

FILE NO. 150995

ORDINANCE NO.

1 [Administrative Code - Establishing Mission Bay Transportation Improvement Fund, and  
2 Advisory Committee]

3 **Ordinance amending the Administrative Code to establish a fund to pay for City**  
4 **services and capital improvements addressing transportation and other needs of the**  
5 **community in connection with events at the Golden State Gate Warriors Event Center**  
6 **and Mixed Use Project; create an advisory committee to make recommendations about**  
7 **the use of monies from the fund; and adopting findings under the California**  
8 **Environmental Quality Act.**

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

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

17 Section 1. Environmental Findings.

18 In accordance with the actions that this ordinance contemplates, the Board of  
19 Supervisors adopted a resolution concerning findings under the California Environmental  
20 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of such  
21 resolution is on file with the Clerk of the Board of Supervisors in File No. 150995 and is  
22 incorporated herein by reference. In that action, the Board recognized that the Commission  
23 on Community Investment and Infrastructure ("CCII"), on November 3, 2015, approved  
24 Resolution No. 70-2015, which adopted California Environmental Quality Act findings ("CCII  
25 CEQA Findings"), including a Statement of Overriding Considerations and a Mitigation  
Monitoring and Reporting Program ("MMRP"), as required by law. As part of the CCII

1 approval of its Resolution No. 70-2015 and other approval actions related to the Golden State  
2 Warriors Event Center and Mixed-Use Project, CCII imposed on the Project Sponsor as  
3 conditions of approval those aspects of Mitigation Measures M-TR-2b and M-TR-18  
4 concerning transportation impacts that are identified as Project Sponsor responsibility in the  
5 MMRP. The CCII Resolution and the CCII CEQA Findings are on file with the Clerk of the  
6 Board of Supervisors in File No. 150994 and incorporated herein by reference.

7  
8 Section 2. The Administrative Code is hereby amended by adding Section 10.100-364,  
9 to read as follows:

10 **SEC. 10.100-364. MISSION BAY TRANSPORTATION IMPROVEMENT FUND.**

11 *(a) Establishment and Purpose of the Fund. The Mission Bay Transportation Improvement*  
12 *Fund (the “Fund”) is established as a category four fund, for the purpose of safeguarding monies in*  
13 *the General Fund to pay for: City services and capital improvements to address transportation and*  
14 *other needs of the community in connection with Warriors basketball games and other events*  
15 *(collectively, “Events”) at the Golden State Warriors Event Center and Mixed Use Project (the “Event*  
16 *Center”) on Blocks 29-32 in Mission Bay South (the “Project Site”), including, but not limited to,*  
17 *measures included in the City’s transportation services plan for the Event Center; and enhancements to*  
18 *multi-modal transportation serving Mission Bay South and surrounding areas, including the Potrero*  
19 *Hill and Dogpatch neighborhoods, beyond what is necessary to address the community’s needs with*  
20 *regard to Events at the Event Center.*

21 *(b) Use of the Fund. In furtherance of the Fund’s purpose under subsection (a) above, money*  
22 *received in the Fund as described in subsection (c) below shall be used exclusively to pay for the City’s*  
23 *costs relating to Events at the Event Center (collectively, “Required Uses”):*

24 *(1) Costs of providing services to the Project Site and surrounding neighborhood,*  
25 *including, but not limited to, public transit services, special event shuttles, parking and traffic*

1 engineering and control services, pedestrian and bicycle access programs, parking enforcement  
2 programs, local access programs (including, without limitation, access to the University of California  
3 at San Francisco hospitals in Mission Bay South), police services, litter pick-up, street and sidewalk  
4 cleanup, and any other measures to improve services consistent with the purpose of this ordinance; and

5 (2) Costs of procuring transit equipment and making transportation infrastructure  
6 improvements, including, without limitation, Municipal Transportation Agency (MTA) costs to  
7 purchase additional Municipal Railway light rail vehicles, construct crossover tracks and loading  
8 platform improvements in the T-Third right of way, and make parking and traffic improvements (such  
9 as, without limitation, cameras, vehicle messaging signs, traffic signals, Municipal Railway and other  
10 transportation network upgrades, and power augmentation for light rail vehicles and related  
11 transportation services), bicycle and pedestrian access improvements, and other related street  
12 improvements, costs to study the feasibility of a ferry landing and service for Mission Bay South and  
13 other surrounding areas, and any financing and soft costs related to such equipment purchases or  
14 infrastructure improvements.

