

1 [Levying Special Taxes - Special Tax District No. 2019-2 (Pier 70 Leased Properties)]

2

3 **Ordinance levying special taxes within City and County of San Francisco Special Tax**
4 **District No. 2019-2 (Pier 70 Leased Properties).**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

9

10 Be it ordained by the People of the City and County of San Francisco:

11

12 Section 1. Background and Findings. The Board of Supervisors of the City and
13 County of San Francisco (“Board”) hereby finds, determines, and declares, based on the
14 record before it, that:

15 (a) California Statutes of 1968, Chapter 1333 (“Burton Act”) and San Francisco
16 Charter Section 4.114 and Appendix B, beginning at Section B3.581, empower the City and
17 County of San Francisco (“City”), acting through the San Francisco Port Commission (“Port”
18 or “Port Commission”), with the power and duty to use, conduct, operate, maintain, manage,
19 regulate, and control the lands within Port jurisdiction.

20 (b) FC Pier 70, LLC, a Delaware limited liability company (“Master Developer”) and the
21 City, acting by and through the Port, are parties to a Disposition and Development Agreement
22 (as amended from time to time, “DDA”), including a Financing Plan (as amended from time to
23 time, “Financing Plan”), that governs the disposition and development of approximately 28
24 acres of land in the waterfront area of the City known as Pier 70 (“Project Site”).

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1 (c) In the general election held on November 4, 2014, an initiative entitled, the “Union
2 Iron Works Historic District Housing, Waterfront Parks, Jobs and Preservation Initiative”
3 (“Proposition F”), was approved by the voters in the City.

4 (d) The DDA contemplates a project (“Project”) under which the Port would initially
5 lease the Project Site to the Master Developer for infrastructure development, and, ultimately,
6 lease and sell parcels in the Project Site to vertical developers, for development of a mixed-
7 use project described in the DDA.

8 (e) The City anticipates that, in addition to the infrastructure and private development
9 described above, future improvements will be necessary to ensure that the shoreline, public
10 facilities, and public access improvements will be protected should sea level rise in the vicinity
11 of the Project Site, and the Board desires to provide a mechanism to pay for the costs of such
12 improvements.

13 (f) At its hearing on August 24, 2017, and prior to recommending proposed Planning
14 Code amendments for approval, by Motion No. 19976, the Planning Commission certified a
15 Final Environmental Impact Report (“FEIR”) for the Project (Case No. 2014-001272ENV)
16 pursuant to the California Environmental Quality Act (“CEQA”) (California Public Resources
17 Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et
18 seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is on file with the
19 Clerk of the Board in File No. 170930, and is incorporated herein by reference.

20 (g) In recommending the proposed Planning Code amendments for approval by this
21 Board at its hearing on August 24, 2017, by Motion No. 19977, the Planning Commission also
22 adopted findings under CEQA, including a statement of overriding consideration, and a
23 Mitigation Monitoring and Reporting Program (“MMRP”). A copy of said Motion and MMRP
24 are on file with the Clerk of the Board in File No. 170930, and are incorporated herein by
25 reference.

1 (h) Under Chapter 43, Article X of the Administrative Code (“Code”), which Code
2 incorporates by reference the Mello-Roos Community Facilities Act of 1982, as amended
3 (“Mello-Roos Act”), this Board is authorized to establish special tax districts and to act as the
4 legislative body for each such district.

5 (i) On November 19, 2019, this Board adopted Resolution No. 502-19 entitled
6 “Resolution declaring the intention of the Board to establish City and County of San Francisco
7 Special Tax District No. 2019-2 (Pier 70 Leased Properties) and a Future Annexation Area;
8 ordering and setting a time and place for a public hearing of the Board, sitting as a Committee
9 of the Whole, on January 14, 2020; determining other matters in connection therewith, as
10 defined herein; and making findings under the California Environmental Quality Act”
11 (“Resolution of Intention”), which Resolution of Intention was signed by the Mayor on
12 November 27, 2019, a complete copy of which is on file with the Clerk of the Board in File No.
13 191078, stating its intention to form (i) the "City and County of San Francisco Special Tax
14 District No. 2019-2 (Pier 70 Leased Properties)" (“Special Tax District”) and (ii) a "City and
15 County of San Francisco Special Tax District No. 2019-2 (Pier 70 Leased Properties) (Future
16 Annexation Area)" ("Future Annexation Area"), pursuant to the Code.

