

1 [Proposing Adoption of Infrastructure Financing Plan - Infrastructure and Revitalization  
2 Financing District No. 2 (Hoedown Yard, Pier 70)]

2

3 **Resolution proposing adoption of the Infrastructure Financing Plan and formation of**  
4 **City and County of San Francisco Infrastructure and Revitalization Financing District**  
5 **No. 2 (Hoedown Yard, Pier 70); providing for future annexation; determining other**  
6 **matters in connection therewith; and affirming the Planning Department’s**  
7 **determination, and making findings under the California Environmental Quality Act.**

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10 WHEREAS, Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California  
11 Government Code, commencing with Section 53369 (“IRFD Law”), the Board of Supervisors  
12 is authorized to establish an infrastructure and revitalization financing district and to act as the  
13 legislative body for an infrastructure and revitalization financing district; and

14 WHEREAS, IRFD Law, Section 53369.14(d)(5) provides that the legislative body of a  
15 proposed infrastructure and revitalization financing district may specify, by ordinance, the date  
16 on which the allocation of tax increment will begin, and the Board of Supervisors has indicated  
17 that it wishes to specify the date on which the allocation of tax increment will begin for the  
18 proposed infrastructure and revitalization financing district; and

19 WHEREAS, Pursuant to the IRFD Law, the Board of Supervisors adopted its  
20 “Resolution of Intention to establish City and County of San Francisco Infrastructure and  
21 Revitalization Financing District No. 2 (Hoedown Yard, Pier 70) on land within the City and  
22 County of San Francisco commonly known as the Hoedown Yard to finance the construction  
23 of affordable housing within Pier 70 and Parcel K South; to provide for future annexation; to  
24 call a public hearing on September 11, 2018, on the formation of the district and to provide  
25 public notice thereof; determining other matters in connection therewith; and affirming the

1 Planning Department’s determination, and making findings under the California Environmental  
2 Quality Act” (“Resolution of Intention to Establish IRFD”), stating its intention to form “City and  
3 County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown  
4 Yard, Pier 70),” pursuant to the IRFD Law; and

5 WHEREAS, The Resolution of Intention to Establish IRFD, is on file with the Clerk of  
6 the Board of Supervisors and the provisions thereof, except as modified by this Resolution,  
7 are incorporated herein by this reference as if fully set forth herein; and

8 WHEREAS, The City intends to form the IRFD for the purpose of financing the cost of  
9 certain facilities (“Facilities”) as further provided in the Resolution of Intention to Establish  
10 IRFD; and

11 WHEREAS, The Board of Supervisors has also adopted a resolution entitled  
12 “Resolution authorizing and directing the Executive Director of the Port of San Francisco, or  
13 designee thereof, to prepare an infrastructure financing plan for City and County of San  
14 Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70);  
15 determining other matters in connection therewith; and affirming the Planning Department’s  
16 determination, and making findings under the California Environmental Quality Act,” to order  
17 preparation of an infrastructure financing plan for the IRFD (“Infrastructure Financing Plan”)  
18 consistent with the requirements of the IRFD Law; and

19 WHEREAS, The Infrastructure Financing Plan includes a list of the Facilities to be  
20 financed by tax increment revenues of the IRFD; and

21 WHEREAS, As required by the IRFD Law, the Clerk of the Board of Supervisors  
22 caused to be mailed a copy of the Resolution of Intention to Establish IRFD to each owner of  
23 land within the proposed IRFD and each affected taxing entity (as defined in the IRFD Law);  
24 and

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1           WHEREAS, As further required by the IRFD Law, the Executive Director of the Port of  
2 San Francisco (“Executive Director”) prepared and sent the Infrastructure Financing Plan,  
3 along with any report required by the California Environmental Quality Act (“CEQA”)  
4 (California Public Resources Code, Sections 21000 et seq.) that pertains to the proposed  
5 Facilities or the proposed development project for which the Facilities are needed (“CEQA  
6 Report”), to (i) each owner of land within the proposed IRFD and (ii) each affected taxing  
7 entity; and the Executive Director also sent the Infrastructure Financing Plan and the CEQA  
8 Report to the Planning Commission and the Board of Supervisors; and

9           WHEREAS, The Clerk of the Board of Supervisors made the Infrastructure Financing  
10 Plan available for public inspection; and