15 (c) Deposits to the Fund. Deposits to the Fund shall be determined through the process set out  
16 below, and appropriated under the Charter's budgetary and fiscal provisions:

17 (1) Beginning in fiscal year 2016-2017, and subject to approval from its Board of  
18 Directors in accordance with the public hearing process described in subsection (d)(3) below, the MTA  
19 will prepare and submit to the Mayor budgets to pay for all measures that are part of MTA's  
20 transportation services plan for the Event Center and all transportation improvement measures,  
21 consistent with its two-year budget process under the Charter and MTA Board Resolution No. 15-154  
22 (the "MTA Resolution"). The budget proposal will include two components. In one component, the  
23 MTA will provide for expenditure for Required Uses of City revenues and development impact fees  
24 from the Project Site or Events at the Event Center that are dedicated under the City Charter or  
25 otherwise by operation of law to the MTA's Municipal Transportation Fund (collectively, "MTA

1 Dedicated Funds”). In the other component of its budget proposal, the MTA will propose how the  
2 remaining costs (net of those to be paid from MTA Dedicated Funds) for the Required Uses for the  
3 upcoming budget cycle will be paid for from the Fund. In any fiscal year before the fiscal year in  
4 which the Controller anticipates that the Event Center will open, the MTA budget will include any  
5 funds then required to finance capital expenditures, including hard and soft costs, not to exceed the  
6 sum of discretionary, unrestricted General Fund revenues and MTA Dedicated Funds that the  
7 Controller determines that the Event Center has generated or will likely generate for that fiscal year.  
8 Also, beginning with the fiscal year in which the Controller anticipates that the Event Center will open,  
9 the Department of Public Works and the Police Department, shall prepare budget proposals to pay for  
10 those expenditures for City services and capital improvements related to the Event Center that qualify  
11 as Required Uses under subsection (b), and, no later than March 1 of each year, submit those budgets  
12 to the Mayor and Board of Supervisors. The budgets that such departments prepare shall be sufficient  
13 to cover all the costs of the department’s respective services to address community needs relating to the  
14 use and operation of the Event Center and pay for Required Uses consistent with the purpose of the  
15 Fund.

16 (2) The Mayor and Board of Supervisors shall include in the City’s annual budget  
17 monies for deposit into the Fund sufficient to meet the budgeted expenditures in the proposals, provided  
18 that for the first five years of operation of the Event Center, the annual deposit shall be at least the  
19 amount specified in subsection (c)(3) below and further provided that, for any fiscal year, the total  
20 annual deposit in the Fund, plus the Overlapping Event Reserve (described in subsection (c)(4) below),  
21 shall not exceed 90% of the total amount that the Controller estimates to be the annual General Fund  
22 revenues from the Project site and events at the Event Center as determined through the financial  
23 assessment described in subsection (d)(1) below. That 90% shall be the “Maximum Annual Funding  
24 Amount” for the Fund.

1                   (3) Subject to the Maximum Annual Funding Amount, the required City deposit the first  
2 five fiscal years of operation of the Event Center, beginning in the fiscal year in which the Event Center  
3 opens to the public, shall be as follows:

4                   (A) First fiscal year: the deposit into the Fund shall be no less than \$8,100,000.

5                   (B) Second fiscal year: the deposit into the Fund shall be no less than  
6 \$8,300,000.

7                   (C) Third fiscal year: the deposit into the Fund shall be no less than  
8 \$8,500,000.

9                   (D) Fourth fiscal year: the deposit into the Fund shall be no less than  
10 \$8,800,000.

11                   (E) Fifth fiscal year: the deposit into the Fund shall be no less than \$9,100,000.