17 (j) On November 19, 2019, this Board also adopted Resolution No. 503-19 entitled
18 “Resolution declaring the intention of the Board to incur bonded indebtedness and other debt
19 in an aggregate principal amount not to exceed \$1,841,600,000 for the City and County of
20 San Francisco Special Tax District No. 2019-2 (Pier 70 Leased Properties) and determining
21 other matters related thereto, as defined herein” (“Resolution of Intention to Incur
22 Indebtedness”), which Resolution of Intention to Incur Indebtedness was signed by the Mayor
23 on November 27, 2019, a complete copy of which is on file with the Clerk of the Board in File
24 No. 191079, stating its intention to incur bonded indebtedness and other debt (as defined in
25 the Mello-Roos Act) within the boundaries of the Special Tax District for the purpose of

1 financing the costs of certain facilities specified in the Resolution of Intention.

2 (k) Notice was published as required by the Code of the intention of this Board to form
3 the Special Tax District and the Future Annexation Area, to levy a special tax to provide for
4 certain facilities, services, and incidental expenses and to incur bonded indebtedness and
5 other debt for the Special Tax District in an amount not to exceed \$1,841,600,000.

6 (l) On January 14, 2020, this Board held noticed public hearings as required by the
7 Code. At said hearings all persons desiring to be heard on all matters pertaining to the
8 formation of the Special Tax District and the Future Annexation Area, the levy of said special
9 taxes, and the incurrence of bonded indebtedness and other debt were heard, substantial
10 evidence was presented and considered by this Board and full and fair hearings were held.

11 (m) Subsequent to the hearings, this Board adopted resolutions entitled “Resolution of
12 formation of City and County of San Francisco Special Tax District No. 2019-2 (Pier 70
13 Leased Properties) and a Future Annexation Area; determining other matters in connection
14 therewith, as defined herein; and making findings under the California Environmental Quality
15 Act” (“Resolution of Formation”), “Resolution determining necessity to incur bonded
16 indebtedness and other debt in an aggregate principal amount not to exceed \$1,841,600,000
17 for the City and County of San Francisco Special Tax District No. 2019-2 (Pier 70 Leased
18 Properties) and determining other matters in connection therewith, as defined herein”
19 (“Resolution of Necessity”) and “Resolution calling special election in City and County of San
20 Francisco Special Tax District No. 2019-2 (Pier 70 Leased Properties) and determining other
21 matters in connection therewith, as defined herein” (“Resolution of Special Election”) , which
22 resolutions defined the facilities, services, and incidental expenses to be financed by the
23 Special Tax District, established the Special Tax District, authorized the levy of special taxes
24 within the Special Tax District, determined the necessity to incur bonded indebtedness and
25 other debt in the Special Tax District and called an election within the Special Tax District on

1 the propositions of incurring indebtedness, levying the special taxes, and establishing an
2 appropriations limit within the Special Tax District.

3 (n) In the Resolution of Formation, this Board made certain findings under CEQA
4 about the FEIR for the disposition and development of the Project Site, and those findings are
5 incorporated in this Ordinance as if set forth in their entirety herein.

6 (o) In the Resolution of Formation, this Board determined that in order to advance the
7 public purposes of the City, the type of facilities proposed to be financed by the Special Tax
8 District and pursuant to the Code shall consist of those items listed as facilities in Exhibit A
9 hereto and by this reference incorporated herein (“Facilities”). The list of Facilities in Exhibit A
10 is included in this Ordinance in order to comply with Section 43.10.15 of the Code.

11 (p) In the Resolution of Formation, this Board also determined that in order to advance
12 the public purposes of the City, the type of services proposed to be financed by the Special
13 Tax District and pursuant to the Code shall consist of those items listed as services in Exhibit
14 A hereto and by this reference incorporated herein (“Services”). The list of Services in Exhibit
15 A is included in this Ordinance in order to comply with Section 43.10.16 of the Code.

16 (q) In the Resolution of Formation, this Board also determined that in order to advance
17 the public purposes of the City, the type of incidental expenses proposed to be financed by
18 the Special Tax District and pursuant to the Code shall consist of those items listed as
19 incidental expenses in Exhibit A hereto and by this reference incorporated herein (“incidental
20 expenses”).

