(6) The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by entering into an arrangement pursuant to which a

nonprofit organization will provide a child-care facility at a site within the City. The sponsor shall, prior to the issuance of the first certificate of occupancy by the Director of the Department of Building Inspection for the development project, provide proof to the Director of Planning that:

(A) A space for a child-care facility has been provided by the nonprofit organization, either for its own use if the organization will provide child-care services, or to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the nonprofit organization and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Net add. gross sq. ft. office or hotel space</i>	<i>X .01 =</i>	<i>sq. ft. of child- care facility</i>
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In the event that the net addition of gross square feet of office or hotel space is less than 300,000 square feet, the child-care facility may have a minimum gross floor of 2,000 square feet or the area determined according to the above formula, whichever is greater;

(D) The nonprofit organization has executed and recorded a binding written agreement, with a term of 20 years from the date of issuance of the first certificate of occupancy for the development project, pursuant to which the nonprofit organization guarantees that it will operate a child-care facility or it will lease or sublease a child-care facility to one or more nonprofit child-care providers for as long as there is a demonstrated need under Subsection (h) of this Section 314.4, and that it will comply with all of the requirements imposed on the nonprofit organization under this Paragraph (b)(6) and imposed on a sponsor under Subsections (g), (h) and (i) of Section 314.4.

(E) To support the provision of a child-care facility in accordance with the foregoing requirements, the sponsor has paid to the nonprofit organization a sum which equals or exceeds the amount of the in-lieu fee which would have been applicable to the project under Section 314.4(b)(4).

(F) The Department of Children, Youth and Their Families has determined that the proposed child-care facility will help meet the needs identified in the San Francisco Child Care Needs Assessment

and will be consistent with the City Wide Child Care Plan; provided, however, that this Paragraph (F) shall not apply to any office or hotel development project approved by the Planning Commission prior to December 31, 1999.

Upon compliance with the requirements of this Part, the nonprofit organization shall enjoy all of the rights and be subject to all of the obligations of the sponsor, and the sponsor shall have no further rights or obligations under this Section.

(c) The Director of the Department of Building Inspections shall provide notice in writing to the Director of Planning at least five business days prior to issuing the first certificate of occupancy for any development project subject to this Section. If the Director of Planning notifies the Director of the Department of Building Inspections within such time that the sponsor has not complied with the provisions of this Section, the Director of the Department of Building Inspections shall deny any and all certificates of occupancy. If the Director of Planning notifies the Director of the Department of Building Inspections that the sponsor has complied with this Section or fails to respond within five business days, a certificate of occupancy shall not be disapproved pursuant to this Section. Any failure of the Director of the Department of Building Inspections or the Director of Planning to give any notice under this Subsection shall not relieve a sponsor from compliance with this Section.

(d) In the event that the Department or the Commission takes action affecting any development project subject to this Section and such action is thereafter modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the permit application for such office development project shall be remanded to the Department or Commission within 60 days following the date on which such action is final to determine whether the proposed project has been changed in a manner which affects the area of the child-care facility or the amount of the in-lieu fee to be provided under this Section 314.4 and, if so, the Department or the Commission shall revise the child-care requirement imposed on the permit application in compliance with this Section, and shall promptly notify the Treasurer and DBI of that revision.

(e) The sponsor shall supply all information to the Treasurer, the Department, and the Commission necessary to make a determination as to the applicability of this Section and the number of gross square feet of office or hotel space subject to this Section.

(f) Within nine months of the effective date of this Section, the Commission shall, after public notice and a hearing pursuant to Charter Section 4.104, adopt rules and regulations by which compliance with this Subsection shall be determined.

(g) In the event that a sponsor elects to satisfy its child-care requirement under Section 314(b)(1), (2), (3) or (5) by providing an on-site or near-site child-care facility, the sponsor shall submit a report to the Department in January of each year for the life of the child-care facility. The report shall have attached thereto a copy of the license issued by the California Department of Social Services permitting operation of the child-care facility, and shall state:

- (1) The address of the child-care facility;
- (2) The name and address of the child-care provider operating the facility;
- (3) The size of the center in terms of floor area;
- (4) The capacity of the child-care facility in terms of the maximum number of children for which the facility is authorized to care under the license;
- (5) The number and ages of children cared for at the facility during the previous year; and
- (6) The fees charged parents for use of the facility during the previous year.

(h) In the event that a sponsor elects to satisfy its child-care requirement under Paragraphs 314.4 (b)(1), (2), (3) or (5) by providing an on-site or near-site child-care facility, or under Paragraph 314.4(b)(6) by agreement with a non-profit organization, the sponsor, or in the case of a facility created pursuant to Paragraph 314.4(b)(6) the non-profit organization, may apply to the Department to eliminate the facility or to reduce the floor area of the facility in any amount, providing, however, that the gross floor area of a reduced facility is at least 2,000 square feet. The Department shall schedule a public hearing on any such application before the Commission and provide notice pursuant to City Planning Code Section 306.3(a) at least two months prior to the hearing. The application may be granted only where the sponsor has demonstrated that there is insufficient demand for the amount of floor area then devoted to the on-site or near-site child-care facility. The actual reduction in floor area or elimination of the child-care facility shall not be permitted in any case until six months after the application is granted. Such application may be made only five years or more after the issuance of the first certificate of occupancy for the project. Prior to the reduction in floor area or elimination of the child care facility, the sponsor shall pay an in-lieu fee to the City's Treasurer to be computed as follows:

(20 - No. of years since issuance of first <u>certificate of occupancy</u>) 20	X	Net reduction gross sq. ft. child-care facility	=\$100X	Total Fee
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Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Director prior to the reduction in the floor area or elimination of the child care facility.

(i) The child care provider operating any child care facility pursuant to Sections 314.4(b)(1), (2), (3) or (5) shall reserve at least 10 percent of the maximum capacity of the child care facility as determined by the license for the facility issued by the California Department of Social Services to be affordable to children of households of low income. The Department shall adopt rules and regulations to determine the rates to be charged to such households at the same time and following the procedures for the adoption of rules and regulations under Section 314.5.

(j) The fee required by this ordinance is due and payable to the Treasurer prior to issuance of the first certificate of occupancy for the office development project. Except in the case of a reduction in space of the child care facility pursuant to Subsection (h), if the fee remains unpaid following issuance of the certificate, any amount due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the certificate until the date of final payment. Where the amount due is as a result of a reduction in space of the child care facility pursuant to subsection (h), such interest shall accrue from the date on which the available space is reduced until the date of final payment.

(k) In the event that a development project for which an in-lieu fee imposed under this Section has been fully paid is demolished or converted to a use or uses not subject to this ordinance prior to the expiration of its estimated useful life, the City shall refund to the sponsor a portion of the amount of an in-lieu fee paid. The portion of the fee refunded shall be determined on a pro rata basis according to the ratio of the remaining useful life of the project at the time of demolition or conversion in relation to its total useful life. For purposes of this ordinance, the useful life of a development project shall be 50 years.

(l) A sponsor's failure to pay the fee imposed pursuant to (1) this Section shall constitute cause for the City to record a lien against the development project in the sum of the in-lieu fee required under this ordinance, as adjusted under this Section.

(2) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following issuance of the certificate, the Treasurer shall initiate proceedings in accordance with the procedures set forth in Article XX of Chapter 10, of the San Francisco Administrative Code to make the entire unpaid balance of the fee, including interest, a lien against all parcels used for the development project. The Treasurer shall send all notices required by that Article to the owner of the property as well as the sponsor. The Treasurer shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance,

and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fee authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and deposited in the Child Care Capital Fund established in Section 314.5.

(3) Any notice required to be given to a sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the development project, and to the applicant for the site or building permit at the address on the permit application.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 409-87, App. 10/9/87; Ord. 22-00, File No. 991877, App. 2/18/2000; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.5. - CHILD CARE CAPITAL FUND.

There is hereby established a separate fund set aside for a special purpose called the Child Care Capital Fund ("Fund"). All monies contributed pursuant to the provisions of this Section, and all other monies from the City's General Fund or from contributions from third parties designated for the fund shall be deposited in the fund. For a period of three years from the date of final adoption of this ordinance, no more than 25 percent of the money deposited in the fund shall be paid to providers operating child care facilities subject to Sections 314.4(b)(1), (2), (3) and (5) to reduce the cost of providing affordable child care services to children from households of low income as required in Section 314.4(i). The remaining monies deposited in the fund during such three-year period, and all monies in the fund following expiration of such three-year period, shall be used solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income; except that monies from the fund shall be used by the Director to fund in a timely manner a nexus study to demonstrate the relationship between commercial development projects and child care demand as described in San Francisco Planning Code Section 314.4. In the event that no child care facility is in operation under Sections 314.4(b)(1), (2), (3) or (5) during such three-year period, the maximum of 25 percent of the fund reserved for households of low income shall be spent solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income. The fund shall be administered by the Director, who shall adopt rules and regulations governing the disposition of the fund which are consistent with this Section.

Such rules and regulations shall be subject to approval by resolution of the Board of Supervisors.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 409-87, App. 10/9/87; Ord. 263-98, App. 8/21/98; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.6. - PARTIAL INVALIDITY AND SEVERABILITY.

If any provision of this Section, or its application to any development project or to any geographical area of the City, is held invalid, the remainder of the Section, or the application of such provision to other office or hotel development projects or to any other geographical areas of the City, shall not be affected thereby.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.7. - ANNUAL EVALUATION.

Commencing one year after the effective date of this Section and each year thereafter, the Director shall report to the Commission at a public hearing and to the Planning, Housing and Development Committee of the Board of Supervisors at a separate public hearing, on the status of compliance with this Section and the efficacy of this Section in mitigating the City's shortage of child care facilities generated by the office and hotel development projects subject to this Section. Five years after the effective date of this Section, the Commission shall review the formulae set forth in Section 314.4. In such report, the Director shall recommend any changes in the formulae.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.8. - DECREASE IN CHILD CARE FORMULAE AFTER STUDY.

If the Commission determines after review of an empirical study that the formulae set forth in Section 314.4 impose a greater requirement for child care facilities than is necessary to provide child care for the number of employees attracted to office and hotel development projects subject to this Section, the Commission shall, within three years of making such determination, refund that portion of any fee paid or permit a reduction of the space dedicated for child care by a sponsor consistent with the conclusions of such study. The Commission shall adjust any sponsor's requirement and the formulae set forth in Section 314.4 so that the amount of the exaction is set at the level necessary to provide child care for the employees attracted to office and hotel development projects subject to this Section.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

Attachment D: Planning Code Section 295

SEC. 295 HE HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.

(a) No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing:

(1) Structures which do not exceed 40 feet in height;

(2) Structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset;

(3) Structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes;

(4) Structures of the same height and in the same location as structures in place on June 6, 1984;

(5) Projects for which a building permit application has been filed and either (i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or (ii) a Negative Declaration has been published by the Department of City Planning prior to July 3, 1984;

(6) Projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

(b) The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this Section if it finds

that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant. The City Planning Commission shall not make the determination required by the provisions of this Subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the City Planning Commission upon the proposed project.

(c) The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

(d) The Zoning Administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this Section, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the Open Space Acquisition and Park Renovation Fund, which property is to be placed under the jurisdiction of the Recreation and Park Commission.

(Added Ord. 62-85, App. 1/31/1985)

Attachment E: Planning Commission Resolution 18102

Attachment F: Proposition O (2016)

**REDEVELOPMENT PLAN
FOR THE
BAYVIEW HUNTERS POINT REDEVELOPMENT PROJECT**

~~June 22, 2017~~

_____, 2018



**SUCCESSOR AGENCY TO THE SAN FRANCISCO
REDEVELOPMENT AGENCY**

**Adopted August 3, 2010
Amended June 22, 2017
Amended _____, 2018**

**REDEVELOPMENT PLAN
FOR THE
BAYVIEW HUNTERS POINT REDEVELOPMENT PROJECT**

Bayview Hunters Point Redevelopment Plan
Approved and Adopted by the Board of Supervisors
of the City and County of San Francisco,
Ordinance No. 25-69, January 20, 1969

Amendments Adopted and Approved by the Board of Supervisors
of the City and County of San Francisco,
Ordinance No. 280-70, August 24, 1970,
Ordinance No. 475-86, December 1, 1986,
Ordinance No. 417-94, December 12, 1994,
Ordinance No. 113-06, May 23, 2006,
Ordinance No. 210-10, August 3, 2010,
[Ordinance No. 121-17; June 22, 2017](#)
and Ordinance No. ~~121-17, June 13, 2017.~~ [-18, _____, 2018.](#)

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1.0 BAYVIEW HUNTERS POINT REDEVELOPMENT PLAN OVERVIEW

When adopted in 2006, this Bayview Hunters Point Redevelopment Plan¹ (the “**Redevelopment Plan**”) amended the redevelopment plan formerly known as the Hunters Point Redevelopment Plan for the redevelopment project area formerly known as “**Hunters Point Redevelopment Project Area.**” In January 2009, the portion of this Redevelopment Plan covering the Hunters Point Redevelopment Project Area (also known as Project Area A) expired and, as a result, the Redevelopment Agency of the City and County of San Francisco (the “**Agency**”) has no authority to act pursuant to that portion of this Redevelopment Plan except to pay previously incurred indebtedness, to enforce existing covenants, contracts, or other obligations, and to comply with affordable housing obligations, which includes the use of its tax increment for the funding of affordable replacement housing.² With the expiration of Project Area A, only the area added by the 2006 amendment constitutes the “**Bayview Hunters Point Redevelopment Project Area**” (sometimes referred to as the “**Project Area B**” or the “**Project Area**”). During the preparation of this Redevelopment Plan, the Agency consulted with the Project Area Committee, the Planning Department and other departments of the City and County of San Francisco (the “**City**”).

1.1 Bayview Hunters Point Redevelopment Plan Overview

1.1.1 Significant Community Participation In Planning Process

The Hunters Point Redevelopment plan was adopted in 1969 to replace and rehabilitate former military housing units. The redevelopment activities in this area, termed Project Area A in this Redevelopment Plan, are complete. In 1995 the community completed planning work on the South Bayshore Area Plan, a specific area plan of the San Francisco General Plan. The South Bayshore Area Plan considered the use of redevelopment tools to continue the revitalization of the Bayview Hunters Point community. The same year, the Board of Supervisors created the Bayview Hunters Point Survey Area. In 1997, the PAC was formed through a public election process.

The PAC created the Community Revitalization Concept Plan for Bayview Hunters Point in 2000, which outlined a wide range of programs intended to bring about physical and economic improvements in the community. While the Concept Plan described many activities beyond the scope of redevelopment programs, it has served as the foundational policy document for this Redevelopment Plan. In 2004, the PAC completed the Framework Housing Program that described an array of affordable housing programs and policies supported by PAC members. This Redevelopment Plan incorporates relevant policies of the Framework Housing Program. Both the

¹ Capitalized terms have the meaning set forth in Section 6 (Definitions) unless otherwise indicated in the text.

² Under Sections 33333.7 and 33333.8 of the California Health and Safety Code, the Agency may continue to incur indebtedness and receive tax increment from the Hunters Point Project Area (Project Area A) to fulfill its housing obligation to replace affordable housing units that were previously destroyed and never replaced. Ordinance No. 15-05 (Jan. 21, 2005).

Concept Plan and the Framework Housing Program should continue to guide the policies of the Agency and other city departments working in Bayview Hunters Point.

In June 2008, San Francisco voters approved Proposition G, which adopted policies for revitalization of Candlestick Point and Hunters Point Shipyard Phase Phase 2. This Redevelopment Plan implements Proposition G.

1.1.2 Contents of this Redevelopment Plan

This Redevelopment Plan consists of this text, the Project Area Boundary map (Map 1), the Legal Descriptions of Project Areas A and B (Attachments A & B), the Project Area B Redevelopment Zones map (Map 2), the Area B Activity Nodes map (Map 3), the Zone 1 Land Use Districts Map (Map 4), the Zone 2 Generalized Land Use Map (Map 5), the list of Authorized Public Improvements (Attachment C), the List of Blocks and Lots within Zone 1 as of the 2010 Plan Amendment Date (Attachment D), Planning Code Section 314 (Attachment E), Planning Code Section 295 (Attachment F), Planning Commission Resolution 18102 (Attachment G) (subject to ~~section~~[Section](#) 4.3.16 (below)), and Proposition O (Attachment H). All attachments and maps are incorporated into this Redevelopment Plan by reference. This Redevelopment Plan was prepared by the Agency pursuant to the California Community Redevelopment Law (CRL), the California Constitution, and all applicable local codes and ordinances. The Project Area is in Bayview Hunters Point, City and County of San Francisco, State of California and includes all properties within the Project Area boundary shown on Map 1.

1.1.3 Project Area Boundaries

The Project Area consists of Project Area B which has two sub-areas: Zone 1 (also known as the Candlestick Point Sub-Area) and Zone 2.³

Project Area B includes portions of the Survey Area designated and described in Resolution No. 26-95 adopted by the Board of Supervisors of the City and County of San Francisco on January 3, 1995, and formally designated in name as the “Bayview Hunters Point Survey Area” in Resolution No. 439-99 adopted by the Board of Supervisors on May 10, 1999. The BVHP Project Area was adopted on June 1, 2006 by Ordinance No. 113-06. The boundaries of Project Area B are indicated on Map 1, Project Area Boundary Map, and the legal description is found in Attachment B. The sub-areas of Project Area B are illustrated in Map 2. The parcels, as of the 2010 Plan Amendment Date, within Zone 1 are listed by Assessor Block and Lot numbers in Attachment D.

A portion of the original Bayview Hunters Point Survey Area created in 1995 centered around the Hunters Point Shoreline Activity Node, also referred to as the India Basin Shoreline,

³ Prior to its expiration in 2009, Project Area A comprised all of the Redevelopment Area G (Hunters Point), as designated and described in Resolution No. 711-63 adopted by the Board of Supervisors on December 23, 1963, portions of the Survey Area as designated and described in Resolution No. 100-68 adopted by the Board of Supervisors on February 13, 1968, and Survey Areas as designated and described in Resolution No. 313-70 adopted by the Board of Supervisors on May 25, 1970. The boundaries of Project Area A are indicated on Map 1, Project Boundary Map, and the legal description is found in Attachment A.

may be added as Project Area C as part of a future plan amendment, as described in Section 1.1.8 below.

1.1.4 Conformance with the General Plan

The Redevelopment Plan is consistent with the General Plan of the City and County of San Francisco and its applicable elements, including the BVHP Area Plan and the Candlestick Point Sub-Area Plan, each as ~~in effect on of the 2010~~2018 Plan Amendment Date. ~~The Redevelopment Plan, and is also~~ in conformity with the eight Priority Policies of Section 101.1 of the San Francisco Planning Code ~~in effect on the 2010 Plan Amendment Date.~~

1.1.5 Powers, Duties and Obligations for Implementation of this Redevelopment Plan

This Redevelopment Plan provides the Agency with the powers, duties and obligations to implement and further the programs generally described herein for the redevelopment, rehabilitation and revitalization of the Project Area. This Redevelopment Plan provides a framework and sets forth the objectives, redevelopment programs, and land use controls within which specific redevelopment activities in the Project Area will be pursued. It also describes the tools available to the Agency to develop and proceed with specific plans, projects, and solutions. The development of all real property in Zone 1 of the Project Area is subject to the controls and requirements of this Redevelopment Plan, and the other applicable Plan Documents, including the development standards and design guidelines established in the Candlestick Point Design for Development. The development of all real property in Zone 2 of the Project Area is subject to the controls and requirements of this Redevelopment Plan, the Planning Code and the other applicable Plan Documents, as described herein.

1.1.6 Powers and Duties of the Project Area Committee

The PAC has the role and duties listed in Section 33347.5 and Sections 33385 through 33388 of the CRL, which requires, among other things that the Agency consult with and obtain the advice of a project area committee on policy matters affecting the residents of the project area “throughout the period of preparation of the redevelopment plan and for a three-year period after the adoption of the redevelopment plan, subject to one-year extensions by the legislative body.” Section 33386. The required three-year period for the PAC is reset by the amendment of this Redevelopment Plan by Ordinance No. 210-10. When the term of the existing PAC expires, the Agency shall request, on an annual basis, that the Board of Supervisors authorize one-year extensions of the PAC for the duration of this Redevelopment Plan or otherwise ensure, pursuant to CRL Section 33385(f), that another advisory committee is formed for the duration of this Redevelopment Plan. The Agency will consult with and seek the advice of the PAC or other advisory committee on policies and programs designed to implement this Redevelopment Plan.

1.1.7 Preliminary Plan

This Redevelopment Plan is based on the Amended Preliminary Plan for the South Bayshore Redevelopment Project Area, formulated and adopted by the Planning Commission by

Motion No. 14205 on October 10, 1996 and as revised by the Planning Commission by Motion No. 14257 on December 12, 1996. The Planning Commission also formulated and adopted the India Basin Preliminary Plan by Motion No. 17932 on July 23, 2009.

1.1.8 Remaining Survey Area Subject to Further Analysis and Incorporation

A portion of the Bayview Hunters Point Survey Area that is centered around the Hunters Point Shoreline Activity Node, as shown on Map 3 — Area B Activity Nodes, is subject to further analysis and planning by the Agency, in conjunction with the Planning Department and other City departments. Although this area suffers from severe blighting conditions, further analysis and study are required before the Agency can recommend to the Board of Supervisors that the area be included in the Project Area. The Agency anticipates that further planning and blight analysis will support a future amendment to this Redevelopment Plan to include most of this area. If supported by further analysis, the Agency anticipates incorporation of the India Basin Shoreline area as Project Area C through a further amendment of this Redevelopment Plan.

1.2 Planning Goals and Objectives for the Project Area

1.2.1 Redevelopment Project Area Objectives

The following goals for this Redevelopment Plan were established in conjunction with the PAC through its endorsement of the Concept Plan and in meetings with members of the public at large. Together with the other related Plan Documents, these goals and objectives will direct the revitalization of the community and guide the direction of all future development within the Project Area. The goals and objectives for the Project Area are as follows:

- Providing opportunities for participation by owners in the redevelopment of their properties.
- Increasing the community’s supply of housing by facilitating economically feasible, affordable housing for existing very low-, low- and moderate-income households and residents in the community.
- Strengthening the economic base of the Project Area and the community by strengthening retail and other commercial functions within the Project Area through the facilitation of new retail space, and as appropriate, new commercial and light industrial uses.
- Providing public parks and open space.
- Administering lands granted to the Agency by the State consistent with the Public Trust for commerce, navigation and fisheries, and reconfiguring those lands in a manner that enhances their value for Public Trust purposes, in accordance with Chapter 203 of the Statutes of 2009 (as amended from time to time, the “**Granting Act**”).

- Retaining existing residents and existing cultural diversity to the extent feasible.
- Encouraging participation of area residents in the economic development that will occur.
- Supporting locally-owned small businesses and local entrepreneurship.
- Facilitating emerging commercial-industrial sectors through facilitating improvement of transportation access to commercial and industrial areas, improvement of safety within the Project Area, and the installation of needed site improvements to stimulate new commercial and industrial expansion, employment, and economic growth.
- Facilitating public transit opportunities to and within the Project Area to the extent feasible.
- Providing land, as feasible and appropriate, for publicly accessible open spaces.
- Facilitating the preservation, rehabilitation, and seismic retrofitting of historic buildings and other landmarks.
- Providing assistance towards the improvement of key transportation routes to meet the needs of alternative transportation modes, industrial trucking operations, and emergency operations.
- Eliminating blighting influences and correcting environmental deficiencies within the Project Area, including, abnormally high vacancies, abandoned, deteriorated and dilapidated buildings, incompatible land uses, depreciated or stagnant property values, and inadequate or deteriorated public improvements, facilities and utilities.
- Removing structurally substandard buildings, removing impediments to land development, and facilitating modern, integrated development with improved pedestrian and vehicular circulation within the Project Area and vicinity.
- Redesigning and developing undeveloped and underdeveloped areas, which are improperly utilized.
- Providing flexibility in the development of real property within the Project Area to respond readily and appropriately to market conditions.

1.2.2 Implementation Plan for the Project Area

Community Redevelopment Law Section 33490 requires the Agency to adopt, after a public hearing, an implementation plan that contains the specific goals and objectives of the Agency for the Project Area, the specific programs, including potential projects, estimated expenditures proposed to be made during the next five years, and an explanation of how the goals and objectives, programs, and expenditures will eliminate blight within the Project Area and implement the requirements of CRL Sections 33334.2, 33334.4, 33334.6, and 33413. After adoption of the first implementation plan, subsequent implementation plans must be adopted every five years either in conjunction with the City's housing element cycle, new redevelopment plan

amendments, or the implementation plan cycle and report on the Agency's compliance with CRL Sections 33334.2, 33334.4, 33334.6, and 33413.

1.2.3 Related Plan Documents for the Project Area

In order to facilitate the implementation of this Redevelopment Plan, the Agency has developed, or may develop in the future, related Plan Documents such as the Design for Development, Interagency Cooperation Agreement, Business Occupant Re-Entry Policy, Delegation Agreement, Implementation Plan, OPA Rules and Relocation Plan. In addition, the State or, subject to the provisions of this Redevelopment Plan, the City may pass legislation related to this Redevelopment Plan.

1.2.4 Historical Survey of the Project Area

As part of the Agency's annual budget, the Agency shall seek funding from the Board of Supervisors to conduct a building-by-building historical survey of each parcel in the Project Area. The Agency shall complete the survey within five (5) years from the date that the Agency first receives sufficient funding from the City to initiate the survey. If funded, this survey will include, among other things, an architectural description and analysis together with historical documentation of each building, structure, or object and will also note whether it has been designated in any existing City survey or other official listing. In seeking this funding, the Agency may identify particular subareas of the Project Area that will be surveyed incrementally over a period of time so that completion of the entire survey of the Project Area will occur over a five year period. The Agency may request funding for a subarea survey based on its inclusion in the Planning Department's rezoning efforts, its identification in this Redevelopment Plan as an Economic Development Activity Node, or some other reasonable classification of an area for survey purposes. As of the 2010 Plan Amendment Date, a Historic Survey has been conducted for the Candlestick Point (Zone 1), the Hunters Point Shoreline (including Survey Area C), and the Town Center Activity Nodes.

1.2.5 Performance Audit

The City Services Auditor will conduct periodic performance audits of the activities of the Agency and other relevant City departments in implementing this Redevelopment Plan. Such audits will include a review of the overall performance and effectiveness of the Agency, together with relevant City departments, in the planning, undertaking, construction and operation of redevelopment projects in furtherance of the goals and objectives for the Project Area as set forth in this Redevelopment Plan. The Agency and City will provide for the cost of such performance audit in the Agency's annual budget.

1.3 Redevelopment Plan Duration

1.3.1 Plan Duration for Project Area A

On January 1, 2009, the Agency's land use jurisdiction over Project Area A ended, and this Redevelopment Plan has no further effect as to development in Project Area A, except to pay previously incurred indebtedness, to enforce existing covenants, contracts, or other obligations, and to comply with affordable housing obligations, which include the use of its tax increment for the funding of affordable replacement housing. In 2005, the Board of Supervisors adopted a plan amendment by Ordinance No. 15-05, allowing the Agency to incur additional indebtedness and receive additional tax increment revenues from Project Area A to repay the additional indebtedness, but only for the purpose of funding low- and moderate-income housing fund activities. The 2005 plan amendment was authorized under Section 33333.7 and Section 33333.8 of the CRL, which is also known as SB 2113.

Any declaration of restrictions formulated pursuant to this Redevelopment Plan may contain provisions for the extension of such declaration of restrictions for successive periods. Tax increment financing will remain in place beyond this expiration date.

1.3.2 Plan Duration for Project Area B

The provisions of this Redevelopment Plan for Project Area B will be effective for thirty years from the adoption of the ordinance approving the Bayview Hunters Point Plan by the Board of Supervisors on June 1, 2006; except that the nondiscrimination and nonsegregation provisions will run in perpetuity. After this time limit on the duration and effectiveness of this Redevelopment Plan, the Agency will have no authority to act pursuant to this Redevelopment Plan except (i) to pay previously incurred indebtedness and to enforce existing covenants or contracts, and (ii) if the Agency has not completed its housing obligations pursuant to CRL Section 33413, it will retain its authority to implement its requirements under CRL Section 33413, including its ability to incur and pay indebtedness for this purpose, and will use this authority to complete these housing obligations as soon as reasonably possible.

