

1 [Resolution of Intention to Establish Infrastructure and Revitalization Financing District No. 2  
2 (Hoedown Yard, Pier 70)]

3 **Resolution of Intention to establish City and County of San Francisco Infrastructure**  
4 **and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70) on land within the**  
5 **City and County of San Francisco commonly known as the Hoedown Yard to finance**  
6 **the construction of affordable housing within Pier 70 and Parcel K South; to provide for**  
7 **future annexation; to call a public hearing on September 11, 2018, on the formation of**  
8 **the district and to provide public notice thereof; determining other matters in**  
9 **connection therewith; and affirming the Planning Department’s determination, and**  
10 **making findings under the California Environmental Quality Act.**

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12 NOTE: Additions are *single-underline italics Times New Roman*;  
13 deletions are ~~*strike-through italics Times New Roman*~~.  
14 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strike-through normal~~.

15 WHEREAS, FC Pier 70, LLC (Forest City) and the City and County of San Francisco  
16 (the City), acting by and through the San Francisco Port Commission, anticipate entering into  
17 a Disposition and Development Agreement (the DDA), which will govern the disposition and  
18 development of approximately 28 acres of land in the waterfront area of the City known as  
19 Pier 70 (the Project Site); and

20 WHEREAS, In the general election held on November 4, 2014, an initiative entitled, the  
21 “Union Iron Works Historic District Housing, Waterfront Parks, Jobs and Preservation  
22 Initiative” (Proposition F), was approved by the voters in the City; and

23 WHEREAS, Pursuant to Proposition F, the voters in the City approved a policy of the  
24 City, that the City encourage the timely development of the Project Site with a development  
25 project that includes certain major uses, including without limitation, new below market-rate

1 homes affordable to middle- and low-income families and individuals, representing 30 percent  
2 of all new housing units (Affordable Housing); and

3 WHEREAS, Forest City and the City anticipate that Forest City will undertake pursuant  
4 to the DDA an obligation to construct Affordable Housing on the Project Site and an area of  
5 land in the vicinity of the Project Site and within Pier 70 commonly known as Parcel K South  
6 (Parcel K South) to satisfy the requirements for Affordable Housing under Proposition F; and

7 WHEREAS, At its hearing on August 24, 2017, and prior to recommending the  
8 proposed Planning Code amendments for approval, by Motion No. 19976, the Planning  
9 Commission certified a Final Environmental Impact Report (FEIR) for the Pier 70 Mixed-Use  
10 District Project (Project) pursuant to the California Environmental Quality Act (CEQA)  
11 (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal.  
12 Code Reg. Section 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of said  
13 Motion is on file with the Clerk of the Board of Supervisors in File No. 170930, and, is  
14 incorporated herein by reference. In accordance with the actions contemplated herein, this  
15 Board of Supervisors has reviewed the FEIR, concurs with its conclusions, affirms the  
16 Planning Commission's certification of the FEIR, and finds that the actions contemplated  
17 herein are within the scope of the Project described and analyzed in the FEIR; and

18 WHEREAS, In recommending the proposed Planning Code Amendments for approval  
19 by this Board of Supervisors at its hearing on August 24, 2017, by Motion No. 19977, the  
20 Planning Commission also adopted findings under CEQA, including a statement of overriding  
21 consideration, and a Mitigation Monitoring and Reporting Program (MMRP). A copy of said  
22 Motion and MMRP are on file with the Clerk of the Board of Supervisors in File No. 170930,  
23 and is incorporated herein by reference. This Board of Supervisors hereby adopts and  
24 incorporates by reference as though fully set forth herein the Planning Commission's CEQA  
25 approval findings, including the statement of overriding considerations. This Board of

1 Supervisors also adopts and incorporates by reference as though fully set forth herein the  
2 Project's MMRP; and

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

7 WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of  
8 Supervisors wishes to establish an infrastructure and revitalization financing district on a  
9 portion of land within the City commonly known as the Hoedown Yard to finance the  
10 construction of Affordable Housing on the Project Site and Parcel K South to satisfy the  
11 requirements for Affordable Housing under Proposition F; and