12                   (4) In addition to the annual deposit described in subsections (c)(2) and (c)(3) above,  
13 beginning in the fiscal year in which the Event Center is open, there shall be a reserve in the Fund of  
14 \$1,000,000, for the term of the Fund (the "Designated Overlapping Event Reserve"). The sum of the  
15 annual deposit plus the Designated Overlapping Event Reserve shall not exceed the Controller's  
16 determination of the Maximum Annual Funding Amount. Monies in the Designated Overlapping Event  
17 Reserve shall be immediately available to the MTA to pay for enhancements to multi-modal  
18 transportation serving Mission Bay South and surrounding areas beyond what is needed to address  
19 effects from operation of the Event Center, including, but not limited to, operational measures and  
20 capital improvements, relating to pre-event peak periods on weekday evenings when an Event, other  
21 than a Warriors basketball game, with attendance anticipated by the MTA (based on information  
22 provided by the Event Center's operator) of more than 12,500 people occurs at the Event Center and a  
23 San Francisco Giants baseball game also occurs at AT&T Park. The Advisory Committee referenced  
24 in subsection (d)(2) below shall make recommendations to the MTA about expenditure of such funds  
25 before the MTA determines how to expend the funds. If the MTA, at either the MTA Board of Directors

1 or MTA Director level, determines not to follow any such recommendations, the MTA will articulate its  
2 reasons for its decision. To the extent the MTA draws on monies in the Designated Overlapping Event  
3 Reserve during the first five fiscal years of the Event Center's operation, the annual deposit to the Fund  
4 for the following year shall include funds to bring the Designated Overlapping Event Reserve to its full  
5 funding level, again provided that the annual deposit, plus the Designated Overlapping Event Reserve,  
6 do not exceed the Maximum Annual Funding Amount. In addition, if the Advisory Committee  
7 determines, based on review of travel time data collected by the MTA for routes to the Event Center,  
8 that any considerable additional traffic congestion affecting access by hospital employees to the  
9 University of California at San Francisco hospitals at Mission Bay occurs in the pre-event peak period  
10 during weekday evenings when there is an event—other than a Warriors game—with more than  
11 12,500 people at the Event Center and a Giants game at AT&T Park, and the Advisory Committee  
12 recommends using, in addition to the Designated Overlapping Event Reserve, any balance in the Fund  
13 that is not budgeted for other purposes under this ordinance, for services or capital projects to address  
14 such occurrence, then the Director of Transportation will consider approving such recommendations,  
15 which approval the Director will not unreasonably withhold or delay, and the Director will take such  
16 actions as are necessary to seek any required approvals and implement such recommendations, all as  
17 provided in the MTA Resolution.

18 (5) After the first five fiscal years of operation of the Event Center, if at the end of any  
19 fiscal year during the remaining term of the Fund as described in subsection (e) below, the balance in  
20 the Fund exceeds expenditures, then, in addition to the Designated Overlapping Event Reserve, such  
21 excess monies shall carry forward as a reserve for Required Uses consistent with the Fund's purpose to  
22 the extent such excess monies do not exceed 25% of the total expenditures from the Fund for the  
23 previous fiscal year. Before the end of the first five fiscal years, 100% of any such Fund balance shall  
24 carry forward.

1                   (6) The Fund may receive and use for the Required Uses any grants, gifts, or other  
2 contributions of money or property that the owner of the Event Center or any other person or entity  
3 may offer the City to support the City in furthering the purpose of the Fund. Subject to any applicable  
4 legal restrictions, the City may use such grants, gifts, or other contributions of money or property to  
5 make its annual deposit to the Fund or to fund the Designated Overlapping Event Reserve.

6                   (d) Reports, Public Review, and Accountability.

7                   (1) For the fiscal year in which the Controller anticipates that the Event Center will  
8 open to the public, and for every five years after the Event Center opens, the Controller shall conduct a  
9 financial assessment of the economic impact of the Project. This assessment shall include an estimate  
10 of discretionary, unrestricted General Fund revenues that the City and County of San Francisco  
11 expects to receive from the Project site and from events at the Event Center. These revenue estimates  
12 shall be net of City revenues and development impact fees dedicated for specific purposes under the  
13 Charter, Municipal Code, or state law, including, but not limited to, MTA Dedicated Funds. The  
14 Controller shall, in the assessment, include separate estimates of revenues generated on the  
15 Project Site and revenues attributable to demand from Events that are generated off the  
16 Project Site. The Controller may conduct such assessment more frequently if the Controller considers  
17 it appropriate to do so to monitor the Maximum Annual Funding Amount.

18                   If at any time during the term of the Fund the Controller determines that the sum of the  
19 annual deposit for the year and the Designated Overlapping Event Reserve exceeds the adjusted  
20 Maximum Annual Funding Amount, then the Controller shall make prorata reductions to the deposit  
21 and the Reserve to reflect the amount of the reduction in the Maximum Annual Funding Amount;  
22 provided that nothing in this ordinance shall limit the authority of the Board of Supervisors and Mayor  
23 to appropriate other monies from the General Fund to make up any such reductions.