1.4 Redevelopment Activities for the Project Area

1.4.1 Redevelopment Actions

The Agency may exercise all of its powers in Project Area B, including but not limited, to the following:

- Providing very low-, low- and moderate-income housing, including supportive housing for the homeless;

- Preserving the availability of affordable housing units assisted or subsidized by public entities, which are threatened with conversion to market rates;
- Requiring the integration of affordable housing sites with sites developed for market rate housing;
- Assisting the development of affordable and supportive housing by developers;
- Providing relocation assistance to eligible occupants displaced from property in the Project Area by Agency Actions;
- Providing for participation in redevelopment by owners presently located in the Project Area and extending preferences to business occupants and other tenants desiring to remain or relocate within the Project Area;
- Acquiring land or building sites;
- Demolishing or removing certain buildings and improvements;
- Constructing buildings, structures, roadways, and park facilities;
- Improving land, building sites, or public infrastructure with on-site or off-site improvements;
- Encouraging the rehabilitation of structures and improvements by present owners or their successors;
- Disposing of property by sale, lease, donation or other means to public entities or private developers for uses in accordance with this Redevelopment Plan;
- Financing insurance premiums pursuant to CRL Section 33136;
- Developing plans, paying principal and interest on bonds, loans, advances or other indebtedness or paying financing or carrying charges;
- Promoting the retention of existing businesses and attraction of new businesses and the provision of assistance to the private sector, if necessary; and
- Remedying or removing a release of hazardous substances on, under, or from property within the Project Area.

To accomplish the above activities in the implementation and furtherance of this Redevelopment Plan, the Agency is authorized to use all the powers provided in this Redevelopment Plan and all the powers now or hereafter permitted by law as may be limited by this Redevelopment Plan.

1.4.2 Personal Property Acquisition and Disposition

The Agency is not authorized to acquire personal property in the Project Area, except as necessary in the execution of this Redevelopment Plan. For purposes of this section, personal property includes but is not limited to, structures and improvements without acquiring the land upon which those structures or improvements are located. The Agency is authorized to lease, sell,

exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property acquired by the Agency.

1.4.3 Real Property Acquisition

The Agency may acquire real property, either the entire fee or any other interest in real property less than a fee, including underground easements, located in the Project Area by any means authorized by law, as may be limited by this Redevelopment Plan. The use of eminent domain is totally prohibited in Project Area A and is partially prohibited in Project Area B, as set forth in Section 1.4.5 of this Redevelopment Plan.

1.4.4 Real Property Disposition and Development

The Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust or otherwise dispose of any interest in real property in the Project Area, except to the extent prohibited by the Granting Act. To the extent permitted by law, the Agency is authorized to dispose of or acquire real property by negotiated lease, sale or transfer without public bidding.

All real property acquired by the Agency in the Project Area will be sold or leased to public or private persons or entities for development of the uses permitted in this Redevelopment Plan, or may be developed by the Agency for uses consistent with the Community Redevelopment Law.

The Agency will obligate all purchasers or lessees of property acquired from the Agency to use the property for the purposes designated in this Redevelopment Plan, to begin and complete development of the property within a period of time that the Agency fixes as reasonable and to comply with other conditions that the Agency deems necessary to carry out the purposes of this Redevelopment Plan.

To provide adequate safeguards to ensure that the provisions of this Redevelopment Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to owner participation agreements, is subject to the provisions of this Redevelopment Plan.

The Agency will reserve powers and controls in the disposition and development documents as necessary to prevent transfer, retention or use of property for speculative purposes and to ensure that development is carried out consistent with this Redevelopment Plan.

Leases, deeds, contracts, agreements and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Redevelopment Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, will be recorded in the office of the County Recorder.

Property acquired by the Agency in the Project Area will be under the management and control of the Agency during its ownership of such property. Such property may be rented or leased by the Agency pending its conveyance.

The Agency is authorized to assist financially (and otherwise) any public entity in the cost of public land, buildings, facilities, structures or other improvements where such land, buildings, facilities, structures or other improvements, are or would be, of benefit to the Project Area.

1.4.5 Prohibitions and Limitations on Use of Eminent Domain

The Agency may exercise the power of eminent domain in the Project Area only if the Agency complies with state law including the requirement: that the Agency make every effort to acquire property by negotiation, instead of by condemnation or eminent domain; that the Agency pay just compensation based upon fair market value; and that the Agency adopt at a public hearing by a vote of not less than two-thirds of all members of the Agency Commission, a resolution of necessity finding that acquisition of such property through eminent domain is in the public interest, and necessary to carry out this Redevelopment Plan. In addition, the use of eminent domain will be subject to the following limitations and prohibitions:

- The Agency may not use eminent domain to acquire property without first receiving a recommendation from the PAC or appointed citizens advisory committee. As stated in Section 1.1.6, the Agency commits to maintain a PAC or an appointed citizens advisory committee for the duration of this Redevelopment Plan.
- The Agency may not use eminent domain to acquire publicly owned property including property owned by the San Francisco Housing Authority.
- Eminent domain proceedings, if used in the Project Area, must be commenced, pursuant to CRL Section 33333.2(a)(4), within twelve (12) years from the Effective Date. This time limitation may be extended, pursuant to the standards of CRL Section 33333.2(a)(4), only by amendment of this Redevelopment Plan, as adopted and approved by the Board of Supervisors and the Agency Commission, following a community process.
- The Agency may not acquire, through the use of eminent domain, real property in a Residential (R) District, as defined by the Planning Code (“R” zone), as of the Effective Date, in the Project Area.
- The Agency may not acquire, through the use of eminent domain, property that contains legally occupied Dwelling Units.
- The Agency may not acquire, through the use of eminent domain, property owned by churches or other religious institutions, as defined in Planning Code Section 209.3(j).
- The Agency may not acquire real property in the Project Area to be retained by an owner pursuant to an Owner Participation Agreement, unless the owner fails to

perform under that agreement and as a result the Agency exercises its reverter rights, if any; or successfully prosecutes a condemnation or eminent domain action.

- The Agency will use eminent domain on a parcel not zoned “R” (Residential) only as a last resort after the property owner has failed, after reasonable notice, to correct one or more of the following conditions:
 - The property contains an unreinforced masonry building (UMB) that has not been seismically retrofitted by the date required by City ordinance.
 - The property contains a building in which it is unsafe or unhealthy for persons to live or work as determined by the Department of Building Inspection, after failure to comply with an order of abatement of such conditions pursuant to Section 102 of the Building Code.
 - The property contains uses that pose a threat to the public’s safety and welfare as formally determined through major citations by the appropriate City agencies or departments, including the San Francisco Police Department, San Francisco Fire Department, San Francisco City Attorney’s Office, San Francisco District Attorney’s Office, San Francisco Department of Public Health, San Francisco Department of Building Inspection, and San Francisco Planning Department.
 - A parcel that is vacant, used solely as a surface parking lot (not accessory to another use), or contains a vacant or substantially vacant (approximately seventy five percent (75%) or more of the rentable area) building(s) and the owner has no active plans for a new use or development.
 - Under-utilization of a property of irregular form and shape, and of inadequate size that substantially hinders its economically viable uses for development consistent with this Redevelopment Plan.

1.4.6 Rehabilitation, Conservation and Moving of Structures

The Agency is authorized to rehabilitate and conserve or to cause to be rehabilitated and conserved, any building or structure in the Project Area and to encourage others to do so. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve historic resources in the Project Area.

It is a purpose of this Redevelopment Plan to encourage the retention of existing businesses that are generally compatible with this Redevelopment Plan and to add to the economic viability of businesses by programs that encourage voluntary participation in conservation and rehabilitation. The Agency is authorized to conduct a program of assistance and incentives to encourage owners of property within the Project Area to upgrade and maintain their property in a manner consistent with this Redevelopment Plan and with other standards that may be established by the Agency.

1.5 Community Revitalization Activity Nodes

The Agency shall encourage the promotion of policies and land use decisions that provide job-training, employment and business opportunities to local residents with a focus on economic development efforts within the seven Community Revitalization Activity Nodes of the Project Area: Town Center, Health Center, South Basin, Oakinba, Candlestick Point and a portion of the Hunters Point Shoreline and Northern Gateway Activity Nodes. The Community Revitalization Activity Nodes are shown on Map 3. The Agency may implement Activity Node development programs for all or part of each Activity Node. The Agency may also pursue economic development efforts outside of the Project Area where these efforts are determined to be necessary to effect the elimination of blighting conditions within the Project Area and are consistent with CRL Section 33445.1 (Stat.2009, Chapter 555). The design of each Community Revitalization Activity Node will facilitate and support the Agency's efforts under its Affordable Housing Program.

The Agency's Housing programs, economic development efforts, and community enhancements will focus on the following Activity Nodes as illustratively described below:

1.5.1 Northern Gateway

- Promote mixed-use, transit-oriented development on Third Street, including local shopping, office space, entertainment venues and, where appropriate, light industrial activities.
- Develop industrial and large-scale commercial space on properties.
- Encourage the development of major business and employment development centers.
- Maintain and expand industry to increase the job base and support the development of entrepreneurial opportunities.
- Encourage clean industry and facilities to improve the quality of life for Project Area residents and workers.

1.5.2 Town Center

- Promote appropriately scaled, mixed-use, transit-oriented development on Third Street.
- Assist the retention of existing buildings and facades where feasible and appropriate.
- Encourage the growth of commercial retail, including restaurants, boutique shops, arts, theaters, museums, a conference center, cultural and entertainment uses that contribute to development of a cultural destination.
- Promote infill development in residential neighborhoods, as appropriate.
- Create community service spaces centered around Third Street and Oakdale Avenue.

- Promote the enhancement of transit hubs, including Muni and CalTrain, to bring people to Bayview Hunters Point and to provide residents with improved connections to employment.
- Develop community destinations and gathering places — including plazas and locations for festivals, fairs, a farmer’s market and community events.

1.5.3 Health Center

- Assist the development of mixed-use, transit oriented projects on Third Street with ground floor commercial retail space.
- Enhance public amenities designed to serve an aging population.
- Promote commercial activities focused on medical, medical-related and supportive services.
- Assist in the renovation and expansion of the Southeast Health Center.
- Construct community destinations and gathering places — including plazas.
- Develop housing for seniors including assisted-living facilities.
- Develop an commercial office area, with medical and other types of office uses bounding the Southeast Health Center with buffer zones between adjacent residential and industrial uses.

1.5.4 South Basin

- Promote transit-oriented development adjacent to Third Street, with residential units, including affordable housing units, in appropriate locations.
- Encourage the development of industrial and large-scale commercial space on properties zoned for light industrial uses.
- Create buffer land use zones between residential and industrial uses to minimize potential adverse environmental health impacts and other land use conflicts.
- Promote locally-owned businesses and local entrepreneurs.
- Promote retail growth focused on neighborhood-serving businesses that meet the basic shopping needs of the community.
- An eco-industrial park in the southeast portion of the district, with defined truck routes linking the Shipyard and the freeway.
- Protect historic residential neighborhoods, with a range of new infill housing and transit-oriented mixed-use development focused around light rail stations.

1.5.5 Oakinba

- Create a vibrant commercial center with limited larger-scale, city-serving commercial businesses along Bayshore Boulevard consistent with Planning Code standards.
- Ensure the compatibility of larger-scale commercial and light industrial uses with nearby residential neighborhoods.
- Develop job-training, employment and business opportunities to local residents.
- Promote economic development that fosters clean industry and commercial facilities to protect and improve the quality of life for area residents and workers.
- Maintain and expand industry within the area to increase the job base and support the development of entrepreneurial opportunities.
- Facilitate the creation of a ‘green’ home improvement district along Bayshore Boulevard.

1.5.6 Hunters Point Shoreline

- Promote new housing on available infill development sites where appropriate.
- Assist with the renovation of Housing Authority projects such that the housing fits in architecturally with other residential development in the community.
- Emphasis on encouraging artists and artisans, such as those of African or Pan-African influence.
- Improve access to water recreation along the India Basin shoreline and enhance public access to the waterfront from the hillside housing.
- Assist with the redesign of Innes Avenue to improve pedestrian safety and enhance the neighborhood commercial area.
- Facilitate the development of a maritime center focused on historic boating activities and creating future recreational opportunities.
- Conduct specific land use planning for the remaining survey area.

1.5.7 Candlestick Point

- Administer the development of a new, high density, transit-oriented mixed-use development that includes residential units with a range of housing types and densities regional retail and entertainment venues; a hotel and entertainment arena; neighborhood-serving commercial and retail uses; and office and community service uses, consistent with Proposition G, which San Francisco voters approved on June 3, 2008.

- Create community and regional recreational destinations and gathering places, including a restored, reconfigured, and redeveloped Candlestick Point State Recreation Area land, and other public parks and civic spaces.
- Rebuild the Alice Griffith Housing to provide at least one-for-one replacement units targeted to the same income levels as those of the existing residents and ensure that Alice Griffith households leasing units from the Housing Authority have the opportunity to move to the new, upgraded units directly from their existing Alice Griffith Housing units without having to relocate to any other area.
- Construct new public infrastructure and transportation facilities to service new development at Candlestick Point, Alice Griffith and the Hunters Point Shipyard.

1.6 ~~1.6~~—Community Enhancements and Benefits Program for the Project Area

1.6.1 Community Benefits Program

The Agency may adopt and implement a community enhancements and benefits program that will promote the full revitalization of the Bayview Hunters Point neighborhood and that will involve the Agency and as appropriate, other city, regional and state agencies in its implementation.

1.6.2 Proposed Benefits Programs

The following community benefit program elements are suggested under this Redevelopment Plan:

- Streetscape plans for Third Street, Evans-Innes Avenue, Oakdale Avenue or other major roadways in Zone 2 of the Project Area, including traffic calming where needed;
- Green Streets Program to provide for the landscaping and lighting of local streets;
- Façade Improvement Program in concert with the streetscape plans to enhance key catalyst areas along the major roadways;
- Development of “way finding” programs such as local signage and gateway elements;
- Development of public parks and recreational facilities;
- Preservation of historic structures;
- Commitment of land and ground floor spaces in mixed use projects for community facilities;
- Planning and development of community facilities and health clinics; and
- Creation of job readiness, training, and placement programs for local residents.

1.6.3 Open Space

The generalized park and open space areas consist of a system of new and reconfigured state park facilities, community and neighborhood parks, plazas, recreational facilities, and habitat preservation areas.

In Zone 1, the Agency will work with developer(s), City and State agencies, toward the construction of a comprehensive and integrated system of new and reconfigured public parks in the Candlestick Point Activity Node. The Agency may assist in land transactions and the funding of new public parks or the enlargement and/or enhancement of existing public facilities within Zone 1 of the Project Area and maintenance of those improvements. The Agency encourages the cooperation of developers in the construction and maintenance of private and semi-public outdoor open spaces (plazas, balconies, patios, courtyards, rooftops).

In Zone 2, the Agency will work with city agencies toward the construction of a comprehensive and integrated system of inviting and well-lighted “Green Streets” to provide direct pedestrian movement to and from schools, parks, playgrounds, commercial areas, and other frequently visited facilities and places. These pedestrian routes, both on and away from public streets, should be marked with distinctive landscaping. The Agency may assist in the purchase of land and the development of new public parks or the enlargement and enhancement of existing public facilities within Zone 2 of the Project Area. The Agency encourages the cooperation of developers in the construction and maintenance of private and semi-public outdoor open spaces (plazas, balconies, patios, courtyards, rooftops).

1.6.4 Public Improvements and Public Facilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities, on any parcel within or outside the Project Area, appropriate or necessary to carry out this Redevelopment Plan. Such public improvements and public facilities are described in Attachment C.

1.7 ~~1.7~~ Affordable Housing in the Project Area

1.7.1 Affordable Housing Program

The Agency shall implement an Affordable Housing Program and, as feasible, may dedicate affordable housing funds for the production of affordable housing outside of the Project Area if such production is determined to be necessary to effect the elimination of blighting conditions within the Project Area and the implementation of this Redevelopment Plan.

Further the Agency may only utilize citywide affordable housing funds generated from Zone 1 of the Project Area for the production of affordable housing outside of Zone 1 as provided in the applicable Tax Allocation Agreement and disposition and development agreement.

The Affordable Housing Program shall be consistent with the City’s Consolidated Housing Plan and the General Plan and will include below market rate apartment development, affordable home ownership project development, supportive housing projects serving high need populations, and Agency programs such as a model block single family rehabilitation program.

1.7.2 Affordable Housing Production Goals

Subdivision (b)(2) of Section 33413 of the Community Redevelopment Law requires that at least fifteen percent (15%) of all new and substantially rehabilitated Dwelling Units developed within Project Area B by public or private entities or persons other than the Agency will be available at affordable housing cost to, and occupied by, persons and families of extremely low-, very low-, low- or moderate-income, as defined by the CRL.

In Zone 1, the Agency shall meet this Community Redevelopment Law requirement through implementation of one or more disposition and development agreements that include the Candlestick Point Hunters Point Shipyard Phase 2 Below Market Rate Housing Plan. In Zone 2 of the Project Area, the Agency shall exceed the Community Redevelopment Law requirement by making at least twenty-five percent (25%) of all new and substantially rehabilitated Dwelling Units developed within Project Area B by public or private entities or persons other than the Agency be available at affordable housing cost to, and occupied by, persons and families of extremely low-, very low-, low- or moderate-income, as defined by the CRL. Not less than forty percent (40%) of the Dwelling Units in Zone 2 required to be available at affordable housing cost to, and occupied by, persons and families of extremely low-, very low-, low- or moderate-income shall be available at affordable housing cost to, and occupied by, extremely low- and very low-income households.

1.7.3 Affordable Housing Participation Policy

To facilitate the Agency’s compliance with the above-described affordable housing production goals, the developers of market rate housing shall have an inclusionary housing obligation.

In Zone 1 of the Project Area, developers of housing shall comply with the requirements of any disposition and development agreement, including the Candlestick Point and Hunters Point Shipyard Phase 2 Below-Market Housing Plan, which requires, among other things, Permanently Affordable, inclusionary units that are restricted to households earning between eighty percent (80%) and one hundred-twenty percent (120%) of AMI (As defined in the Candlestick Point and Hunters Point Shipyard Phase 2 Below-Market Housing Plan) and developer subsidies for affordable housing units constructed on Agency-owned land in Zone 1 of the Project Area.

In Zone 2 of the Project Area, developers of housing shall comply with the citywide Inclusionary Housing Ordinance, as described in Sections 315 et seq. of the Planning Code, and as it may be further amended from time to time, except that: (a) the duration, monitoring, marketing, and controls for affordable units shall be consistent with the Community Redevelopment Law and Agency policy; (b) the number of units required under Sections 315.4 and 315.5 of the Planning Code shall be increased to at least fifteen percent (15%) of all units constructed on the project site

and twenty percent (20%) of all units constructed off-site; (c) the construction of off-site units under Sections 314.4(e)(1) and 315.5 of the Planning Code shall occur only at a site within Zone 2 of the Project Area; (d) the payment of an in lieu fee under Sections 314.4(e)(2) and 315.6 of the Planning Code shall be made to the Agency instead of the Mayor's Office of Housing; and (e) the definition of "affordable to qualifying households" in Section 315.1 means: (1) for rental units in an affordable housing project, the goal will be to establish, to the extent feasible, a rent that is affordable to households whose combined annual gross income for all members does not exceed fifty percent (50%) of Area Median Income; and (2) for owned units in an affordable housing project, the goal will be to establish, to the extent feasible, an average maximum purchase price that is affordable to households whose combined annual gross income for all members does not exceed eighty percent (80%) of Area Median Income, assuming an annual payment of all housing costs of thirty-three percent (33%) of the combined household annual net income, a five percent (5%) down payment and available financing consistent with the Limited Equity Program, or such successor affordable homeownership program as the Agency may implement. However, notwithstanding anything herein to the contrary, if the ownership structure of any housing development in Zone 2 includes a long-term leasehold, with fee title ownership of the land held by the Agency, then the requirements and procedures of Section 315.1-315.9 of the Code, as they may become applicable, shall apply only to the leasehold estate, and no affordability restrictions shall be recorded against the Agency's fee title interest.

1.7.4 Tax Increment Committed To Housing

In a given year, the Agency shall use no less than the amount required under CRL Section 33334.2, which mandates that not less than twenty percent (20%) of all taxes allocated to the Agency pursuant to CRL Section 33670(b) shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of housing for persons and families of very low-, low- or moderate-income unless certain findings are made as required by that section to lessen or exempt such requirement. In Zone 1 of the Project Area, these funds are to be used solely for the costs related to the construction of affordable housing units and related development expenses.

Over the term of this Redevelopment Plan, the Agency shall use no less than fifty percent (50%) of the total tax increment funds that the Mayor and Board of Supervisors allocate to the Agency for its redevelopment activities for the purposes of increasing, improving, and preserving the City's supply of housing for persons and families of extremely low-, very low-, low- or moderate-income, consistent with Board Resolution No. 427-05 and Agency Resolution No. 134-2005; provided, however, that in Zone 1 the Agency may use funding sources other than tax increment to provide the amount of funding that meets or exceeds the amount equivalent to fifty percent (50%) of the total tax increment funds allocated to the Agency. For purposes of this Section, "redevelopment activities" means the Agency's work program for the Project Area as described in its annual budget but does not include any statutory pass-through obligations.

Within Zone 1 of the Project Area the Agency may utilize Zone 1 housing funds for the construction of infrastructure directly related to affordable housing development, subject to compliance with the standards of Section 33334.2.

The Agency may use the funds specified in CRL Section 33334.2 to meet, in whole or in part, the replacement housing provisions or the affordable housing production provisions. These funds may be used inside the Project Area. These funds may be used outside the Project Area only if findings of benefit to the Project Area are made as required by CRL Section 33334.2(g).

1.7.5 Replacement Housing

In accordance with CRL Section 33334.5, whenever Dwelling Units housing persons of low or moderate income are destroyed or removed from the low- and moderate-income housing market, as part of the implementation of this Redevelopment Plan, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low- or moderate-income an equal number of comparably affordable replacement Dwelling Units, within the Project Area or within the territorial jurisdiction of the City in accordance with the provisions of CRL Sections 33413 and 33413.5.

1.7.6 Occupancy Preferences

Whenever the Agency provides a subsidy, financial assistance or some other material benefit such as site assembly, site specific capital improvements, or an amendment to this Redevelopment Plan, that results in low- or moderate- income housing units being developed in Zone 2 of the Project Area or elsewhere pursuant to this Redevelopment Plan, the Agency shall require by contract or other appropriate means that such housing be made available for rent or purchase to persons and families of low- and moderate-income in the following order of priority, to the extent permitted by law: (1) Hunters Point Certificate of Preference Holders; (2) other Certificate of Preference Holders; (3) rent burdened or assisted housing residents, defined as persons paying more than fifty percent (50%) of their income for housing, or persons residing in public housing or Project-Based Section 8 housing; (4) San Francisco residents and workers; and (5) members of the general public. Any residency preference authorized under this Section will be permitted only to the extent that such preference: (a) does not have the purpose or effect of delaying or otherwise denying access to a housing development or unit based on race, color, ethnic origin, gender, religion, disability, age, or other protected characteristic of any member of an applicant household; and (b) is not based on how long an applicant has resided or worked in the area.

1.8 ~~1.8~~ Methods of Financing this Redevelopment Plan in the Project Area

1.8.1 General Description of Proposed Financing Method

The Agency is authorized to finance the implementation of this Redevelopment Plan with financial assistance from the City, State, federal government, tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, assessments, the lease or sale of Agency-owned property and any other available source, public or private.

The Agency is also authorized to obtain advances, borrow funds and create indebtedness in carrying out this Redevelopment Plan. The principal and interest on such advances, funds and indebtedness may be paid from tax increments or any other funds available to the Agency.

The City or any other public agency may expend money to assist the Agency in carrying out this Redevelopment Plan. As available, gas tax funds from the State and County may be used for transportation improvements and public transit facilities.

1.8.2 Tax Increment Financing

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State, the City, any district or any other public corporation (sometimes called “Taxing Agencies”) after the Effective Date shall be divided as follows:

That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of the Taxing Agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such Taxing Agencies, last equalized prior to the Effective Date, shall be allocated to and when collected shall be paid into the funds of the respective Taxing Agencies as taxes by or for the Taxing Agencies on all other property are paid. For the purpose of allocating taxes levied by or for any Taxing Agency or agencies that does not include the territory of the Project Area as of the Effective Date but to which such territory is annexed or otherwise included after such Effective Date, the assessment roll of the County of San Francisco last equalized on the Effective Date will be used in determining the assessed valuation of the taxable property in the Project Area on the Effective Date.

Except as provided in CRL Section 33670(e) or in Section 33492.15, that portion of levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the redevelopment project; provided, however, that the portion of the levied taxes from Zone 1 of the Project Area shall be allocated each year and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the implementation of those sections of this Redevelopment Plan for Zone 1. Unless and until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed value of taxable property in the Project Area as shown by the last equalized assessment roll referred to herein, all of the taxes levied and collected upon the taxable property in the Project Area shall be paid into the funds of the respective Taxing Agencies. When the loans, advances or indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective Taxing Agencies as taxes on all other property are paid.

The Agency irrevocably pledges the portion of taxes mentioned above and hereby for the payment of the principal and interest on the advance of monies, or making of loans or the incurring

of an indebtedness (whether funded, refunded, assumed or otherwise), to finance or refinance the implementation of this Redevelopment Plan in whole or in part, including direct and indirect expenses; provided, however, that the portion of taxes received from Zone 1 of the Project Area shall be pledged for the implementation of those sections of this Redevelopment Plan for Zone 1; and provided further that the portion of taxes received from Zone 2 of the Project Area shall be pledged for the implementation of those sections of this Redevelopment Plan for Zone 2. The Agency is authorized to make pledges as to specific advances, loans and indebtedness as appropriate in carrying out this Redevelopment Plan.

1.8.3 Agency Bonds

The Agency is authorized to issue bonds from time to time, if it deems it appropriate to do so, in order to finance all or any part of the implementation of this Redevelopment Plan. Neither the members of the Agency Commission nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

For the Project Area, the amount of bonded indebtedness of the Agency to be repaid from the allocation of taxes to the Agency pursuant to CRL Section 33670, which can be outstanding at one time, may not exceed \$1.2 billion except by amendment of this Redevelopment Plan. Notwithstanding the foregoing, the principal amount of bonded indebtedness of the Agency to be repaid from such allocation of taxes to the Agency, which can be outstanding at one time for Zone 1 may not exceed a total of \$800,000,000, determined in a manner prescribed in a tax allocation agreement between the Agency and the City. Further, notwithstanding the foregoing, available tax increment that may be paid, pursuant to a tax allocation agreement or other agreement, for the implementation of those sections of this Redevelopment Plan for Zone 1 from the allocation of increment to the Agency under Section 1.8.2 above shall be limited to available increment levied against property within and collected from Zone 1 of the Project Area and shall exclude all of the following: the amount specified in Section 1.8.2 and annual fees to the Agency for the purpose of administering the implementation of those sections of this Redevelopment Plan and related documents for Zone 1 in the amount in accordance with an agreement between the Agency, master developer of Zone 1, and/or the City and pursuant to State law. Likewise, notwithstanding the foregoing, available tax increment that may be paid, pursuant to a tax allocation agreement or other agreement, for the implementation of those sections of this Redevelopment Plan for Zone 2 from the allocation of increment to the Agency under Section 1.8.2 above shall be limited to available increment levied against property within and collected from Zone 2 of the Project Area and shall exclude all of the following: the amount specified in Section 1.8.2 and annual fees to the Agency for the purpose of administering the implementation of those sections of this Redevelopment Plan and related documents for Zone 2 in the amount in accordance with an agreement between the Agency, developers and/or landowners in Zone 2, and/or the City and pursuant to State law.

The bonds and other obligations of the Agency are not a debt of the City or the State, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

1.8.4 Time Limit on Establishment of Indebtedness

The Agency may not establish or incur loans, advances or indebtedness to finance in whole or in part its activities in the Project Area beyond twenty (20) years from the Effective Date unless amended following applicable provisions of the Community Redevelopment Law, except that the Agency may incur loans, advances or indebtedness beyond twenty (20) years from the Effective Date to be paid from the Low and Moderate Income Housing Fund as defined by the Community Redevelopment Law or to meet the Agency's replacement housing or inclusionary housing requirements as set forth in CRL Sections 33413 and 33413.5. This limit will not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit to repay indebtedness required by CRL Section 33333.2.

1.8.5 Time Limit for Receipt of Tax Increment Funds

The Agency may not pay indebtedness or receive property taxes pursuant to CRL Section 33670 from Project Area B after forty-five (45) years from the Effective Date.

1.8.6 Other Loans, Grants and Miscellaneous Financing Sources

Any other loans, grants, guarantees or financial assistance from the federal government, the State, the City or any other public or private source will be used if available.

2.0 GENERAL POLICIES APPLICABLE TO THE PROJECT AREA

In order to eliminate existing blight in the Project Area, to prevent its reoccurrence and to accomplish the goals of this Redevelopment Plan, the Agency may implement the following policies listed in this Section, as said policies may be amended from time to time. In addition, the Agency may adopt additional policies, from time to time, in its sole discretion, as are desirable and necessary to accomplish the goals of this Redevelopment Plan.

2.1 Relocation of Displaced Persons, Businesses and Others in Project Area

2.1.1 Assistance in Finding other Locations

The Relocation Plan of the Agency for the relocation of families or single persons to be displaced by a project shall provide that no persons or families of low- or moderate-income may 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. Such housing units shall be a standard dwelling that is suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings. The

Agency may not displace such person or family until such housing units are available and ready for occupancy.