21 (r) On January 27, 2020, a special election was held within the Special Tax District at
22 which the qualified electors approved the propositions of incurring indebtedness, levying the
23 special taxes, and establishing an appropriations limit within the Special Tax District by the
24 two-thirds vote required by the Code.

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1 Section 2. The Board hereby authorizes and levies special taxes within the Special
2 Tax District pursuant to the Code, at the rate and in accordance with the formula ("Rate and
3 Method") set forth in the Resolution of Formation, which Resolution of Formation is by this
4 reference incorporated herein, a complete copy of which is on file with the Clerk of the Board
5 in File No. 191168. The special taxes are hereby levied commencing in fiscal year 2020-21
6 and in each fiscal year thereafter until payment in full of any bonds or other debt (as defined in
7 the Mello-Roos Act) issued by the City for the Special Tax District ("Bonds") or such longer
8 period provided in the Rate and Method, as contemplated by the Resolution of Formation and
9 the Resolution of Necessity, and all costs of administering the Special Tax District.:

10 Section 3. The Director of the Office of Public Finance of the City is hereby authorized
11 and directed each fiscal year to determine the specific special tax rate and amount to be
12 levied for the next ensuing fiscal year for each parcel of real property within the Special Tax
13 District, in the manner and as provided in the Resolution of Formation and the Rate and
14 Method.

15 Section 4. In no event shall the special taxes be levied on any parcel within the Special
16 Tax District in excess of the maximum special taxes specified in the Resolution of Formation
17 and the Rate and Method.

18 Section 5. All of the collections of the special taxes shall be used as provided for in the
19 Code, in the Resolution of Formation, and in the Financing Plan, including, but not limited to,
20 the payment of principal and interest on the Bonds, the replenishment of one or more debt
21 service reserve funds for the Bonds, the payment of the costs of the Facilities, the Services,
22 and the incidental expenses, the payment of the costs of the City in administering the Special
23 Tax District, and the costs of collecting and administering the special taxes.

24 Section 6. The special taxes shall be collected in the same manner as ordinary ad
25 valorem taxes are collected and shall have the same lien priority, and be subject to the same

1 penalties and the same procedure and sale in cases of delinquency as provided for ad
2 valorem taxes; provided, however, that this Board hereby expressly approves the use of hand
3 billing for collection of special taxes in the Special Tax District and may provide for other
4 appropriate methods of collection by resolutions of this Board. In addition, the provisions of
5 Section 53356.1 of the Mello-Roos Act shall apply to delinquent special tax payments.

6 In the Resolution of Formation, the Board declared that it expects that the real property
7 in the Special Tax District that will be subject to the special taxes will consist of leasehold or
8 possessory interests in land owned by the City or the Port Commission, and approved the
9 levy of Special Taxes on such leasehold or possessory interests on the secured property tax
10 roll of the City and County of San Francisco.

11 The Director of the Office of Public Finance of the City is hereby authorized and
12 directed to provide all necessary information to the appropriate officers of the City in order to
13 effect proper billing and collection of the special taxes, so that the special taxes shall be
14 included on the secured property tax roll of the City for fiscal year 2020-21 and for each fiscal
15 year thereafter until the Bonds and all costs of administering the Special Tax District are paid
16 in full or such longer period of time provided in the Rate and Method.

17 Section 7. As permitted by the Code, the provisions of this Ordinance shall apply not
18 only to the initial territory included in the Special Tax District but also to parcels included in the
19 Future Annexation Area that are annexed to the Special Tax District at the rate or rates to be
20 approved unanimously by the owner or owners of each parcel or parcels to be annexed to the
21 Special Tax District.

22 Section 8. Severability. If for any reason any portion of this Ordinance is found by a
23 court of competent jurisdiction to be invalid, or if the special taxes are found by a court of
24 competent jurisdiction inapplicable to any particular parcel within the Special Tax District, the
25 balance of this Ordinance and the application of the special taxes to the remaining parcels

1 within the Special Tax District shall not be affected. Furthermore, if any section, subsection,
2 sentence, clause, phrase, or word of this Ordinance, or any application thereof to any person
3 or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent
4 jurisdiction, such decision shall not affect the validity of the remaining portions or applications
5 of this Ordinance. This Board hereby declares that it would have passed this Ordinance and
6 each and every section, subsection, sentence, clause, phrase, and word not declared invalid
7 or unconstitutional without regard to whether any other portion of this Ordinance or application
8 thereof would be subsequently declared invalid or unconstitutional.

