

1 [Establishing an Infrastructure Financing District and Adopting an Infrastructure Financing
2 Plan]

3 **Ordinance establishing an Infrastructure Financing District and adopting an**
4 **Infrastructure Financing Plan for City and County of San Francisco Infrastructure**
5 **Financing District No. 2 (Port of San Francisco).**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike through normal~~.

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

10 The Board of Supervisors of the City and County of San Francisco hereby finds,
11 determines, and declares based on the record before it that:

12 A. California Statutes of 1968, Chapter 1333 (Burton Act) and San Francisco
13 Charter Section 4.114 and Appendix B, beginning at Section B3.581, empower the San
14 Francisco Port Commission (Port) with the power and duty to use, conduct, operate, maintain,
15 manage, regulate, and control the lands within Port jurisdiction; and

16 B. Under Government Code Sections 53395 et seq. (IFD Law), the Board of
17 Supervisors is authorized to establish an infrastructure financing district and to act as the
18 legislative body for an infrastructure financing district; and

19 C. More specifically, this Board of Supervisors is authorized to establish a
20 “waterfront district” under Section 53395.8 of the IFD Law, including: (i) a waterfront district for
21 approximately 65 acres of waterfront land in the area near Pier 70 (a “Pier 70 district”) to be
22 financed in accordance with a “Pier 70 enhanced financing plan”; and (ii) a waterfront district
23 created as a “special waterfront district” and a “Port America’s Cup district” as defined in
24 Section 53395.81 of the IFD Law; and

1 D. Pursuant to Section 53395.8 of the IFD Law, a waterfront district may be divided
2 into project areas, each with distinct limitations under IFD Law; and

3 E. On February 8, 2011, the Board of Supervisors, by Resolution No. 66-11,
4 adopted "Final Board of Supervisor Guidelines for the Establishment and Use of Infrastructure
5 Financing Districts in San Francisco" (City IFD Guidelines) relating to the formation of
6 infrastructure financing districts by the City; and,

7 F. The City IFD Guidelines exempt waterfront property in San Francisco under the
8 jurisdiction of the Port from the City IFD Guidelines; and,

9 G. On _____, 2012, the Board of Supervisors, by Resolution No.
10 _____, adopted "Final Board of Supervisor Guidelines for the Establishment
11 and Use of Infrastructure Financing Districts on Property Under Jurisdiction of the San
12 Francisco Port Commission" (Port IFD Guidelines) relating to the formation of infrastructure
13 financing districts by the City on waterfront property in San Francisco under the jurisdiction of
14 the Port; and,

15 H. On March 27, 2012, the Board of Supervisors adopted Resolution No. 110-12
16 (Original Resolution of Intention to Establish IFD), stating its intention to conduct proceedings
17 to establish the "City and County of San Francisco Infrastructure Financing District No. 2 (Port
18 of San Francisco)" (Port IFD), including certain initial project areas within the Port IFD (Project
19 Areas), pursuant to the IFD Law; and,

20 I. Subsequently, on _____, 2012, the Board of Supervisors
21 adopted Resolution No. _____, pursuant to which it ratified and amended the
22 Original Resolution of Intention to Establish IFD (together, the Resolution of Intention to
23 Establish IFD), establishing the Board's intention to form the following initial Project Areas
24 within the Port IFD:

- 25 (1) Project Area A: Seawall Lot 330;

- 1 (2) Project Area B: Piers 30-32;
- 2 (3) Project Area C: Seawall Lot 351;
- 3 (4) Project Area D: Pier 48; and
- 4 (5) Project Area E: Pier 70; and,

5 J. Pursuant to the Resolution of Intention to Establish IFD, the Board of
6 Supervisors ordered the Executive Director of the Port (Executive Director) to prepare an
7 infrastructure financing plan for the Port IFD (Infrastructure Financing Plan) consistent with the
8 requirements of the IFD Law; and