To the extent required by State and Federal law, the Agency shall: (1) pursuant to a Relocation Plan, assist or cause to be assisted all eligible persons (including individuals and families), business concerns and others, if any, displaced from Project Area B by redevelopment activities undertaken or assisted by the Agency in finding other locations and facilities, and, where possible, shall relocate businesses to a location of similar size within the Project Area; and (2) in order to implement this Redevelopment Plan with a minimum of hardship to eligible persons, business concerns and others, if any, displaced by the implementation of this Redevelopment Plan, the Agency shall assist such persons, business concerns and others in finding new locations in accordance with Community Redevelopment Law, California Relocation Assistance Law and other applicable State and Federal law.

2.1.2 Relocation Payments

The Agency shall make or cause to be made relocation payments to persons (including individuals and families), business concerns and others displaced by implementation of this Redevelopment Plan as may be required by State and Federal law. The Agency shall make such relocation payments pursuant to the California Relocation Assistance Law (Government Code §§ 7260 *et seq.*), Agency rules and regulations adopted pursuant thereto, and, as may be applicable in the event that the Agency uses federal funding to implement this Redevelopment Plan, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may make such other payments as it determines to be appropriate and for which funds are available.

2.1.3 Business Tenant Preference

The Agency shall extend reasonable preferences to persons who are engaged in business within the Project Area to participate in the redevelopment of the Project Area, or to reenter into business within the redeveloped Project Area, if they otherwise meet the requirements of this Redevelopment Plan. In order to extend reasonable preferences to businesses to reenter into business within the redeveloped Project Area, the Agency has promulgated rules for the Business Occupant Re-Entry Policy within the redeveloped Project Area. For development in Zone 1, the Agency may elect to promulgate rules pursuant to a new Business Occupant Re-Entry Policy specific to Zone 1.

2.2 Nondiscrimination and Equal Opportunity

2.2.1 Nondiscrimination in Implementation

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, gender identity, sexual orientation, age, marital or domestic partner status, national origin or ancestry, height, weight, or disability including HIV/AIDS status permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area. All property sold, leased, conveyed or subject to an Owner Participation Agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses.

2.2.2 Employment and Contracting Opportunities in Implementation

The Agency, after consultation with the PAC, will adopt and implement programs for the Project Area, that meet or exceed City policies regarding workforce development, contracting opportunities, and equal opportunity, particularly for economically-disadvantaged Bayview Hunters Point residents and businesses.

For those projects that require Agency Action, the Agency shall require the developer to comply with the Agency's equal opportunity and local hiring policies, including: the Small Business Enterprise Program, the Bayview Employment and Contracting Policy, Nondiscrimination and Equal Benefits policies, Minimum Compensation and Healthcare Accountability policies and the Agency's Prevailing Wage Policy, where applicable, as such policies are amended or succeeded from time to time. For public housing redevelopment projects, compliance with SFHA contracting requirements is mandatory.

2.3 Owner Participation Agreements

2.3.1 Participation by Property Owners

Owners of real property in the Project Area may participate in the redevelopment of the Project Area by new development or rehabilitation in accordance with the standards for development or the standards for rehabilitation, which will be set forth in the OPA Rules.

The Agency may require, as a condition to participate in redevelopment in the Project Area, that each participant may enter into a binding written Owner Participation Agreement with the Agency by which the property will be developed, maintained or rehabilitated for use in conformity with this Redevelopment Plan, the Planning Code, the OPA Rules, declaration of restrictions, if any, and applicable design guidelines promulgated by the Agency. Owners of property in Zone 1 of the Project Area that is not subject to a disposition and development agreement must enter into an OPA in order to coordinate the delivery of public infrastructure with the development of other land within Zone 1.

Owner participation necessarily will be subject to and limited by such factors as the nature, condition, and use of existing improvements; the reduction of the total number of individual parcels in the Project Area; the elimination of certain land uses; the realignment of streets; the

construction of new public facilities and improvements; and the ability of owners to finance acquisition, rehabilitation, and/or redevelopment in accordance with this Redevelopment Plan and the declaration of restrictions and in accordance with such controls as are necessary to ensure that redevelopment is carried out pursuant to the Standards for Development.

2.3.2 OPA Rules

Property owners will be given a reasonable opportunity to participate in redevelopment. The Agency has adopted, after a public hearing, rules governing participation by property owners, which are subject to amendment from time to time. These rules were adopted pursuant to the CRL in order to implement the provisions of this Redevelopment Plan regarding participation by property owners. These rules incorporate the procedures to encourage, permit and govern the participation by property owners within the boundaries of the Project Area to the maximum extent consistent with the objectives of this Redevelopment Plan.

2.4 Enforcement, Amendments and Severability of Redevelopment Plan

2.4.1 Actions by the City

The City shall aid and cooperate with the Agency in carrying out this Redevelopment Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Redevelopment Plan and the other applicable Plan Documents, including preventing the recurrence or spread of conditions causing blight in the Project Area. The City shall comply with the provisions of the Community Redevelopment Law that generally entitle the Agency to all of the property tax revenues realized from growth in property values since the inception of this Redevelopment Plan.

2.4.2 Administration and Enforcement

Except as otherwise specified in any Delegation Agreement, Interagency Cooperation Agreement, or Cooperation Agreement to be adopted by the Agency, the administration and enforcement of this Redevelopment Plan, including the preparation and execution of any documents implementing this Redevelopment Plan, will be performed by the Agency.

The provisions of this Redevelopment Plan or other documents entered into pursuant to this Redevelopment Plan may also be enforced by legal action instituted by the Agency and/or, to the extent set forth in a Delegation Agreement, Interagency Cooperation Agreement, or Cooperation Agreement, the City. Any such legal action may seek appropriate remedies that may include, but are not limited to, specific performance, damages, re-entry, injunctions or any other remedies appropriate to the purposes of this Redevelopment Plan.

Members of the PAC may, to the extent permitted by law, enforce this Redevelopment Plan in a court of competent jurisdiction.

2.4.3 Procedures for Plan Amendment

This Redevelopment Plan may be amended by means of the procedure established in CRL Sections 33450-33458 or by any other procedure hereafter established by law.

2.4.4 Severability

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Redevelopment Plan is for any reason held to be invalid or unconstitutional, such decision will not affect the validity of the remaining portion or portions of this Redevelopment Plan.

3.0 EXPIRED REDEVELOPMENT PLAN FOR PROJECT AREA A

On January 20, 1969, by Ordinance No. 25-69, the Board of Supervisors adopted the redevelopment plan for Hunters Point, which became Project Area A of the Bayview Hunters Point Redevelopment Plan pursuant to Ordinance No. 113-06 and which expired in January 2009. Accordingly, the Agency has no authority to act pursuant to the portion of the former redevelopment plan for Project Area A except to pay previously incurred indebtedness, to enforce existing covenants, contracts, or other obligations, and to comply with affordable housing obligations, which includes the use of its tax increment for the funding of affordable replacement housing.⁴ The regulation of land use and development in Project Area A reverted back to the Planning Code with the expiration of Project Area A in January 2009.

3.1 Methods of Financing under this Redevelopment Plan for former Project Area A

3.1.1 General Description of Proposed Financing Method

Under the prior Hunters Point Redevelopment Plan, which this Redevelopment Plan amended in 2006, the Agency has been authorized to finance redevelopment activities related to Project Area A with financial assistance from the City, the State or the federal government, tax increment funds, interest income, Agency bonds, donations, loans from private institutions, assessments, the lease or sale of Agency-owned property or any other available source, public or private. The City or any other public agency may expend money to assist the Agency in carrying out this Redevelopment Plan. As available, gas tax funds from the State and County may be used for street improvements and public transit facilities. In accordance with CRL, the Agency has been authorized to obtain advances, borrow funds and create indebtedness in carrying out redevelopment activities and to pay the principal and interest on such indebtedness from tax increment funds.

⁴ Under Sections 33333.7 and 33333.8 of the California Health and Safety Code, the Agency may continue to incur indebtedness and receive tax increment from the Hunters Point Project Area (Project Area A) to fulfill its housing obligation to replace affordable housing units that were previously destroyed and never replaced. Ordinance No. 15-05 (Jan. 21, 2005).

All taxes levied upon taxable property within Project Area A each year, by or for the benefit of the State, the City, any district or any other public corporation (sometimes called “Taxing Agencies”) after the effective date of the ordinance initially approving the allocation of taxes from Project Area A pursuant to Section 33670 (“**Effective Date of the Project Area A Ordinance**”), shall be divided as follows:

That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of the Taxing Agencies upon the total sum of the assessed value of the taxable property in Project Area A as shown upon the assessment roll used in connection with the taxation of such property by such Taxing Agencies, last equalized prior to the Effective Date of the Project Area A Ordinance, shall be allocated to and when collected shall be paid into the funds of the respective Taxing Agencies as taxes by or for the Taxing Agencies on all other property are paid. For the purpose of allocating taxes levied by or for any Taxing Agency or agencies which does not include the territory of the Project Area A as of the Effective Date of the Project Area A Ordinance but to which such territory is annexed or otherwise included after such Effective Date, the assessment roll of the County of San Francisco last equalized on the Effective Date of the Project Area A Ordinance will be used in determining the assessed valuation of the taxable property in the Project Area on the Effective Date of the Project Area A Ordinance.

Except as provided in CRL Section 33670(e) or in Section 33492.15, that portion of levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the redevelopment project. Unless and until the total assessed valuation of the taxable property in Project Area A exceeds the total assessed value of taxable property in Project Area A as shown by the last equalized assessment roll referred to herein, all of the taxes levied and collected upon the taxable property in Project Area A shall be paid into the funds of the respective Taxing Agencies. When the loans, advances or indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in Project Area A shall be paid into the funds of the respective Taxing Agencies as taxes on all other property are paid.

The Agency irrevocably pledges the portion of taxes mentioned above and hereby for the payment of the principal and interest on the advance of monies, or making of loans or the incurring of an indebtedness (whether funded, refunded, assumed or otherwise), to finance or refinance the implementation of redevelopment activities in whole or in part, including direct and indirect expenses. The Agency is authorized to make pledges as to specific advances, loans and indebtedness as appropriate in carrying out redevelopment activities.

Prior to 2005, the amount of Project Area A taxes allocated to the Agency pursuant to Section 33670 of the CRL was limited to \$15.1 million. This tax increment financing cap has been reached. In addition, the deadline for incurring debt for non-housing redevelopment activities was January 1, 2004. However, by virtue of Section 33333.7 of the CRL and Board of Supervisors’ Ordinance No. 15-05, the Agency has the ability to incur indebtedness exclusively for the purpose of building affordable housing until the earlier of January 1, 2014 or until the Agency’s replacement housing obligation, as defined in Section 33333.7 (SB 2113), is met.

3.1.2 Limits on Indebtedness and Tax Increment for Non-Housing Purposes

The Agency may not pay indebtedness or receive property taxes for non-housing purposes in Project Area A after January 1, 2019.

3.1.3 Extension of Indebtedness and Tax Increment for Housing under Senate Bill (SB) 2113

Notwithstanding the expiration of this Redevelopment Plan with respect to Project Area A, the Agency will have the continuing authority to incur indebtedness and to receive tax increment to meet its replacement housing obligation under CRL Section 33333.7 (SB 2113). Pursuant to state law, the Board of Supervisors amended the Hunters Point Redevelopment Plan by Ordinance No. 15-05 which became effective on January 21, 2005, to allow the Agency to incur indebtedness exclusively for the purpose of building affordable housing until the earlier of January 1, 2014 or until the Agency's replacement housing obligation under SB 2113 is met. The Agency will have the ability to receive tax increment for the purpose of repaying the indebtedness incurred to meet its replacement housing obligation under SB 2113 until January 1, 2044.

4.0 REDEVELOPMENT PLAN FOR ZONE 1 OF THE PROJECT AREA

This Redevelopment Plan amendment designates Zones 1 and 2 of the Project Area as shown on Map 2, within the Bayview Hunters Point Redevelopment Project Area B. The Agency's Redevelopment Plan for the elimination of blight, increased affordable housing and economic development in Zone 1 of the Project Area are set forth below. The Agency retains land use authority within Zone 1 of the Project Area. The blocks and lots contained within Zone 1 as of the 2010 Plan Amendment Date are listed in Attachment D.

All real property in Zone 1 of the Project Area is hereby made subject to the controls and requirements of this Redevelopment Plan. The Redevelopment Plan designates allowed uses and building types for Zone 1 of the Project Area and relies upon the Candlestick Point Design for Development to provide more detailed development standards, design guidelines, and controls on use within Zone 1 of the Project Area. No real property or real property interest may be developed, rehabilitated, or otherwise changed after the 2010 Plan Amendment Date except in conformance with the provisions of this Redevelopment Plan and the Candlestick Point Design for Development.

4.1 Existing Conditions in Zone 1 of the Project Area

Zone 1 of the Project Area contains a mixture of vacant lands, surface parking lots, Candlestick Stadium, under-utilized park lands, blighted industrial properties, and the Alice Griffith San Francisco Housing Authority property in need of revitalization. The area is served by inadequate public infrastructure and deficient public facilities. These conditions constitute a substandard living environment and have a detrimental effect on the neighborhoods within and surrounding Zone 1 of the Project Area.

4.2 Generalized Neighborhood Land Uses

Neighborhoods correspond to portions of Zone 1 with distinct characteristics and planning objectives, as reflected both in this Redevelopment Plan and the Candlestick Point Design for Development. This Redevelopment Plan identifies general objectives for each of this Neighborhoods in order to help determine what additional, complementary land uses may be allowed in a Land Use District and to assist with implementation of the Candlestick Point Design for Development.

4.2.1 Alice Griffith Neighborhood

Objectives for This Neighborhood: This Neighborhood will accommodate a diverse range of housing types with improved connections to the surrounding neighborhoods. Existing affordable homes will be rebuilt to provide at least one-for-one replacement units targeted to the same income levels as those of the existing residents and ensure that eligible Alice Griffith Housing residents have the opportunity to move to the new, upgraded units directly from their existing Alice Griffith Housing units without having to relocate to any other area. A focus of this Neighborhood will be a centrally located park that extends the length of this Neighborhood that may include community gardens, active sports uses, and picnic areas.

This Neighborhood will include mixed-income housing developments that may include townhomes, stacked townhomes, live-work units, group housing, and multi-unit, multi-story apartment and condominium buildings.

4.2.2 Candlestick North Neighborhood

Objectives for This Neighborhood: This Neighborhood will accommodate a compact, mixed-use community with higher densities than the Alice Griffith Neighborhood and an anchoring main street for neighborhood-serving shops and services. Given the higher density and greater number of units in the neighborhood than in the Alice Griffith Neighborhood, this Neighborhood will include a greater concentration of neighborhood-serving retail, business, service, and office uses, most of which will be concentrated in the ground floor beneath residential uses along the southern edge of this Neighborhood, adjacent to the Candlestick Center Neighborhood. This Neighborhood will include community facilities uses as well as two parks — one in the center of this Neighborhood intended to serve this Neighborhood and a wedge-shaped park at the southeastern edge forming a connection between the development, the State Park and the Bay waterfront.

This Neighborhood may include townhomes; lofts; live-work units; group housing, low- and mid-rise multi-unit, multi-story condominium or apartment buildings; and high-rise towers.

4.2.3 Candlestick Center Neighborhood

Objectives for This Neighborhood: This Neighborhood will accommodate the commercial heart of Zone 1. It is a mixed-use neighborhood with regional shops and services, offices, hotel, public uses and residential uses. The regional retail uses in this Neighborhood may include entertainment uses such as movie theaters, clubs with live music, and restaurants. This Neighborhood may include large format, anchor retailers to be accompanied by smaller stores fronting onto neighborhood streets. This Neighborhood will include office uses to be located above the ground-floor retail and entertainment uses and residential units above base floors containing commercial uses and parking areas. Parking areas would be included on the interiors of blocks.

Residential uses in this Neighborhood may include townhomes; lofts; live-work units; and senior and disabled housing, and multi-unit, multi-story condominium or apartment buildings.

4.2.4 Candlestick South Neighborhood

Objectives for This Neighborhood: This Neighborhood will accommodate a broad range of residential housing types as well as neighborhood-serving retail designed to complement its position adjacent to the beach and surrounding parkland. Most of the neighborhood-serving retail, business, service, and office uses will be concentrated in the ground floor beneath residential uses along the northern edge of this Neighborhood, adjacent to the Candlestick Center Neighborhood. This Neighborhood will include a mini-wedge park that would bisect this Neighborhood and provide a direct connection to the State parklands that are adjacent to this Neighborhood and provide the area's principal recreational resources.

Residential uses in this Neighborhood will include townhomes; lofts; live-work units; group housing, low- and mid-rise multi-unit, multi-story condominium or apartment buildings; and high-rise towers.

4.2.5 ~~Jamestown Neighborhood~~ Intentionally Deleted.

~~*Objectives for This Neighborhood:* This Neighborhood will accommodate a residential neighborhood. Given the Neighborhood's topography, hillside open space will be preserved in its natural state, while some smaller open space areas may be developed with neighborhood park uses.~~

~~Residential uses in this Neighborhood may include townhomes, lofts, live-work units, group housing, and multi-unit, multi-story apartment and condominium buildings.~~

4.2.6 Land Use Districts

Zone 1 of the Project Area consists of three land use districts (each referred to as a “**District**” or “**Land Use District**”) as shown on Map 4. The map shows the general boundaries of the Districts; precise boundaries of the Districts are to be interpreted in light of the objectives of this Redevelopment Plan at the time specific parcels are subdivided in accordance with City and State subdivision laws.

Allowable land uses within each District will be all those that are consistent with the character of the District as described in this Redevelopment Plan. The specific uses identified below for each District illustrate the appropriate scope and nature of permitted uses.

Principal Uses. Within each District, “**Principal Uses**” shall be allowed as of right.

Secondary Uses. Within each District, “**Secondary Uses**” will be permitted, through the determination of the Agency Commission or its designee, provided that such use: (a) generally conforms with the redevelopment objectives of this Redevelopment Plan, the objectives of the District as set forth in this Redevelopment Plan and the Candlestick Point Design for Development; (b) is compatible with the District’s Principal Uses, nearby public facilities, and broader community; (c) is consistent with the Mitigation Measures and appropriately mitigates any adverse impacts; and (d) does not at the proposed size and location materially impede the planned uses and development of the District or Project Area. The Agency Commission or its designee may place conditions on the Secondary Use as necessary to make the findings in clauses (a) through (d) above.

Non-Designated Uses. Uses that are proposed but are not specifically defined herein (“**Non-Designated Uses**”) may be classified by the Executive Director as Principal Uses, Secondary Uses, Temporary Uses, Interim Uses, or Prohibited Uses. The Executive Director or his or her designee may allow a Non-Designated Use as a Principal Use subject to approval by the Agency Commission, provided the Executive Director or his or her designee finds that such Non-Designated Use: (a) is consistent with the other Principal Uses allowed in the applicable District; (b) is consistent with the objectives for the applicable District; (c) generally conforms with the Candlestick Point Design for Development; and (d) is consistent with the Mitigation Measures and appropriately mitigates any adverse impacts. For Temporary or Interim Uses, the Executive Director shall in addition make the findings required for such uses as set forth in Section 4.2.10 and 4.2.11 below.

In the event the Executive Director determines that a Non-Designated Use should be evaluated as a potential Secondary Use rather than a Principal Use, the Executive Director shall require that the proposed use be considered by the Agency Commission pursuant to the Secondary Use process set forth above.

Prohibited Uses. Within most Districts, certain land uses are expressly prohibited in order to maintain the intended character of the District, avoid conflicts of land uses, or maintain public welfare in response to specific conditions of the District (“**Prohibited Uses**”). The following uses will be Prohibited Uses in all Districts within Zone 1: ~~Medical Cannabis Clubs~~; Mortuary; and Adult Entertainment uses.

Provisions Applicable Generally.

Certain lands within the Zone 1 are or may be subject to the Public Trust. The Public Trust doctrine limits the uses that are permitted on Public Trust lands. A Principal Use or Secondary Use shall be permitted on Public Trust land only to the extent the use is permitted under the Public Trust and is consistent with the Agency's management of those lands on behalf of the State for Public Trust purposes. Thus, even though a particular use or uses may be shown as a permitted Principal or Secondary Use within the Zone 1, that use or uses may nevertheless not be permitted on lands subject to the Public Trust within Zone 1.

In all cases below, the height, bulk, setback, parking and open space requirements will be established in the Candlestick Point Design for Development.

Parking is a permitted Accessory Use to every Principal Use and Secondary Use permitted in each Land Use District. The design and location of parking is controlled by the Candlestick Point Design for Development.

Infrastructure elements that are required to provide access, utilities, and public services to the development described in this Section 4.2 shall be allowed as Principal Uses to the provided they are consistent with the Mitigation Measures and subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR.

Additional infrastructure elements such as decentralized wastewater treatment facilities, automated trash centralized collection facilities, and district heating and cooling facilities that serve the Project Area will be subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR, the Mitigation Measures, and the Infrastructure Plan for the Hunters Point Shipyard Phase 2-Candlestick Point Project (as amended from time to time, the "**Infrastructure Plan**"). Decentralized wastewater treatment facilities shall be permitted as a Secondary Use in all Districts except the Open Space District. Automated trash centralized collection facilities shall be permitted as a Secondary Use in the Candlestick Mixed Use Commercial District. District Heating and Cooling Facilities shall be permitted as a Secondary Use in all Districts except the Open Space District.

4.2.7 Candlestick Mixed Use Residential District

The Candlestick Mixed Use Residential District consists of residential uses and some compatible local-serving retail and services. The primary land use is residential units ranging from attached single family homes to high-rise multi-family residential developments. Related uses also include local-serving businesses, neighborhood retail, community facilities, family Child-Care Facilities, small professional offices, home occupations, and recreation facilities. This district covers the allowable land uses for the residential neighborhoods of Alice Griffith Neighborhood, Candlestick North Neighborhood, ~~and~~ Candlestick South Neighborhood, ~~and~~ Jamestown Neighborhood described above. This District also includes a planned neighborhood park, the final location of which has not been determined.

The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Live-Work Units
- Group Housing
- Supportive Housing
- Home Office

Retail Businesses, Offices and Personal Services Uses:

- Neighborhood Retail Sales and Services (up to 10,000 sq. ft. per tenant)
- Restaurants
- Physical fitness and health facilities
- Automated teller machines (ATMs)
- Dry Cleaning Facility (without on-site dry cleaning plant)
- Commercial Wireless Transmitting Facilities

Civic and Institutional Uses:

- Community Uses
- Arts Education
- Recreation Facilities
- Religious Institutions
- Elementary School
- Child-Care Facility
- Vocational / Job Training Facility (Clerical/Administrative)

Parks and Recreation Uses:

- Parks
- Public Art
- Open Space
- Bicycle Storage
- Public Restrooms
- Maintenance Facilities

The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section 4.2.6 are met:

Retail Businesses, Offices and Personal Services Uses:

- Neighborhood Retail Sales and Services (over 10,000 sq. ft. per tenant)
- Grocery Store
- Bars
- Office

Civic and Institutional Uses:

- Secondary School
- Post-Secondary Institution

- Nighttime Entertainment
- Amusement Enterprise
- Vocational / Job Training Facility (Mechanical/Industrial)

The following Uses are Prohibited Uses in this Land Use District:

- Commercial Storage
- Automotive Sale
- Automotive Service Station
- Automotive Repair
- Automotive Gas Station
- Motor Vehicle Tow Service
- Drive-through facilities
- Dry Cleaning Facility (with onsite cleaning operations)
- Wholesale Retail
- Warehousing
- [Cannabis-Related Uses](#)

4.2.8 Candlestick Center Mixed Use Commercial District

The Candlestick Center Mixed Use Commercial District consists of small-, moderate- and large-scale retail and commercial operations, residential units, office and professional services, hotels, and entertainment uses. This land use district covers the allowable uses within the Candlestick Center Neighborhood described above.

The following Uses are Principal Uses in this Land Use District:

Residential Uses:

- Dwelling Units
- Group Housing
- Supportive Housing
- Live-Work Units
- Home Office

Retail Businesses, Offices and Personal Services Uses:

- Regional Retail Sales and Services
- Neighborhood Retail Sales and Services
- Grocery Store
- Professional, medical, and business offices,
- Physical fitness and other health facilities
- Restaurants
- Bars
- Commercial Wireless Transmitting Facilities

Commercial, Entertainment and Visitor Serving Uses:

- Performance Arts
- Multi-screen cinema
- Hotel
- Meeting Rooms
- Conference Facilities

Education, Arts and Community Activities Uses:

- Arts Production
- Community Use
- Nighttime Entertainment
- Amusement Enterprise
- Post-Secondary Institution
- Recreation Facilities
- Religious Institutions
- Child-Care Facility
- Vocational / Job Training

Parks and Recreation Uses:

- Parks
- Active Recreation Facilities
- Public Art
- Open Space
- Bicycle Storage
- Public Restrooms
- Maintenance Facilities

The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section 4.2.6 are met:

Retail Businesses, Offices and Personal Services:

- Non-Retail Sales and Services
- Dry Cleaning Facility (with on-site dry cleaning plant)
- Animal Services
- Automotive Rental

Education, Arts and Community Activities Uses:

- Secondary School

The following Uses are Prohibited Uses in this Land Use District:

- Commercial Storage
- Automotive Sale
- Automotive Service Station
- Automotive Repair
- Automotive Gas Station
- Motor Vehicle Tow Service

- Drive-through facilities
- Industrial Activities
- Warehousing

4.2.9 Open Space

The open space areas consist of land owned by the Agency, City or the State to be developed into regional and local-serving public parks including appropriate recreational facilities and equipment and park maintenance areas. Park lands that are subject to the Public Trust will be managed as state or regional parks consistent with the Public Trust. No other uses beyond those described below are permitted in open space areas.

The following Uses are Principal Uses in this Land Use District:

Parks and Recreation Uses:

- Active Recreation Facilities
- Public Art
- Open Space
- Bicycle Storage
- Public Restrooms
- Maintenance Facilities
- Recreational Equipment Rental

Civic, Arts & Entertainment Uses:

- Recreational Facility
- Transit Shelters

In areas not subject to the Public Trust, the full range of Uses allowed in Parks, open air marketplaces, and similar active recreational Uses shall be allowed in addition to the Permitted Uses listed above.

The following Uses are permitted in this Land Use District if the criteria for Secondary Uses set forth in Section 4.2.6 are met:

- Performance Arts
- Restaurants

4.2.10 Interim Uses

“**Interim Uses**” are uses proposed during the time prior to or concurrent with development of land within a Land Use District consistent with this Redevelopment Plan. Interim Uses may be authorized in all areas not subject to the Public Trust for an initial time period to be determined by the Executive Director, upon a determination by the Executive Director that the authorized uses will not impede the orderly development of the Project Area as contemplated in this Redevelopment Plan. Where approved, Interim Uses will be permitted for a defined period of time not to exceed five (5) years. Permissible Interim Uses are as follows:

- Rental or sales office incidental to a new development, provided that it is located in the development or a temporary structure
- Structures and uses incidental to environmental cleanup and staging
- Temporary structures and uses incidental to the demolition or construction of a structure, building, infrastructure, group of buildings, or open space, including construction staging of materials and equipment
- Commercial Storage
- Parking (either primary or accessory to other uses)
- Truck parking and loading accessory to the uses above
- Other Interim Uses that do not conflict with the objectives of the Plan, the Plan Documents, and the Public Trust, where applicable.

Interim Uses of areas subject to the Public Trust shall be authorized only if the authorized uses are determined to be consistent with, necessary and convenient for, or incidental or ancillary to, the purposes of the Public Trust, or if the following criteria are met:

- There are no immediate Public Trust-related needs for the property,
- The proposed lease for the use prohibits construction of new structure or improvements that, as a practical matter, could prevent or inhibit the property from being converted to a permissible Public Trust use if necessary,
- The proposed lease for the use provides that the Agency has the right to terminate the lease in favor of Public Trust uses as Public Trust needs arise, and
- The proposed use of the leased property would not interfere with commerce, navigation, fisheries, or any other existing Public Trust use or purpose.

Extensions of the above approval periods may be authorized by the Executive Director in increments of up to five (5) year periods, subject to the same determinations as required for the initial period.

4.2.11 Temporary Uses

“**Temporary Uses**” are short-term, transitory uses that may be proposed either prior to or following development of land within a Land Use District consistent with this Redevelopment Plan. Temporary Uses will be permitted by the Executive Director or his or her designee for such period of time as the Executive Director or his or her designee determines to be reasonable provided the Executive Director or his or her designee finds

that such Temporary Use is consistent with the objectives of the this Redevelopment Plan and the Candlestick Point Design for Development, as appropriate. Permissible Temporary Uses include:

- Booth for charitable, patriotic or welfare purposes
- Exhibition, celebration, festival, circus or neighborhood carnival
- Open air sales of agriculturally-produced seasonal decorations, including Christmas trees and Halloween pumpkins
- Convention staging
- Parking (either primary or accessory to other uses)
- Truck parking and loading accessory to the uses listed above
- Other Temporary Uses that do not conflict with the objectives of the Plan, the Plan Documents, and the Public Trust, where applicable.

