

1 [Authorizing Preparation of an Amended Infrastructure Financing Plan for City and County of
2 San Francisco Infrastructure and Revitalization Financing District No.1 (Treasure Island)]

3 **Resolution authorizing and directing the Director of the Office of Public Finance, or**
4 **designee thereof, to prepare an amended infrastructure financing plan for the City and**
5 **County of San Francisco Infrastructure and Revitalization Financing District No. 1**
6 **(Treasure Island) and project areas therein, and determining other matters in**
7 **connection therewith, as defined herein.**

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9 WHEREAS, Naval Station Treasure Island (“NSTI”) is a former United States Navy
10 base located in the City and County of San Francisco (the “City”) that consists of two islands
11 connected by a causeway: (1) Treasure Island, and (2) an approximately 90-acre portion of
12 Yerba Buena Island; and

13 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended
14 California Health and Safety Code, Section 33492.5, and added Section 2.1 to Chapter 1333
15 of the Statutes of 1968, the California Legislature: (i) designated the Treasure Island
16 Development Authority, a California non-profit public benefit corporation (“TIDA”) as a
17 redevelopment agency under California redevelopment law with authority over NSTI upon
18 approval of the City’s Board of Supervisors, and (ii) with respect to those portions of NSTI
19 which are subject to Tidelands Trust, vested in TIDA the authority to administer the public
20 trust for commerce, navigation and fisheries as to such property; and

21 WHEREAS, The Board of Supervisors approved the designation of TIDA as a
22 redevelopment agency for NSTI in 1997; and

23 WHEREAS, On January 24, 2012, the Board of Supervisors rescinded designation of
24 TIDA as the redevelopment agency for Treasure Island under California Community
25 Redevelopment Law in Resolution No. 11-12; and such rescission does not affect TIDA’s

1 status as the Local Reuse Authority for NSTI or the Tidelands Trust trustee for the portions of
2 NSTI subject to the Tidelands Trust, or any of the other powers or authority; and

3 WHEREAS, The United States of America, acting by and through the Department of
4 the Navy (“Navy”), and TIDA entered into an Economic Conveyance Memorandum of
5 Agreement (as amended and supplemented from time to time, the “Conveyance Agreement”)
6 that governs the terms and conditions for the transfer of NSTI from the Navy to TIDA; and
7 under the Conveyance Agreement, the Navy has and will convey NSTI to TIDA in phases
8 after the Navy has completed environmental remediation and issued a Finding of Suitability to
9 Transfer (as defined in the Conveyance Agreement) for specified parcels of NSTI or portions
10 thereof; and,

11 WHEREAS, Treasure Island Community Development, LLC (“Developer”) and TIDA
12 have previously entered into a Disposition and Development Agreement (Treasure
13 Island/Yerba Buena Island) dated June 28, 2011 (the “DDA”), including a Financing Plan
14 (Treasure Island/Yerba Buena Island) (the “Financing Plan”), which governs the disposition
15 and development of a portion of NSTI (the “Project Site”) after the Navy’s transfer of NSTI to
16 TIDA in accordance with the Conveyance Agreement; and

17 WHEREAS, The DDA contemplates a project (the “Project”) under which TIDA
18 acquires the Project Site from the Navy and conveys portions of the Project Site to Developer
19 for the purposes of: (i) alleviating blight in the Project Site through development of certain
20 improvements, (ii) geotechnically stabilizing the Project Site, (iii) constructing public
21 infrastructure to support the Project and other proposed uses on NSTI, (iv) constructing and
22 improving certain public parks and open spaces, (v) remediating certain existing hazardous
23 substances, and (vi) selling and ground leasing lots to vertical developers who will construct
24 residential units and commercial and public facilities; and

1 WHEREAS, On April 21, 2011, the Planning Commission, by Motion No. 18325 and
2 the Board of Directors of TIDA, by Resolution No. 11-14-04/21, as co-lead agencies, certified
3 the completion of the Final Environmental Impact Report for the Project, and unanimously
4 approved a series of entitlement and transaction documents relating to the Project, including
5 certain environmental findings under the California Environmental Quality Act (“CEQA”), a
6 mitigation and monitoring and reporting program (the “MMRP”), and the DDA and other
7 transaction documents; and

8 WHEREAS, On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors
9 unanimously affirmed certification of the Final Environmental Impact Report, on that same
10 date, the Board of Supervisors, in Resolution No. 246-11, adopted CEQA findings and the
11 MMRP, and made certain environmental findings under CEQA (collectively, the “FEIR”). Also
12 on that date, the Board of Supervisors, in Ordinance No. 95-11, approved the DDA and other
13 transaction documents, including the Transportation Plan and Infrastructure Plan; and

14 WHEREAS, TIDA and the Developer had been working diligently since then to
15 implement the Project consistent with the DDA, the MMRP and other documents; and,

16 WHEREAS, No additional environmental review was required because there were no
17 substantial changes to the project analyzed in the FEIR, no change in circumstances under
18 which the project was being undertaken, and no new information of substantial importance
19 indicating that new significant impacts would occur, that the impacts identified in the FEIR as
20 significant impacts would be substantially more severe, or that mitigation or alternatives
21 previously found infeasible were now feasible; and

22 WHEREAS, Developer and the City previously entered into a Development Agreement
23 related to the Project Site to eliminate uncertainty in the City’s land use planning for the
24 Project Site and secure orderly development of the Project consistent with the DDA and other

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1 applicable requirements, and the Financing Plan was also an exhibit to the Development
2 Agreement; and

3 WHEREAS, The Financing Plan identified certain financial goals for the Project and the
4 contractual framework for cooperation between TIDA, the City, and Developer in achieving
5 those goals and implementing the Project; and,

