HUNTERS POINT SHIPYARD
REDEVELOPMENT PLAN

JULY 14, 1997
Amended _____,_2010

SAN FRANCISCO REDEVELOPMENT AGENCY
March 11, 2010
DRAFT PLAN AMENDMENT
REDEVELOPMENT PLAN
for the
HUNTERS POINT SHIPYARD
PROJECT AREA

HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT

REDEVELOPMENT PLAN

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(Maps to be Amended)

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Hunters Point Shipyard Redevelopment Project

REDEVELOPMENT PLAN

The Redevelopment Plan (the "Plan") for the Hunters Point Shipyard Redevelopment Project Area (the "Project Area") consists of the following text, maps and attachment. The maps are: Boundary Map, Map 1; Land Use Districts, Map 2,; Existing Buildings, Map 3; and Street Plan, Map 4. Attachment A is a legal description of the Project Area.

The Plan was adopted on July 14, 1997 (Ordinance No. 285-97 and amended on June ___, 2010 (Ordinance No. __-10). The Plan was prepared in accordance with the California Community Redevelopment Law ("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 ("CAC"), the San Francisco Planning Commission, and with other departments and offices of the City and County of San Francisco (the "City"). The 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 ___, 2010, and is in conformity with the eight Priority Policies of Section 101.1 of the San Francisco Planning Code ("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 Community Redevelopment Law in effect at the date of adoption of this Plan.

I. DESCRIPTION OF PROJECT

A. <u>Project Boundaries</u>

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. 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 Hunters Point Shipyard Project Area is complex, involving the Mayor's Hunters Point Shipyard Citizens Advisory Committee ("CAC"), 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 Committee 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 Government, State and local laws 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 the 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 to reenter the Project Area.

II. PROJECT PLAN

A. Objectives

The objectives of the actions proposed by the 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 hilltop 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 (“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.

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

B. Land Uses

The Boundary Map, Map 1; the Land Use Districts, Map 2; the Existing Buildings, Map 3; and the Street Plan, Map 4 illustrate the location of the Project Area boundaries, existing buildings, major streets in the Project Area and proposed land uses permitted in the Project Area.

1. Allowable 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. 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 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. 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, the objectives of the District 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 create conflicts with the Principal Uses of the District or 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 sections (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 underlying District; b) is consistent with the objectives for the District where the use is proposed to be located; and c) meets the development standards and design guidelines set forth in this Plan and either the Hunters Point Shipyard Phase 1 Design for Development or the Hunters Point Shipyard Phase 2 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 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. The following uses will be prohibited 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 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, as they may be amended from time to time in accordance with their provisions.

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 to the provided they are consistent with the Mitigation Measures. More specifically, subject to the Candlestick Point/Hunters Point Shipyard Phase 2 EIR and the Mitigation Measures.

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 ("Infrastructure Plan"). Decentralized wastewater treatment facilities shall be permitted as a Principal Use in the Shipyard North, Research & Development and Shipyard South Multi-Use District. Automated trash centralized collection facilities shall be permitted as a Principal Use in the Shipyard South Multi-Use District and as a Secondary Use in all other Districts except the Open Space District. District Heating and Cooling Facilities shall be permitted as a Principal Use in the Research & Development District and a Secondary Use in all other Districts except the Open Space District.

2. <u>Hunters Point Hill Residential District</u>

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 Hunters Point Shipyard North Residential 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 Neighborhoods.

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

Residential Uses:

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

Retail Sales and Services

- Neighborhood Retail Sales and Services
- Commercial Wireless Transmitting Facilities

Parks and Recreation

- Parks
- Open Space
- Public Recreation
- Public Restrooms

(c) *Prohibited Uses:* All uses that are incompatible with the Principal Uses in this District shall be Prohibited.

3. Shipyard North Residential 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 residential 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. Public 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. This District will include Northside Park, which is distinct from the Hunters Point Shipyard Shoreline Open Space District, and may include recreational and sports uses. Park lands that are subject to the Public Trust will be designed to attract visitors to the Shipyard's northern waterfront.