9 Section 9. Effective Date. This Ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the Ordinance, the Mayor returns the
11 Ordinance unsigned or does not sign the Ordinance within 10 days of receiving it, or the
12 Board overrides the Mayor's veto of the Ordinance.

13

14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16

17

18 By:

MARK D. BLAKE
Deputy City Attorney

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EXHIBIT A

CITY AND COUNTY OF SAN FRANCISCO
Special Tax District No. 2019-2
(Pier 70 Leased Properties)

DESCRIPTION OF FACILITIES, SERVICES AND OTHER COSTS TO BE FINANCED BY
THE SPECIAL TAX DISTRICT

City and County of San Francisco Special Tax District No. 2019-2 (Pier 70 Leased Properties) (as originally configured and as expanded through annexation of property in the future, the “STD”), is authorized to finance the Facilities, Services and Incidental Costs described in this Exhibit A. Capitalized terms used in this Exhibit A but not defined herein have the meaning given them in the Appendix to Transaction Documents for the Pier 70 28-Acre Site Project, attached as an appendix to the Disposition and Development Agreement (“DDA”), dated as of May 2, 2018, by and between the Port and the Developer, including all exhibits and attachments, as may be amended from time to time. When used in this Exhibit A, “including” has the meaning given to it in the DDA.

AUTHORIZED FACILITIES

The STD is authorized to finance the purchase, construction, reconstruction, expansion, improvement, or rehabilitation of all or any portion of the facilities authorized to be financed by the San Francisco Special Tax Financing Law (Admin. Code ch. 43, art. X) and the Mello-Roos Community Facilities Act of 1982 (Cal. Gov’t Code Section 53311 et seq.), including:

1. Land Acquisition - includes, but is not limited to, acquisition of land for public improvements or for other requirements under the DDA.

- 1 2. Demolition and Abatement - includes, but is not limited to, Site Preparation costs,
2 including abatement of hazardous materials, removal of below-grade, at-grade, and
3 above-grade facilities, and recycling or disposal of waste, including demolition and
4 abatement within future vertical sites that is necessary for Horizontal Improvements.
5
- 6 3. Auxiliary Water Supply System - includes, but is not limited to, main pipe, laterals,
7 valves, fire hydrants, cathodic protection, tie-ins, and any other components required
8 for onsite and offsite high pressure water supply network intended for fire suppression.
9
- 10 4. Low Pressure Water - includes, but is not limited to, main pipe, laterals, water meters,
11 water meter boxes, back flow preventers, gate valves, air valves, blow-offs, fire
12 hydrants, cathodic protection, tie-ins, and any other components required for onsite
13 and offsite low pressure water supply network intended for domestic use.
14
- 15 5. Non-Potable Water - includes, but is not limited to, main pipe, laterals, water meters,
16 water meter boxes, back flow preventers, gate valves, air valves, blow-offs, cathodic
17 protection, tie-ins, blackwater treatment facility (whether publicly or privately owned),
18 and any other components required for non-potable water supply network intended to
19 provide treated wastewater for use in, among other things, irrigation of parks,
20 landscaping, and non-potable uses within buildings.
21
- 22 6. Combined Sanitary Sewer and Stormwater Management- includes, but is not limited to,
23 retrofit of existing combined sewer facilities, new gravity main pipe, force main pipe and
24 associated valves, laterals, manholes, catch basins, traps, air vents, pump stations,
25 outfalls, lift stations, connections to existing systems, stormwater treatment BMPs such

1 as detention vaults, and any other components required for a network intended to
2 convey storm water and sanitary sewage, including components, such as ejector
3 pumps, associated with vertical buildings to meet design criteria for the Horizontal
4 Improvements.

5
6 7. Joint Trench & Dry Utilities - includes, but is not limited to, installation of primary and
7 secondary conduits, overhead poles, pull boxes, vaults, subsurface enclosures, gas
8 main, and anodes for dry utilities including electrical, gas, telephone, cable, internet,
9 and information systems.