11           WHEREAS, On September 11, 2018, as required by the IRFD Law, the Board of  
12 Supervisors, as the legislative body of the City, which is the only affected taxing entity which is  
13 proposed to be subject to the division of taxes pursuant the IRFD Law, considered and  
14 adopted its resolution “Resolution approving infrastructure financing plan for City and County  
15 of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard,  
16 Pier 70); determining other matters in connection therewith; and affirming the Planning  
17 Department’s determination, and making findings under the California Environmental Quality  
18 Act,” pursuant to which the Board of Supervisors, as the governing body of the City, in its  
19 capacity as an affected taxing entity, approved the Infrastructure Financing Plan and the  
20 procedures for future annexation of territory into the IRFD described in the Resolution of  
21 Intention to Establish IRFD; and

22           WHEREAS, On September 11, 2018, following publication of a notice consistent with  
23 the requirements of the IRFD Law, the Board of Supervisors held a public hearing as required  
24 by the IRFD Law relating to the proposed IRFD, the proposed Infrastructure Financing Plan  
25 and the proposed future annexation of territory into the IRFD in the manner described in the

1 Resolution of Intention to Establish IRFD; and

2 WHEREAS, At the hearing any persons having any objections to the proposed  
3 Infrastructure Financing Plan, or the regularity of any of the prior proceedings, and all written  
4 and oral objections, and all evidence and testimony for and against the adoption of the  
5 Infrastructure Financing Plan, were heard and considered, and a full and fair hearing was  
6 held; and

7 WHEREAS, The Board of Supervisors wishes to propose adoption of the Infrastructure  
8 Financing Plan, and formation of the IRFD; now, therefore, be it

9 RESOLVED, That the foregoing recitals are true and correct; and, be it

10 FURTHER RESOLVED, That all prior proceedings taken by the Board of Supervisors  
11 in connection with the establishment of the IRFD and preparation and approval of the  
12 Infrastructure Financing Plan have been duly considered and are hereby found and  
13 determined to be valid and in conformity with the IRFD Law; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby proposes formation of  
15 the IRFD and division of taxes of the City as described in the Infrastructure Financing Plan;  
16 the proposed IRFD shall be designated the “City and County of San Francisco Infrastructure  
17 and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70);” and, be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby proposes adoption of  
19 the Infrastructure Financing Plan in the form on file with the Clerk of the Board of Supervisors;  
20 and, be it

21 FURTHER RESOLVED, That future annexations of property into the IRFD may occur  
22 at any time after formation of the IRFD, but only if the Board of Supervisors has completed the  
23 procedures set forth in the Infrastructure Financing Plan, which shall be based on the  
24 following: (i) the Board of Supervisors adopts a resolution of intention to annex property (the  
25 “annexation territory”) into the IRFD and describes the annexation territory to be included in

1 the IRFD, (ii) the resolution of intention is mailed to each owner of land in the annexation  
2 territory and each affected taxing entity in the annexation territory, if any, in substantial  
3 compliance with IRFD Law, Sections 53369.11 and 53369.12, (iii) the Board of Supervisors  
4 directs the Port to prepare an amendment to the Infrastructure Financing Plan, if necessary,  
5 and the designated official prepares any such amendment, in substantial compliance with  
6 IRFD Law, Sections 53369.13 and 53369.14, (iv) any amendment to the Infrastructure  
7 Financing Plan is sent to each owner of land and each affected taxing entity (if any) within the  
8 annexation territory, in substantial compliance with IRFD Law, Sections 53369.15 and  
9 53369.16, (v) the Board of Supervisors notices and holds a public hearing on the proposed  
10 annexation, in substantial compliance with IRFD Law, Sections 53369.17 and 53369.18, (vi)  
11 the Board of Supervisors adopts a resolution proposing the adoption of any amendment to the  
12 Infrastructure Financing Plan and annexation of the annexation territory to the IRFD, and  
13 submits the proposed annexation to the qualified electors in the annexation territory, in  
14 substantial compliance with IRFD Law, Sections 53369.20-53369.22, with the ballot measure  
15 to include the question of the proposed annexation of the annexation territory into the IRFD,  
16 approval of the appropriations limit for the annexation territory and approval of the issuance of  
17 bonds for the annexation territory, and (vii) after canvass of returns of any election, and if two-  
18 thirds of the votes cast upon the question are in favor of the ballot measure, the Board of  
19 Supervisors may, by ordinance, adopt the amendment to the Infrastructure Financing Plan, if  
20 any, and approve the annexation of the annexation territory to the IRFD, in substantial  
21 compliance with IRFD Law, Section 53369.23; and, be it