24                   If in any year City expenditures for Required Uses exceed the Maximum Annual Funding  
25 Amount for the year, regardless of the source of the funds for those expenditures, the City shall be

1 entitled to a credit, distributed on a prorata basis between the annual deposit and the Overlapping  
2 Event Designated Reserve, against its funding obligations under this Section 10.100-364 for the  
3 following year, in the same total amount that those expenditures exceeded the Maximum Annual  
4 Funding Amount, unless the Board of Supervisors and the Mayor waive that credit as part of the  
5 budgetary process.

6 (2) In developing the proposed annual budgets for uses of the Fund, the MTA, in  
7 coordination with the Department of Public Works and the Police Department, will seek the input and  
8 recommendations from the Warriors Event Center Community Improvement Measures Fund Advisory  
9 Committee established in Administrative Code Chapter 5, Article XXIII.

10 (3) As provided in the MTA Resolution, before submitting to the Mayor the MTA's  
11 proposed budget for expenditures from the Fund, the MTA Board of Directors will hold a public  
12 hearing on the proposed budget. In the hearing the MTA Board of Directors will consider the  
13 recommendations of the Advisory Committee.

14 (4) In any fiscal year after the fiscal year in which the Event Center opens, before the  
15 Mayor or Board of Supervisors make any reduction in the annual budgeted expenditures from the  
16 Fund, there shall be a public hearing before the Board of Supervisors or one of its committees  
17 regarding such proposed reduction.

18 (e) Term of the Fund. The Fund shall remain in effect for as long as Events are held at the  
19 Event Center.

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1 Section 3. Chapter 5 of the Administrative Code is hereby amended by adding Article  
2 XXIII, Sections 5.23-1 through 5.23-6, to read as follows:

3  
4 **ARTICLE XXIII:**

5 **MISSION BAY TRANSPORTATION IMPROVEMENT FUND ADVISORY COMMITTEE**

6 **SEC. 5.23-1. ESTABLISHMENT OF COMMITTEE.**

7 *The Board of Supervisors hereby establishes the Mission Bay Transportation Improvement*  
8 *Fund Advisory Committee (the “Advisory Committee”).*

9  
10 **SEC. 5.23-2. MEMBERSHIP OF COMMITTEE.**

11 *The Advisory Committee shall consist of five members, appointed as follows:*

12 *(a) Seat 1 shall be held by an employee, officer, or other representative of the Golden State*  
13 *Warriors Event Center and Mixed Use Project (the “Event Center”), appointed by the Event Center’s*  
14 *owner.*

15 *(b) Seat 2 shall be held by an employee, officer, or other representative of the University of*  
16 *California at San Francisco, appointed by the Chancellor of the University of California San Francisco*  
17 *or the Chancellor’s designee.*

18 *(c) Seat 3 shall be held by a person who resides in a neighborhood within a half mile of the*  
19 *Event Center, appointed by the Mayor.*

20 *(d) Seat 4 shall be held by a representative of a business that operates within a half-mile of the*  
21 *Event Center, appointed by the Mayor.*

22 *(e) Seat 5 shall be held by a person appointed by the Supervisor representing the district in*  
23 *which the Event Center is located.*

24 **At least one of the appointees to Seats 3 and 4 shall be an individual who has served**  
25 **on the Ballpark/Mission Bay Transportation Coordination Committee, or its successor body as**

1 designated by the Mayor, for at least six months before being appointed to the Advisory  
2 Committee.

3 In addition, there shall be five alternate members of the Advisory Committee, one designated for  
4 each of the five seats. Each alternate member shall meet the qualifications set forth above for the seat  
5 as to which the person is designated to serve as an alternate, and shall be appointed by the appointing  
6 authority for that seat.

7  
8 **SEC. 5.23-3. ORGANIZATION AND TERMS OF OFFICE.**

9 (a) Each member and each alternate member shall serve at the pleasure of the member's  
10 appointing authority, and shall serve for the life of the Advisory Committee unless removed by the  
11 appointing authority.