4.2.12 Public Rights-of-Way

The proposed street layout for Zone 1 is illustrated on the Map 4. Streets and alleys may be widened, narrowed, altered, realigned, abandoned, depressed or closed as necessary for proper redevelopment of Zone 1 of the Project Area. Additional public streets, alleys, rights-of-way and easements, may be created in Zone 1 of the Project Area as needed for development and circulation.

Certain streets in Zone 1 will be impressed with the Public Trust. These streets will provide key vehicular, bicycle and pedestrian access ways to and along the wedge parks at the center of Candlestick Point, and linking the northern, eastern, and southern waterfronts in the State Park.

4.3 Standards and Procedures for Development in Zone 1

For Zone 1, this Redevelopment Plan and the other Plan Documents, including the Candlestick Point Design for Development, establish the standards for development and supersede the San Francisco Planning Code in its entirety, except as otherwise expressly provided herein. The only sections of the Planning Code that shall apply within Zone 1, pursuant to the provisions of this Redevelopment Plan, are Sections 101.1, 295, and 314, as such sections are in effect as of the 2010 Plan Amendment Date. Both the Agency Commission and the Planning Commission must approve any amendments to the Candlestick Point Design for Development.

4.3.1 Applicability of City Regulations; City's Duty to Protect Public Health and Safety

(a) *General.* Regardless of any future action by the City or the Agency, whether by ordinance, resolution, initiative or otherwise, the rules, regulations, and official policies applicable to and governing the overall design, construction, fees, use or other aspect of development of Zone 1 will be (i) this Redevelopment Plan and the other Plan Documents, (ii) to the extent not inconsistent therewith or not superseded by this Redevelopment Plan, the Existing City

Regulations (including all provisions of the Building Construction Codes, which are not inconsistent with or superseded by this Redevelopment Plan), (iii) New City Regulations to the extent permitted under this Redevelopment Plan; (iv) new or changed Development Fees and Exactions to the extent permitted under Section 4.3.15 of this Redevelopment Plan; (v) any disposition and development agreement or owner participation agreement related to development within Zone 1; and (vi) the Mitigation Measures (collectively, the “**Applicable City Regulations**”).

(b) Protection of Public Health and Safety; Federal or State Law. Notwithstanding any provision of this Redevelopment Plan to the contrary, the Agency and any City Agency having jurisdiction, shall exercise its sole discretion under this Redevelopment Plan and the applicable Plan Documents in a manner that is consistent with the public health and safety and shall at all times retain their respective authority to take any action that is necessary to protect the physical health and safety of the public (the “**Public Health and Safety Exception**”) or to comply with changes in Federal or State law, including applicable Federal and State regulations (the “**Federal or State Law Exception**”), including the authority to condition or deny a permit, approval, agreement or other entitlement or to adopt a New City Regulation, but subject, in all events, to any rights to terminate between an owner or developer and the Agency as set forth in either the Plan Documents or any disposition and development agreement or owner participation agreement related to development within Zone 1. Except for emergency measures, any City Agency or the Agency, as the case may be, will meet and confer with the owner of the affected Real Property and/or any affected party under any disposition and development agreement or owner participation agreement related to development within Zone 1 in advance of the adoption of any New City Regulations or New Construction Requirements to the extent feasible.

(c) Permitted New City Regulations. The City Agencies and the Agency reserve the right to impose any New City Regulations (except for the Planning Code sections superseded by this Redevelopment Plan) provided that (i) they are imposed on a Citywide Basis and (ii) they do not conflict with the development permitted or contemplated within Zone 1 by this Redevelopment Plan, the Plan Documents, or any disposition and development agreement or owner participation agreement related to development within Zone 1, or any portion of such development (unless such conflict is waived by the owners and developers of all affected property). As used in this paragraph (c), a New City Regulation “conflicts with the development permitted or contemplated” if it would change the aforementioned development regulations to:

(1) limit or reduce the density or intensity of development, or otherwise require any reduction in the square footage or number of proposed buildings (including number of Dwelling Units) or other improvements;

(2) limit or reduce the height or bulk of development within Zone 1, or any part thereof, or of individual proposed buildings or other improvements;

(3) materially change, restrict, or condition any land uses, including permitted or conditional uses, of development within Zone 1;

(4) materially limit or control the rate, timing, phasing, or sequencing of approval, development, or construction (including demolition);

- (5) require the issuance of additional land use-related permits or approvals by the City or the Agency;
- (6) materially limit or control the availability of public utilities, services or facilities or any privileges or rights to public utilities, services or facilities for Zone 1, including but not limited to water rights, water connections, sewage capacity rights and sewer connections;
- (7) control or limit commercial or residential rents or purchase prices (excluding property owned or controlled by the Agency or the City during the period of Agency or City ownership and only to the extent such controls or limits would not survive transfer to a successive owner);
- (8) materially limit the processing or procuring of applications and approvals for any subsequent City or Agency approvals;
- (9) subject to Section 4.3.15, impose any new Development Fees and Exactions or expand or increase Development Fees and Exactions;
- (10) subject to section 4.3.1.d (New Construction Requirements), materially increase the cost of construction or maintenance of all or any development permitted or contemplated in Zone 1 or of compliance with any provision of this Redevelopment Plan, the Plan Documents, any disposition and development agreement or owner participation agreement related to development within Zone 1 or Existing City Regulations applicable to Zone 1
- (11) materially decrease the value of any land in Zone 1;
- (12) materially reduce, limit the availability of or delay the amount or timing of tax increment or Mello-Roos Community Facilities District funding; or
- (13) limit the Agency's ability to timely satisfy its obligations under any disposition and development agreement or owner participation agreement related to development within Zone 1 or the City's ability to timely satisfy its obligations under any cooperation agreement or tax allocation agreement related to development within Zone 1.

Nothing in this Redevelopment Plan or other applicable Plan Documents shall be deemed to limit any City Agency's or the Agency's ability to comply with the California Environmental Quality Act ("CEQA") or the CRL.

Nothing in this section shall limit the authority of the Agency or any City Agency to exercise its discretion under the Public Health and Safety Exception or to make changes under the Federal or State Law Exception, as described in Section 4.3.1(b) (Protection of Public Health and Safety).

[The City Municipal Code \(excluding the Planning Code with the exception of conditions for cannabis-related uses specified in Section 202.2 thereof \(as may be amended or superseded\)\) and related regulations \(as such Code Sections and regulations may be amended from time to time consistent with this Redevelopment Plan\) establishing a permitting program for Cannabis-Related Uses are Permitted New City Regulations applicable to and enforceable against Cannabis-Related Uses within the Project Area.](#)

The City's Municipal Code and related regulations establishing a permitting program for Short-Term Rentals (as such Code Sections and regulations may be amended from time to time, consistent with this Redevelopment Plan) are Permitted New City Regulations applicable to and enforceable against Short-Term Rentals within the Project Area.

(d) *New Construction Requirements.* In addition to the Public Health and Safety Exception and the Federal or State Law Exception, the City may change construction requirements for Infrastructure and other Improvements (“**New Construction Requirements**”) if the changes: (i) would not materially increase costs or accelerate the payment of costs of developing the Project Area consistent with this Redevelopment Plan; (ii) are imposed by the Board of Supervisors on a Citywide Basis; and (iii) would not: (a) materially adversely affect Net Available Increment; (b) delay development; (c) materially limit or restrict the availability of Infrastructure; or (d) impose limits or controls on the timing, phasing, or sequencing of development permitted under this Redevelopment Plan. In addition, from and after the 10th anniversary of the issuance of the first Building Permit for a project within Zone 1 of Project Area B of the Project Area, the City may impose New Construction Requirements in response to technological advances in construction if the New Construction Requirements: (1) would materially decrease the City's operation and maintenance costs and would not materially interfere with the uses, heights, density, and intensity of development described in the Plan Documents; (2) will apply on a Citywide Basis for similar land uses; (3) do not conflict with the Mitigation Measures (provided, this requirement may be satisfied with an exemption for specific Mitigation Measures as needed); and (4) do not increase by more than twenty percent (20%) the unit cost of any single component that is the subject of the New Construction Requirement.

4.3.2 Cooperation Agreement

The Agency will enter into a Cooperation Agreement with the Planning Department defining the roles and responsibilities for the provision of project entitlements and the administration of, development controls, and implementation of mitigation measures within Zone 1 of the Project Area. The Cooperation Agreement will specify the respective roles of the Agency and the Planning Department in reviewing development proposals and otherwise administering the development controls, with the objective of facilitating the development process and furthering the goals of this Redevelopment Plan and the Candlestick Point Design for Development. Amendments to the Candlestick Point Design for Development will be approved by the Agency Commission and the Planning Commission.

4.3.3 Interagency Cooperation Agreement

The Agency and the City are entering into an Interagency Cooperation Agreement defining the roles and responsibilities for the design and installation of infrastructure, and implementation of mitigation measures within Zone 1 of the Project Area. The Interagency Cooperation Agreement will outline the responsibilities of city departments and agencies regarding the design, approval, installation and maintenance of public infrastructure in Zone 1.

4.3.4 Type, Size, Height and Use of Buildings in Zone 1

The Redevelopment Plan, the General Plan, and the Candlestick Point Design for Development establish the development controls authorized for Zone 1 of the Project Area. The Candlestick Point Design for Development provides specific limitations to the height and other dimensions of new buildings, standards for development of new buildings, as well as design guidelines directing the architectural character of future development.

The Planning Commission and the Agency Commission may adopt amendments to the Candlestick Point Design for Development to better achieve the goals and objectives of this Redevelopment Plan, subject to Section 4.3.1 above.

4.3.5 Limitation on the Number of Buildings

The number of buildings within the Zone 1 of the Project Area may not exceed approximately 450 buildings.

4.3.6 Limitation on the Number of Dwelling Units

~~The current number of Dwelling Units in Zone 1 is 237.~~ The maximum number of Dwelling Units in Zone 1 of the Project Area is approximately 7,850 units. ~~In the event the 49ers elect to relocate somewhere other than the Hunters Point Shipyard, up to 1,625 of these Dwelling Units planned for Zone 1 may be transferred to Hunters Point Shipyard. The total combined number of, provided that the total~~ Dwelling Units in constructed within both Zone 1 of the Project Area and the Hunters Point Shipyard Redevelopment Plan Area may not exceed 12,100, which includes a maximum of 10,500 units in Zone 1 and Hunters Point Shipyard Phase 2 and a previously approved 1,600 units in Hunters Point Shipyard Phase 1. 12,100 Dwelling Units without Commission approval (including attendant environmental review).

4.3.7 Limitation on Type, Size and Height of Buildings

The size and type of buildings may be as permitted in the Applicable City Regulations. ~~Approximately, which is approximately 1,185,000 square feet of non-residential development, including approximately~~ 760,000 square feet of retail and entertainment space, 50,000 square feet of community services space, 150,000 square feet of office space, 150,000 square feet of hotel and hotel related uses, and ~~a 10,000 seat arena/performance/event space will be allowed in Zone 1.~~ (75,000 square feet) film arts/performance/event space.

The Commission may approve, without amendment to this Plan but subject to any necessary environmental review, adjustment of the foregoing square footages over time (except of community services space), including conversion to other non-residential uses allowed by this Plan, provided the total square footage of non-residential uses within Zone 1 of the Project Area does not materially exceed 1,185,500 square feet (except as provided below).

The Commission may approve (with any necessary environmental review) the transfer of up to 118,500 square feet of research and development/office use from the Hunters Point Shipyard Project Area to those portions of Zone 1 of the Bayview Hunters Point Project Area where such use is a Principal Use, without further amendment to this Redevelopment Plan.

Accessory parking facilities for these uses are not included as part of these limitations.

The maximum building heights within Zone 1 is 420 feet. The Agency may impose additional height limits, building size and location restrictions, and other development controls within the Candlestick Point Design for Development, subject to Section 4.3.1 above.

4.3.8 Parking

Parking will be permitted and required as described in the permitted land use section and as further regulated in the Candlestick Point Design for Development. In Zone 1, parking is generally required to be in an enclosed garage, not visible from the street or right-of-way, and accessory to an established residential or commercial use. Stand-alone parking use is not permitted at full build-out. However, it is understood that through phasing of the project, parking may be available before the completion of the use to which it is accessory, and may be on temporary outdoor lots.

4.3.9 Land Coverage

Land coverage will be determined by the application of the Candlestick Point Design for Development for density, parking, and open space.

4.3.10 Signs

In Zone 1, with the exception of temporary marketing and sales signs pertaining to developments within Zone 1 (which will be permitted), permanent or temporary billboards (excluding kiosks, streetscape commercial signage, and street furniture-related commercial signage), are prohibited within all Land Use Districts and are prohibited in any park or street area. Permanent signage for residential, commercial and open space development is subject to the development controls and guidelines of the Candlestick Point Design for Development. The Agency Commission shall review for consistency with the objectives of this Redevelopment Plan any proposed signage not permitted by the Candlestick Point Design for Development and any signage master plan.

4.3.11 Review of Planning Applications, Architectural and Landscape Plans

In evaluating plans, the Agency will use the standards set forth in the Candlestick Point Design for Development, which establishes design criteria for specific parcels to ensure an attractive and harmonious urban design. Development proposals will be evaluated pursuant to the Agency's Design Review and Document Approval Procedure (DRDAP) as attached to any disposition and development agreement to ensure they achieve the objectives of this Plan and are consistent with the Candlestick Point Design for Development.

4.3.12 Off-Site Improvements

The Agency may require a landowner or development project sponsor to install infrastructure, roadways, street trees, parks and other landscaping, or other improvements on property other than the site that is the subject of the sale, disposal, lease, or owner participation agreement. Such improvements shall be designed in conformity with approved open space, streetscape, or infrastructure plans and other applicable design guidelines.

The tax increment resources from Zone 1 of this Redevelopment Plan may provide for development of a stadium at Hunters Point Shipyard in order to free up the site of the existing Candlestick Point, thus facilitating regional retail and entertainment uses adjacent to Highway 101 and the integrated development of Candlestick Point and Hunters Point Shipyard. In order to accommodate vehicle traffic and transit serving the various uses planned for the Project Area, this Redevelopment Plan also provides for street, lighting, utility, and related improvements to the portion of Harney Way located to the southwest of the Zone 1 boundary of the Project Area, Bus Rapid Transit facilities along Geneva Avenue and at the Bayshore Caltrain Station, portions of the costs related to the Highway 101/Harney/Geneva freeway interchange, portions of Palou Avenue east of Third Street located outside the Project Area, and improvements to the Pennsylvania/25th Street intersection north of the Project Area.

4.3.13 Variance by Agency

The owner or developer of any property in Zone 1 may make a written request for a variance that states fully the grounds of the application and the facts pertaining thereto. Upon receipt of a complete application, the Agency may conduct its own further investigation and, after consultation with the PAC and the Planning Department, the Agency Commission may, in its sole discretion at a duly noticed public hearing, grant a variance from this Redevelopment Plan or the Candlestick Point Design for Development under the following circumstances:

- Due to unique physical constraints or other extraordinary circumstances applicable to the property, the enforcement of development regulations without a variance would otherwise result in practical difficulties for development and create undue hardship for the property owner or developer or constitute an unreasonable limitation beyond the intent of this Redevelopment Plan; and
- The granting of a variance would be in harmony with the goals of this Redevelopment Plan and the Candlestick Point Design for Development, and will not be materially detrimental to the public welfare or materially injurious to neighboring property or improvements in the vicinity.

In granting a variance, the Agency will specify the character and extent thereof, and also prescribe conditions necessary to secure the goals of this Redevelopment Plan and the Candlestick Point Design for Development. The Agency's determination to grant or deny a variance will be final and will not be appealable to the Planning Department. In no instance will any variance be granted that will substantially change the allowable land uses of this Plan.

4.3.14 Nonconforming Uses

The Agency will provide for the reasonable continuance, modifications, and/or termination of non-conforming uses and non-complying structures whose use or structure does not comply with this Redevelopment Plan or the Candlestick Point Design for Development, provided that such use is generally compatible with the development and uses authorized by this Redevelopment Plan and the Candlestick Point Design for Development. The Agency may authorize additions, alterations, reconstruction, rehabilitation, or changes in use through uses or structures that do not conform to the provisions of this Redevelopment Plan, subject to the Agency's determination that

the additions, alterations, reconstruction, rehabilitation, or changes in use will not impede the orderly development of Zone 1 of this Redevelopment Plan and promote compatibility of uses, eliminate blighting conditions and effectuate the purposes, goals, and objectives of this Redevelopment Plan.

4.3.15 Development Fees and Exactions

The following provisions will apply to all property in Zone 1 except parcels used for the development of affordable housing by Agency-sponsored entities. Development Fees and Exactions shall apply to the Project in the manner described below. Except as provided in this section and except as required by the Mitigation Measures, the School Facilities Impact Fee, the Child-Care Requirements, and the Art Requirement shall be the only Development Fees and Exactions that apply to the Zone 1 for the duration of this Redevelopment Plan. Water Capacity Charges and Wastewater Capacity Charges are Administrative Fees and not Development Fees and Exactions, and shall apply in the Project Area.

The School Facilities Impact Fee shall apply for the duration of this Redevelopment Plan, shall be administered as required by State law, and shall be increased for the duration of this Redevelopment Plan in accordance with State law, but only to the extent permitted by State law.

The Art Requirement shall apply for the duration of this Redevelopment Plan and requires that any new office building in excess of 25,000 square feet constructed within the Project Area include one-half of one percent (0.5%) of the hard costs of initial construction (excluding costs of infrastructure and tenant improvements) (the “**Art Fee Amount**”) for the installation and maintenance of works of art in the public realm within Zone ~~1~~ [or within the Hunters Point Shipyard Redevelopment Project Area](#). In the event that public spaces are not available at the time the Art Requirement is due, then the Art Fee Amount shall be paid to a fund administered by the Agency to be used for public art within the Zone ~~1~~ [or within the Hunters Point Shipyard Redevelopment Project Area](#). The public realm within which art may be installed so as to comply with the Art Requirement includes: any areas on the site of the building and clearly visible from the public sidewalk or open space feature, on the site of any open space feature, or in any adjacent public property. The type and location of artwork proposed shall be reviewed by the Executive Director for consistency with the Candlestick Point Design for Development and other Plan Documents.

The Child-Care Requirements shall apply for the duration of this Redevelopment Plan only to all commercial development over 50,000 square feet per Planning Code Section 314, as it existed on the 2010 Plan Amendment Date (attached and incorporated hereto as Attachment E). The Child-Care Requirements will be administered by the Agency to provide for these public benefits within Zone ~~1~~ [or within the Hunters Point Shipyard Redevelopment Project Area](#).

The Child-Care Requirements provide for compliance either by constructing Child-Care Facilities or, alternatively, payment of an in-lieu fee. For the duration of this Redevelopment Plan, development within the Zone 1 shall not be subject to any change to the provisions of the Child-Care Requirements that permit compliance through the construction of Child-Care facilities. In addition, no new in lieu fee or increase in the existing in lieu fee related to the Child-Care Requirement shall apply to the Project Area for twelve (12) years following the date the first

Building Permit is issued for a project in Zone 1 of Project Area B of the Project Area and, thereafter, will only be applicable if the new or increased in lieu fee relating to Child-Care Requirements is: (i) not increased at a rate greater than the annual increase in the Consumer Price Index commencing at the end of the 12-year period during which the fee has been frozen as described above; (ii) generally applicable on a Citywide Basis to similar land uses; and (iii) not redundant of a fee, dedication, program, requirement, or facility described in the Plan Documents or in any applicable disposition and development agreement related to development within Zone 1.

Notwithstanding the foregoing, new or increased Development Fees and Exactions may be imposed to the extent required under the Public Health and Safety Exception and the Federal or State Law Exception.

The parcels on Assessor Blocks 4917, 4918, 4934, and 4935 shall be subject to all fees and exactions under the City Planning Code in effect from time to time, except as otherwise provided pursuant to an Owner Participation Agreement or Development Disposition Agreement, if the Agency determines that the public benefits under an Owner Participation Agreement exceed those that would otherwise be obtained through imposition of the City Planning Code fees and exactions.

4.3.16 Office Development Limitations

On November 8, 2016, voters enacted Proposition O, which exempts Zone 1 of this Redevelopment Plan from the office development limits set forth in Planning Code Sections 320 ~~–~~ 325. Planning Code Sections 320 ~~–~~ 325 (Proposition M) shall apply to office development in Zone 2 of this Redevelopment Plan and Planning Code Section 324.1 shall apply to office development in Zone 1 of this Redevelopment Plan. Accordingly, the cap on the annual amount of office development permitted in the City shall apply in Zone 2 but not in Zone 1 of this Redevelopment Plan.

By Resolution No. 18102 (Attachment G), the Planning Commission adopted findings pursuant to Planning Code Section 321(b)(1) that the 150,000 square feet of office development contemplated in Zone 1 of this Redevelopment Plan in particular promotes the public welfare, convenience and necessity, and in so doing considered the criteria of Planning Code Section 321(b)(3)(A)-(G). Proposition O states in part that “No project authorization or allocation shall be required for any Development on the Subject Property [Candlestick Point and Hunter's Shipyard Phase 2]. However, Development on the Subject Property that would require a project authorization or allocation but for this Section 324.1 shall be treated for all purposes as if it had been granted approval of a project authorization or allocation.” Proposition O (2016) supersedes, as to Zone 1 of this Redevelopment Plan, any portion of Resolution No. 18102 (Attachment G) that would require an office authorization or allocation, compliance with Planning Code sections 320-325, or Planning Commission review or approval of office developments.

Proposition O did not exempt Zone 2 of the Project Area from the requirements of Proposition M (Sections 320-325). The permitted land uses and standards of development for Zone 2 are described in Section 5.

4.3.17 Shadow on Recreation and Park Property

Section 295 of the Planning Code (Proposition K) shall apply to development in the Project Area in the form in which Section 295 was in effect as of the 2010 Plan Amendment Date (attached hereto as Attachment F). Section 295 (Proposition K) shall not continue to apply to development in the Project Area in the event it is repealed by legislation or voter initiative.

5.0 REDEVELOPMENT PLAN FOR ZONE 2 OF THE PROJECT AREA

This Redevelopment Plan designates Zones 1 and 2 of the Project Area as shown on Map 2 within the Bayview Hunters Point Redevelopment Project Area B. The Agency's Redevelopment Plan for the elimination of blight, increased affordable housing and economic development in Zone 2 are set forth below. To the extent that the Agency has delegated land use authority in Zone 2 to the Planning Department by a Delegation Agreement then in effect, references below to actions or determinations by the Agency may be undertaken by the Planning Department or Planning Commission. The Agency's Redevelopment Plan for the elimination of blight, increased affordable housing and economic development in Zone 1 is described in Section 4.

5.1 Existing Conditions in Zone 2 of the Project Area

Zone 2 of the Project Area is a mixed residential, industrial and commercial area that has suffered from severe economic decline for many years with the closure of the Hunters Point Naval Shipyard, the shrinking of heavy and light industrial bases, and the lingering effects of long-term environmental pollution. The resulting difficulty of rehabilitating residential and commercial areas have resulted in the prolonged use of obsolete and inadequate structures; nearly vacant and abandoned commercial and industrial buildings; obsolete and inadequate public facilities; and some privately-owned, deteriorating dwellings. Zone 2 of the Project Area is characterized by dilapidated buildings of inadequate construction, unfit and unsafe for occupancy; deteriorating streets and public utilities of inadequate construction; a general absence of usable open and recreation space; conflicts between industrial and residential land uses and deficient public facilities. These conditions constitute a substandard living environment and have a detrimental effect on the neighborhoods within and surrounding Zone 2 of the Project Area.

5.2 Land Uses Permitted in Zone 2 of the Project Area

5.2.1 Permitted Land Uses in Zone 2

All real property in Zone 2 of the Project Area is hereby made subject to the controls and requirements of this Redevelopment Plan, which incorporates the Planning Code and Zoning Maps as its land use controls. No real property or real property interest may be developed, rehabilitated, or otherwise changed after the 2010 Plan Amendment Date, except in conformance

with the provisions of this Redevelopment Plan, as amended from time to time, and the Planning Code and Zoning Maps, as amended from time to time, to the extent not contrary to this Redevelopment Plan.

The generalized land uses for Zone 2 of the Project Area are shown on Map 5, are generally illustrative and based on the Generalized Land Use Plan in the Bayview Hunters Point Area Plan of the General Plan. The descriptions below generally illustrate the land uses of Zone 2 of the Project Area, but property owners and others should refer directly to the Planning Code and its Zoning Maps for applicable standards.

5.2.2 Residential

The generalized residential areas consist of residential uses and some compatible local-serving retail and services. The primary land use is residential units ranging from single family homes to multi-family developments of a moderate scale. Related uses also include local-serving businesses, family Child-Care Facilities, small professional offices, home occupations, and recreation facilities.

5.2.3 Mixed Use — Neighborhood Commercial

The generalized mixed use area consists of small and moderate scale retail and commercial operations on the ground floor along the major commercial streets of the area with residential units or office uses on the upper floors. The mixed use area allows on the ground floor local-serving businesses, restaurants, financial institutions, small offices, catering establishments, household or business repair, interior decorating shops, graphics reproduction, child care, religious institutions, ATMs, and parking. On the upper floors, land uses may include small scale offices, second floor retail operations, and residential units.

5.2.4 Light Industrial

The generalized light industrial areas consist of businesses and facilities requiring some separation from residential areas due to their generation of truck traffic, noise, and odors. The land uses taking place in these areas are primarily industrial in nature and include manufacturing, repair shops, automotive services, warehouses, wholesale showrooms, industrial research laboratories, open storage, transportation and distribution facilities, food production and distribution, graphic design and reproduction, arts facilities, entertainment venues, vocational job training and related commercial operations. Office and retail uses are permitted but primarily as accessory uses to the industrial operations.

5.2.5 Buffer Zones

The generalized buffer zone areas are intended to provide a transition from industrial uses to residential neighborhoods. The land uses in the buffer zone are small scale light industrial activities that create limited external impacts (such as noise, traffic, or odor), commercial operations, arts facilities, vocational training and, where appropriate, limited accessory residential units.

5.2.6 Public Facility

The generalized public facility areas consist of land other than housing sites or open space, owned by a government agency or other public or semi-public entity and in some form of public or semi-public use. The principal uses in this area include fire station, police stations, public schools, community college facilities, water treatment facilities, sports stadiums, cultural facilities and public transportation facilities.

5.2.7 Public Rights-of-Way

The existing street layout is illustrated on Map 2. Streets and alleys may be widened, narrowed, altered, realigned, abandoned, depressed or closed as necessary for proper redevelopment of Zone 2 of the Project Area. Additional public streets, alleys, rights-of-way and easements, including above and below-ground railroad easements and rights of way, may be created in Zone 2 of the Project Area as needed for development and circulation. Any modifications must conform to the General Plan and the Planning Code, as amended from time to time in the future, unless amendments to the General Plan or the Planning Code are contrary to the provisions of this Redevelopment Plan.

5.3 Standards for Development in Zone 2 of the Project Area

To achieve the objectives of this Redevelopment Plan in Zone 2 of the Project Area, the use and development of land shall be in accordance with the Planning Code and the General Plan. References in this Section to the Planning Code and the General Plan mean the Planning Code and the General Plan, as amended from time to time, to the extent that the amendments are not contrary to the provisions of this Redevelopment Plan.

5.3.1 Delegation Agreement

The Agency and Planning Department have entered into a Delegation Agreement delegating to the Planning Department the administration of development controls within Zone 2 of the Project Area. The Delegation Agreement specifies the respective roles of the Agency and the Planning Department in reviewing development proposals and otherwise administering the development controls, with the objective of facilitating the development process and furthering the goals of this Redevelopment Plan. For projects requiring Agency Action wherein the Agency does not delegate its land use jurisdiction, appeals of permits, variances, and final action on environmental review under the California Environmental Quality Act will be to the Board of Supervisors or to the Board of Appeals; these appeals shall be consistent with the procedures of the City's Charter and Ordinances pertaining to appeals from decisions of the Planning Commission and Planning Department. The Agency and City will provide for the cost of implementing the Delegation Agreement in the Agency's or Planning Department's annual budget.

5.3.2 Type, Size, Height and Use of Buildings in Zone 2

The General Plan and the Planning Code identify the land uses and other development controls authorized in Zone 2 of the Project Area. The Planning Commission and the Board of

Supervisors may adopt amendments to the General Plan and the Planning Code to better achieve the goals and objectives of this Redevelopment Plan. In the event the General Plan, Planning Code or any other applicable ordinance is amended or supplemented with regard to any land use or development control in Zone 2 of the Project Area, the land use provisions and development controls of this Redevelopment Plan will be automatically modified accordingly without the need for any formal plan amendment process unless those amendments or supplements are contrary to the provisions of this Redevelopment Plan. Prospective property developers should refer directly to the Planning Code for applicable standards, as well as to the remainder of this Redevelopment Plan and Related Plan Documents; provided however that to the extent that the inclusionary housing requirements in Section 315 of the Planning Code are inconsistent with this Redevelopment Plan, this Redevelopment Plan amends and takes precedence over Section 315 of the Planning Code. Thus, developers in Project Area B are required to comply with the inclusionary housing standards in this Redevelopment Plan.