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

Residential Use:

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

Institutional Uses:

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

Retail Sales and Services:

- Neighborhood Retail Sales and Service (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:

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

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

Institutional Uses:

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

Retail Sales and Services:

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

Office Uses:

- Office

Civic, Arts & Entertainment Uses:

- Performance Arts
- Nighttime Entertainment
- Amusement Enterprise

(c) *Prohibited Uses:* Prohibited uses include:

- Drive-through facilities
- Automotive Repair and service stations
- Dry Cleaning Facility (with on-site dry cleaning plant)

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. This District will include Heritage Park, which is distinct from the Hunters Point Shipyard Waterfront Open Space District and will include reuse of certain historic maritime resources as well as recreational uses, consistent with the Public Trust.

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

Residential Uses:

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

Institutional Uses

- Residential Care
- Child Care Facility
- Elementary School
- Secondary School
- Post-Secondary Institutions
- Religious Institution
- Vocational/Job Training Facility

Retail Sales & Services

- Neighborhood Retail Sales and Service
- Restaurants
- Bars
- Physical fitness facilities
- Grocery Store (up to 60,000 sq. ft.)

- Dry Cleaning Facility (excluding those with on-site dry-cleaning plant)
- Commercial Wireless Transmitting Facilities

Office Uses:

- Office
- Meeting rooms
- Conference facilities
- Hotel

Civic, Arts & Entertainment Uses

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

Parks and Recreation

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

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

Retail Sales & Services

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

Office and Industrial

- 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 will be excluded from this District:

- Drive-through facilities
- Automobile repair and service stations
- Dry Cleaning Facility with on-site dry cleaning plants

5. Shipyard Research and Development 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 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 to complement the research and development uses.

For Laboratory, Life Science, Light Industrial, and Green Technology uses within the Research & Development District, any use containing a facility that emits toxic air contaminants must either: (a) be located on a parcel one (1) acre or greater in size; or (b) if, on a parcel smaller than one (1) acre, will be required to show that the facility, in conjunction with other toxic air contaminant emitting facilities in the Research & Development District, may not exceed thresholds identified in the Mitigation Measures. In addition, each facility in the Research & Development District that includes a source of toxic air contaminants shall limit its emissions so that they do not exceed the thresholds identified in the Mitigation Measures at both the facility boundary and the nearest residential locations.

Because it has already been determined that the area depicted on Map 2 as "Industrial Use Restriction" will be a parcel of less than one acre, any proposed use in this location that would emit regulated air contaminants shall be required to show that the use, in conjunction with other regulated air contaminant emitting facilities in the Research & Development District, may not exceed thresholds identified in the Mitigation Measures.

(a) *Principal Uses:* The following Principal Uses are permitted 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

Institutional Uses

- Religious Institution
- Vocational/Job Training Facility
- Fire station
- Childcare Facilities (Subject to Requirements in Section II.D.8)

Retail Sales and Services

- Neighborhood Retail Sales and Service (up to 10,000 sq. ft. per tenant)
- Non-Retail Sales and Service
- Animal Services
- Restaurants

- Bars
- Nighttime Entertainment
- Dry Cleaning Facility (including those with on-site dry cleaning plant)
- Commercial Wireless Transmitting Facilities

Residential Uses: Residential Uses: Residential Uses in the Research & Development zone shall not exceed 440 units and shall be allowed only in the blocks of the zone that are adjacent to either Fisher Avenue or Drydock 4 (Blocks 1, 2, 3a, and 8). Primary Uses may include:

- 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

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

(b) *Secondary Uses:* The following Secondary Uses will be permitted in this District:

Institutional Uses

- Post-Secondary Institutions

Retail Sales and Services

- Neighborhood Retail Sales and Service (over 10,000 sq. ft. per tenant)

Office and Industrial

- 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 will be excluded from this district:

- Dwelling Units
- Elementary and Secondary Schools
- Drive-through facilities

6. Shipyard South Multi-Use 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. The District will also include research and development, office, and light industrial uses similar in scale and character to those in the adjacent 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, the District would include a mix of uses including neighborhood-serving retail, business, and office uses comparable in scale and intensity to, and complementary of, those in the adjacent Hunters Point Shipyard Research & Development District and potentially residential units at densities similar to those planned in the Hunters Point Shipyard North District provided there is compliance with certain environmental restrictions, as described in Section II.D.8.

