

1 [North Beach Branch Library - Environmental Findings and Bond Proceeds]

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3 **Ordinance adopting environmental findings with respect to the North Beach Branch**
4 **Library and approving the expenditure on the North Beach Branch Library of bond**
5 **proceeds of lease revenue bonds previously authorized and issued to finance various**
6 **projects under the Branch Library Improvement Program, as further described herein;**
7 **granting general authority to City officials to take certain actions in connection with the**
8 **expenditure of bond proceeds; and ratifying previous actions taken in connection**
9 **therewith.**

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

12 Section 1. Findings. The Board of Supervisors of the City and County of San
13 Francisco (the "Board") hereby finds and declares as follows:

14 A. On November 6, 2007, the voters of the City and County of San Francisco (the
15 "City") approved Proposition D, which extended the Library Preservation Fund (the "Fund"), as
16 codified in Section 16.109 of the City Charter, and authorized the Board to issue revenue
17 bonds or other evidences of indebtedness, or to incur lease financing or other obligations,
18 payable from any available funds pledged or appropriated by the Board for such purpose, the
19 proceeds of which are to be used for the purposes set forth in Section 16.109(d) of the City
20 Charter; and,

21 B. By resolution adopted on October 2, 2008, the San Francisco Public Library
22 Commission (the "Library Commission") determined to utilize lease revenue bonds to finance
23 a portion of certain projects under the Branch Library Improvement Program (the "Project")
24 and, pursuant to said Section 16.109(d), formally requested the Mayor of the City (the
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1 "Mayor") to recommend and this Board to authorize, the issuance and sale of lease revenue
2 bonds for such purposes; and,

3 C. Pursuant to Ordinance No. 268-08, passed by the Board on November 25, 2008
4 and signed by the Mayor on December 19, 2008, (the "Ordinance") the Board authorized the
5 issuance and sale by the City and County of San Francisco Finance Corporation (the
6 "Corporation") pursuant to said Section 16.109 of an aggregate principal amount of not to
7 exceed \$36,000,000 of lease revenue bonds in order to finance the costs of the Project; and,

8 D. The Corporation, a California nonprofit public benefit corporation, has been
9 formed for the purpose, among others, of facilitating lease financings for the City; and,

10 E. The Corporation issued and sold on March 17, 2009 an aggregate principal
11 amount of \$34,265,000 of lease revenue bonds (the "Bonds") to finance the Project; and

12 F. Pursuant to Section 1.L of the Ordinance ("Findings") the North Beach Branch
13 Library ("the North Beach Project") was one of six specific projects expected to be financed
14 with Bond proceeds; and

15 G. Pursuant to Section 17 of the Ordinance ("Adoption of Findings of Department of
16 City Planning") the Board found and declared that the North Beach Project was subject to
17 further required environmental review under the California Environmental Quality Act
18 ("CEQA") and that the expenditure of Bond proceeds on the North Beach Project would be
19 limited to feasibility planning and environmental review purposes; and,

20 H. On April 21, 2011, the Planning Commission, in Motion No. 18321, certified the
21 Final Environmental Impact Report for the North Beach Public Library and Joe DiMaggio
22 Playground Master Plan Project (State Clearinghouse No. 2009042130) (FEIR) and, in Motion
23 No. 18322, adopted environmental findings in accordance with the California Environmental
24 Quality Act (Public Resources Code Sections 21000 et seq.) related to the project. On April
25 25, 2011, the Library Commission, in Resolution No. 2011-03, and the Recreation and Park

1 Commission, in Resolution No. 1104-023, also adopted environmental findings and took
2 various approval actions related to the project. On June 7, 2011, the Board of Supervisors, in
3 Motion No. M11-0091, affirmed the Planning Commission's certification of the FEIR. A copy
4 of this Board Motion is on file with the Clerk of the Board of Supervisors in File No. 110615
5 and is incorporated herein by reference. In June 2011, the Board of Supervisors adopted
6 Ordinance No. 0102-11 to approve a zoning map amendment for 701 Lombard Street and Joe
7 DiMaggio Playground. As part of this Ordinance, the Board of Supervisors adopted
8 environmental findings and incorporated by reference the above mentioned Planning
9 Commission, Library Commission, and Recreation and Park Commission motions and
10 resolutions. A copy of this Ordinance is on file with the Clerk of the Board of Supervisors in
11 File No. 110312 and is incorporated herein by reference. The Board also took other actions
12 related to this project in Ordinance No. 0101-11 (Vacation of a portion of Mason Street) and
13 Resolution No. 0278-11 (Authorizing use of real property at 701 Lombard consistent with the
14 Joe DiMaggio Playground Master Plan Project). A copy of this Ordinance and Resolution are
15 on file with the Clerk of the Board of Supervisors in File Nos. 110316 and 110677,
16 respectively, and are incorporated herein by reference. For purposes of this Ordinance
17 concerning expenditure of bond proceeds, the Board of Supervisors finds that there is no new
18 information of substantial importance, no project changes, and no changes to the
19 circumstances under which the project is undertaken that would change the conclusions of the
20 FEIR, and hereby relies on the environmental findings it previously adopted as part of
21 Ordinance No. 0102-11 for the actions contemplated herein; and

22 I. The City now desires to expend Bond proceeds on construction costs related to
23 the North Beach Project.

24 Section 2. Approval of Expenditure of Bond Proceeds. The Board hereby authorizes
25 the expenditure of Bond proceeds on construction costs related to the North Beach Project.

1 Section 3. General Authority. The Mayor, the City Attorney, the Controller, the
2 Director of Public Finance, the City Librarian, the Clerk of the Board and other officers of the
3 City and their duly authorized deputies and agents are hereby authorized and directed, jointly
4 and severally, to take such actions and to execute and deliver such certificates, agreements,
5 requests or other documents, as they may deem necessary or desirable to carry out the
6 provisions of this Ordinance.

7 Section 4. Ratification of Prior Actions. All actions authorized and directed by this
8 Ordinance and heretofore taken are hereby ratified, approved and confirmed by this Board.

9 Section 5. File Documents. All documents referred to as on file with the Clerk of the
10 Board are in File No. 120222.

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

15 By: _____
16 Kenneth David Roux
17 Deputy City Attorney