

1 [Calling Special Election - Infrastructure and Revitalization Financing District No. 1 (Treasure
2 Island)]

2

3 **Resolution calling special election for City and County of San Francisco Infrastructure**
4 **and Revitalization Financing District No. 1 (Treasure Island), and determining other**
5 **matters in connection therewith, as defined herein.**

6

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

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

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

21 WHEREAS, On January 24, 2012, the Board of Supervisors rescinded designation of
22 TIDA as the redevelopment agency for Treasure Island under California Community
23 Redevelopment Law in Resolution No. 11-12; and such rescission does not affect TIDA’s
24 status as the Local Reuse Authority for NSTI or the Tidelands Trust trustee for the portions of
25 NSTI subject to the Tidelands Trust, or any of the other powers or authority; and

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

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

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

23 WHEREAS, On April 21, 2011, the Planning Commission by Motion No. 18325 and the
24 Board of Directors of TIDA, by Resolution No. 11-14-04/21, as co-lead agencies, certified the
25 completion of the Final Environmental Impact Report for the Project, and unanimously

1 approved a series of entitlement and transaction documents relating to the Project, including
2 certain environmental findings under the California Environmental Quality Act (“CEQA”), a
3 mitigation and monitoring and reporting program (the “MMRP”), and the DDA and other
4 transaction documents; and

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

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

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

19 WHEREAS, Developer and the City previously entered into a Development Agreement
20 related to the Project Site to eliminate uncertainty in the City’s land use planning for the
21 Project Site and secure orderly development of the Project consistent with the DDA and other
22 applicable requirements, and the Financing Plan was also an exhibit to the Development
23 Agreement; and

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

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

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

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

21 WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of
22 Supervisors adopted Ordinance No. 21-17 on January 31, 2017, which the Mayor signed on
23 February 9, 2017 (“IRFD Formation Ordinance”), pursuant to which the Board of Supervisors
24 declared City and County of San Francisco Infrastructure and Revitalization Financing District
25 No. 1 (Treasure Island) (“IRFD”) and the following project areas within the IRFD (collectively,

1 “Initial Project Areas,” and together with any future project areas that may be established in
2 the IRFD, the “Project Areas”) to be fully formed with full force and effect of law:

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

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

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

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

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

13 WHEREAS, The City formed the IRFD and the Project Areas for the purpose of
14 financing the cost of certain facilities (the “Facilities”) as further provided in the IRFD
15 Formation Ordinance; and

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

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

22 WHEREAS, The Board of Supervisors has been notified by the California State Board
23 of Equalization that the boundaries of the IRFD and the Project Areas must conform to the
24 boundaries of assessor parcel numbers established by the San Francisco Assessor-Recorder
25 in order for the Board of Equalization to assign tax rate areas to the Project Areas; and

1 WHEREAS, The Board of Supervisors wishes to amend the boundaries of the IRFD
2 and certain Initial Project Areas to reflect the final development parcels for certain portions of
3 Treasure Island and Yerba Buena Island, including the addition of territory to the IRFD, and to
4 approve an amended map for the IRFD; and

5 WHEREAS, Because the Board of Supervisors anticipates the need to make future
6 changes to the boundaries of the IRFD and the Project Areas in order to conform to final
7 development parcels approved by the Board of Supervisors so that the California State Board
8 of Equalization can assign tax rate areas to the Project Areas, the Board of Supervisors
9 wishes to amend the IFP to establish a procedure by which certain future amendments of the
10 boundaries of the IRFD may be approved by the Board of Supervisors as the legislative body
11 of the IRFD without further hearings or approvals, as long as the amendments will not
12 adversely affect the owners of bonds issued by or for the IRFD; and

13 WHEREAS, The Board of Supervisors wishes to further amend the IFP to reduce the
14 tax increment allocated to the IRFD in order to conform to existing law; and

15 WHEREAS, The Board of Supervisors wishes to further amend the IFP to provide that
16 actions related to the IRFD, the Project Areas and the IFP shall not require the approval of the
17 qualified electors in the IRFD if the IRFD Law is amended to eliminate any such requirement;
18 and

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

24 WHEREAS, On October 26, 2021, pursuant to Resolution No. 497-21, which the Mayor
25 signed on November 5, 2021 (“Resolution Directing IFP Preparation”), the Board of

1 Supervisors authorized and directed the Director of the Office of Public Finance, or designee,
2 to prepare, or cause to be prepared, an amended IFP (“Amended IFP”) that is consistent with
3 the general plan of the City and includes all of the Amendments, pursuant to Section
4 53369.13 of the IRFD Law; and