12 WHEREAS, The IRFD Law provides that the legislative body of an infrastructure and  
13 revitalization financing district may, at any time, add territory to a district or amend the  
14 infrastructure financing plan for the district by conducting the same procedures for the  
15 formation of a district or approval of bonds as provided in the IRFD Law, and the Board of  
16 Supervisors wishes to establish the procedure for future annexation of certain additional land  
17 within the City, specifically certain land that is currently owned by the City that is used as a  
18 public; and

19 WHEREAS, IRFD Law Section 53369.14(d)(5) provides that the legislative body of a  
20 proposed infrastructure and revitalization financing district may specify, by ordinance, the date  
21 on which the allocation of tax increment will begin, and the Board of Supervisors accordingly  
22 wishes to specify the date on which the allocation of tax increment will begin for the proposed  
23 infrastructure district; now, therefore, be it

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1 RESOLVED, That this Board of Supervisors proposes to conduct proceedings to  
2 establish an infrastructure and revitalization financing district pursuant to the IRFD Law; and,  
3 be it

4 FURTHER RESOLVED, That the name proposed for the infrastructure and  
5 revitalization financing district is “City and County of San Francisco Infrastructure and  
6 Revitalization Financing District No. 2 (Hoedown Yard)” (the IRFD); and, be it

7 FURTHER RESOLVED, That the proposed boundaries of the IRFD are as shown on  
8 the map of the IRFD on file with the Clerk of the Board of Supervisors in File No. 170880,  
9 which boundaries are hereby preliminarily approved and to which map reference is hereby  
10 made for further particulars; and, be it

11 FURTHER RESOLVED, That the type of facilities proposed to be financed by the IRFD  
12 pursuant to the IRFD Law shall consist of Affordable Housing and related facilities to be  
13 located within the Project Site and Parcel K South, as more particularly described on Exhibit A  
14 hereto and hereby incorporated herein (the Facilities), and the Facilities are authorized to be  
15 financed by the IRFD by IRFD Law Sections 53369.2 and 53369.3, and the Board of  
16 Supervisors hereby finds each of the following: that the Facilities (i) are of communitywide  
17 significance, (ii) will not supplant facilities already available within the proposed boundaries of  
18 the IRFD, except for those that are essentially nonfunctional, obsolete, hazardous, or in need  
19 of upgrading or rehabilitation, and (iii) will supplement existing facilities as needed to serve  
20 new developments; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors hereby declares that, pursuant  
22 to the IRFD Law, incremental property tax revenue from the City to finance the Facilities, but  
23 no tax increment revenues from the other affected taxing entities (as defined in the IRFD Law)  
24 within the IRFD, if any, will be used by the IRFD to finance the Facilities, and the incremental  
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1 property tax financing will be described in an infrastructure financing plan (the Infrastructure  
2 Financing Plan) to be prepared for this Board of Supervisors under the IRFD Law; and, be it

3 FURTHER RESOLVED, That in accordance with IRFD Law Sections 53369.5(b) and  
4 53369.14(d)(5), the Board of Supervisors shall establish, by ordinance, the date on which the  
5 allocation of tax increment shall begin for the IRFD (the Commencement Date), with the  
6 Commencement Date being the first day of the fiscal year following the fiscal year in which the  
7 IRFD has generated and the City has received at least \$100,000 of tax increment; and, be it

8 FURTHER RESOLVED, That future annexations of property into the IRFD may occur  
9 at any time after formation of the IRFD, but only if the Board of Supervisors has completed the  
10 procedures set forth in the Infrastructure Financing Plan, which shall be based on the  
11 following: (i) this Board of Supervisors adopts a resolution of intention to annex property (the  
12 “annexation territory”) into the IRFD and describes the annexation territory to be included in  
13 the IRFD, (ii) the resolution of intention is mailed to each owner of land in the annexation  
14 territory and each affected taxing entity in the annexation territory, if any, in substantial  
15 compliance with Sections 53369.11 and 53369.12 of the IRFD Law, (iii) this Board of  
16 Supervisors directs the Executive Director of the Port to prepare an amendment to the  
17 Infrastructure Financing Plan, if necessary, and the Executive Director of the Port prepares  
18 any such amendment, in substantial compliance with Sections 53369.13 and 53369.14 of the  
19 IRFD Law, (iv) any amendment to the Infrastructure Financing Plan is sent to each owner of  
20 land and each affected taxing entity (if any) within the annexation territory, in substantial  
21 compliance with Sections 53369.15 and 53369.16 of the IRFD Law, (v) this Board of  
22 Supervisors notices and holds a public hearing on the proposed annexation, in substantial  
23 compliance with Sections 53369.17 and 53369.18 of the IRFD Law, (vi) this Board of  
24 Supervisors adopts a resolution proposing the adoption of any amendment to the  
25 Infrastructure Financing Plan and annexation of the annexation territory to the IRFD, and