22 FURTHER RESOLVED, That in accordance with IRFD Law, Sections 53369.5(b) and  
23 53369.14(d)(5), the Board of Supervisors shall establish, by ordinance, the date on which the  
24 allocation of tax increment shall begin for the IRFD (“Commencement Date”), with the  
25 Commencement Date being the first day of the fiscal year following the fiscal year in which the

1 IRFD has generated and the City has received at least \$100,000 of tax increment; and, be it

2 FURTHER RESOLVED, That in accordance with the IRFD Law, the annual  
3 appropriations limit for the IRFD, as defined by subdivision (h) of Section 8 of Article XIII B of  
4 the California Constitution, is hereby established at \$91.9 million, and said appropriations limit  
5 shall be submitted to the qualified electors of the proposed IRFD; the proposition establishing  
6 the annual appropriations limits shall become effective if approved by the qualified electors  
7 voting thereon and shall be adjusted in accordance with applicable law; and, be it

8 FURTHER RESOLVED, That pursuant to the provisions of the IRFD Law, the  
9 proposition to establish the IRFD, the proposition to approve the Infrastructure Financing Plan  
10 and the proposition to establish the appropriations limit specified above shall be submitted to  
11 the qualified electors of the IRFD at an election, and the time, place and conditions of the  
12 election shall be as specified by a separate resolution of the Board of Supervisors, and the  
13 Board of Supervisors directs staff, within three business days, to provide the Director of  
14 Elections of the City and County of San Francisco, as the official to conduct the election, with  
15 the following: this Resolution, a certified map of sufficient scale and clarity to show the  
16 boundaries of the proposed IRFD, and a sufficient description (including the assessor’s parcel  
17 numbers in a landowner election) to allow the Director of Elections to determine the  
18 boundaries of the proposed IRFD; and, be it

19 FURTHER RESOLVED, That in the Resolution of Intention to Establish IRFD, the  
20 Board of Supervisors made certain findings under the CEQA about the Final Environmental  
21 Impact Report for the Pier 70 Mixed-Use District Project, and those findings are incorporated  
22 in this Resolution as if set forth in their entirety herein; and, be it

23 FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or  
24 word of this resolution, or any application thereof to any person or circumstance, is held to be  
25 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision

1 shall not affect the validity of the remaining portions or applications of this resolution, the  
2 Board of Supervisors hereby declaring that it would have passed this resolution and each and  
3 every section, subsection, sentence, clause, phrase, and word not declared invalid or  
4 unconstitutional without regard to whether any other portion of this resolution or application  
5 thereof would be subsequently declared invalid or unconstitutional; and, be it

6           FURTHER RESOLVED, That the Mayor, the Controller, the Director of Elections, the  
7 Director of the Office of Public Finance, the Executive Director, the Clerk of the Board of  
8 Supervisors and any and all other officers of the City are hereby authorized, for and in the  
9 name of and on behalf of the City, to do any and all things and take any and all actions,  
10 including execution and delivery of any and all documents, assignments, certificates,  
11 requisitions, agreements, notices, consents, instruments of conveyance, warrants and  
12 documents, which they, or any of them, may deem necessary or advisable in order to  
13 effectuate the purposes of this Resolution; provided however that any such actions be solely  
14 intended to further the purposes of this Resolution, and are subject in all respects to the terms  
15 of the Resolution; and, be it

16           FURTHER RESOLVED, That all actions authorized and directed by this Resolution,  
17 consistent with any documents presented herein, and heretofore taken are hereby ratified,  
18 approved and confirmed by the Board of Supervisors; and, be it

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1           FURTHER RESOLVED, That this Resolution shall take effect upon its enactment.  
2           Enactment occurs when the Mayor signs the resolution, the Mayor returns the resolution  
3           unsigned or does not sign the resolution within ten days of receiving it, or the Board of  
4           Supervisors overrides the Mayor's veto of the resolution.

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6           APPROVED AS TO FORM:  
7           DENNIS J. HERRERA  
8           City Attorney

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10          By: \_\_\_\_\_  
11                MARK D. BLAKE  
12                Deputy City Attorney  
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