5 WHEREAS, As required by the IRFD Law and the Resolution of Intention to Amend
6 IRFD, the Clerk of the Board of Supervisors caused to be mailed a copy of the Resolution of
7 Intention to Amend IRFD to each owner of land (as defined in the IRFD Law) within the IRFD
8 and to any affected taxing entities, and in addition, in accordance with IRFD Law, Section
9 53369.17, the Clerk of the Board of Supervisors caused notice of the public hearing to be
10 published not less than once a week for four successive weeks in a newspaper of general
11 circulation published in the City; and

12 WHEREAS, As further required by the IRFD Law and the Resolution Directing IFP
13 Preparation, the Director of the Office of Public Finance caused to be prepared the Amended
14 IFP, and the Treasure Island Director sent the Amended IFP to (i) the planning commission of
15 the City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and
16 (iv) each affected taxing entity (if any); and

17 WHEREAS, As further required by the IRFD Law, the Treasure Island Director sent to
18 the owners of land within the proposed amended IRFD, the affected taxing entities (if any), the
19 planning commission of the City and this Board of Supervisors any report required by CEQA
20 that pertains to the Project; and

21 WHEREAS, The Clerk of the Board of Supervisors made the Amended IFP and the
22 reports required by CEQA available for public inspection; and

23 WHEREAS, On December 14, 2021, as required by the IRFD Law, the Board of
24 Supervisors, as the legislative body of the City, which is the only affected taxing entity that is
25 subject to the division of taxes pursuant the IRFD Law, considered and adopted its Resolution

1 No. 568-21, which the Mayor signed on December 24, 2021, pursuant to which the Board of
2 Supervisors, as the governing body of the City, in its capacity as an affected taxing entity,
3 approved the addition of territory to the IRFD and the other Amendments; and

4 WHEREAS, On January 11, 2022, following publication of a notice consistent with the
5 requirements of the IRFD Law, this Board of Supervisors, as the legislative body of the IRFD,
6 held a public hearing as required by the IRFD Law relating to the proposed Amendments; and

7 WHEREAS, At the hearing any persons having any objections to the Amendments, or
8 the regularity of any of the prior proceedings, and all written and oral objections, and all
9 evidence and testimony for and against the adoption of the Amendments, were heard and
10 considered, and a full and fair hearing was held; and

11 WHEREAS, On January 11, 2022, after holding the public hearing described above,
12 the Board of Supervisors, as the legislative body of the IRFD, adopted its Resolution No. 010-
13 22, which the Mayor signed on January 21, 2022 (“Resolution Proposing Amendments”),
14 proposing the addition of territory to the IRFD and the other Amendments; and

15 WHEREAS, Pursuant to the provisions of the Resolution Proposing Amendments, the
16 propositions to approve the Amendments shall be submitted to the qualified electors in the
17 IRFD as required by the provisions of the IRFD Law; now, therefore, be it

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

21 FURTHER RESOLVED, That pursuant to IRFD Law, Sections 53369.20, the
22 propositions to approve the Amendments and the Amended IFP shall be submitted to the
23 qualified electors (as defined below) of the IRFD at elections called therefor as provided
24 below; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors hereby finds that fewer than 12
2 persons have been registered to vote within the proposed amended boundaries of the IRFD
3 for each of the 90 days preceding the close of the public hearing described above, and
4 accordingly, and pursuant to IRFD Law, Section 53369.20, the Board of Supervisors finds
5 that, for these proceedings, the qualified electors in the IRFD are the landowners within the
6 amended IRFD (as defined in Section 53369.1(g) of the IRFD Law) and that the vote shall be
7 by such landowners or their authorized representatives, each having one vote for each acre or
8 portion thereof such landowner owns in the proposed amended boundaries of the IRFD as of
9 the close of the public hearings; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby calls a special election
11 within the IRFD to consider the measures described above, which election shall be held on
12 January 17, 2022, and the results thereof canvassed at the meeting of the Board of
13 Supervisors on February 1, 2022; the Director of Elections of the City and County of San
14 Francisco is hereby designated as the official to conduct the election and to receive all ballots
15 until 12:00 p.m. on the election date, or such earlier time as all of the qualified electors have
16 voted; it is hereby acknowledged that the Director of Elections has on file the Resolution
17 Proposing Amendments, a certified map of the proposed amended boundaries of the IRFD,
18 and a sufficient description (including assessor’s parcel numbers in a landowner election) to
19 allow the Director of Elections to determine the electors within the proposed amended
20 boundaries of the IRFD; pursuant to Section 53369.20(c) of the IRFD Law, the election shall
21 be conducted by personal service or mail-delivered ballot pursuant to California Elections
22 Code, Sections 4000 *et seq.*, and this Board of Supervisors hereby finds that the timing of the
23 election shall be governed by IRFD Law, Section 53369.20; and, be it