10
11 8. Earthwork and Retaining Walls - includes, but is not limited to, Site Preparation
12 activities including importation of clean fill materials, clearing and grubbing, slope
13 stabilization, ground improvement, installation of geogrid, surcharging, wick drains,
14 excavation, rock fragmentation, grading, placement of fill, compaction, retaining walls,
15 subdrainage, erosion control, temporary fencing, and post-construction stabilization
16 such as hydroseeding. Also, includes, but is not limited to, excavation of future vertical
17 development sites if the excavated soils is used on site for purposes of raising
18 Horizontal Improvements.

19
20 9. Roadways - includes, but is not limited to, Public ROWs, road subgrade preparation,
21 aggregate base, concrete roadway base, asphalt wearing surface, concrete curb,
22 concrete gutter, medians, colored asphalt and concrete, pavers, speed bumps,
23 sawcutting, grinding, conform paving, resurfacing, any other components required for
24 onsite and offsite roadways, transit stops, bus facilities, permanent pavement marking
25 and striping, traffic control signage, traffic light signals, offsite traffic improvements, and

1 any other components or appurtenant features as required in the approved
2 Improvement Plan details and specifications. through the permitting process.

3 10. Streetscape - includes, but is not limited to, subgrade preparation, aggregate base,
4 sidewalks, pavers, ADA curb ramps with detectable tiles, streetlights, light pole
5 foundations, signage, emergency services infrastructure, landscaping (including trees
6 and silva cells and/or structural soil), irrigation, street furniture, waste receptacles, bike
7 racks, shared bike parking facilities (whether publicly or privately owned), newspaper
8 stands, any other components or appurtenant features as required in the approved
9 Improvement Plan details and specifications through the permitting process, and
10 interpretative signage and facilities.

11
12 11. Parks and Public Space - includes, but is not limited to, fine grading, storm drainage
13 and treatment, sanitary sewer, low pressure water, park lighting, community wifi,
14 security infrastructure, low-voltage electrical, various hardscaping, irrigation,
15 landscaping, various concrete structures, site furnishings, public art, viewing platforms,
16 retrofit of shoreline structures and slopes (including demolition, excavation, installation
17 of revetment, structural repair, and any other components, e.g., Shoreline
18 Improvements), and any other associated work in publicly accessible spaces such as
19 parks, open spaces, plazas, and mid-block passages, including publicly-accessible
20 parks, plazas, mid-block passages and open space that is located on private property,
21 but identified as public open space, mid-block passages, streets or streetscapes in the
22 DDA or Design for Development.

23
24 12. Historic Rehabilitation Required for Horizontal Improvements - includes, but is not limited
25 to, eligible cost for relocation, structural retrofit, repair, and rehabilitation of historic

1 buildings associated with horizontal public improvements, such as Building 12 lifting,
2 Building 21 relocation, Building 108 reuse for blackwater treatment, and Building 15
3 structural frame.

4
5 13. Hazardous Soil Removal - includes, but is not limited to, removal and disposal of
6 contaminated soil which cannot be reused on site in accordance with the Pier 70 Risk
7 Management Plan, Pier 70 Master Plan Area, dated July 25, 2013, and associated with
8 Horizontal Improvements.

9
10 14. Shoreline Adaptation Studies - includes, but is not limited to, analysis and planning to
11 characterize the preferred Shoreline Protection Project and alternatives, including pre-
12 entitlement planning and design work, environmental review, negotiation, and
13 Regulatory Approvals related to the Shoreline Protection Facilities, conducted in
14 accordance with Pier 70 Financing Plan Section 4.7(f) (Determining Pier 70 Shoreline
15 Protection Facilities).

16
17 15. Shoreline Protection Facilities includes, but is not limited to, future waterfront
18 Improvements at the San Francisco shoreline to protect the area from perils associated
19 with seismic events and climate change, including sea level rise and floods, and other
20 public improvements approved by the Port Commission and the Board of Supervisors.

21
22 16. Noonan Replacement Space, a space to accommodate the Noonan Space Lease in a
23 new or rehabilitated building that meets the requirements of DDA § 7.13 (Noonan
24 Replacement Space) for which the Port has issued a Temporary Certificate of
25

1 Occupancy and Noonan moving costs related to relocating Noonan Tenants from the
2 existing Noonan Building to the Noonan Replacement Space.

3
4 17. Arts Building, a new building on Parcel E4 with space dedicated and restricted to
5 arts/light industrial uses in accordance with DDA § 7.12 (Arts Building) and the Arts
6 Program, as well as community space that can be funded under the Financing Plan.