5.3.3 Limitation on the Number of Buildings

The number of buildings within the Zone 2 of the Project Area may not exceed approximately 4,000.

5.3.4 Number of Dwelling Units

The number of Dwelling Units presently within Zone 2 of the Project Area is currently approximately 5,510 and will be approximately 9,300 under this Redevelopment Plan.

5.3.5 Parking

Parking spaces may be provided as permitted in the Planning Code. The Agency will encourage joint use of parking spaces as may be permitted under the Planning Code to the extent that such joint use will adequately serve the needs of each user.

5.3.6 Land Coverage

Land coverage shall be determined by the application of the Planning Code for density, parking, and open space.

5.3.7 Signs

Signs in Zone 2 of the Project Area shall be designed and constructed in conformance with the Planning Code. In addition, signs shall be complementary to elements in the total environment.

5.3.8 Review of Planning Applications, Architectural and Landscape Plans

In evaluating the plans, the Agency will use the standards set forth in the Planning Code and any applicable approved City design guidelines. Particular emphasis will be given to the visual relationship to adjoining development and to the view of the development from public rights-of-way.

In the disposition of land, the Agency may establish design criteria for specific parcels to ensure an attractive and harmonious urban design and may implement these criteria with appropriate provisions in the disposition documents. Development proposals will be evaluated as to the manner in which they achieve the objectives of this Redevelopment Plan.

5.3.9 Off-Site Improvements

The Agency may require a land owner, at his/her own expense, to install street trees, landscaping, paving, or other improvements on property other than the site that is the subject of the sale, lease, or owner participation agreement. Such improvements shall be designed in conformity with approved streetscape plans and/or applicable design guidelines.

5.3.10 Variance by Agency

If a development project in Zone 2 involves Agency Action, then, in its sole discretion, the Agency may grant a variance from this Redevelopment Plan or the Planning Code.

The owner or developer of any property in Zone 2 may make a written request for a variance that states fully the grounds of the application and the facts pertaining thereto. Upon receipt of a complete application, the Agency may conduct its own further investigation and, after consultation with the PAC and the Planning Department, the Agency Commission may, at a duly noticed public hearing, grant a variance from this Redevelopment Plan or the Planning Code under the following circumstances:

- Due to unique physical constraints or other extraordinary circumstances applicable to the property, the enforcement of development regulations without a variance would otherwise result in practical difficulties for development and create undue hardship for the property owner or developer or constitute an unreasonable limitation beyond the intent of this Redevelopment Plan; and
- The granting of a variance would be in harmony with the goals of this Redevelopment Plan and the Planning Code, and would not be materially detrimental to the public welfare or materially injurious to neighboring property or improvements in the vicinity.

In granting a variance, the Agency will specify the character and extent thereof, and also prescribe conditions necessary to secure the goals of this Redevelopment Plan and the Planning Code.

5.3.11 Variance by Planning Department

If a development project is in Zone 2 of the Project Area and does not involve Agency Action, then any request for a variance will be reviewed by the Planning Department, in its sole discretion, using the guidelines and procedures established by the Planning Department. The Planning Department's determination to grant or deny a variance is not appealable to the Agency.

5.4 Economic Development Program for Zone 2 of the Project Area

5.4.1 Proposed Economic Development Programs

The Agency may develop the following economic programs within each of the Economic Development Activity Nodes in conjunction with and with the assistance of the PAC:

- Façade improvement program;
- Brownfield cleaning assistance;
- Assistance with the development of key catalyst commercial sites;
- Provision of small business improvement assistance;
- Assistance with marketing and promotional activities for local business groups;
- Creating local business retention programs;
- Development of cultural facilities;
- Rehabilitation of historic structures;
- Planning for innovative parking strategies in the Third Street corridor;
- Providing support for job training programs; and
- Enforcing the Agency's and/or City's local hiring and equal opportunity programs, where appropriate.

5.4.2 Economic Development Activity Nodes

The Agency shall encourage the promotion of policies and land use decisions that provide job-training, employment and business opportunities to local residents with a focus on economic development efforts within the seven Activity Nodes of Project Area B described in Section 1.4.7. The Agency may implement Activity Node development programs for all or part of each Activity Node. The Agency may also pursue economic development efforts outside of Zone 2 of the Project Area where these efforts are determined to be necessary to effect the elimination of blighting conditions within Zone 2 of the Project Area; and where they comply with the CRL, including, Section 33445.1. The design of each Economic Development Activity Node will facilitate and support the Agency's efforts under its Affordable Housing Program.

6.0 DEFINITIONS

Following are definitions for certain words and terms used in this Redevelopment Plan. All words used in the present tense include the future. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word “shall” is mandatory and not directory; and the term “may not” is prohibitory and not permissive. The words “including,” “such as,” or words of similar import when following any general term may not be construed to limit the general term to the specific terms that follow, whether or not language of non-limitation is used; rather, these terms will be deemed to refer to all other terms that could reasonably fall within the broadest possible scope of the term.

2010 Plan Amendment Date means the date on which Ordinance No. 210-10 adopting amendments to this Redevelopment Plan, approved on August 3, 2010, became effective.

2017 Plan Amendment Date means the date on which Ordinance No. 121-17 adopting amendments to this Plan, approved on June ~~13~~, 22, 2017, became effective.

2018 Plan Amendment Date means the date on which Ordinance No. _____ adopting amendments to this Plan, approved on _____, became effective.

Accessory Use means uses that are related to and subservient to another use, and serve that use only.

Administrative Fee means any fee charged by any City Agency or the Agency in effect on a Citywide Basis, including fees associated with Article 31, at the time of submission for the processing of any application for building or other permits, subdivision maps, or other City or Agency regulatory actions or approvals for any development in the Project Area.

Adult Entertainment means a use that includes any of the following: adult bookstore, adult theater, and encounter studio, as defined by Section 1072.1 of the San Francisco Police Code.

Affordable Housing Program means the Agency’s activities to construct, rehabilitate, and preserve housing that is permanently affordable to low- and moderate-income households. The basis for the Affordable Housing Program can be found in the Framework Housing Program adopted by the PAC on September 20, 2004 and the Below ~~—~~ Market Rate Housing Plan formulated in 2010 for Zone 1 of the Project Area, as amended from time to time.

Agency Action means the Agency’s funding, acquisition, disposition, or development of property through a Disposition and Development Agreement (DDA), Owner Participation Agreement (OPA), loan agreement, grant agreement, or other transactional or funding documents between a property owner or developer and the Agency.

Agency Commission means the Commission for the Redevelopment Agency of the City and County of San Francisco.

Amusement Enterprise means enterprises such as billiard halls, bowling alleys, skating rinks, and similar uses when conducted within a completely enclosed building.

Animal Services means an animal care use that provides medical care and/or boarding services for animals.

Area Median Income or **AMI** means area median income as determined by the United States Department of Housing and Urban Development for the San Francisco area, adjusted for actual household size, but not adjusted for high income area. If data from HUD specific to the Metro Fair Market Rent Area that includes San Francisco are unavailable, AMI may be calculated by the Mayor’s Office of Housing using other publicly available and credible data, adjusted for Household Size.

Arts Education means schools of any of the following for professionals, credentialed individuals or amateurs: dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance, industrial and product-design and sound arts and craft.

Art Production means commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces may include studios, workshops, galleries, museums, archives and small theaters, and other similar spaces customarily used principally for production and post-production of graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel and other visual, performance and sound arts and craft.

Automotive Sale means a retail use that provides on-site vehicle sales whether conducted within a building or on an open lot.

Automotive Repair means a retail automotive service use that provides any of the following automotive repair services, whether outdoors or in an enclosed building: minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying.

Bar means a principal retail use not located in a Restaurant that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under twenty one (21) years of age is admitted (with Alcoholic Beverage Control [ABC] license 42, 48, or 61) and drinking establishments serving liquor (with ABC license 47 or 49) in conjunction with other uses that admit minors, such as theaters, and other entertainment. Restaurants with ABC licenses are not considered bars under this definition.

Bayview Hunters Point Survey Area C means the India Basin portion of the original South Bayshore Survey Area designated in 2006 to remain an area for consideration for amendment into Project Area B after an additional community planning process.

Board of Supervisors means the Board of Supervisors of the City and County of San Francisco, California.

Bicycle Storage means: (a) Class 1 Bicycle Parking Space(s), that are facilities that protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3) monitored parking, (4) restricted access parking, and (5) personal storage; (b) Class 2 Bicycle Parking Space(s), that include bicycle racks that permit the locking of the bicycle frame and at least one wheel to the rack and, that support the bicycle in a stable position without damage to wheels, frame or components.

Building Construction Codes means the City's (or if applicable, the Port's) Building Code, Electrical Code, Mechanical Code and Plumbing Code and any construction requirements in the Housing Code and the Fire Code.

Business Occupant Re-Entry Policy means a document approved by the Agency Commission in relation to this Redevelopment Plan that establishes, to the extent required by State or Federal law, how the extension of reasonable preferences to business occupants will be implemented within the Project Area. For Zone 2, such document was adopted by Resolution No. 34-2006 dated March 7, 2006. The Agency may elect to rely on this document with respect to Zone 1 or may elect to promulgate a new Business Occupant Reentry Policy specific to Zone 1.

Candlestick Point Design for Development means the Candlestick Point Design for Development document, that sets development standards and design guidelines for Zone 1 of the

Project Area (the Candlestick Point Sub-Area) as shown on Map 2, including the Candlestick Point Activity Node that may be amended from time to time consistent with its provisions.

Candlestick Point Sub-Area means that portion of the Bayview Area Plan within the San Francisco General Plan that corresponds to Zone 1 of the Project Area, consisting of the within the Candlestick Activity Node and the Alice Griffith Project.

Cannabis-Related Use means any use that is required to obtain a permit, and has obtained such permit, from the San Francisco Office of Cannabis (or its successor). For the avoidance of doubt, a Cannabis-Related Use is any category of Use otherwise permitted herein that cultivates, manufactures, distributes, tests, sells, delivers or in any other way uses cannabis or cannabis-derived materials, including for legal adult use or medical use.

Certificate of Preference Holders means persons who have rights under the Agency’s Certificate of Preference Program, as amended by Resolution No. 57-2008 (adopted on June 3, 2008 and effective Oct. 1, 2008).

Child-Care Facility means a use that provides less than 24-hour care for children by licensed personnel and that meets all the requirements of the State and other authorities for such a facility.

Child-Care Requirements means the requirements set forth in City Planning Code Section 314, as it exists on the 2010 Plan Amendment Date (and attached hereto as Attachment E).

City Agency means, individually or collectively as the context requires, all departments, agencies, boards, commissions and bureaus of the City with subdivision or other permit, entitlement or approval authority or jurisdiction over any portion of the Project Area, including but not limited to the Port Authority, Department of Public Works, the Public Utilities Commission, the Planning Commission, the Municipal Transportation Agency, the Building Inspection Commission, the Public Health Commission, the Fire Commission and the Police Commission, or any successor public agency designated by or under law.

City Regulations means ordinances, resolutions, initiatives, rules, regulations, and other official City and Agency policies applicable to and governing the overall design, construction, fees, use or other aspects of development within Zone 1. City Regulations includes City municipal codes, the General Plan, Building Construction Codes, and all ordinances, rules, regulations, and official policies adopted to implement those City Regulations, except to the extent such regulations are Administrative Fees.

Citywide Basis means all privately-owned property within (a) the City’s jurisdictional limits or (b) any designated use classification or use district of the City so long as (1) any such use

classification or use district includes a substantial amount of affected private property other than affected private property within the Project Area, (2) the use classification or use district includes all private property that receives the general or special benefits of, or causes the burdens that occasion the need for, the New City Regulation, Development Fees and Exactions, or New Construction Requirements, and (3) the cost of compliance with the New City Regulation, Development Fees and Exactions, or New Construction Requirements applicable to the same type of use in the Project Area (or portion thereof) does not exceed the proportional benefits to, or the proportional burdens caused by private development of that type of use in, the Project Area (or portion thereof).

Commercial Storage means a commercial use that stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations and that may include self-storage facilities for members of the public. The prohibition of this use in Zone 1 includes the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

Commercial Wireless Transmitting Facility means equipment for the transmission, reception, or relay of radio, television, or other electronic signals, and may include towers, antennae, and related equipment.

Community Garden means land gardened collectively by a group of people.

Community Redevelopment Law or **CRL** means the Community Redevelopment Law of the State of California (Health & Safety Code Sections 33000 *et seq.*).

Community Use means a publicly- or privately-owned use that provides public services to the community, whether conducted within a building or on an open lot. This use may include, by way of example and not limitation, museums, post offices, public libraries, police or fire stations, transit and transportation facilities, utility installations, building-integrated sustainable energy generation facilities, neighborhood-serving community recycling centers, and wireless transmission facilities.

Concept Plan means the Bayview Hunters Point Community Revitalization Concept Plan adopted by the PAC on November 13, 2000, as amended from time to time.

Conceptual Framework Plan means the Conceptual Framework Plan for the Integrated Development of Hunters Point Shipyard Phase 2 and Candlestick Point, endorsed by Board Resolution No. 264-07.

Consumer Price Index means the All Items Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor.

Cooperation Agreement means an agreement between the Agency and the Planning Department that defines how the two agencies will administer the entitlement process in Zone 1 of the Project Area.

Delegation Agreement means an agreement between the Agency and the Planning Department that defines how the two agencies will administer the entitlement process in Zone 2 of the Project Area.

Development Fees and Exactions means a monetary or other exaction including in-kind contributions, other than a tax or special assessment or Administrative Fee, that is charged by the Agency or any City Agency in connection with any permit, approval, agreement or entitlement or any requirement for the provision of land for construction of public facilities or Infrastructure or any requirement to provide or contribute to any public amenity or services. Development Fees and Exactions does not include Building Construction Codes in effect from time to time and generally applicable on a Citywide Basis to similar land uses.

District Heating and Cooling Facility means a plant with hot water (or steam) and chilled water distributed from the district plant to individual buildings via a pipe distribution network located under the streets.

Dry-Cleaning Facility means dry-cleaning establishment, including pressing and other miscellaneous processing of clothes.

Dwelling Units means a residential use that consists of a suite of one or more rooms and includes sleeping, bathing, cooking, and eating facilities.

Effective Date means the date the ordinance passed by the Board of Supervisors approving this Redevelopment Plan (Ordinance No. 113-06) became effective.

Elementary School means an institution that provides K-8 education and that may be either public or private.

Executive Director means the Executive Director of the Agency.

General Plan means the General Plan for the City and County of San Francisco.

Grocery Store means a retail use of medium or large scale providing sales of food, produce, prepared food, beverages, toiletries, pharmaceutical products and services, and household items to the general public. This includes neighborhood-serving stores, supermarkets, festival market places, or other large format tenants providing primarily food sales up.

Group Housing means a residential use that provides lodging or both meals and lodging without individual cooking facilities. Group Housing may include housing specifically designed for and occupied by seniors, students or disabled residents.

Historic Survey means a building-by-building survey of properties containing structures over fifty (50) years of age utilizing survey methods outlined by State Office of Historic Preservation.

Home Office means the accessory use of a dwelling for office purposes, provided that the principal user of such office resides in that dwelling.

Hotel means a use that provides overnight accommodations including guest rooms or suites and ancillary services to serve hotel guests. Hotels shall be designed to include all lobbies, offices and internal circulation to guest rooms and suites within and integral to the same enclosed building or buildings as the guest rooms or suites.

Housing Authority means the San Francisco Housing Authority.

Implementation Plan means a plan adopted periodically by the Agency Commission relating to the implementation of goals and objectives within this Redevelopment Plan, in accordance with the requirements of the CRL.

India Basin Shoreline Area means BVHP Survey Area C.

India Basin Sub-area Plan means a proposed sub-area plan for the Bayview Hunters Point applicable for BVHP Survey Area C.

Interagency Cooperation Agreement means an agreement between the Agency and the City to facilitate the design, approval, operation and maintenance of public infrastructure to be built to serve Zone 1 of the Project Area.

Light Industrial means a non-retail use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials.

Limited Equity Program means the Agency's program for first-time homebuyers, which provides for-sale housing to income-qualified households at an affordable price and maintains initial affordability levels at each resale.

Live-Work Units means a structure or portion of a structure combining a residential living space for a household or group of persons with an integrated work space principally used by one or more of the residents of that unit.

Mayor means the current Mayor for the City and County of San Francisco.

~~**Medical Cannabis Dispensary** means a use as is defined by Section 3301(f) of the San Francisco Health Code.~~

Mitigation Measures means those mitigation measures from the Candlestick Point/Hunters Point Shipyard Phase 2 Project EIR imposed as conditions of approval of the amendments to this Redevelopment Plan as set forth in Resolution No. 347-10, as amended or modified from time to time consistent with CEQA.

Motor Vehicle Tow Service means a service use that provides vehicle towing service, including accessory vehicle storage, when all tow trucks used and vehicles towed by the use are parked or stored on the premises.

Neighborhood Retail Sales and Services means a commercial use that provides goods and/or services directly to the customer, whose primary clientele is customers who live or work nearby and who can access the establishment directly from the street on a walk-in basis. This use may provide goods and/or services to the business community, provided that it also serves the general public. This use would include those that sell, for example, groceries, personal toiletries, magazines, smaller scale comparison shopping; personal services such as laundromats, health clubs, formula retail outlets, hair or nail salons; and uses designed to attract customers from the surrounding neighborhood. Retail uses can also include outdoor activity areas, open air sales areas, and walk-up facilities (such as ATMs or window service) related to the retail sale or service use and need not be granted separate approvals for such features.

New City Regulations means both City Regulations adopted after the 2010 Plan Amendment Date or a change in Existing City Regulations, including any amendment to this Redevelopment Plan or the Plan Documents, effective after the 2010 Plan Amendment Date.

Nighttime Entertainment means entertainment activities such as dance halls, discotheques, nightclubs, and similar evening-oriented entertainment activities generally involving amplified music, either live or recorded, as well as restaurants and bars, and other venues or spaces used for different uses during the day that present such activities. It excludes Adult Entertainment.

Non-Retail Sales and Services means a commercial or office use that provides goods and/or services primarily to other businesses rather than to the general public and that may include, by way of example and not limitation, wholesale sales; sale, rental, installation, servicing and/or repair of business goods and equipment.

Nonconforming Use means a use that existed lawfully as of the 2010 Plan Amendment Date and that fails to conform to one or more of the use limitations in this Redevelopment Plan and/or the Planning Code then applicable for the Project Area in which the property is located.

Office means a use within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities that perform, provide for their own benefit, or provide to others at that location services including, the following: professional; medical; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; multimedia, software development, web design, electronic commerce, and information technology; administrative services; and professional services. This use does not include retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; or wholesale shipping, receiving and storage.

Open Space means space that is retained primarily in an unimproved, natural state. Open Space may be used for passive recreational activities, such as hiking and picnicking, and may include facilities related to such passive recreational uses.

Owner Participation Agreement or **OPA** means a binding agreement between a property owner and the Agency by which the participant agrees to rehabilitate, develop, use and maintain the property in conformance with this Redevelopment Plan.

Owner Participation Rules means the rules for property owner participation in redevelopment activities consistent with the provisions of this Redevelopment Plan within the Project Area, approved by the Agency Commission by Resolution No. 34-2006 dated March 7, 2006, as may be amended from time to time.

Parking means the storage of vehicles accessory to a principle or secondary residential or commercial use. Such storage can be in the form of independently accessible parking spaces, non-independently accessible parking spaces including those accessed on parking lifts or through the use of valet. Parking spaces need not be on the same lot or block to the use it serves.

Parks means publicly owned open space improved with either active recreational amenities such as playing fields and sporting courts and/or passive recreational amenities such as trails, picnic areas, and small outdoor performance spaces

Performance Arts means a use that includes performance, exhibition, rehearsal, production, or post-production of any of the following: dance, music, dramatic art, film, video, and other visual, performance and sound arts and craft.

Permanently Affordable means in compliance with the statutorily required minimum affordability periods as set forth in the California Redevelopment Law.

Plan Documents means any Business Occupant Re-Entry Policy, Delegation Agreement(s) (as to Zone 2) Implementation Plan, Design for Development documents, Relocation Plan and Owner Participation Rules.

Planning Code means the Planning Code and Zoning Maps of the City and County of San Francisco.

Planning Commission means the Planning Commission of the City and County of San Francisco, California.

Planning Department means the Planning Department of the City and County of San Francisco.

Post-Secondary Institutions means a use that is certified by the Western Association of Schools and Colleges that provides post-secondary educational services such as a school, college or university.

Priority Policies means the eight priority policies stated in Section 101.1, Master Plan Consistency and Implementation, of the City's Planning Code.

Project Area means Project Area B, consisting of Zone 1 and Zone 2, within the boundaries of the Bayview Hunters Point Redevelopment Project Area.

Project Area A means the area delineated in Map 1. The legal description is contained in Attachment A hereto.

Project Area B means the area delineated in Map 2 and includes Area B Parcel One, and Area B Parcel Two. The legal description is contained in Attachment B hereto. Project Area B is further delineated for the purpose of redevelopment implementation into Zone and Zone 2. Zone 1, shown in Map 2, is the Candlestick Point Sub-Area, which includes the Candlestick Point Activity Node and Alice Griffith Project. Zone 2 includes the remainder of Project Area B.

Project Area Committee or **PAC** means the elected community body that advises the Agency on the preparation of this Redevelopment Plan and supporting documents.

Public Recreation means privately-owned recreational areas that are open to the general public. This use may include may include hiking trails, playgrounds, public parks, sports fields, community gardens, golf courses, marinas, and tennis courts as well as accessory uses such as maintenance facilities, parking, and concession areas.

Public Trust means collectively the common law public trust for commerce, navigation and fisheries and the statutory trust imposed by the Granting Act.

Real Property means land, including land under water and waterfront property; buildings, structures, fixtures, and improvements on the land; any property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

Recreational Facility means a use that provides social, fraternal, counseling, athletic or other recreational gathering services to the community.

Redevelopment Plan means this Redevelopment Plan for the Bayview Hunters Point Project Area, formerly known as the Hunters Point Redevelopment Project Area.

Regional Retail Sales and Services means a commercial use that provides goods and/or services directly to the customer, whose primary clientele is customers who live throughout the surrounding region and may include both small and large format tenants up to 120,000 square feet. This use would include those who sell apparel, electronics, furniture, durable goods, specialty

items, formula retail outlets, and other more expensive, and less frequently purchased items; beyond the surrounding neighborhood. Regional Retail sales and services can include counter and other walk-up facilities as well as adjacent outdoor activity areas accessory to such uses.

Religious Institution means a use that provides religious services to the community such as a church, temple or synagogue.

Relocation Plan means, as appropriate, either: 1) as to Zone 2, a document, approved by the Agency Commission by Resolution No. 34-2006 dated March 7, 2006 that establishes how the Agency and developers will assist persons, business concerns and others displaced from the Project Area by redevelopment activities of or assisted by the Agency in finding new locations in accordance with all applicable relocation statutes and regulations; or 2) as to as to the Alice Griffith Housing portion of Zone 1, a plan approved by the Agency Commission consistent with Section 2.1 of this Redevelopment Plan in connection with a disposition and development agreement for the Alice Griffith Housing site; and 3) as to all other portions of Zone 1 other than Alice Griffith Housing, either a plan adopted by the Agency Commission consistent with the requirements of applicable State or Federal law or, if no such plan is adopted, the document approved by Agency Commission Resolution No. 34-2006 described in subsection 1 above.

Residential Care Facility means medical use that provides lodging, board, and care for one day or more to persons in need of specialized aid by personnel licensed by the State but does not provide outpatient services.

Residential Use means a use that includes for sale and rental housing units, including Dwelling Units, Live/Work Units, and Group Housing

Restaurant means a full service or self service retail facility primarily for eating use that provides ready-to-eat food to customers for consumption on or off the premises, which may or may not provide seating, and that may include service of liquor under ABC licenses [those explicitly for any alcoholic service in association with a restaurant]. Food may be cooked or otherwise prepared on the premises.

School Facilities Impact Fee means the sum payable to the San Francisco Unified School District pursuant to Government Code Section 65995.

Secondary School means a use that provides grade 9-12 education and may be either public or private.

[Short-Term Rental](#) has the meaning established in Article 41A of the Administrative Code (as it may be amended from time to time), and, subject to compliance with regulations of the City's

Office of Short-Term Rentals (or its successor), is allowed within Residential uses unless otherwise prohibited by applicable private covenants or similar restrictions.

Standards for Development means, for Zone 2 of the Project Area, the standards set forth in the Planning Code. For Zone 1 of the Project Area (Candlestick Point Sub-Area), the Standards for Development are set forth in the Candlestick Point Design for Development Document.

State means the State of California.

State Historical Building Code or **SHBC** means the State Historical Building Code as set forth in Part 8 of Title 24 (Health & Safety Code §§ 18950 *et seq.*), which applies to all qualified historical buildings or structures, as defined in SHBC Section 18955. It provides building regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of qualified historical buildings.

Supportive Housing means affordable housing developments with integrated services that are not required as a condition of occupancy and that serve high needs populations including but not limited to low income senior citizens, youth transitioning out of foster care, adults with developmental disabilities, individuals and families who are homeless or at risk of homelessness, and persons with AIDS.

Taxing Agencies means all public entities that have the authority to tax property within the Project Area, including the State, the City, BART, San Francisco Unified School District, City College of San Francisco, Bay Area Air Quality Management District and any district or other public corporation.

Use means the purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

Vocational/Job Training Facility means a use that provides job training, and may also provide vocational counseling and job referrals. Vocational/Job Training Facilities that are oriented to clerical, administrative, or professional skill development and job placement (Clerical/Administrative) shall be a distinct use from facilities that are oriented to mechanical, light industrial, or trade-related skill development and job placement (Mechanical/Industrial).

Zone 1 means the Candlestick Point Activity Node of the Project Area, defined above, and illustrated in Map 2, subject to the additional entitlement provisions of Section 4 of this Redevelopment Plan. Zone 1 is the portion of the Project Area subject to Proposition G. All parcels within Zone 1 are listed in a separate table in Attachment D.

Zone 2 means the portion of the Project Area outside of Zone 1, which is not subject to Proposition G.

Attachment A - Legal Description Project Area A.