24 FURTHER RESOLVED, That the propositions described above shall be set forth in one
25 or more ballot measures, the forms of which are attached hereto as Exhibit “A” and by this

1 reference incorporated herein and the form of ballot is hereby approved, and the Director of
2 Elections is hereby authorized and directed to cause a ballot, in substantially the form of
3 Exhibit "A," to be delivered to each of the qualified electors of the IRFD, and each ballot shall
4 indicate the number of votes to be voted by the respective landowner to which the ballot
5 pertains; each ballot shall be accompanied by all supplies and written instructions necessary
6 for the use and return of the ballot, and the envelope to be used to return the ballot shall be
7 enclosed with the ballot, with the return postage prepaid, and shall contain the following: (a)
8 the name and address of the landowner, (b) a declaration, under penalty of perjury, stating
9 that the voter is the owner of record or authorized representative of the landowner entitled to
10 vote and is the person whose name appears on the envelope, (c) the printed name, signature
11 and address of the voter, (d) the date of signing and place of execution of the declaration
12 pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and
13 is to be opened only by the canvassing board of the election; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby further finds that the
15 provisions of IRFD Law, Section 53369.20(a) requiring a minimum of 90 days following the
16 adoption of the Resolution Proposing Amendments to elapse before the special election are
17 for the protection of the qualified electors, and there is on file with the Clerk of the Board of
18 Supervisors and the Director of Elections of the City and County of San Francisco one or
19 more written waivers executed by all of the qualified electors of the IRFD allowing for a
20 shortening of the time for the special election to expedite the process of approving the
21 Amendments and waiving any requirement for notice, analysis and arguments in connection
22 with the election, and accordingly, this Board of Supervisors finds and determines that the
23 qualified electors have been fully apprised of and have agreed to the shortened time for the
24 election and waiver of analysis and arguments, and have thereby been fully protected in these
25 proceedings, and this Board of Supervisors also finds and determines that the Director of

1 Elections has concurred in the shortened time for the election, and analysis and arguments
2 with respect to the ballot measure are hereby waived, as provided in IRFD Law, Section
3 53369.21(b); and, be it

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

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

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

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

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

8
9 APPROVED AS TO FORM:
10 DAVID CHIU
11 City Attorney

12
13 By: /s/ MARK D. BLAKE
14 MARK D. BLAKE
15 Deputy City Attorney
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EXHIBIT A

CITY AND COUNTY OF SAN FRANCISCO
Infrastructure and Revitalization Financing District No. 1
(Treasure Island)

OFFICIAL BALLOT
SPECIAL ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Director of Elections of the City and County of San Francisco no later than the hour of 12:00 p.m. on January 17, 2022, either by mail or in person. The office of the Director of Elections is located at 1 Dr. Carlton B. Goodlett Place, City Hall, San Francisco, California 94102-4689.

To vote, mark a cross (X) on the voting line after the word “YES” or after the word “NO”. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Director of Elections of the City and County of San Francisco and obtain another.

BALLOT MEASURE NO. 1: Shall the Board of Supervisors amend the “City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island),” including project areas therein (the “IRFD”), as proposed in the Board of Supervisors resolution entitled “Resolution proposing addition of territory to and adoption of amendments to the Infrastructure

1 Financing Plan for City and County of San Francisco Infrastructure
2 and Revitalization Financing District No. 1 (Treasure Island) and
3 project areas therein; and determining other matters in connection
4 therewith” adopted on January 11, 2022 (the “Resolution
5 Proposing Amendments”)?

6
7 **YES:** _____
8 **NO:** _____

9 **BALLOT MEASURE NO. 2:** Shall the Board of Supervisors
10 approve the amended infrastructure financing plan for the IRFD
11 and the Project Areas, as proposed for approval by the Board of
12 Supervisors in the Resolution Proposing Amendments?

13
14 **YES:** _____
15 **NO:** _____

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18 Assessor’s Parcel Number(s): _____

19 Acreage: _____

20 Number of Votes: _____

21 Name of Property Owner: _____

22 **[Property owner signature block]**
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