9 K. On March 22, 2012, by Motion No. 18560, the Planning Commission reviewed
10 and considered the Final Environmental Impact Report (Final EIR) for the proposed
11 development on Project Area C known as 8 Washington Street/Seawall Lot 351 (SWL 351
12 project) in Planning Department File No. _____, consisting of the Draft EIR
13 and the Comments and Responses document, and found that the contents of the Final EIR
14 and the procedures by which the Final EIR was prepared, publicized, and reviewed complied
15 with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines
16 and Chapter 31 of the San Francisco Administrative Code and found further that the Final EIR
17 reflects the independent judgment and analysis of the City and County of San Francisco, is
18 adequate, accurate and objective, and that the Comments and Responses document contains
19 no significant revisions to the Draft EIR, certified the completion of the Final EIR in compliance
20 with CEQA and the CEQA Guidelines, adopted CEQA Findings (City CEQA Findings), and
21 took other actions to approve the portion of the project at 8 Washington Street. The Board of
22 Supervisors held a public hearing on May 1, 2012 to hear public comment on appeals of the
23 Planning Commission action, and affirmed that the Final EIR for the SWL 351 project
24 complied with CEQA and the CEQA Guidelines and upheld the Planning Commission's
25 certification, by Motion No. _____, on May 15, 2012. The Port Commission

1 approved the portion of the SWL 351 project on land under its jurisdiction and adopted CEQA
2 Findings (Port CEQA Findings), by Port Resolution Nos. 12-46 and 12-47 on May 29, 2012;
3 and

4 L. As required by the IFD Law, the Executive Director:

5 1. prepared the Infrastructure Financing Plan for the Port IFD as a whole
6 (not including the Appendices), describing the procedures by which property tax increment
7 from Project Areas in the Port IFD will be allocated to the Port IFD to finance specific public
8 facilities, which creates a government funding mechanism that does not commit to any
9 specific project that may result in a potentially significant physical impact on the environment
10 and therefore is exempt from CEQA; and

11 2. prepared Appendix C to the Infrastructure Financing Plan, proposing an
12 allocation of property tax increment from the proposed SWL 351 project (not including the
13 proposed recreational facilities), assuming that the Board approves the annexation of 8
14 Washington Street into Project Area C to finance the public facilities described in Appendix C
15 to the Infrastructure Financing Plan, which development and public facilities have been
16 analyzed under CEQA in the Final EIR; and

17 3. sent the Infrastructure Financing Plan, including Appendix C, along with
18 the Final EIR, to the City's Planning Department and the Board of Supervisors; and

19 M. The Clerk of the Board of Supervisors made the Infrastructure Financing Plan,
20 including Appendix C, available for public inspection; and

21 N. On _____, 2012, following publication of notice consistent
22 with the requirements of the IFD Law, this Board of Supervisors held a public hearing relating
23 to the proposed Infrastructure Financing Plan, including Appendix C; and

24 O. At the hearing any persons having any objections to the proposed Infrastructure
25 Financing Plan, including Appendix C, or the regularity of any of the prior proceedings, and all

1 written and oral objections, and all evidence and testimony for and against the adoption of the
2 Infrastructure Financing Plan, were heard and considered, and a full and fair hearing was
3 held; now, therefore, be it

4 RESOLVED, By the Board of Supervisors as follows:

5 1. The Board of Supervisors hereby finds that the Infrastructure Financing Plan,
6 excluding Appendix C, is exempt from CEQA and further and incorporates by this reference
7 the City CEQA Findings and the Port CEQA Findings for the SWL 351 project with respect to
8 Appendix C for Project Area C.

9 2. By the passage of this Ordinance this Board of Supervisors hereby declares the
10 Port IFD described in the Infrastructure Financing Plan, including all initial Project Areas, to be
11 fully formed and established with full force and effect of law, approves the Infrastructure
12 Financing Plan, including Appendix C, subject to amendment as permitted by the IFD Law,
13 and establishes the base year for each of the initial Project Areas in the IFD as set forth in the
14 Infrastructure Financing Plan, all as provided in the proceedings for the IFD and in the IFD
15 Law. It is hereby found that all prior proceedings and actions taken by this Board of
16 Supervisors with respect to the IFD were valid and in conformity with the IFD Law and the
17 Port IFD Guidelines.

18 3. If for any reason any portion of this Ordinance is found to be invalid, the balance
19 of this Ordinance shall not be affected.

20 4. The Mayor shall sign this Ordinance and the Clerk of the Board of Supervisors
21 shall cause the same to be published within 5 days of its passage and again within 15 days
22 after its passage, in each case at least once in a newspaper of general circulation published
23 and circulated in the City.

1 5. This Ordinance shall take effect 30 days from the date of final passage.

2 APPROVED AS TO FORM:
3 DENNIS J. HERRERA, City Attorney

4 By: _____
5 Joanne Sakai
6 Deputy City Attorney

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