The Boundaries of Project Area A are indicated on Map 1, and are more particularly described as follows:

Beginning at the point of intersection of the northwesterly line of Mendell Street with a line drawn parallel with and perpendicularly distant 100 feet northeasterly from the northeasterly line of Innes Avenue; running thence southeasterly along the parallel line so drawn to the northwesterly line of Lane Street; thence northeasterly along the northwesterly line of Lane Street to its intersection with a line drawn parallel with and perpendicularly distant 100 feet southwesterly from the southwesterly line of Galvez Avenue; thence northwesterly along last said parallel line to the southeasterly line of Mendell Street; thence northeasterly along said southeasterly line of Mendell Street to a line drawn parallel with and perpendicularly distant 100 feet northeasterly from the northeasterly line of Galvez Avenue; thence southeasterly along last said parallel line to the northwesterly line of Keith Street to its intersection with the southwesterly line of Fairfax Avenue; thence southeasterly along the southwesterly line of Fairfax Avenue produced southeasterly to its intersection with the southeasterly line of Keith Street; thence northeasterly along said southeasterly line of Keith Street produced northeasterly to its intersection with the northeasterly line of Fairfax Avenue; thence along the northeasterly line of Fairfax Avenue the following courses and distances: southeasterly 300.836 feet; southeasterly along an arc of a curve to the right tangent to the preceding course, with a radius of 175.534 feet, a central angle of $32^{\circ}20'31''$, a distance of 99.084 feet; southeasterly tangent to the preceding curve 34.487 feet; at a right angle southwesterly 9 feet; and southeasterly on the arc of a curve to the right, whose tangent deflects $90^{\circ}00'00''$ to the left from the preceding course, with a radius of 221 feet, a central angle of $3^{\circ}07'20''$, a distance of 12.043 feet to the southwesterly line of Fairfax Avenue; thence deflecting $144^{\circ}32'9''$ to the right from the tangent to the preceding curve and running northwesterly along the southwesterly line of Fairfax Avenue 2.671 feet, thence continuing along the southwesterly line of Fairfax Avenue the following courses and distances: northwesterly along an arc of a curve to the left, tangent to the preceding course, with a radius of 100 feet, a central angle of $25^{\circ}50'32''$, a distance of 45.103 feet; northwesterly along an arc of a reverse curve to the right, with a radius of 100 feet, a central angle of $25^{\circ}50'32''$, a distance of 45.103 feet; and northwesterly tangent to the preceding curve 73.988 feet to a point on the southwesterly line of Fairfax Avenue distant thereon 265.220 feet southeasterly from the southeasterly line of Keith Street; thence leaving said southwesterly line of Fairfax Avenue south $62^{\circ}19'13''$ west 43.370 feet; thence north $26^{\circ}38'51''$ west 8.730 feet; thence north $81^{\circ}55'51''$ west 127.710 feet; thence south $53^{\circ}19'54''$ west 28.400 feet; thence south $10^{\circ}40'51''$ east 83.580 feet; thence south $12^{\circ}00'13''$ west 64.610 feet; thence south 25° west 44.690 feet; thence south $31^{\circ}41'18''$ west 69.610 feet, thence south $9^{\circ}40'46''$ west 39.050 feet; thence south $10^{\circ}04'18''$ east 55.080 feet; thence south $22^{\circ}34'00''$ west 56.800 feet to the northeasterly line of Hudson Avenue; thence southeasterly along said northeasterly line of Hudson Avenue 76.020 feet; thence at a right angle southwesterly 180 feet; thence at a right angle southeasterly 207.573 feet; thence deflecting $70^{\circ}43'48''$ to the right and running southerly 98.255 feet to a point on the former northwesterly line of Jennings Street, distant thereon 7.250 feet northeasterly from the northeasterly line of Innes Avenue; thence southwesterly along said former northwesterly line of Jennings Street 47.250 feet to the center line of Innes Avenue; thence northwesterly along said center line of Innes Avenue 95.281 feet; thence

southeasterly along an arc of a curve to the right, whose tangent deflects $145^{\circ}42'16''$ to the left from the preceding course, with a radius of 828 feet, a central angle of $14^{\circ}13'16''$, a distance of 205.514 feet; thence southeasterly tangent to the preceding curve a distance of 160.232 feet; thence continuing southeasterly along an arc of a curve to the left, tangent to the preceding course, with a radius of 122 feet, a central angle of $48^{\circ}31'00''$, a distance of 103.307 feet; thence southeasterly tangent to the preceding curve a distance of 440 feet to the center line of Middle Point Road, formerly Ingalls Street; thence northeasterly along the center line of Middle Point Road to a point perpendicularly distant 100 feet southwesterly from southwesterly from the southwesterly line of Innes Avenue; thence southeasterly parallel with last said line of Innes Avenue to a point perpendicularly distant 225 feet northwesterly from the northwesterly line of Hawes Street; thence northeasterly parallel with said northwesterly line of Hawes Street 100 feet to the southwesterly line of Innes Avenue; thence southeasterly along said southwesterly line of Innes Avenue 289 feet to the southeasterly line of Hawes Street; thence at a right angle southwesterly along said southeasterly line of Hawes Street 100 feet; thence at right angle northwesterly to the center line of Hawes Street; thence southwesterly along the southwesterly extension of the center line of Hawes Street to a point distant thereon 442.823 feet northeasterly from the former northeasterly line of Newcomb Avenue; thence southeasterly along an arc of a curve concave southwesterly, having a radius of 74.50 feet (a radial line to said curve at last mentioned point bears North $25^{\circ}43'29''$ east), through a central angle of $8^{\circ}25'50''$, a distance of 10.962 feet: thence south $27^{\circ}47'39''$ west 171.95 feet; thence south $27^{\circ}20'36''$ east 290.700 feet; thence south $54^{\circ}28'21''$ east 371.245 feet to the center line of former Griffith Street; thence southwesterly along last said center line to the center line of former Newcomb Avenue; thence northwesterly along said center line of Newcomb Avenue to a point distant thereon 225 feet southeasterly from the former southeasterly line of Hawes Street; thence southwesterly parallel with said southeasterly line of Hawes Street to the northeasterly line of Lot 12, in Block 284, as said lot and block are shown on that certain map entitled, "Map of the Property of the South San Francisco Homestead and R.R. Association", filed April 15, 1867, in Book 2 "A" and "B" of Maps, at page 39, in the office of the Recorder of the City and County of San Francisco, State of California; thence southeasterly along the northeasterly line of Lot 12 to the southeasterly line of said lot; thence southwesterly along last said southeasterly line and its southwesterly extension to the southwesterly line of Oakdale Avenue; thence northwesterly along last said line of Oakdale Avenue to a point distant thereon 75 feet northwesterly from the northwesterly line of Ingalls Street; thence southwesterly at a right angle to said southwesterly line of Oakdale Avenue 30 feet; thence at a right angle northwesterly 25 feet; thence at a right angle southwesterly 70 feet to a point perpendicularly distant 100 feet northeasterly from the northeasterly line of Palou Avenue; thence northwesterly parallel with said northeasterly line of Palou Avenue to the southeasterly line of Jennings Street; thence at a right angle southwesterly along said southeasterly line of Jennings Street, 100 feet to the northeasterly line of Palou Avenue; thence northwesterly along said northeasterly line of Palou Avenue 89 feet, more or less, to a point distant thereon 25 feet northwesterly from the northwesterly line of Jennings Street; thence at a right angle northeasterly 100 feet; thence northwesterly parallel with said northeasterly line of Palou Avenue to a point perpendicularly distant 225 feet southeasterly from the southeasterly line of Keith Street; thence northeasterly parallel with last said line of Keith Street to the southwesterly line of Oakdale Avenue; thence northwesterly along said southwesterly line of Oakdale Avenue to a point distant thereon 150 feet southeasterly from said southeasterly line of Keith Street; thence northeasterly parallel with last said line of Keith Street to the northeasterly line of Oakdale Avenue; thence at a

right angle northwesterly along last said line of Oakdale Avenue to a point distant thereon 112.50 feet southeasterly from the southeasterly line of Keith Street; thence northeasterly parallel with said southeasterly line of Keith Street to a point perpendicularly distant 100 feet southwesterly from the southwesterly line of Newcomb Avenue; thence northwesterly parallel with said southwesterly line of Newcomb Avenue to a point perpendicular distant 75 feet southeasterly from the southeasterly line of Keith Street; thence northeasterly parallel with said southeasterly line of Keith Street to the southwesterly line of Newcomb Avenue; thence northwesterly along said southwesterly line of Newcomb Avenue and its northwesterly extension to its intersection with the northwesterly line of Keith Street; thence northeasterly along last said line of Keith Street to a point distant thereon 100 feet southwesterly from the former southwesterly line of McKinnon Avenue; thence northwesterly parallel with last said line of McKinnon Avenue to a point perpendicularly distant 200 feet southeasterly from the southeasterly line of Lane Street; thence northeasterly parallel with said southeasterly line of Lane Street to the southwesterly line of McKinnon Avenue; thence northwesterly along last said line of McKinnon Avenue and its northwesterly extension to its intersection with the northwesterly line of Lane Street; thence northeasterly along last said line of Lane Street to its intersection with the southwesterly line of La Salle Avenue; thence northwesterly along last said line of La Salle Avenue and its northwesterly extension to its intersection with the northwesterly line of Mendell Street; thence northeasterly along last said line of Mendell Street to the point of beginning.

Project Area A contains 137 acres. Project Area B (described in Attachment B) contains 1,361.5 acres. Total computed acreage for Project Area A and Project Area B contains 1,498.5 acres more or less.

Attachment B- Legal Description Project Area B.

The Boundaries of Project Area B are indicated Map 2, and are more particularly described as follows:

Parcel One

Beginning at the point of intersection of the northerly line of Cesar Chavez Street with the northeasterly line of San Bruno Avenue, said point being the southwest corner of Assessor's Block 4279; Thence southwesterly to the northeast corner of Assessor's Block 5509; Thence southerly along the easterly line of Assessor's Block 5509 to the most southerly corner of Assessor's Block 5509; Thence southerly to the most easterly corner of Assessor's Block 5510, said corner being on the westerly line of Bay Shore Boulevard; Thence southerly along the westerly line of Bay Shore Boulevard to the northerly line of Eve Street; Thence southerly to the intersection of the southerly line of Eve Street with the westerly line of Bay Shore Boulevard; Thence southerly along the westerly line of Bay Shore Boulevard to the northeast corner of lot 47, Assessor's Block 5533; Thence westerly along the northerly line of said lot 47 to the northwest corner of said lot 47, also being the most northerly corner of lot 48, Assessor's Block 5533; Thence southwesterly along the northwesterly line of said lot 48 to an angle point therein; Thence southwesterly along the northwesterly line of said lot 48 to the southwest corner of said lot 48; Thence southeasterly along the southwesterly line of said lot 48 to the northwesterly line of Bay Shore Boulevard; Thence southwesterly along the northwesterly line of Bay Shore Boulevard and its southwesterly prolongation to the intersection of the northwesterly line of Bay Shore Boulevard with the southwesterly line of Costa Street; Thence northwesterly along the southwesterly line of Costa Street to the northwest corner of lot 1, Assessor's Block 5573; Thence southwesterly along the northwesterly line of lot 1 and lot 5, Assessor's Block 5573 to the southwest corner of said lot 5; Thence southeasterly along the southwesterly line of said lot 5 to the northwesterly line of Bay Shore Boulevard; Thence southwesterly along the northwesterly line of Bay Shore Boulevard and its southwesterly prolongation to the intersection of the northwesterly line of Bay Shore Boulevard with the southwesterly line of Faith Street; Thence northwesterly along the southwesterly line of Faith Street to the northwest corner of lot 1, Assessor's Block 5576; Thence southwesterly along the northwesterly line of said lot 1 to the northeasterly line of Oakdale Avenue; Thence southeasterly along the northeasterly line of Oakdale Avenue to the northwesterly line of Bay Shore Boulevard; Thence southwesterly to the intersection of the northwesterly line of Bay Shore Boulevard with the southwesterly line of Oakdale Avenue; Thence northwesterly along the southwesterly line of Oakdale Avenue to the northwest corner of lot 1, Assessor's Block 5596; Thence southwesterly along the northwesterly line of said lot 1 to the southwest corner of said lot 1, also being the northwest corner of lot 43, Assessor's Block 5596; Thence southerly along the westerly line of said lot 43 to the intersection of the northwesterly and northeasterly lines of Cosgrove Street; Thence southwesterly along the northwesterly line of Cosgrove Street to the southwesterly line of Cosgrove Street; Thence southeasterly along the southwesterly line of Cosgrove Street to the northwesterly line of lot 53, Assessor's Block 5596; Thence southwesterly along the northwesterly line of lots 53, 54, 12, 14, 13, 15, 17D, 17B, 41, and 38, Assessor's Block 5596 to the northerly line of Cortland Avenue; Thence easterly along the northerly line of Cortland Avenue to the westerly line of Bay Shore Boulevard; Thence southerly along the westerly line of Bay Shore Boulevard and it southerly

prolongation to the southwesterly prolongation of the southeasterly line of Industrial Street; Thence northeasterly along said southwesterly prolongation and along the southeasterly line of Industrial Street to the southwesterly line of Shafter Avenue; Thence southeasterly along the southwesterly line of Shafter Avenue to the southwesterly prolongation of the northwesterly line of lot 1, Assessor's Block 5348; Thence northeasterly along said southwesterly prolongation to the northeasterly line of Shafter Avenue; Thence southeasterly along the northeasterly line of Shafter Avenue to the northwesterly line of Selby Street; Thence northeasterly along the northwesterly line of Selby Street to the northwesterly prolongation of the southwesterly line of lot 26, Assessor's Block 5347; Thence southeasterly along said northwesterly prolongation and along the southwesterly line of lots 26 through 31 and 46 through 48, Assessor's Block 5347 to the most southerly corner of said lot 48; Thence northeasterly along the southeasterly line of said lot 48 to the southwesterly line of Revere Avenue; Thence southeasterly along the southwesterly line of Revere Avenue to the southwesterly prolongation of the northwesterly line of Rankin Street; Thence northeasterly along said southwesterly prolongation and along the northwesterly line of Rankin Street to the northeasterly line of lot 2, Assessor's Block 5334; Thence northwesterly along the northeasterly line of lots 2 through 23, 51 and 50 to the southeasterly line of Selby Street; Thence northeasterly along the southeasterly line of Selby Street to the northeasterly line of Palou Avenue; Thence southeasterly along the northeasterly line of Palou Avenue to the northwesterly line of Rankin Street; Thence northeasterly along the northwesterly line of Rankin Street to the most easterly corner of lot 2, Assessor's Block 5318; Thence southeasterly at a right angle to the northwesterly line of Rankin Street to the southeasterly line of Rankin Street; Thence southwesterly along the southeasterly line of Rankin Street to the southwesterly line of lot 49, Assessor's Block 5319; Thence southeasterly along the southwesterly line of said lot 49 to the southeasterly line of said lot 49; Thence northeasterly along the southeasterly line of said lot 49 to the southwesterly line of lot 27, Assessor's Block 5319; Thence southeasterly along the southwesterly line of lots 27 through 47 and 1, Assessor's Block 5319 to the northwesterly line of Quint Street; Thence southeasterly to the intersection of the southeasterly line of Quint Street with the northeasterly line of Drummond Alley; Thence southeasterly along the northeasterly line of Drummond Alley and its southeasterly prolongation to the southeasterly line of Dunshee Street; Thence southwesterly along the southeasterly line of Dunshee Street and its southwesterly prolongation to the southwesterly line of Palou Avenue; Thence southeasterly along the southwesterly line Palou Avenue to the northwesterly line of Phelps Street; Thence southwesterly along the northwesterly line of Phelps Street and its southwesterly prolongation to the southwesterly line of Quesada Avenue; Thence southeasterly along the southwesterly line of Quesada Avenue to the southeasterly line of Quesada Avenue; Thence northeasterly along the southeasterly line of Quesada Avenue to the northeasterly line of Quesada Avenue, also being the southwesterly line of Assessor's Block 5328; Thence southeasterly along the southwesterly line of Assessor's Block 5328 to the northwesterly line of Newhall Street; Thence southwesterly along the northwesterly line of Newhall Street to the northwesterly prolongation of the southwesterly line of Quesada Avenue; Thence southeasterly along said northwesterly prolongation and along the southwesterly line of Quesada Avenue to the northwesterly line of lot 1, Assessor's Block 5338; Thence southwesterly along the northwesterly line of lots 1 and 2, Assessor's Block 5338 to the northeasterly line of lot 53, Assessor's Block 5338; Thence northwesterly along said northeasterly line of lot 53, Assessor's Block 5338, to the northeast corner of said lot 53; Thence southwesterly along the northwesterly line of lot 53 to an angle point therein; Thence northwesterly along the northwesterly line of lot 53, Assessor's Block 5338, a distance of 7.21

feet; Thence southwesterly along the northwesterly line of lot 53, Assessor's Block 5338, to the southwesterly line of lot 53; Thence southeasterly along the southwesterly line of lot 53, Assessor's Block 5338 to the northwesterly line of lot 5, Assessor's Block 5338; Thence southwesterly along the northwesterly line of lot 5, Assessor's Block 5338 to the northeasterly line of Revere Avenue; Thence southwesterly at a right angle to the northeasterly line of Revere Avenue to the southwesterly line of Revere Avenue; Thence southeasterly along the southwesterly line of Revere Avenue to the northwesterly line of lot 33, Assessor's Block 5343; Thence southwesterly along the northwesterly line of said lot 33 to the northeasterly line of Bay View Street; Thence southwesterly to the intersection of the southwesterly line of Bay View Street with the southeasterly line of Latona Street; Thence southeasterly along the southwesterly line of Bay View Street to the northwesterly line of lot 29, Assessor's Block 5358; Thence southwesterly along the northwesterly line of lots 29, 3, and 4, Assessor's Block 5358 to the southwesterly line of said lot 4; Thence southeasterly along the southwesterly line of said lot 4 to the northwesterly line of lot 5A, Assessor's Block 5358; Thence southwesterly along the northwesterly line of lot 5A and lot 27 to the northeasterly line of lot 8, all in Assessor's Block 5358; Thence northwesterly along the northeasterly line of said lot 8 to the northwesterly line of said lot 8; Thence southwesterly along the northwesterly line of lots 8 and 9, Assessor's Block 5358 to the southwesterly line of said lot 9; Thence southeasterly along the southwesterly line of said lot 9 to the northwesterly line of lot 11A, Assessor's Block 5358; Thence southwesterly along the northwesterly line of said lot 11A to the southwesterly line of said lot 11A; Thence southeasterly along the southwesterly line of said lot 11A to the northwesterly line of lot 12, Assessor's Block 5358; Thence southwesterly along the northwesterly line of said lot 12 to the northeasterly line of lot 13, Assessor's Block 5358; Thence northwesterly along the northeasterly line of said lot 13 to the northwesterly line of said lot 13; Thence southwesterly along the northwesterly line of said lot 13 to the southwesterly line of said lot 13; Thence southeasterly along the southwesterly line of said lot 13 to the northwesterly line of lot 14, Assessor's Block 5358; Thence southwesterly along the northwesterly line of said lot 14 to the northeasterly line of lot 15, Assessor's Block 5358; Thence northwesterly along the northeasterly line of said lot 15 to the southeasterly line of Latona Street; Thence southwesterly along the southeasterly line of Latona Street to the northeasterly line of Thornton Avenue; Thence southwesterly at a right angle to the northeasterly line of Thornton Avenue to the southwesterly line of Thornton Avenue; Thence northwesterly along the southwesterly line of Thornton Avenue to the southeasterly line of Lucy Street; Thence southwesterly along the southeasterly line of Lucy Street to the northeasterly line of Williams Avenue; Thence northwesterly along the northeasterly line of Williams Avenue to the northwesterly line of Reddy Street; Thence northeasterly along the northwesterly line of Reddy Street to the southwesterly line of Thornton Avenue; Thence northwesterly along the southwesterly line of Thornton Avenue to the southeasterly line of Diana Street; Thence southwesterly along the southeasterly line of Diana Street to the northeasterly line of Williams Avenue; Thence southwesterly at a right angle to the northeasterly line of Williams Avenue to the southwesterly line of Williams Avenue; Thence southeasterly along the southwesterly line of Williams Avenue to the westerly line of lot 4, Assessor's Block 5415; Thence southerly along the westerly line of said lot 4 to the southwesterly line of said lot 4; Thence southeasterly along the southwesterly line of said lot 4 to the westerly line of lot 1, Assessor's Block 5415; Thence southerly along the westerly line of said lot 1 to the northwesterly line of Mendell Street; Thence southwesterly along the northwesterly line of Mendell Street and its southwesterly prolongation to the westerly line of lot 5, Assessor's Block 5415; Thence southerly along the westerly line of said

lot 5 to the southeasterly prolongation of the northeasterly line of Egbert Avenue; Thence northwesterly along said southeasterly prolongation and along the northeasterly line of Egbert Avenue to the southeasterly line of Newhall Street; Thence northeasterly along the southeasterly line of Newhall Street and its northeasterly prolongation to the southeasterly prolongation of the northeasterly line of Carroll Avenue; Thence northwesterly along said southeasterly prolongation and along the northeasterly line of Carroll Avenue to an angle point therein; Thence southwesterly to the northwest corner of Assessor's Block 5434B; Thence southwesterly along the northwesterly line of Assessor's Block 5434B to the northeasterly line of Egbert Avenue; Thence southwesterly to the most northerly corner of Assessor's Block 5431A; Thence southwesterly along the northwesterly line of Assessor's Block 5431A to the northeasterly line of Fitzgerald Avenue; Thence northwesterly along the northeasterly line of Fitzgerald Avenue to the easterly line of Bay Shore Boulevard; Thence westerly at a right angle to the easterly line of Bay Shore Boulevard to the westerly line of Bay Shore Boulevard; Thence southerly along the westerly line of Bay Shore Boulevard to the southwesterly line of Paul Avenue; Thence southeasterly along the southwesterly line of Paul Avenue to the northwesterly line of lot 53, Assessor's Block 5461; Thence southwesterly along the northwesterly line of lots 53, 3 through 9, 51, 52, 14 through 24, all Assessor's Block 5461 to the northeasterly line of Salinas Avenue; Thence southwesterly to the intersection of the southwesterly line of Salinas Avenue with the southeasterly line of Keith Street; Thence southwesterly along the southeasterly line of Keith Street to the northeasterly line of Jamestown Avenue; Thence southwesterly to the intersection of the southwesterly line of Jamestown Avenue with the southeasterly line of Keith Street; Thence southeasterly along the southwesterly line of Jamestown Avenue to the northwesterly line of Third Street; Thence southwesterly along the northwesterly line of Third Street to the northeast corner of lot 1, Assessor's Block 5470; Thence westerly along the northerly line of lots 1 and 2, Assessor's Block 5470 to the northeasterly line of Key Avenue; Thence westerly to the intersection of the southwesterly line of Key Avenue with the southeasterly line of Keith Street; Thence southwesterly along the southeasterly line of Keith Street to the northeasterly line of Le Conte Avenue; Thence northwesterly to the intersection of the northwesterly line of Keith Street with the northeasterly line of Le Conte Avenue; Thence southwesterly to the intersection of the southwesterly line of Le Conte Avenue with the northwesterly line of Keith Street; Thence northwesterly along the southwesterly line of Le Conte Avenue and its northwesterly prolongation to the northerly prolongation of the easterly line of Bay Shore Boulevard; Thence southerly along said northerly prolongation and along the easterly line of Bay Shore Boulevard to the northwesterly line of Keith Street; Thence southerly to the intersection of the easterly line of Bay Shore Boulevard with the southeasterly line of Keith Street; Thence southerly along the easterly line of Bay Shore Boulevard to the southwesterly prolongation of the northwesterly line of Third Street; Thence easterly to the northwesterly prolongation of the northeasterly line of Meade Avenue; Thence southeasterly along said northwesterly prolongation and along the northeasterly line of Meade Avenue to the southeasterly line of lot 17, Assessor's Block 5016; Thence northeasterly along the southeasterly line of lot 17, 8, 18, and 10, all Assessor's Block 5016 to the northeasterly line of said lot 10; Thence northwesterly along the northeasterly line of said lot 10 to the southeasterly line of lot 10A, Assessor's Block 5016; Thence northeasterly along the southeasterly line of lots 10A, 11B and 11, all Assessor's Block 5016 to the southwesterly line of Le Conte Avenue; Thence northeasterly at a right angle to the southwesterly line of Le Conte Avenue to the northeasterly line of Le Conte Avenue; Thence northwesterly along the northeasterly line of Le Conte Avenue to the southeasterly line of lot 24, Assessor's Block 4995;

Thence northeasterly along the southeasterly line of said lot 24 to the southwesterly line of lot 25, Assessor's Block 4995; Thence southeasterly along the southwesterly line of said lot 25 to the southeasterly line of said lot 25; Thence northeasterly along the southeasterly line of lots 25 through 28 and lot 15, all Assessor's Block 4995 to the southwesterly line of Key Avenue; Thence southeasterly along the southwesterly line of Key Avenue to the southwesterly prolongation of the southeasterly line of lot 3, Assessor's Block 4994; Thence northeasterly along said southwesterly prolongation and along the southeasterly line of said lot 3 to an angle point therein; Thence southeasterly along said southeasterly line of said lot 3 to the northwesterly line of Jennings Street; Thence northeasterly along the northwesterly line of Jennings Street to the southwesterly line of Jamestown Avenue; Thence southeasterly to the intersection of the southwesterly line of Jamestown Avenue with the southeasterly line of Jennings Street; Thence southeasterly along the southwesterly line of Jamestown Avenue to the most northerly corner of lot 277, Assessor's Block 4991; Thence southwesterly and southeasterly along the northwesterly and southwesterly lines of said lot 277 to the most southerly corner of said lot 277; Thence southeasterly along the southwesterly line of lot 276, Assessor's Block 4991 to the northwesterly line of lot 6, Assessor's Block 4977; Thence southwesterly along the northwesterly line of said lot 6 to the southwesterly line of said lot 6; Thence southeasterly along the southwesterly line of said lot 6 and lot 8, Assessor's Block 4977 to the southeasterly line of said lot 8; Thence northeasterly along the southeasterly line of said lot 8 to the southwesterly line of lot 8, Assessor's Block 5023; Thence southeasterly along the southwesterly line of said lot 8 to the northwesterly line of Harney Way; Thence northeasterly along the northwesterly line of Harney Way to the southwesterly line of Jamestown Avenue; Thence southeasterly along the southwesterly line of Jamestown Avenue to the most easterly corner of lot 10, Assessor's Block 5023; Thence southwesterly along the southeasterly line of said lot 10 to the mean low-tide line of the San Francisco Bay Shoreline; Thence easterly, northwesterly, northeasterly, northwesterly, northeasterly and southeasterly meandering along said mean low-tide line to the point of intersection with the southeasterly line of Assessor's Block 4825; Thence northeasterly along the southeasterly line of Assessor's Blocks 4825, 4814 and 4805 and along the southeasterly line of Fitch Street to the northeasterly line of Palou Avenue; Thence northwesterly along the northeasterly line of Palou Avenue to the southeasterly line of Griffith Street; Thence northeasterly along the southeasterly line of Griffith Street to an angle point therein, said point being on the southeasterly prolongation of the southwesterly line of Oakdale Avenue; Thence northwesterly along the southeasterly line of Griffith Street to an angle point therein, said point being on the former centerline of Griffith Street; Thence northeasterly along the current southeasterly line of Griffith Street (formerly the centerline of Griffith Street) to the southeasterly prolongation of the southwesterly line of Navy Road; Thence northwesterly along said southeasterly prolongation and along the southwesterly line of Navy Road to the most northerly corner of lot 43, Assessor's Block 4700; Thence southwesterly along the northwesterly line of said lot 43 to an angle point therein; Thence southeasterly along said northwesterly line of said lot 43 to an angle point therein; Thence southwesterly along said northwesterly line of said lot 43 and its southwesterly prolongation to the southwesterly line of Oakdale Avenue; Thence northwesterly along the southwesterly line of Oakdale Avenue to the northwesterly line of Assessor's Block 4734; Thence southwesterly along the northwesterly line of Assessor's Block 4734 and its southwesterly prolongation to the southwesterly line of Palou Avenue; Thence southeasterly along the southwesterly line of Palou Avenue to the northwesterly line of Hawes Street; Thence southwesterly along the northwesterly line of Hawes Street to the northeasterly line of Shafter Avenue; Thence northwesterly along the northeasterly line of

Shafter Avenue to its intersection with the southeasterly line of Ingalls Street; Thence northwesterly to the intersection of the northeasterly line of Shafter Avenue with the northwesterly line of Ingalls Street; Thence southwesterly to the intersection of the northwesterly line of Ingalls Street with the southwesterly line of Shafter Avenue; Thence southwesterly along the northwesterly line of Ingalls Street to the northeasterly line of Thomas Avenue; Thence northwesterly along the northeasterly line of Thomas Avenue to the southeasterly line of Jennings Street; Thence northwesterly to the intersection of the northeasterly line of Thomas Avenue with the northwesterly line of Jennings Street; Thence southwesterly to the intersection of the northwesterly line of Jennings Street with the southwesterly line of Thomas Avenue; Thence southwesterly along the northwesterly line of Jennings Street to the northeasterly line of Underwood Avenue; Thence southwesterly to the intersection of the northwesterly line of Jennings Street with the southwesterly line of Underwood Avenue; Thence northwesterly along the southwesterly line of Underwood Avenue to the southeasterly line of Keith Street; Thence northwesterly to the intersection of the southwesterly line of Underwood Avenue with the northwesterly line of Keith Street; Thence northwesterly along the southwesterly line of Underwood Avenue to the southwesterly prolongation of the southeasterly line of lot 8, Assessor's Block 5361; Thence northeasterly along said southwesterly prolongation and along the southeasterly line of lot 8 and lot 25, Assessor's Block 5361 to the southwesterly line of Thomas Avenue; Thence northwesterly along the southwesterly line of Thomas Avenue to the southeasterly line of Lane Street; Thence northwesterly to the intersection of the southwesterly line of Thomas Avenue with the northwesterly line of Lane Street; Thence northwesterly along the southwesterly line of Thomas Avenue to the northwesterly line of lot 1, Assessor's Block 5362; Thence northeasterly at a right angle to the southwesterly line of Thomas Avenue to the northeasterly line of Thomas Avenue; Thence northwesterly along the northeasterly line of Thomas Avenue to the southeasterly line of lot 4, Assessor's Block 5359; Thence northeasterly along the southeasterly line of lots 4, 4A and 4B, all Assessor's Block 5359 to the northeasterly line of said lot 4B; Thence northwesterly along the northeasterly line of said lot 4B to the southeasterly line of lot 6, Assessor's Block 5359; Thence northeasterly along the southeasterly line of said lot 6 to the southwesterly line of Shafter Avenue; Thence northwesterly along the southwesterly line of Shafter Avenue to the southwesterly prolongation of the southeasterly line of lot 7, Assessor's Block 5342; Thence northeasterly along said southwesterly prolongation and along the southeasterly line of lot 7, 8 and 9A, Assessor's Block 5342 to the northeasterly line of said lot 9A; Thence northwesterly along the northeasterly line of said lot 9A to the southeasterly line of lot 10, Assessor's Block 5342; Thence northeasterly along the southeasterly line of said lot 10 to the southwesterly line of Revere Avenue; Thence northwesterly along the southwesterly line of Revere Avenue to the southwesterly prolongation of the southeasterly line of lot 7, Assessor's Block 5339; Thence northeasterly along said southwesterly prolongation and along the southeasterly line of lot 7, 7A, 8, 9, 10 and 11, all Assessor's Block 5339 to the southwesterly line of Quesada Avenue; Thence northeasterly to the most southerly corner of lot 28, Assessor's Block 5326, said corner being on the northeasterly line of Quesada Avenue; Thence northeasterly along the southeasterly line of said lot 28 to the northeasterly line of said lot 28; Thence northwesterly along the northeasterly line of said lot 28 to the southeasterly line of lot 11, Assessor's Block 5326; Thence northeasterly along the southeasterly line of lots 11 and 12, Assessor's Block 5326 to the southwesterly line of Palou Avenue; Thence southeasterly along the southwesterly line of Palou Avenue to the northwesterly line of Lane Street; Thence southeasterly to the intersection of the southwesterly line of Palou Avenue with the southeasterly line of Lane