(a) *Principal Use:* Principal Uses permitted include the following:

Athletic and Recreational Facilities:

- 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

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:

- Neighborhood Retail Sales and Service
- Non-Retail Sales and Service
- Animal Services
- Restaurants

- Bars
- Nighttime Entertainment
- Dry Cleaning Facilities (including those with on-site dry cleaning plant)
- Commercial Wireless Transmitting Facilities

Civic, Arts and Entertainment Uses:

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

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 the 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 following uses would be Principal Uses in this District, subject to a finding adopted by the Redevelopment 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

- Childcare Facility
- Elementary School
- Secondary School
- Post-Secondary Institutions

In the event both Residential Uses and Laboratory, Life Science, Light Industrial, and/or Green Technology uses are developed within the Shipyard South Multi-Use District, any Laboratory, Life Science, Light Industrial, and/or Green Technology use containing a facility that emits regulated air contaminants must either: (a) be located on a parcel one (1) acre or greater in size; or (b) if, on a parcel smaller than one (1) acre, will be required to show that the facility, in conjunction with other regulated air contaminant emitting facilities in the Research & Development District, may not exceed thresholds identified in the Mitigation Measures. In addition, each facility in the Shipyard South Multi-Use District that includes a source of regulated air contaminants shall limit its emissions so that they do not exceed the thresholds identified in the Mitigation Measures at both the facility boundary and the nearest residential locations.

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

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

(c) *Prohibited Uses:* The following uses will be excluded from this district:

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

7. <u>Shipyard Shoreline Open Space District</u>

<u>Objectives for This District</u> 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 and those include:

- Passive recreation
- Plazas and promenades
- Recreational Facility
- Museums 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

8. <u>Environmental Restrictions</u>

As of the date of amendment of this Redevelopment Plan by Ordinance No. _____ (_____, 2010), the Navy has issued Final Records of Decisions for Parcels _____ containing selected environmental remedies that will impose land use and activity restrictions on these parcels in the Plan Area and is expected to issue additional Records of Decisions containing environmental restrictions applicable to other locations. 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 restrictions are removed by the appropriate Regulating Agencies.

C. <u>Temporary and Interim Uses</u>

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. Prior to commencement of development of land consistent with this Plan, Temporary Uses will be allowed as of right for a period up to ninety (90) days. After commencement of development of land consistent with this 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 Plan and the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate. Permissible Temporary Uses are as follows:

- 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

2. Interim Uses:

Interim Uses are uses proposed during the time prior to 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 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

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, and
- 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

The Project Area will be redeveloped in accordance with: (i) the text and maps of this Plan; (ii) the standards and guidelines set forth in the Hunters Point Shipyard Phase 1 Design for Development and Hunters Point Shipyard Phase 2 Design for Development, which are consistent with this Plan and which the Agency is hereby authorized to amend and expand from time to time consistent with this Plan, the provisions of those Design for Development documents, and any applicable disposition and development agreement or owner participation agreement; (iii) the other Plan Documents; (iv) the Mitigation Measures; (v) any disposition and development agreement or owner participation agreement; and (vi) the applicable City Regulations as set forth in Section II.D.1, below. 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, supersede the San Francisco Planning Code in its entirety, except as otherwise expressly provided herein.

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, (iii) New City Regulations to the extent permitted under this Plan and (iv) new or changed Development Fees or Exactions to the extent permitted under Section II.D.6 of this Plan; and (v) any disposition and development agreement or owner participation agreement.

(b) *Protection of Public Health and Safety.* Notwithstanding any 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 other applicable Plan Documents in a manner that is consistent with the public health, safety and welfare and will retain, at all times, its and their respective authority to take any action that is necessary to protect the physical health and safety of the public including authority to condition or deny a permit, approval, agreement or other entitlement or to adopt a New City Regulation, including changes to the Building Code and construction requirements for Infrastructure and other Improvements ("New Construction Requirements") if required: (a) to protect the physical health or safety of the residents in the Project Area, the adjacent community or the public, or (b) to comply with changes in Federal or State law, including relating to water quality, air quality, hazardous materials or the physical environment, 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. Except for emergency measures, any City Agency or the Agency, as the case may be, will meet and confer with the owner in advance of the adoption of such measures to the extent feasible, provided, however, that the City Agency and the Agency will each retain the sole and final discretion with regard to the adoption of any New City Regulation in furtherance of the protection of the physical health and safety of the public.