7
8 18. Historic Building Feasibility Gap as specified in Financing Plan Section 11.1 (Subsidy
9 for Historic Buildings 12 and 21).

10
11 19. Deferred Infrastructure.

12
13 20. Entitlement costs, including Entitlement Costs and costs to obtain approvals necessary
14 to proceed with development, incurred after the Reference Date to develop
15 improvements authorized to be financed by the San Francisco Special Tax Financing
16 Law (Admin. Code ch. 43, art. X) and the Mello-Roos Community Facilities Act of 1982
17 (Cal. Gov't Code Section 53311 et seq.), such as the cost to comply with the California
18 Environmental Quality Act, negotiate transaction documents, permitting of Horizontal
19 Improvements, subdivision mapping, conduct community outreach, and prepare
20 development design and land use requirements, but not expenses related to any
21 campaign or ballot measure or any other expenses prohibited by law. Entitlement costs
22 may include interim costs as approved from time to time by the Board of Supervisors.

23
24 21. Associated Public Benefits.
25

1 22. Miscellaneous Horizontal Development Costs - any other Horizontal Development
2 Costs associated with implementing the DDA, including any additional costs that the
3 Parties agree shall be incurred by the Developer for the Project, including workforce
4 liaisons; studies and consultants required to comply with the DDA, such as auditors,
5 inspectors, attorneys and appraisers; replacement and rework costs, including repairs
6 to correct incidental damage that occurs throughout the course of construction and
7 restoration of roadway pavement in areas where there are trenches excavated after the
8 initial roadway is paved, and maintenance prior to acceptance by the City and/or Port.

9
10 23. Any other costs authorized to be financed by the STD under the DDA.

11
12 24. Soft Costs required to support the construction of the Horizontal Improvements and
13 implementation of the DDA, including developer management costs, construction
14 management Fees, and asset management costs.

15
16 25. Developer Mitigation Measures, including the formation of the Transportation
17 Management Association and dust, vibration and asbestos monitoring.

18
19 26. Miscellaneous Costs, such as costs associated with implementing the DDA, including
20 any additional costs that the Parties have agreed shall be incurred by the Developer for
21 the Project, such as master planning for each phase, audits, appraisals, workforce
22 development costs (such as a liaison), cash payments and community outreach
23 initiatives.

1 Any facility authorized to be financed by the STD may be financed through the construction and
2 acquisition of the facility or through the payment of fees for such facility.

3

4 The facilities authorized to be financed may be located within or outside the boundaries of the
5 STD.

6

7 The facilities to be financed shall include all Hard Costs and Soft Costs associated with the
8 facilities, including the costs of the acquisition of land and rights-of-way, the costs of design,
9 engineering and planning, the costs of any environmental or traffic studies, surveys or other
10 reports, costs related to landscaping and irrigation, soils and other environmental testing and
11 observation, permits, plan check, and inspection fees, insurance, legal and related overhead
12 costs, bonding, trailer rental, utility bills, site security, coordination and supervision and any
13 other costs or appurtenances related to any of the foregoing as further defined in one or more
14 acquisition agreements with the developer of the property in the STD.

15

16 The facilities to be financed shall also include all incidental expenses, defined as follows:

17

18 (1) The cost of planning and designing facilities to be financed by the STD, including the cost
19 of environmental evaluations of those facilities.

20

21 (2) The costs associated with the creation of the STD, issuance of bonds, determination of the
22 amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to
23 carry out the authorized purposes of the STD.

24

25

1 (3) Any other expenses incidental to the construction, completion, and inspection of the
2 authorized work, including costs for temporary facilities with a useful life of at least 3 years that
3 are required to construct an authorized facility.

4
5 (4) Special taxes levied on a property in the STD and paid by the Master Developer on behalf
6 of a local agency or other landowner prior to the development of the property.

7
8 The facilities to be financed also includes the interim cost of the facilities, which shall mean the
9 Developer Return or Port Return, as applicable, and any interest payable on any promissory
10 note payable to the STD.

11
12 The STD may also apply bond proceeds and special taxes to repay the Port Commission for
13 advances made to pay for authorized costs, under any promissory note or otherwise.

14
15 Special taxes may be collected and set-aside in designated funds and collected over several
16 years (i.e., reserves), and used to fund facilities authorized to be financed by the STD.