Street; Thence northeasterly along the southeasterly line of Lane Street to the northeasterly line of Newcomb Avenue; Thence southeasterly along the northeasterly line of Newcomb Avenue to the southeasterly line of lot 13, Assessor's Block 5308; Thence northeasterly along the southeasterly line of lots 13 and 13C, Assessor's Block 5308 to the northeasterly line of said lot 13C; Thence northwesterly along the northeasterly line of said lot 13C to the southeasterly line of Lane Street; Thence northwesterly to the most easterly corner of lot 2, Assessor's Block 5307, said corner being on the northwesterly line of Lane Street; Thence northwesterly along the northeasterly line of lot 2 through lot 17C, Assessor's Block 5307 to the southeasterly line of Mendell Street; Thence northeasterly along the southeasterly line of Mendell Street to the southwesterly line of La Salle Avenue; Thence northwesterly to the intersection of the southwesterly line of La Salle Avenue with the northwesterly line of Mendell Street; Thence northeasterly along the northwesterly line of Mendell Street to the most easterly corner of lot 22, Assessor's Block 5259; Thence southeasterly to the most westerly corner of lot 15, Assessor's Block 5258, said corner being on the southeasterly line of Mendell Street; Thence southeasterly along the southwesterly line of lot 15, Assessor's Block 5258 to the southeasterly line of said lot 15; Thence northeasterly along the southeasterly line of said lot 15 to the southwesterly line of Hudson Avenue; Thence northeasterly to the most southerly corner of lot 11, Assessor's Block 5255, said corner being on the northeasterly line of Hudson Avenue; Thence northeasterly along the southeasterly line of lots 11, 11C, 11B and 11A, all Assessor's Block 5255 to the northeasterly line of said lot 11A; Thence northwesterly along the northeasterly line of said lot 11A to the southeasterly line of Mendell Street; Thence northwesterly to the most easterly corner of lot 2, Assessor's Block 5254, said corner being on the northwesterly line of Mendell Street; Thence northwesterly along the northeasterly line of lots 2 and 4, Assessor's Block 5254 to the northwesterly line of said lot 4; Thence southwesterly along the northwesterly line of said lot 4 to the northeasterly line of Hudson Avenue; Thence southwesterly to the most northerly corner lot 1A, Assessor's Block 5259, said corner being on the southwesterly line of Hudson Avenue; Thence southwesterly along the northwesterly line of lots 1A and 3, Assessor's Block 5259 to the northeasterly line of Innes Avenue; Thence northwesterly along the northeasterly line of Innes Avenue to the most southerly corner of lot 9B, Assessor's Block 5259; Thence northeasterly along the southeasterly line of lots 9B, 9A and 9C, Assessor's Block 5259 to the southwesterly line of lot 9D, Assessor's Block 5259; Thence southeasterly along the southwesterly line of said lot 9D to the southeasterly line of said lot 9D; Thence northeasterly along the southeasterly line of lots 9D, 10, 11, 23 and 24, all Assessor's Block 5259 to the southwesterly line of Hudson Avenue; Thence northeasterly at a right angle to the southwesterly line of Hudson Avenue to the northeasterly line of Hudson Avenue; Thence northwesterly along the northeasterly line of Hudson Avenue to the southeasterly line of Newhall Street; Thence southwesterly along the southeasterly line of Newhall Street to the southeasterly line of Third Street; Thence southwesterly along the southeasterly line of Third Street to the southwesterly line of Kirkwood Avenue; Thence northwesterly along the southwesterly line of Kirkwood Avenue to the southwesterly prolongation of the southeasterly line of lot 7, Assessor's Block 5279; Thence northeasterly along said southwesterly prolongation and along the southeasterly line of said lot 7 to the northeasterly line of said lot 7; Thence northwesterly along the northeasterly line of lots 7 through 12, 52, and 15 through 27, all Assessor's Block 5279 to the southeasterly line of Phelps Street; Thence northwesterly at a right angle to the southeasterly line of Phelps Street to the northwesterly line of Phelps Street; Thence northeasterly along the northwesterly line of Phelps Street to the northwesterly prolongation of the southwesterly line of lot 11, Assessor's Block 5235; Thence southeasterly along said northwesterly prolongation and

along the southwesterly line of said lot 11 and its southeasterly prolongation to the southeasterly line of Third Street; Thence northeasterly along the southeasterly line of Third Street to the southwesterly line of Burke Avenue; Thence northeasterly to the intersection of the northeasterly line of Burke Avenue with the easterly line of Third Street; Thence northerly along the easterly line of Third Street to the northwest corner of Assessor's Block 4502A; Thence easterly along the northerly line of Assessor's Block 4502A to its intersection with the mean low-tide line of the San Francisco Bay Shoreline; Thence northerly, westerly, northerly, southeasterly and easterly meandering along said mean low-tide line to its intersection with the easterly line of Illinois Street; Thence northerly along the easterly line of Illinois Street to the southerly line of Marin Street; Thence easterly along the southerly line of Marin Street to the easterly line of Marin Street; Thence northerly along the easterly line of Marin Street to the southeast corner of Assessor's Block 4358; Thence northerly along the easterly line of Assessor's Block 4358 to an angle point therein; Thence easterly along said easterly line of Assessor's Block 4358 to an angle point therein; Thence northerly along said easterly line of Assessor's Block 4358 to the southerly line of Cesar Chavez Street; Thence northerly at a right angle to the southerly line of Cesar Chavez Street to the northerly line of Cesar Chavez Street; Thence westerly along the northerly line of Cesar Chavez Street to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING PARCEL: Beginning at the point of intersection of the southeasterly prolongation of the southwesterly line of Oakdale Avenue with the northeasterly prolongation of the northwesterly line of Industrial Street; Thence southwesterly along said northeasterly prolongation and along the northwesterly line of Industrial Street and its southwesterly prolongation to its intersection with the southerly prolongation of the easterly line of Barneveld Avenue; Thence northerly and northeasterly along said southerly prolongation and along the easterly and southeasterly lines of Barneveld Avenue and its northeasterly prolongation to its point of intersection with the northwesterly prolongation of the southwesterly line of Oakdale Avenue; Thence southeasterly along said northwesterly prolongation and along the southwesterly line of Oakdale Avenue and its southeasterly prolongation to the point of beginning.

Parcel Two

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

Beginning at the point of intersection of the southeasterly line of Earl Street with the northeasterly line of Innes Avenue; Thence northwesterly along said northeasterly line of Innes Avenue to the southeasterly line of Hawes Street; Thence northeasterly along said line of Hawes Street to its intersection with the westerly line of Hunters Point Boulevard; Thence northerly along said line of Hunters Point Boulevard to its intersection with the northeasterly line of Hudson Avenue; Thence northwesterly along said line of Hudson Avenue and along the most northeasterly line of Assessor's Block 4647a to the southeasterly line of Assessor's Block 4624; Thence northeasterly along said southeasterly line of Assessor's Block 4624 to the easterly line of Assessor's Block 4624; Thence northerly along said easterly line to the northeasterly line of Assessor's Block 4624; Thence northwesterly along said northeasterly line to the easterly line of Middle Point Road; Thence continuing northwesterly along the northwesterly prolongation of the northeasterly line of Assessor's Block 4624 to the westerly line of Middle Point Road; Thence continuing northwesterly along the northeasterly line of Lot 9 in Assessor's Block 4624 to an angle point in said Lot 9; Thence northwesterly, westerly, southwesterly and southerly (20 Courses) along the northwesterly line of said Lot 9 to the northeasterly line of Lot 71, Assessor's Block 4700; Thence northwesterly along the northeasterly line of said Lot 71 to the northwesterly line of said Lot 71; Thence southwesterly along the northwesterly line of said Lot 71 to the southwesterly line of said Lot 71; Thence southerly and southeasterly (4 Courses) along the southwesterly line of said Lot 71 to the northwesterly line of Harbor Road; Thence southeasterly along the northeasterly line of Harbor Road to the northwesterly line of Ingalls Street; Thence northeasterly along the northwesterly line of Ingalls Street to the northwesterly prolongation of the southwesterly line of Assessor's Block 4652; Thence southeasterly along said northwesterly prolongation and along the southwesterly line of Assessor's Block 4652 to the southeasterly line of Assessor's Block 4652; Thence northeasterly along the southeasterly line of Assessor's Block 4652 to the southwesterly line of Innes Avenue; Thence southeasterly along the southwesterly line of Innes Avenue to the northwesterly line of Hawes Street; Thence southwesterly, southeasterly and southwesterly (3 Courses) along the northwesterly line of Hawes Street to the most northerly Corner of Lot 39, Assessor's Block 4700; Thence southwesterly along the northwesterly line of said Lot 39 and its southwesterly prolongation to the most northerly Corner of Lot 40, Assessor's Block 4700; Thence southwesterly along the northwesterly line of said Lot 40 to the most easterly Corner of said Lot 40; Thence southwesterly to the northwest Corner of Lot 41, Assessor's Block 4700; Thence southwesterly along the northwesterly line of said Lot 41 and its southwesterly prolongation to the most southerly Corner of Lot 79, Assessor's Block 4700; Thence northwesterly and northerly along the southerly line of said Lot 79 to the southeasterly line of Ingalls Street; Thence southwesterly along the southeasterly line of Ingalls Street to the southwesterly line of Assessor's Block 4700; Thence southeasterly along the southwesterly line of Assessor's Block 4700 (3 Courses) to the most westerly Corner of Lot 52, Assessor's Block 4700; Thence southeasterly along the southwesterly line of said Lot 52 to an angle point Therein; Thence northeasterly along the southwesterly line of said Lot 52 to an angle point Therein; Thence southeasterly along the southwesterly line of said Lot 52 to the southeasterly line of said Lot 52; Thence northeasterly along the southeasterly line of said Lot 52 to the southwesterly line of

Kirkwood Avenue; Thence southeasterly along the southwesterly line of Kirkwood Avenue to the northwesterly line of Earl Street; Thence southwesterly (5 Courses) along the northwesterly line of Earl Street to the northwesterly line of Assessor's Block 4591b; Thence southwesterly along the northwesterly line of Assessor's Block 4591b to the southwesterly line of Assessor's Block 4591b; Thence southeasterly along the southwesterly line of Assessor's Block 4591b to the southeasterly line of Assessor's Block 4591b; Thence northeasterly along the southeasterly line of Assessor's Block 4591b and along the southeasterly line of Donahue Street to an angle point in the southeasterly Boundary line of the "Inchon Village" Condominium Project (17 Cm 112-130); Thence northwesterly along said southeasterly Boundary line to the southeasterly line of Assessor's Block 4591b; Thence northeasterly along the southeasterly line of Assessor's Block 4591b and its northeasterly prolongation to the southwesterly Boundary line of the "Morgan Heights" Condominium Project (29 Cm 94-101); Thence northeasterly along the southeasterly Boundary line of said "Morgan Heights" Condominium Project to the northeasterly Boundary line of said "Morgan Heights" Condominium Project; Thence northwesterly along said northeasterly Boundary line to the southeasterly line of Earl Street; Thence northeasterly along said southeasterly line of Earl Street to the point of beginning.

Project Area A (described in Attachment A) contains 137 acres. Project Area B contains 1,361.5 acres and is comprised of Parcel One, that contains 1,267.3 acres, and Parcel Two, that contains 94.2 acres. Total computed acreage for Project Area A and Project Area B contains 1,498.5 acres more or less.

ATTACHMENT C: Authorized Public Improvements

- Public open spaces including parks, plazas, habitat restoration, sports facilities and playgrounds
- Facilities in parks such as tables, waste receptacles, signage, landscaping, market stalls and maintenance facilities;
- Public roadways and other walkways, roadways, lanes, and connectors
- Medians, curbs, bulb-outs, and gutters
- Sidewalks, street trees, landscaping, and street furnishings
- Street, sidewalk, and park lighting
- Traffic signals, control centers, street signage, and pavement striping
- Parking meters
- Potable water distribution and fire suppression facilities
- Reclaimed water facilities and irrigation distribution
- Sanitary sewer facilities and pump stations
- Storm drains, storm water sewer, treatment and conveyance facilities
- Natural gas, electric, telephone and telecommunication facilities
- Utilities and utility relocation
- MUNI light rail/bus/transit facilities, cantenary wires, communication facilities, transit stops and markings, poles, eyebolts, and substations as needed and related improvements
- Community centers and library facilities
- Public health centers and clinics
- Bridges, trails, and staircases
- Seawall upgrades, piers, railings, boating facilities and other shoreline improvements
- Retaining walls and permanent grading
- Public art installations and interpretive signage
- Improvements to existing roadways, streetscapes and utilities
- Improvements to historic buildings
- Erosion control features
- School facilities
- Off-site transportation improvements outside the Project Area including Harney Way right-of-way, Geneva Avenue Bus Rapid Transit facilities, Palou Avenue, the Highway 101/Harney/Geneva freeway interchange, and the signalization of the Pennsylvania/25th ramps.
- Off-site improvements to the football stadium pad and related infrastructure on Hunters Point Shipyard.
- Additional temporary, interim and/or permanent facilities and improvements to the foregoing

ATTACHMENT D: List of Blocks and Lots Within Zone 1 of Project Area B

(as of the effective date of the 2010 Plan Amendment Date)

Assessor's Blocks and Lots:

Block: 4884, all lots;
Block: 4917, all lots;
Block: 4918, all lots;
Block: 4934, all lots;
Block: 4935, all lots;
Block: 4956, Lots 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014;
Block: 4960, Lot 027,
Block 4977, Lot: 006;
Block: 4983, all lots,
Block: 4984, all lots;
Block: 4886, all lots;
~~Block: 4991, Lot: 276;~~
Block: 5000, Lot: 001;
Block: 5005, all lots.

ATTACHMENT E: Planning Code Section 314

SEC. 314. - CHILD-CARE REQUIREMENTS FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS.

When the words "this Section" appear in Sections 314.1 through 314.8, they shall be construed to mean "Sections 314.1 through 314.8."

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.1. - DEFINITIONS.

The following definitions shall govern interpretation of this Section:

(a) "Child-care facility" shall mean a child day-care facility as defined in California Health and Safety Code Section 1596.750.

(b) "Child care provider" shall mean a provider as defined in California Health and Safety Code Section 1596.791.

(c) "Commission" shall mean the City Planning Commission.

(d) "DBI" shall mean the Department of Building Inspection.

(e) "Department" shall mean the Department of City Planning.

(f) "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy, as defined in San Francisco Building Code Section 109, whichever is issued first.

(g) "Hotel" shall mean a building containing six or more guest rooms as defined in San Francisco Housing Code Section 401 intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes and dwelling purposes by guests, whether rent is paid in money, goods, or services, including motels as defined in San Francisco Housing Code Section 401.

(h) "Hotel use" shall mean space within a structure or portion thereof intended or primarily suitable for the operation of a hotel, including all office and other uses accessory to the renting of guest rooms, but excluding retail uses and office uses not accessory to the hotel use.

(i) "Household of low income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a lower-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(j) "Household of moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a median-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(k) "Licensed child-care facility" shall mean a child-care facility which has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80—1596.875, 1596.95—1597.09, or 1597.30—1597.61.

(l) "Net addition of gross square feet of hotel space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, hotel use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed hotel development project space used primarily and continuously for office or hotel use and not accessory to any use other than office or hotel use for five years prior to Planning Commission approval of the hotel development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(m) "Net addition of gross square feet of office space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, office use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed office development project space used primarily and continuously for office or hotel use and not accessory to any use other than office or hotel use for five years prior to Planning Commission approval of the office development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(n) "Nonprofit child-care provider" shall mean a child-care provider that is an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701—23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

(o) "Nonprofit organization" shall mean an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701—23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

(p) "Office development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space.

(q) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; design showcases or any other space intended and primarily suitable for display of goods; and child-care facilities. This definition shall include all uses encompassed within the meaning of Planning Code Section 219.

(r) "Retail use" shall mean space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220 through 225, and also including all space accessory to such retail use.

(s) "Sponsor" shall mean an applicant seeking approval for construction of an office or hotel development project subject to this Section and such applicant's successors and assigns.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 22-00, File No. 991877, App. 2/18/2000; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.2. - FINDINGS.

The Board hereby finds and declares as follows:

Large-scale office and hotel developments in the City and County of San Francisco (hereinafter "City") have attracted and continue to attract additional employees to the City, and there is a causal connection between such developments and the need for additional child-care facilities in the City, particularly child-care facilities affordable to households of low and moderate income.

Office and hotel uses in the City are benefitted by the availability of child care for persons employed in such offices and hotels close to their place of employment. However, the supply of child care in the City has not kept pace with the demand for child care created by these new employees. Due to this shortage of child care, employers will have difficulty in securing a labor force, and employees unable to find accessible and affordable quality child care will be forced either to work where such services are available outside of San Francisco, or leave the work force entirely, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

Projections from the EIR for the Downtown Plan indicate that between 1984 and 2000 there will be a significant increase of nearly 100,000 jobs in the C-3 District under the

Downtown Plan. Most of that employment growth will occur in office and hotel work, which consist of a predominantly female work force.

According to the survey conducted of C-3 District workers in 1981, 65 percent of the work force was between the ages of 25—44. These are the prime childbearing years for women, and the prime fathering years for men. The survey also indicated that only 12 percent of the C-3 District jobs were part-time, leaving up to 88 percent of the positions occupied by full-time workers. All of these factors point to the inevitable increase in the number of working parents in the C-3 District and the concomitant increase in need for accessible, quality child-care.

Presently, there exists a scarcity of child care in the C-3 District and citywide for all income groups, but the scarcity is more acutely felt by households of low and moderate income. Hearings held on April 25, 1985 before the Human Services Committee of the San Francisco Board of Supervisors documented the scarcity of child care available in the C-3 District, the impediments to child-care program startup and expansion, the increase in the numbers of children needing care, and the acute shortage of supply throughout the Bay Area. The Board of Supervisors also takes legislative notice of the existing and projected shortage of child-care services in the City as documented by the Child-Care Information Kit prepared by the California Child-Care Resources and Referral Network located in San Francisco.

The scarcity of child care in the City is due in great part to large office and hotel development, both within the C-3 District and elsewhere in the City, which has attracted and will continue to attract additional employees and residents to the City. Some of the employees attracted to large office and hotel developments are competing with present residents for the few openings in child-care programs available in the City. Competition for child care generates the greatest pressure on households of low and moderate income. At the same time that large office and hotel development is generating an increased demand for child care, it is improbable that factors inhibiting increased supply of child care will be mitigated by the marketplace; hence, the supply of child care will become increasingly scarce.

The Master Plan encourages "continued growth of prime downtown office activities so long as undesirable consequences of such growth can be avoided" and requires that there be the provision of "adequate amenities for those who live, work and use downtown." In light of these provisions, the City should impose requirements on developers of office and hotel projects designed to mitigate the adverse effects of the expanded employment facilitated by such projects. To that end, the City Planning Commission is authorized to promote affirmatively the policies of the San Francisco Master Plan through the imposition of special child-care development or assessment requirements. It is desirable to impose the costs of the increased burden of providing child care necessitated by such office and hotel development projects directly upon the sponsors of new development generating the need. This is to be done through a requirement that the sponsor construct child-care facilities or pay a fee into a fund used to foster the expansion of and to ease access to affordable child care as a condition of the privilege of development.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.3. - APPLICATION.

(a) This Section shall apply to office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.

(b) This Section shall not apply to:

(1) Any development project other than an office or hotel development project, including that portion of an office or hotel development project consisting of a retail use;

(2) That portion of an office or hotel development project located on property owned by the United States or any of its agencies;

(3) That portion of an office or hotel development project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(4) That portion of an office or hotel development project located on property under the jurisdiction of the Port of San Francisco or the San Francisco Redevelopment Agency where the application of this Section is prohibited by State or local law; and

(5) Any office or hotel development project approved by the Planning Commission prior to the effective date of this Section.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.4. - IMPOSITION OF CHILD CARE REQUIREMENT.

(a) (1) The Department or the Commission shall impose conditions on the approval of building or site permit applications for office or hotel development projects covered by this Section in order to mitigate the impact on the availability of child-care facilities which will be caused by the employees attracted to the proposed development project. The conditions shall require that the sponsor construct or provide a child-care facility on or near the site of the development project, either singly or in conjunction with the sponsors of other office or hotel development projects, or arrange with a nonprofit organization to provide a child-care facility at a location within the City, or pay an in-lieu fee to the City Treasurer which shall thereafter be used exclusively to foster the expansion of and ease access to child-care facilities affordable to households of low or moderate income.

(2) Prior to either the Department's or the Commission's approval of a building or site permit for a development project subject to this Section, the Department shall issue a notice complying with Planning Code Section 306.3 setting forth its initial

determination of the net addition of gross square feet of office or hotel space subject to this Section.

(3) Any person may appeal the initial determination by delivering an appeal in writing to the Department within 15 days of such notice. If the initial determination is not appealed within the time allotted, the initial determination shall become a final determination. If the initial determination is appealed, the Commission shall schedule a public hearing prior to the approval of the development project by the Commission or the Department to determine the net addition of gross square feet of office or hotel space subject to this Section. The public hearing may be scheduled separately or simultaneously with a hearing under City Planning Code Sections 139, 306.2, 309(h), 313.4, 315.3 or a Discretionary Review hearing under San Francisco Business and Tax Regulations Code Section 26. The Commission shall make a final determination of the net addition of gross square feet at the hearing.

(4) The final determination of the net addition of gross square feet of office or hotel space subject to this Section shall be set forth in the conditions of approval relating to the child-care requirement in any building or site permit application approved by the Department or the Commission. The Department shall notify the Treasurer of the final determination of the net addition of gross square feet of office or hotel space subject to this ordinance within 30 days of the date of the final determination. The Department shall notify the Treasurer and DBI that the development project is subject to this Section prior to the time the Department or the Commission approves the permit application.

(b) (1) The sponsor of a development project subject to this (1) Section may elect to provide a child-care facility on the premises of the development project for the life of the project to meet the requirements of this Section. The sponsor shall, prior to the issuance of the first certificate of occupancy by DBI for the development project, provide proof to the Treasurer and the Department that:

(A) A space on the premises of the development project has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Net add. gross sq. ft. off. or hotel space</i>	<i>X .01 =</i>	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel of the development project is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A notice of special restriction has been recorded stating that the development project is subject to this Section and is in compliance herewith by providing a child-care facility on the premises.

(2) The sponsor of a development project subject to this Section in conjunction with the sponsors of one or more other development projects subject to this Section located within ½ mile of one another may elect to provide a single child-care facility on the premises of one of their development projects for the life of the project to meet the requirements of this Section. The sponsors shall, prior to the issuance of the first certificate of occupancy by DBI for any one of the development projects complying with this part, provide proof to the Treasurer and the Planning Department that:

(A) A space on the premises of one of their development projects has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor in whose project the facility will be located and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Combined net add. gross sq. ft. office or hotel space of all participating dev. projects</i>	<i>X .01</i> =	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors guaranteeing that the child-care facility will be provided for the life of the development project in which it is located, or for as long as there is a demonstrated demand, as determined under Subsection (h) of this Section 314.4, has been executed and recorded in the chain of title of each participating building.

(3) The sponsor of a development project subject to this Section, either singly or in conjunction with the sponsors of one or more other development projects subject to this Section located within ½ mile of one another, may elect to provide a single child-care facility to be located within one mile of the development project(s) to meet the requirements of this Section. Subject to the discretion of the Department, the child-care facility shall be located so that it is reasonably accessible to public transportation or transportation provided by the sponsor(s). The sponsor(s) shall, prior to the issuance of the first certificate of occupancy by DBI for any development project complying with this part, provide proof to the Treasurer and the Planning Department that:

(A) A space has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the sponsor(s) and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Combined net add. gross sq. ft. office or hotel space of all participating dev. projects</i>	x .01 =	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors, with a term of 20 years from the date of issuance of the first certificate of occupancy for any development project complying with this part, guaranteeing that a child-care facility will be leased or subleased to one or more nonprofit child-care providers for as long as there is a demonstrated demand under Subsection (h) of this Section 314.4 has been executed and recorded in the chain of title of each participating building.

(4) The sponsor of a development project subject to this Section may elect to pay a fee in lieu of providing a child-care facility. The fee shall be computed as follows:

<i>Net add. gross sq. ft. office or hotel space</i>	<i>X \$1.00 = Total Fee</i>
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Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Department prior to the issuance by DBI of the first certificate of occupancy for the development project.

(5) The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by combining payment of an in-lieu fee to the Child Care Capital Fund with construction of a child-care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other sponsors. The child-care facility to be constructed on-site or provided near-site under this election shall be subject to all of the requirements of whichever of Parts (b)(1), (2) and (3) of this Section 314.4 is applicable, and shall have a minimum floor area of 3,000 gross square feet. If the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the minimum gross floor area of the facility shall be 2,000 square feet. The in-lieu fee to be paid under this election shall be subject to all of the requirements of Part (b)(4) of this Section 314.4 and shall be determined by the Commission according to the following formula:

<i>Net. add. gross sq. ft. space - subject project</i>	<i>/</i>	<i>Net. add. gross sq. ft. space <u>subject project</u> Net. add. gross sq. ft. space all participating projects</i>	<i>X</i>	<i>Sq. ft. child-care facility</i>	<i>X100</i>	<i>X\$1.00</i>	<i>/</i>	<i>=</i>	<i>Total Fee for Subject Project</i>
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(6) The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by entering into an arrangement pursuant to which a nonprofit organization will provide a child-care facility at a site within the City. The sponsor shall, prior to the issuance of the first certificate of occupancy by the Director of the Department of Building Inspection for the development project, provide proof to the Director of Planning that:

(A) A space for a child-care facility has been provided by the nonprofit organization, either for its own use if the organization will provide child-care services, or to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the nonprofit organization and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

<i>Net add. gross sq. ft. office or hotel space</i>	<i>X .01 =</i>	<i>sq. ft. of child-care facility</i>
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In the event that the net addition of gross square feet of office or hotel space is less than 300,000 square feet, the child-care facility may have a minimum gross floor of 2,000 square feet or the area determined according to the above formula, whichever is greater;

(D) The nonprofit organization has executed and recorded a binding written agreement, with a term of 20 years from the date of issuance of the first certificate of occupancy for the development project, pursuant to which the nonprofit organization guarantees that it will operate a child-care facility or it will lease or sublease a child-care facility to one or more nonprofit child-care providers for as long as there is a demonstrated need under Subsection (h) of this Section 314.4, and that it will comply with all of the requirements imposed on the nonprofit organization under this Paragraph (b)(6) and imposed on a sponsor under Subsections (g), (h) and (i) of Section 314.4.

(E) To support the provision of a child-care facility in accordance with the foregoing requirements, the sponsor has paid to the nonprofit organization a sum which equals or exceeds the amount of the in-lieu fee which would have been applicable to the project under Section 314.4(b)(4).

(F) The Department of Children, Youth and Their Families has determined that the proposed child-care facility will help meet the needs identified in the San Francisco Child Care Needs Assessment and will be consistent with the City Wide Child Care Plan; provided, however, that this Paragraph (F) shall not apply to any office or hotel development project approved by the Planning Commission prior to December 31, 1999.

Upon compliance with the requirements of this Part, the nonprofit organization shall enjoy all of the rights and be subject to all of the obligations of the sponsor, and the sponsor shall have no further rights or obligations under this Section.

(c) The Director of the Department of Building Inspections shall provide notice in writing to the Director of Planning at least five business days prior to issuing the first certificate of occupancy for any development project subject to this Section. If the Director of Planning notifies the Director of the Department of Building Inspections within such time that the sponsor has not complied with the provisions of this Section, the Director of the Department of Building Inspections shall deny any and all certificates of occupancy. If the Director of Planning notifies the Director of the Department of Building Inspections that the sponsor has complied with this Section or fails to respond within five business days, a certificate of occupancy shall not be disapproved pursuant to this Section. Any failure of the Director of the Department of Building Inspections or the Director of Planning to give any notice under this Subsection shall not relieve a sponsor from compliance with this Section.