12 (b) If a vacancy occurs in any seat on the Advisory Committee, the appointing authority for the  
13 vacated seat shall appoint a successor to that seat. During the pendency of a vacancy, the alternate  
14 member for that seat shall serve as, and have the full powers of, a member of the Advisory Committee.  
15 In addition, if a member of the Advisory Committee is not in attendance at a meeting, the alternate  
16 member designated to serve as an alternate for the absent member's seat shall attend that meeting and  
17 for purposes of that meeting have the full powers of the absent member.

18 (c) Members of the Advisory Committee shall receive no compensation.

19 (d) Any member who misses three regular meetings of the Advisory Committee within a period  
20 of 12 months without the express approval of the Advisory Committee at or before each missed meeting  
21 shall be deemed by operation of law to have resigned from the Advisory Committee ten days after the  
22 third unapproved absence. The Advisory Committee shall inform the appointing authority of the  
23 resignation.

24 (e) As provided in Municipal Transportation Agency (MTA) Board of Directors Resolution  
25 No. 15-154, the MTA will provide administrative support for the Advisory Committee.

1           **SEC. 5.23-4. DUTIES OF COMMITTEE.**

2           The Advisory Committee shall be the central City-sponsored community advisory body charged  
3 with providing input to the MTA, the Department of Public Works, and the Police Department (“Other  
4 City Departments”) and decision-makers regarding allocation of monies in the Mission Bay  
5 Transportation Improvement Fund (the “Fund”), established in Administrative Code  
6 Section 10.100-364, for Required Uses, as defined in that section. The Advisory Committee shall be  
7 advisory, as appropriate, to the MTA and the Board of Supervisors. The Advisory Committee shall  
8 perform the following functions as needed:

9           (a) Collaborate with the MTA, ~~and Other City Departments,~~ and the Ballpark/Mission Bay  
10 Transportation Coordinating Committee on prioritizing the community improvement measures for  
11 Required Uses and identifying implementation details as part of the annual budget process;

12           (b) Recommend to the MTA uses of the Designated Overlapping Event Reserve, as defined in  
13 Administrative Code Section 10.100-364;

14           (c) Collaborate with the MTA and the Other City Departments and decision-makers, including  
15 the Ballpark/Mission Bay Transportation Coordinating Committee, in the monitoring of the uses  
16 of the Fund for the purpose specified in Administrative Code Section 10.100-364; and,

17           (d) Review travel time data collected by the MTA for routes to the Event Center to determine if  
18 traffic conditions associated with the Event Center, especially when there are weekday evening  
19 overlapping events with large attendance at the Event Center and AT&T Park, should entail additional  
20 City actions and expenditures from the Fund or the Designated Overlapping Event Reserve, and make  
21 recommendations to the MTA on additional actions and expenditures.

22  
23           **SEC. 5.23-5. MEETINGS AND PROCEDURES.**

24           Not less than six months before the date on which the Event Center is anticipated to open as  
25 determined by the Controller, the Advisory Committee shall hold its inaugural meeting. There shall be

1 at least ten days' notice of the inaugural meeting. Notwithstanding Rule 2.21 of the Board of  
2 Supervisors Rules of Order, which provides that advisory bodies created by the Board shall  
3 meet at least once every four months, following its ~~Following the~~ inaugural meeting; the Advisory  
4 Committee shall hold a regular meeting not less than once every six months until the sunset date set  
5 forth in Section 5.23-6. The Advisory Committee shall elect its own officers and may establish rules for  
6 its own organization and procedures.

7  
8 **SEC. 5.23-6. SUNSET DATE.**

9 Unless extended by an ordinance adopted by the Board of Supervisors, this Article XXIII shall  
10 expire by operation of law, and the Advisory Committee shall terminate, on the date on which the Fund  
11 expires. Notwithstanding Rule 2.21 of the Board of Supervisors ~~Rules~~ ~~Rule~~ of Order, which provides  
12 that advisory bodies created by the Board should sunset within three years, the Board intends the  
13 Advisory Committee to exist for longer than three years. After the expiration of the Advisory  
14 Committee, the City Attorney shall cause this Article XXIII to be removed from the Administrative  
15 Code.

16  
17 Section 4. Effective Date. This ordinance shall become effective 30 days after  
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
20 of Supervisors overrides the Mayor's veto of the ordinance.

21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 THOMAS J. OWEN  
25 Deputy City Attorney

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