1 submits the proposed annexation to the qualified electors in the annexation territory, in  
2 substantial compliance with Sections 53369.20-53369.22 of the IRFD Law, with the ballot  
3 measure to include the questions of the proposed annexation of the annexation territory into  
4 the IRFD, approval of the appropriations limit for the annexation territory and approval of the  
5 issuance of bonds for the annexation territory, and (vii) after canvass of returns of any  
6 election, and if two-thirds of the votes cast upon the question are in favor of the ballot  
7 measure, this Board may, by ordinance, adopt the amendment to the Infrastructure Financing  
8 Plan, if any, and approve the annexation of the annexation territory to the IRFD, in substantial  
9 compliance with Section 53369.23 of the IRFD Law; and, be it

10 FURTHER RESOLVED, That Tuesday, September 11, 2018 at 3:00 p.m. or as soon as  
11 possible thereafter, in the Board of Supervisors Chamber, 1 Dr. Carlton B. Goodlett Place,  
12 City Hall, San Francisco, California, be, and the same are hereby appointed and fixed as the  
13 time and place when and where this Board of Supervisors, as legislative body for the IRFD,  
14 will conduct a public hearing on the proposed establishment of the IRFD and the proposed  
15 future annexation of territory to the IRFD; and, be it

16 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed  
17 to mail a copy of this Resolution to each owner of land (as defined in the IRFD Law) within the  
18 IRFD (but not to any affected taxing entities because there are none as of the date of this  
19 Resolution), and in addition, in accordance with IRFD Law Section 53369.17, the Clerk of the  
20 Board of Supervisors is hereby directed to cause notice of the public hearing to be published  
21 not less than once a week for four successive weeks in a newspaper of general circulation  
22 published in the City, and the notice shall state that the IRFD will be used to finance  
23 affordable housing within in the City, briefly describe such affordable housing and the other  
24 Facilities, briefly describe the proposed financial arrangements, including the proposed  
25 commitment of incremental tax revenue, describe the boundaries of the proposed IRFD,

1 reference the process for future annexation and state the day, hour, and place when and  
2 where any persons having any objections to the proposed Infrastructure Financing Plan, or  
3 the regularity of any of the prior proceedings, may appear before this Board of Supervisors  
4 and object to the adoption of the proposed Infrastructure Financing Plan for the IRFD or  
5 process for future annexation to the IRFD by the Board of Supervisors; and, be it

6 FURTHER RESOLVED, That this Resolution shall in no way obligate the Board of  
7 Supervisors to establish the IRFD, and the establishment of the IRFD shall be subject to the  
8 approval of this Board of Supervisors by resolution following the holding of the public hearing  
9 referred to above and a vote of the qualified electors in the IRFD; and, be it

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

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

1 intended to further the purposes of this Resolution, and are subject in all respects to the terms  
2 of the Resolution; and, be it

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

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

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11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA  
City Attorney

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14 By: \_\_\_\_\_  
MARK D. BLAKE  
Deputy City Attorney

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**EXHIBIT A**

**DESCRIPTION OF FACILITIES**

It is intended that the IRFD (including any annexation territory annexed therein by future annexations) will be authorized to finance all or a portion of the costs of the acquisition, construction and improvement of any facilities authorized by Section 53369.3 of the IRFD Law, including, but not limited to, the following types of facilities: affordable housing projects and supporting infrastructure and amenities.

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