(d) In the event that the Department or the Commission takes action affecting any development project subject to this Section and such action is thereafter modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals,

the Board of Supervisors, or by court action, the permit application for such office development project shall be remanded to the Department or Commission within 60 days following the date on which such action is final to determine whether the proposed project has been changed in a manner which affects the area of the child-care facility or the amount of the in-lieu fee to be provided under this Section 314.4 and, if so, the Department or the Commission shall revise the child-care requirement imposed on the permit application in compliance with this Section, and shall promptly notify the Treasurer and DBI of that revision.

(e) The sponsor shall supply all information to the Treasurer, the Department, and the Commission necessary to make a determination as to the applicability of this Section and the number of gross square feet of office or hotel space subject to this Section.

(f) Within nine months of the effective date of this Section, the Commission shall, after public notice and a hearing pursuant to Charter Section 4.104, adopt rules and regulations by which compliance with this Subsection shall be determined.

(g) In the event that a sponsor elects to satisfy its child-care requirement under Section 314(b)(1), (2), (3) or (5) by providing an on-site or near-site child-care facility, the sponsor shall submit a report to the Department in January of each year for the life of the child-care facility. The report shall have attached thereto a copy of the license issued by the California Department of Social Services permitting operation of the child-care facility, and shall state:

- (1) The address of the child-care facility;
- (2) The name and address of the child-care provider operating the facility;
- (3) The size of the center in terms of floor area;
- (4) The capacity of the child-care facility in terms of the maximum number of children for which the facility is authorized to care under the license;
- (5) The number and ages of children cared for at the facility during the previous year; and
- (6) The fees charged parents for use of the facility during the previous year.

(h) In the event that a sponsor elects to satisfy its child-care requirement under Paragraphs 314.4 (b)(1), (2), (3) or (5) by providing an on-site or near-site child-care facility, or under Paragraph 314.4(b)(6) by agreement with a non-profit organization, the sponsor, or in the case of a facility created pursuant to Paragraph 314.4(b)(6) the non-profit organization, may apply to the Department to eliminate the facility or to reduce the floor area of the facility in any amount, providing, however, that the gross floor area of a reduced facility is at least 2,000 square feet. The Department shall schedule a public hearing on any such application before the Commission and provide notice pursuant to City Planning Code Section 306.3(a) at least two months prior to the hearing. The application may be granted only where the sponsor has demonstrated that there is insufficient demand for the amount of floor area then devoted to the on-site or near-site child-care facility. The actual reduction in floor area or elimination of the child-care facility shall not be permitted in any case until

six months after the application is granted. Such application may be made only five years or more after the issuance of the first certificate of occupancy for the project. Prior to the reduction in floor area or elimination of the child care facility, the sponsor shall pay an in-lieu fee to the City's Treasurer to be computed as follows:

(20 - No. of years since issuance of first <u>certificate of occupancy</u> 20)	X	Net reduction gross sq. ft. child-care facility	= \$100 X	Total Fee
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Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Director prior to the reduction in the floor area or elimination of the child care facility.

(i) The child care provider operating any child care facility pursuant to Sections 314.4(b)(1), (2), (3) or (5) shall reserve at least 10 percent of the maximum capacity of the child care facility as determined by the license for the facility issued by the California Department of Social Services to be affordable to children of households of low income. The Department shall adopt rules and regulations to determine the rates to be charged to such households at the same time and following the procedures for the adoption of rules and regulations under Section 314.5.

(j) The fee required by this ordinance is due and payable to the Treasurer prior to issuance of the first certificate of occupancy for the office development project. Except in the case of a reduction in space of the child care facility pursuant to Subsection (h), if the fee remains unpaid following issuance of the certificate, any amount due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the certificate until the date of final payment. Where the amount due is as a result of a reduction in space of the child care facility pursuant to subsection (h), such interest shall accrue from the date on which the available space is reduced until the date of final payment.

(k) In the event that a development project for which an in-lieu fee imposed under this Section has been fully paid is demolished or converted to a use or uses not subject to this ordinance prior to the expiration of its estimated useful life, the City shall refund to the sponsor a portion of the amount of an in-lieu fee paid. The portion of the fee refunded shall be determined on a pro rata basis according to the ratio of the remaining useful life of the project at the time of demolition or conversion in relation to its total useful life. For purposes of this ordinance, the useful life of a development project shall be 50 years.

(l) A sponsor's failure to pay the fee imposed pursuant to (1) this Section shall constitute cause for the City to record a lien against the development project in the sum of the in-lieu fee required under this ordinance, as adjusted under this Section.

(2) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following issuance of the certificate, the Treasurer shall initiate proceedings in accordance with the procedures set forth in Article XX of

Chapter 10, of the San Francisco Administrative Code to make the entire unpaid balance of the fee, including interest, a lien against all parcels used for the development project. The Treasurer shall send all notices required by that Article to the owner of the property as well as the sponsor. The Treasurer shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fee authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and deposited in the Child Care Capital Fund established in Section 314.5.

(3) Any notice required to be given to a sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the development project, and to the applicant for the site or building permit at the address on the permit application.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 409-87, App. 10/9/87; Ord. 22-00, File No. 991877, App. 2/18/2000; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.5. - CHILD CARE CAPITAL FUND.

There is hereby established a separate fund set aside for a special purpose called the Child Care Capital Fund ("Fund"). All monies contributed pursuant to the provisions of this Section, and all other monies from the City's General Fund or from contributions from third parties designated for the fund shall be deposited in the fund. For a period of three years from the date of final adoption of this ordinance, no more than 25 percent of the money deposited in the fund shall be paid to providers operating child care facilities subject to Sections 314.4(b)(1), (2), (3) and (5) to reduce the cost of providing affordable child care services to children from households of low income as required in Section 314.4(i). The remaining monies deposited in the fund during such three-year period, and all monies in the fund following expiration of such three-year period, shall be used solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income; except that monies from the fund shall be used by the Director to

fund in a timely manner a nexus study to demonstrate the relationship between commercial development projects and child care demand as described in San Francisco Planning Code Section 314.4. In the event that no child care facility is in operation under Sections 314.4(b)(1), (2), (3) or (5) during such three-year period, the maximum of 25 percent of the fund reserved for households of low income shall be spent solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income. The fund shall be administered by the Director, who shall adopt rules and regulations governing the disposition of the fund which are consistent with this Section. Such rules and regulations shall be subject to approval by resolution of the Board of Supervisors.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86; Ord. 409-87, App. 10/9/87; Ord. 263-98, App. 8/21/98; Ord. 76-03, File No. 020592, App. 5/2/2003)

SEC. 314.6. - PARTIAL INVALIDITY AND SEVERABILITY.

If any provision of this Section, or its application to any development project or to any geographical area of the City, is held invalid, the remainder of the Section, or the application of such provision to other office or hotel development projects or to any other geographical areas of the City, shall not be affected thereby.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.7. - ANNUAL EVALUATION.

Commencing one year after the effective date of this Section and each year thereafter, the Director shall report to the Commission at a public hearing and to the Planning, Housing and Development Committee of the Board of Supervisors at a separate public hearing, on the status of compliance with this Section and the efficacy of this Section in mitigating the City's shortage of child care facilities generated by the office and hotel development projects subject to this Section. Five years after the effective date of this Section, the Commission shall review the formulae set forth in Section 314.4. In such report, the Director shall recommend any changes in the formulae.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

SEC. 314.8. - DECREASE IN CHILD CARE FORMULAE AFTER STUDY.

If the Commission determines after review of an empirical study that the formulae set forth in Section 314.4 impose a greater requirement for child care facilities than is necessary to provide child care for the number of employees attracted to office and hotel development projects subject to this Section, the Commission shall, within three years of making such determination, refund that portion of any fee paid or permit a reduction of the space dedicated for child care by a sponsor consistent with the conclusions of such study.

The Commission shall adjust any sponsor's requirement and the formulae set forth in Section 314.4 so that the amount of the exaction is set at the level necessary to provide child care for the employees attracted to office and hotel development projects subject to this Section.

(Added by Ord. 411-85, App. 9/6/85; amended by Ord. 441-86, App. 11/13/86)

ATTACHMENT F: Planning Code Section 295

SEC. 295 — HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.

(a) No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing:

(1) Structures which do not exceed 40 feet in height;

(2) Structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset;

(3) Structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes;

(4) Structures of the same height and in the same location as structures in place on June 6, 1984;

(5) Projects for which a building permit application has been filed and either (i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or (ii) a Negative Declaration has been published by the Department of City Planning prior to July 3, 1984;

(6) Projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

(b) The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant. The City Planning Commission shall not make the determination required by the provisions of this Subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park

Commission has had an opportunity to review and comment to the City Planning Commission upon the proposed project.

(c) The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

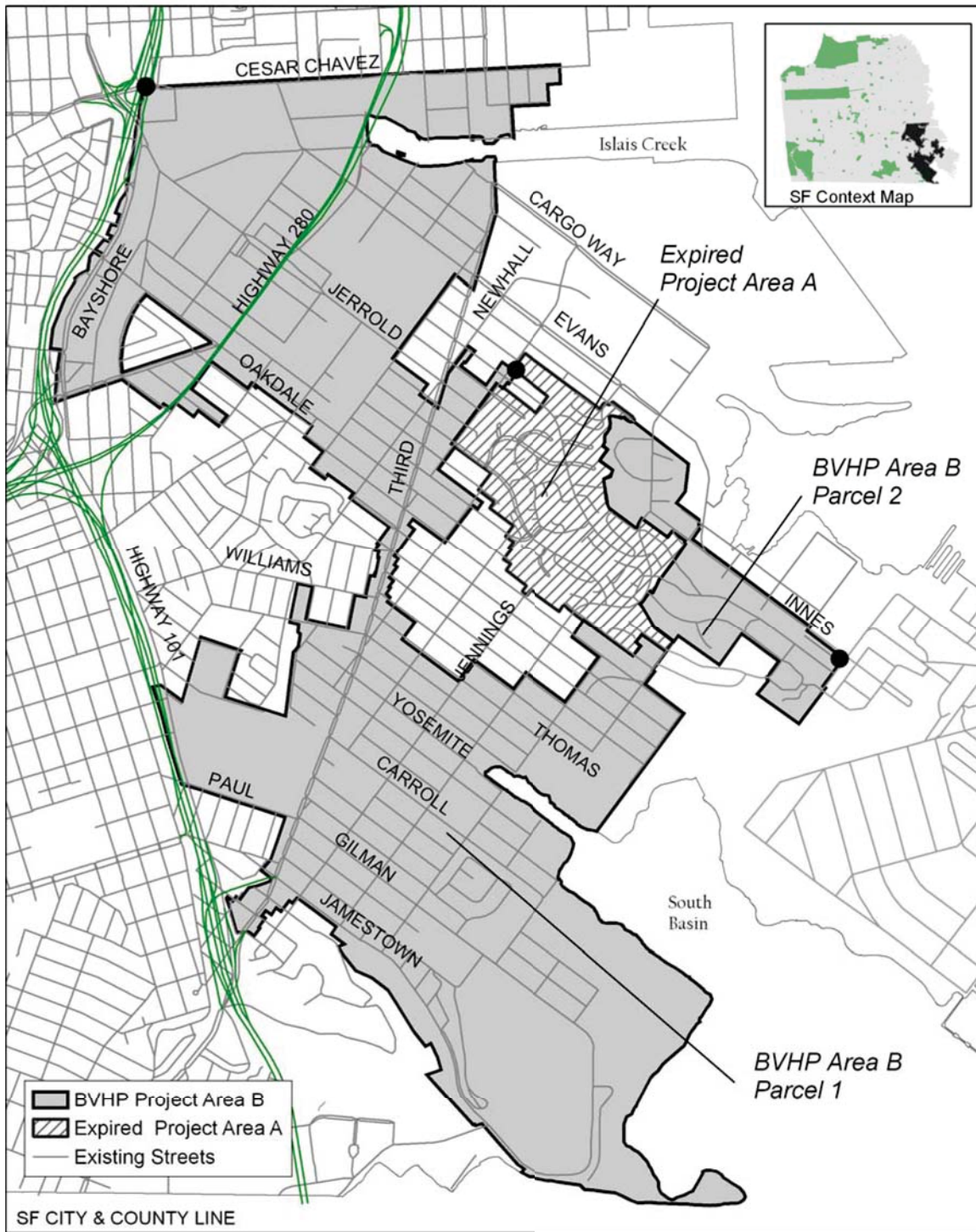
(d) The Zoning Administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this Section, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the Open Space Acquisition and Park Renovation Fund, which property is to be placed under the jurisdiction of the Recreation and Park Commission.

(Added Ord. 62-85, App. 1/31/1985)

Attachment G - Planning Commission Resolution 18102

Attachment H - Proposition O (2016)

Replaces Map 1 in the current Plan



SF CITY & COUNTY LINE



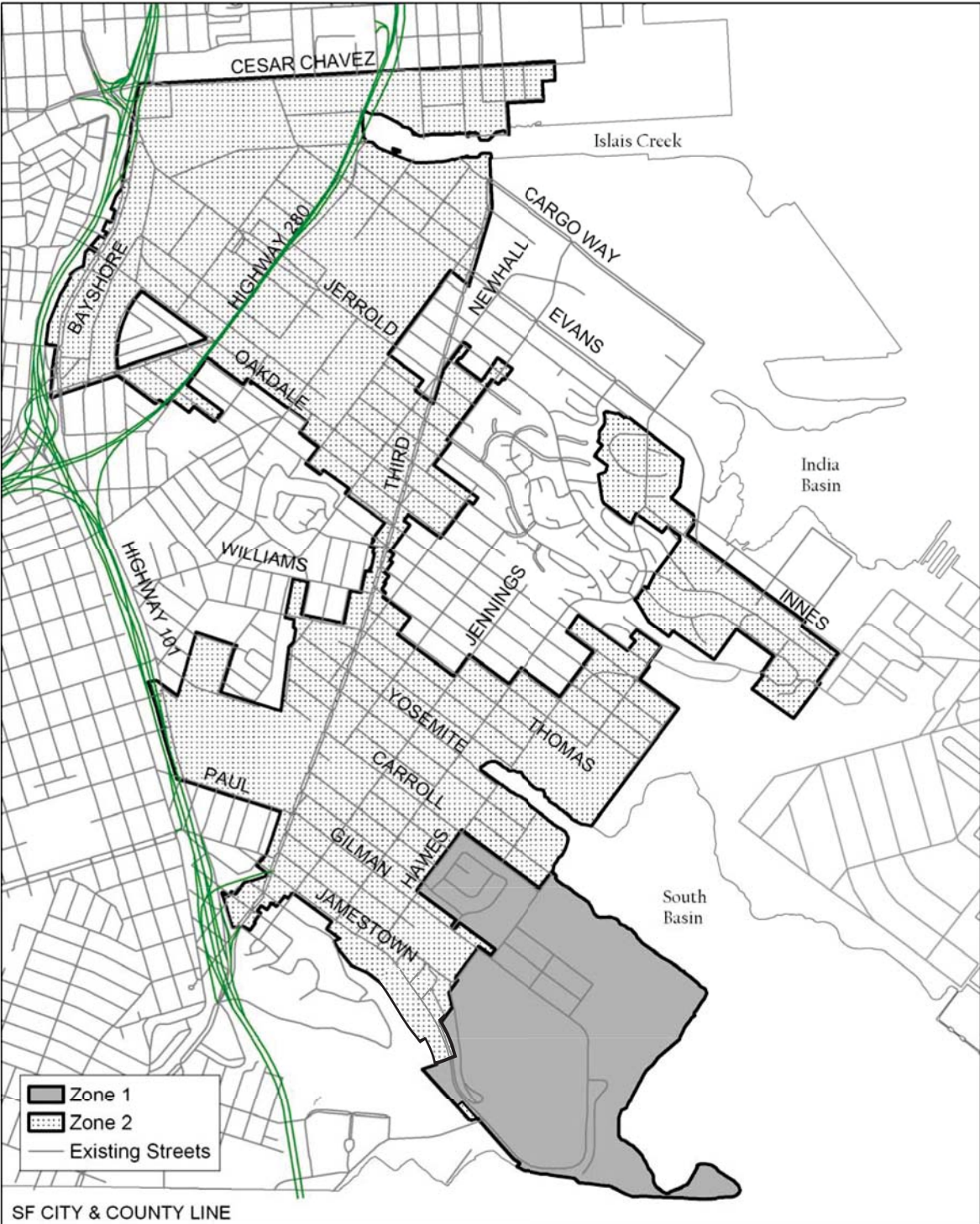
Map 1: Project Area Boundary Map

Bayview Hunters Point Redevelopment Plan
Office of Community Investment and Infrastructure
2018

1,000 500 0 1,000 Feet



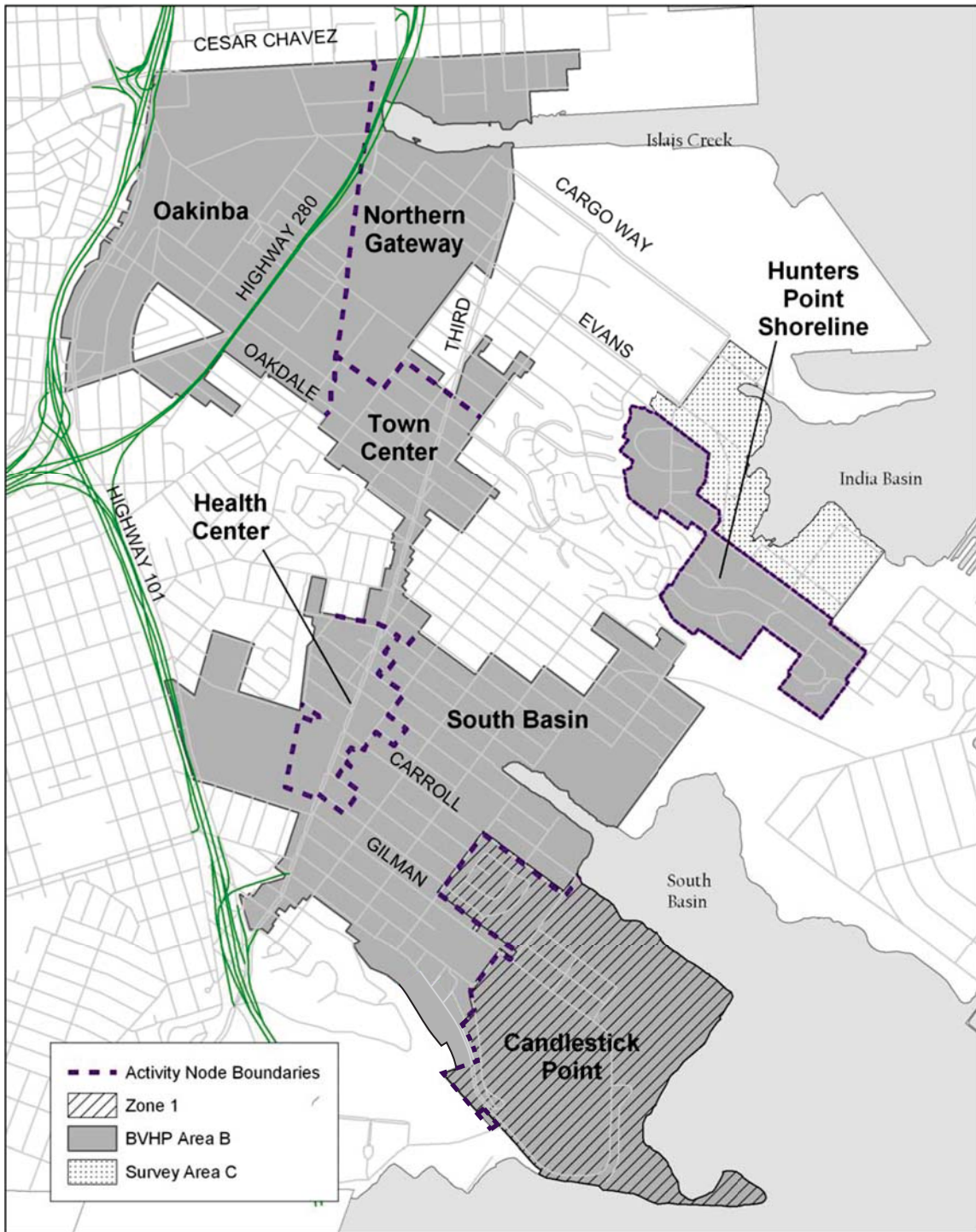
Replaces Map 2 in the current Plan



Map 2: Project Area B Redevelopment Zones Map
Bayview Hunters Point Redevelopment Plan
Office of Community Investment and Infrastructure
2018



Replaces Map 3 in the current Plan

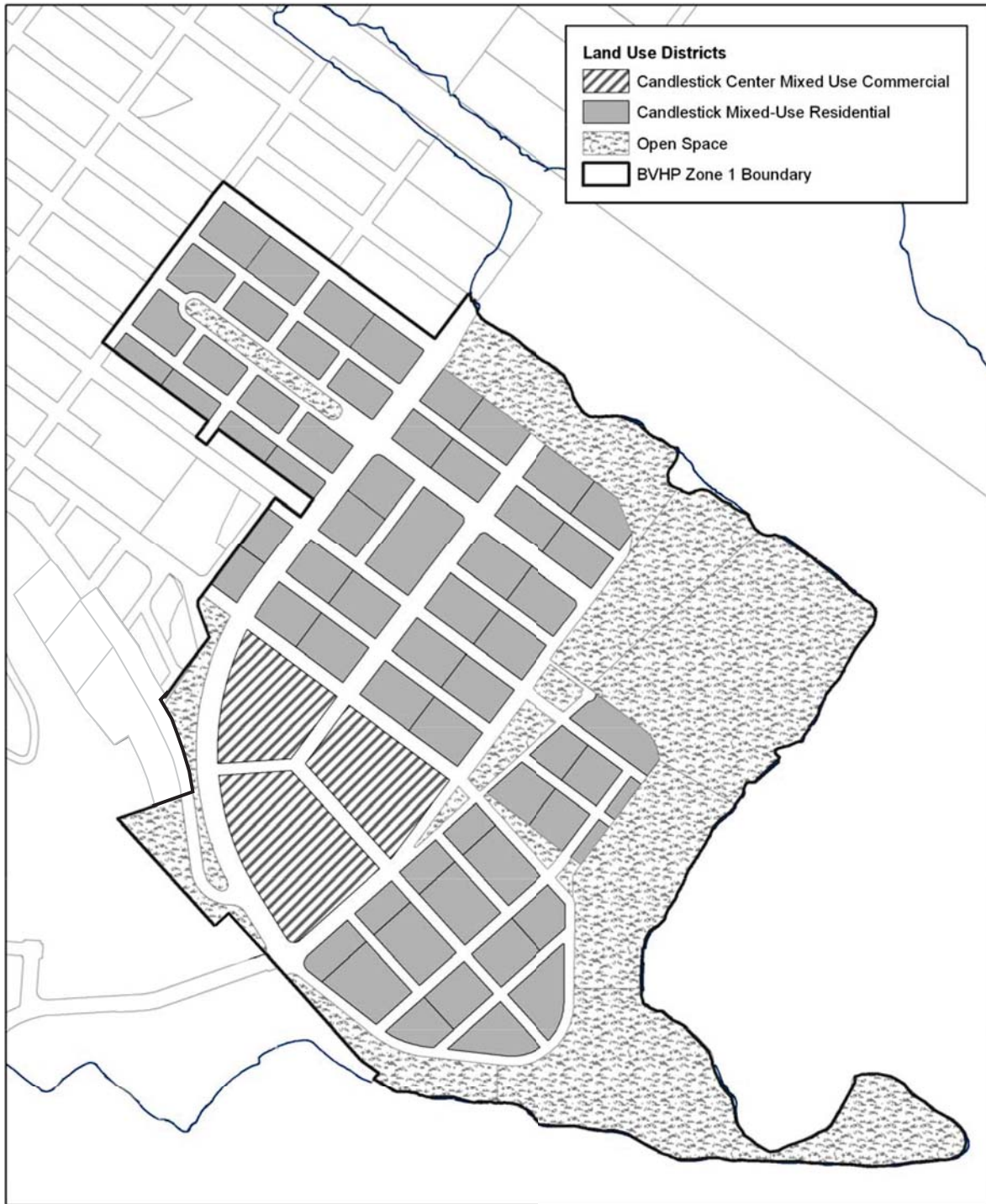


Map 3: Area B Activity Nodes
Bayview Hunters Point Redevelopment Plan
Office of Community Investment and Infrastructure
2018

1,000 500 0 1,000 Feet



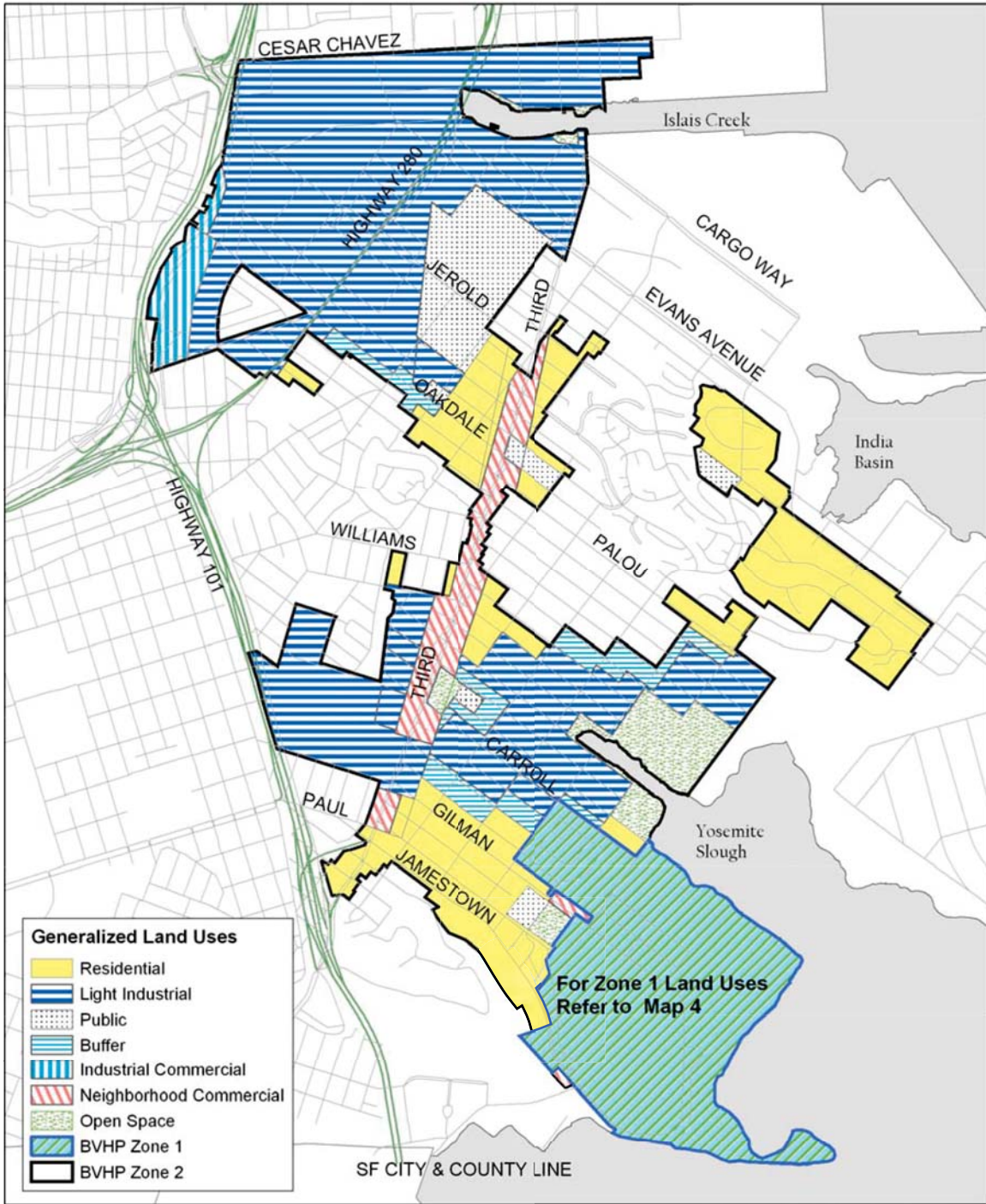
Replaces Map 4 in the current Plan



Map 4: Zone 1 Land Use Districts
Bayview Hunters Point Redevelopment Plan
Office of Community Investment and Infrastructure
2018



Replaces Map 5 in the current Plan



Map 5 Area B - Zone 2 Generalized Land Use Map *
 Bayview Hunters Point Redevelopment Plan
 Office of Community Investment and Infrastructure
 2018

* Based on General Plan BVHP Area Plan Figure 4
 1,000 500 0 1,000 Feet