(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 they do not conflict with the development contemplated by this Plan and the other Plan Documents (unless such conflict is waived by the owners and developers of all affected property). As used in this paragraph, a New City Regulation "conflicts with the development contemplated by this Plan and the other Plan Documents" if it would:

(1) limit or reduce the density or intensity of development allowed in the Project Area, or any part thereof, or otherwise require any reduction in the square footage or number of proposed buildings (including number of residential dwelling units) or other improvements from that permitted under this Plan and the Plan Documents;

(2) limit or reduce the height or bulk of development within the Project Area, or any part thereof, or otherwise require any reduction in the height or bulk of individual proposed buildings or other improvements from that permitted under this Plan, the Plan Documents;

(3) change any land uses, including permitted or conditional uses, of development within the Project Area from that permitted under this Plan, the Plan Documents;

(4) limit or control the rate, timing, phasing, or sequencing of the approval, development, or construction of all or any part of the development contemplated in the Project Area in any manner, including the demolition of existing buildings in the Project Area;

(5) require the issuance of permits or approvals by the City or the Agency other than those required under the Plan, the Plan Documents, and the Existing City Regulations;

(6) 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) impose any ordinance or regulation which controls commercial or residential rents or purchase prices charged within the Project Area except as provided in the Plan, the Plan Documents;

(8) materially limit the processing or procuring of applications and approvals for any subsequent City or Agency approvals that are consistent with the Plan and the Plan Documents;

(9) impose upon the Project Area any new or increased Development Fees and Exactions except as expressly provided in Section II.D.6, below;

(10) increase more than negligibly the cost of construction or maintenance of development within the Project Area or of compliance with any provision of this Plan, the Plan Documents, or Existing City Regulations applicable to 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").

Nothing in this section shall limit the Agency or City Agency's having jurisdiction's ability to exercise their respective discretion as described above in section II.1.b (Protection of Public Health and Safety).

(d) *New Construction Requirements to Protect Public.* The City may change construction requirements for Infrastructure and other Improvements ("New Construction Requirements") if: (i) the changes are necessary to protect the physical health and safety of the public; (i) the changes would impose only negligible additional cost and would not materially adversely affect Net Available Increment or delay development , limit or restrict the availability of Infrastructure, or impose limits or controls on the timing, phasing, or sequencing of development; or (iii) technological advances affect elements of the Plan in the ten or more years after the Board approves them and all of the following conditions are met: (1) the changes would materially decrease the City's operation and maintenance costs and would not interfere materially with the uses, heights, density, and intensity of development described in the Plan Documents; (2) the Board adopts an ordinance making the changes on a Citywide Basis for similar land uses; and (3) the changes would not conflict with the Mitigation Measures.

2. Limitation on the Number of Buildings

The number of Buildings in the Project Area may not exceed 500.

3. Limitation on the Number of Dwelling Units

There are currently no 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 Dwelling Units in 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 Plan Area and Hunters Point Shipyard Phase 2 as well as a previously approved 1,600 units in Hunters Point Shipyard Phase 1.

4. Limitation on Type, Size and height of Buildings

The type buildings may be as permitted in the Building Code as in effect from time to time. 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 'form-based' 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 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.

Planning Code Sections 320 – 325 (Proposition M) shall apply to office development in the Project Area. Sections 320-325 place a cap on the annual amount of office development permitted in the City. The Planning Commission has determined that development of research and development and office uses

pursuant to this Plan is consistent with Proposition M, shall be facilitated, and shall be favored over office development elsewhere in the City with certain exceptions as described more fully below.

To facilitate early job generation within the Project Area during the early phases of redevelopment under this Plan, the first 800,000 square feet of office development within the Project Area shall be given priority under Sections 320-325 over all office development proposed elsewhere in the City except within: a) the Mission Bay South Project Area; and b) the Transbay Transit Tower (but not the remainder of the Transbay Redevelopment Project Area).