17
18 **AUTHORIZED SERVICES**

19
20 Special taxes collected in the STD may finance, in whole or in part, the services authorized to
21 be financed by the San Francisco Special Tax Financing Law (Admin. Code ch. 43, art. X)
22 and the Mello-Roos Community Facilities Act of 1982 (Cal. Gov't Code Section 53311 et
23 seq.), in and, to the extent permitted by the DDA, outside the FC Project Area, including:
24
25

- 1 • Maintenance, capital repair, replacement and operation (including public events) of
2 Public Spaces, including facilities for public enjoyment, such as public parks, public
3 recreational facilities, public access, open space, and other public amenities, some of
4 which may be rooftop facilities or located on privately-leased property but identified as
5 public open space in the DDA or Design for Development.
6
- 7 • Maintenance, capital repair, replacement and operation of Public Right-of-Ways
8 (ROWs), including public streets, sidewalks, shared public ways, mid-block passages,
9 bicycle lanes, and other paths of travel, associated landscaping and furnishings,
10 retaining walls within the ROWs, and related amenities in the FC Project Area,
11 including any portion of the Building 15 structure over 22nd Street, some of which may
12 be located on privately-leased property but identified as public open space in the DDA
13 or Design for Development.
14
- 15 • Maintenance, capital repair, replacement and operation of Shoreline Improvements in
16 and adjacent to the FC Project Area that were completed per the DDA, such as
17 shoreline restoration, including installation of stone columns, pilings, secant walls, and
18 other structures to stabilize the seawall or shoreline, removal of bay fill, creation of
19 waterfront public access to or environmental remediation of the San Francisco
20 waterfront.
21
- 22 • Maintenance, capital repair, replacement and operation of landscaping and irrigation
23 systems and other equipment, material, and supplies directly related to maintaining and
24 replacing landscaped areas and water features in Public Spaces and Public ROWs.
25

- 1 • Maintenance, capital repair, replacement and operation as needed of Public Spaces,
2 including street cleaning and paving.
3
- 4 • Maintenance, capital repair, replacement and operation of lighting, rest rooms, trash
5 receptacles, park benches, planting containers, picnic tables, bollards, bicycle racks
6 and corrals, and other furniture and fixtures and signage in Public Spaces and Public
7 ROWs.
8
- 9 • Maintenance, capital repair, replacement and operation of utilities in Public Spaces and
10 Public ROWs.
11
- 12 • General liability insurance for any Public ROWs or structures in Public ROWs that
13 Public Works does not submit to the Board of Supervisors for City acceptance for City
14 General Fund liability purposes and other commercially reasonable insurance
15 coverages.
16
- 17 • Port, City, or third party personnel, administrative, and overhead costs related to
18 maintenance or to contracting for and managing third-party maintenance, including rent
19 for storage space needed to support the maintenance activities.
20
- 21 • Any other costs authorized to be financed by the STD under the DDA.
22

23 Special taxes may be collected and set-aside in designated funds and collected over several
24 years (i.e., reserves), and used to fund services authorized to be financed by the STD. The
25 term “operation” includes providing security and hosting special events.

1 **INCIDENTAL COSTS**

2
3 Special taxes collected in the STD will also fund, in whole or in part, the incidental costs
4 associated with the facilities and services authorized to be financed. Incidental costs include,
5 but are not limited to:

- 6
- 7 1. Administrative expenses and fees including costs incurred to form the STD, to annex
8 territory to the STD, to annually administer the STD, to levy and collect special taxes
9 for the STD, and any other costs incurred in standard administration of the STD by the
10 City or their authorized consultants;
 - 11
 - 12 2. Any amounts needed to cure actual or estimated delinquencies in special taxes for the
13 current or previous fiscal years;
 - 14
 - 15 3. Bond related expenses, including underwriters discount, reserve fund, capitalized
16 interest, bond, disclosure, and underwriter counsel fees and all other incidental
17 expenses; and
 - 18
 - 19 4. Reimbursement of costs related to the formation of the STD advanced by the City and
20 any landowner(s) in the STD, or any party related to any of the foregoing, as well as
21 reimbursement of any costs advanced by the City or any landowner(s) in the STD or
22 any party related to any of the foregoing, for facilities, fees or other purposes or costs
23 of the STD.
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 - 25