6 WHEREAS, The Financing Plan, among other things, obligates TIDA and the City to
7 take all actions reasonably necessary for, and obligates Developer to cooperate reasonably
8 with the efforts of, (i) the City to form requested community facilities districts (each, a “CFD”;
9 together, the “CFDs”) and take related actions under the Mello-Roos Community Facilities Act
10 of 1982 (the “Mello-Roos Act”) to pay for Qualified Project Costs, Ongoing Park Maintenance
11 and Additional Community Facilities (as those terms are defined in the Financing Plan), (ii) the
12 City to form requested infrastructure financing districts and take related actions under
13 applicable provisions of the Government Code of the State of California to pay for Qualified
14 Project Costs and (iii) the City to issue bonds and other debt for the CFDs and the
15 infrastructure financing districts and other public financing instruments described in the
16 Financing Plan (defined in the Financing Plan as “Public Financing”); and

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

21 WHEREAS, Pursuant to IRFD Law Section 53369.5, an infrastructure and revitalization
22 financing district may be divided into project areas; and,

23 WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of
24 Supervisors adopted Ordinance No. 21-17 on January 31, 2017, which the Mayor signed on
25 February 9, 2017 (“IRFD Formation Ordinance”), pursuant to which the Board of Supervisors

1 declared City and County of San Francisco Infrastructure and Revitalization Financing District
2 No. 1 (Treasure Island) (“IRFD”) and the following project areas within the IRFD (collectively,
3 “Initial Project Areas,” and together with any future project areas that may be established in
4 the IRFD, the “Project Areas”) to be fully formed with full force and effect of law:

5 (i) Project Area A of the City and County of San Francisco Infrastructure and
6 Revitalization Financing District No. 1 (Treasure Island) (“Project Area A”);

7 (ii) Project Area B of the City and County of San Francisco Infrastructure and
8 Revitalization Financing District No. 1 (Treasure Island) (“Project Area B”);

9 (iii) Project Area C of the City and County of San Francisco Infrastructure
10 and Revitalization Financing District No. 1 (Treasure Island) (“Project Area C”);

11 (iv) Project Area D of the City and County of San Francisco Infrastructure and
12 Revitalization Financing District No. 1 (Treasure Island) (“Project Area D”); and

13 (v) Project Area E of the City and County of San Francisco Infrastructure and
14 Revitalization Financing District No. 1 (Treasure Island) (“Project Area E”); and,

15 WHEREAS, Pursuant to the IRFD Formation Ordinance, the Board of Supervisors also
16 approved an Infrastructure Financing Plan for the IRFD (“IFP”); and,

17 WHEREAS, The IRFD Law provides that the legislative body of an infrastructure and
18 revitalization financing district may, at any time, add territory to a district or amend the
19 infrastructure financing plan for the district by conducting the same procedures for the
20 formation of a district or approval of bonds as provided in the IRFD Law; and,

21 WHEREAS, On October 19, 2021, pursuant to Resolution No. 481-21, which the Mayor
22 signed on October 22, 2021 (“Resolution of Intention to Amend IRFD”), the Board of
23 Supervisors declared its intention to conduct proceedings to make certain Amendments to the
24 IRFD (as defined in the Resolution of Intention to Amend), pursuant to Section 53369.5(b) of
25 the IRFD Law; and,

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2 WHEREAS, The IRFD Law requires this Board of Supervisors, after adopting the
3 Resolution of Intention to Amend, to designate and direct the City engineer or other
4 appropriate official to prepare an amended infrastructure plan; now, therefore, be it

5 RESOLVED, That the Board of Supervisors is adopting this Resolution in its capacity
6 as the legislative body of the IRFD and as the “legislative body” as defined in the IRFD Law;
7 and, be it

8 FURTHER RESOLVED, That the Director of the Office of Public Finance, or the
9 designee of the Director of the Office of Public Finance, is hereby authorized and directed to
10 prepare, or cause to be prepared, an amended IFP (the “Amended IFP”) that is consistent
11 with the general plan of the City and includes all of the proposed Amendments; and, be it

12 FURTHER RESOLVED, That the Director of Public Finance, or the designee of the
13 Director of Public Finance, shall send the Amended IFP to (i) the planning commission of the
14 City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and (iv)
15 each affected taxing entity (if any); and, be it

16 FURTHER RESOLVED, That the Director of the Public Finance, or designee thereof,
17 shall also send to the owners of land within the proposed amended IRFD and the affected
18 taxing entities (if any) any report required by the California Environmental Quality Act (Division
19 13 (commencing with Section 21000) of the Public Resources Code) that pertains to the
20 Project; and, be it

21 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall make the
22 Infrastructure Financing Plan available for public inspection; and, be it

23 FURTHER RESOLVED, That the Director of Public Finance, or designee thereof, shall
24 consult with each affected taxing entity, and, at the request of any affected taxing entity, shall
25 meet with representatives of the affected taxing entity; and, be it

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2 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
3 the FEIR and finds that the FEIR is adequate for its use for the actions taken by this resolution
4 and incorporates the FEIR and the CEQA findings contained in Board of Supervisors
5 Resolution No. 246-11 by this reference; and, be it

6 FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or
7 word of this resolution, or any application thereof to any person or circumstance, is held to be
8 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
9 shall not affect the validity of the remaining portions or applications of this resolution, this
10 Board of Supervisors hereby declaring that it would have passed this resolution and each and
11 every section, subsection, sentence, clause, phrase, and word not declared invalid or
12 unconstitutional without regard to whether any other portion of this resolution or application
13 thereof would be subsequently declared invalid or unconstitutional; and, be it

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

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

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2 FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA
6 City Attorney

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7 By: /s/ MARK D. BLAKE
8 MARK D. BLAKE
9 Deputy City Attorney
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