Accordingly, by Resolution No. ____, the Planning Commission adopted findings pursuant to Planning Code Section 321(b)(1) that the 2.5 million square feet of research & development and 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). The findings contained in Resolution No. _____ are incorporated herein by reference. Because the office uses necessary for the fostering of a Research and Development District contemplated by this Plan has been found to promote the public welfare, convenience and necessity, the determination required under Section 321(b), where applicable, will be deemed to have been made for up to 2,500,000 square feet of commercial development projects undertaken pursuant to this Plan. As to the first 800,000 square feet of the 2.500,000 square feet of office development proposed pursuant to this Plan, no office development project contemplated may be disapproved either (i) for inconsistency with Planning Code Sections 320-325 or (ii) in favor of another office development project that is located outside the Project Area and subject to Planning Code Sections 320-325, except as provided in this Section II.D.5. Notwithstanding the above, no office development project will be approved that would cause the then applicable annual limitation contained in Planning Code Section 321 to be exceeded, and the Planning Commission shall consider the design of the particular office development project to confirm that it is consistent with the Planning Commission's findings contained in Resolution No. _____. Upon such determination, the Planning Commission shall issue a project authorization for such project. The decision on the design of any particular office development project reviewed pursuant to this Section 304.11 will be binding on the Agency.

6. Fees and Exactions:

The following provisions will apply to all property in the Project Area excepting parcels utilized for affordable housing development by Agency-sponsored entities. Development Fees and Exactions shall be applied 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 Childcare Requirements, and the Art Requirement shall be the only Development Fees and Exactions that shall apply to the Project Area for the duration of this Plan.

The School Facilities Impact Fee will 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 only to the extent permitted by State Law.

The Art Requirement will apply for the duration of this Plan and requires that, for any new retail or office building in excess of 25,000 square feet constructed within the Project Area that receive an allocation under Planning Code Section

220-225 described in section II.D.5, one-half of one percent (0.5%) of the hard costs of initial construction (excluding costs of infrastructure and tenant improvements) shall be used for the installation and maintenance of works of art in the public realm within the Project Area. In the event that public spaces are not available at the time the fee contemplated by the Art Requirement is due, then it would be paid to a fund administered by the Agency to be used within the Project Area. The public realm within which art may be installed so as to comply with this 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, on 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 will 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 date of amendment of this Redevelopment Plan by Ordinance No. ____ (in the form attached and incorporated hereto as Appendix __). The Child Care Requirements will be administered by the Agency to provide for these public benefits within the Project Area.

The Childcare Requirements provide for compliance either by constructing childcare facilities or, alternatively, payment of an in-lieu fee. Development within the Project Area shall not be subject for the duration of this Plan to any changes to the provisions of the Childcare Requirements allowing compliance through construction of childcare facilities. In addition, no new in lieu fee or increase in the existing in lieu fee related to the Childcare 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 (consisting of all Land Use Districts except the Hill District) and, thereafter, will only be applicable if the new or increased in lieu fee relating to Childcare Requirements is: i) not increased at a rate greater than the annual increase in the San Francisco 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 affordable housing or open space.

Notwithstanding the foregoing, new or increased Development Fees or Exactions may be imposed in order to comply with changes in applicable Federal or State law, however, to the extent permitted by such Federal or State law, any such new or increased Development Fee or Exaction shall only be applied to the Project Area in a manner that is proportional to the impacts caused by the development in the Project Area relative to impacts caused by existing and proposed development outside the Project Area; that is, any such Development Fee or Exaction will be no more than the equitable share of the cost of funding reasonable compliance with Federal or State law taking into account the equitable amount allocable to the impacts caused by previous or existing development within the City. Furthermore, to the extent permitted by such Federal or State law, any project sponsor within the Project Area will only be required to pay a new or increased Development Fee or Exaction that is: i) not applied on a Citywide Basis to similar land uses; or ii) 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.

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 date of amendment of this Redevelopment Plan pursuant to Ordinance No. ____ (and as attached hereto as Appendix __).

E. Retention-Rehabilitation

Existing buildings in the Project Area are identified by building number, on Map 3: Existing Buildings Map.

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

   Buildings 101,140, 204, 205, 207, 208, and 813; 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 Map 4, Street Plan Map. Public rights-of-way will be generally as indicated on the Street Plan Map, and are subject to adjustment by the Agency and the City at the time of detailed engineering studies. The categories of streets include the following:

1. Primary Arterial
2. Retail Street
3. Boulevard Park Street
4. Local Street
5. Pedestrian Mews and Vehicular Laneway

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.

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 trust lands within 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 Government, State and local laws.

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 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 Redevelopment 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.

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, condemnation, lease, or any other lawful method, including utilization of the power of eminent domain, if one or more of the following conditions are met:

1. The building is substandard to a degree requiring clearance as demonstrated by a structural inspection of the property.

2. The property must be acquired in order to eliminate an environmental deficiency, including: incompatible land uses, small and irregular lot subdivision, or overcrowding of the land.

3. The property must be acquired in order to eliminate impediments to land development through assembly of land into parcels of reasonable size and shape, served by an improved street system and public utilities.

4. The building must be removed in order to effect a change in land use as provided in this Plan.

5. The Property is offered to the Agency by the United States Navy or any other Federal Government agency.

6. In order to eliminate the conditions requiring redevelopment and in order to execute the Plan, it is in the public interest and it is necessary for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area that cannot be acquired by gift, devise, exchange, purchase or any other lawful method pursuant to the authorization of this Plan.

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 this Redevelopment 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 this redevelopment 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 Redevelopment 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 Redevelopment 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 the Plan. Such public improvements and public facilities may include, but are not limited to streets, curbs, gutters, sidewalks, pedestrian bridges, street lights, street trees, sewers, storm drains, traffic signals, electrical distribution systems,

natural gas distribution systems, water distribution systems, small boat harbors, parks, playgrounds, police and fire stations, and libraries.

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 the 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 based upon 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. All deeds, leases, or contracts for the sale, lease, sublease or other

transfer of any property in the Project Area shall contain the nondiscrimination clauses prescribed by Code Section 12955 of the Government Code.

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 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 the 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 the 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 the Plan. 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 account 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).

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 Government programs, from the State of California, from the City, from Agency bonds, or from other available sources.

The Agency is hereby authorized to issue bonds, obtain advances, borrow funds and create indebtedness in carrying out the 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 of California, the City, any district, or other public corporation, after the effective date of the ordinance approving this Plan, 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 20 percent 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 said Law and said 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 $XXX 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 Redevelopment 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 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 45 years after the Agency begins collecting substantial tax increment funds; meaning a total allocation of tax increment funds exceeding $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, 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 the Plan, revision of zoning within the Project Area (to be effective as of the 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 an Interagency Cooperation Agreement ("ICA"). The ICA is intended to provide the framework for cooperation among various City Agencies and the Agency in accordance with this Plan and the other applicable Plan Documents 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.

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 MINOR VARIANCE

The land use provisions and development controls within this Plan and the Hunters Point Shipyard Phase 1 or Phase 2 Design for Development, as appropriate, will be applied by the Agency in order to achieve the purposes of the Redevelopment of this Project Area. Amendments to the Phase 2 Design for Development will be approved by the Planning Commission. The Agency Commission, at a duly noticed public hearing, may grant a minor 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 Redevelopment Plan; and

- The granting of a variance would be in harmony with the goals of the Redevelopment Plan, and would not be materially detrimental to the public welfare or materially injurious to neighboring property or improvements in the vicinity.

Upon written request for a variance from the Plan's development controls from the owner or developer of the property, which states fully the grounds of the application and the facts pertaining thereto, and upon its own further investigation, the Agency Commission may, in its sole discretion, grant such variance from the requirements and limitations of this Plan, subject to the condition that the Agency Commission finds and determines that such modification results in substantial compliance with the intent of these land use provisions. 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 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.

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, which 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 45 years after the Agency begins collecting substantial tax increment funds; meaning a total allocation of tax increment funds exceeding $100,000.

IX. ENFORCEMENT OF PLAN

The provisions of the 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 the 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 the Plan.

XI. DEFINITIONS

Following are definitions for certain words and terms used in this Plan. All words used in the present tense shall include the future. All words in the plural number shall include the singular number and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory.

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 which includes any of the following: adult bookstore, adult theater, and encounter studio, as defined by Section 1072.1 of the Police Code as those terms are defined in the San Francisco Police Code.

Agency means the Redevelopment Agency of the City and County of San Francisco, California.

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 which provides medical care and/or boarding services for animals.

Arts Education This use includes schools of any of the following whether 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 This use includes 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 A retail automotive service use which 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 vehicle, collision service, or full body paint spraying.

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.

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

Bar A principal retail use not located in a Restaurant which 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 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit minors, such as theaters, and other entertainment. Restaurants with ABC licenses are not considered bars under this definition.

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.

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

Child Care Requirements means **t**he requirements set forth in City Planning Code Section 314, as it exists on the date of amendment to this Plan (and attached hereto as Appendix __).

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

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, 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 (i) the use classification or district includes a substantial amount of affected private property other than affected private property within the Project Area, (ii) the use classification or 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 or Development Fees or Exactions, and (iii) the cost of compliance with the New City Regulation or Development Fees or Exactions applicable to the same type of use in the Project Area does not exceed the proportional benefits to, or the proportional burdens caused by private development in, the Project Area.

Commercial Storage A commercial use which stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations and which 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 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 which 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.

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 the Redevelopment Plan.

Development Fees or Exactions means a monetary or other exaction including in-kind contributions, other than a tax or special assessment or Administrative Fee, which 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 or Exactions dos 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 A residential use which 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 becomes effective.

Elementary School A use which provides K-8 education and which may be either public or private.

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

Existing City Regulations means City Regulations as they are in effect on the date of amendment of this Plan pursuant to Ordinance No. _____ (_____, 2010).

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

Granting Act means Chapter 203 of the Statutes of 2009, as may be amended from time to time.

Green Technology 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 households items to the general public. This includes neighborhood-serving stores, super-markets, festival market places, or other large format tenants providing primarily food sales up.

Group Housing A residential use which 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 which 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.

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.

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.

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 which 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 A medical cannabis dispensary shall be as 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. _____.

Neighborhood Retail Sales and Services means a commercial use which 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, by way of example and not limitation, those which 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 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

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

New City Regulations means both City Regulations adopted after the date of amendment of this Plan pursuant to Ordinance No. _____ (_____, 2010) or a change in Existing City Regulations effective after the date of amendment of this Plan pursuant to Ordinance No. _____ (_____, 2010).

"New Construction Requirements" means changes made by the City in the construction requirements for Infrastructure and other Improvements.

Nighttime Entertainment means a use that includes 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 which present such activities. It excludes Adult Entertainment.

Office means a use 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; 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.

OPA Rules means rules established by the Agency Commission for property owner participation in redevelopment activities consistent with the provisions of this Redevelopment 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 Redevelopment Plan.

Parking 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, 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 means this Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area.

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 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 which is certified by the Western Association of Schools and Colleges which provides post-secondary educational services such as a school, college or university.

Principal Use means a use that is allowed as of right.

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 the area within the boundaries of the Hunters Point Shipyard Redevelopment Project Area as delineated in Map _____.

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

Public Recreation 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.

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 A use which provides social, fraternal, counseling, athletic or other recreational gathering services to the community.

Regional Retail Sales and Services A commercial use which 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, by way of example and not limitation, 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 which 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 which provides lodging, board, and care for one day or more to persons in need of specialized aid by personnel licensed by the State of California but does not provide outpatient services.

Residential Use means a use which 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 which provides ready-to-eat food to customers for consumption on or off the premises, which may or may not provide seating, and which 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 Uses means land uses permitted, through the determination of the Agency Commission or its designee, provided that such use: a) generally conforms with the redevelopment objectives, the objectives of the District and applicable Hunters Point 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 create conflicts with the Principal Uses of the District or impede the planned uses and development of the District or Project Area.

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

State means the State of California.

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 which provides job training, and may also provide vocational counseling and job referrals and or office or light industrial activities for education purposes.

MAPS TO BE REVISED

Attachment A: Legal Description Hunters Point Shipyard Project Area

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

P A R C E L O N E

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 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.

P A R C E L T W O
(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.

P A R C E L T H R E E
(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.