

1 [Public Hearing Approval.]

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3 **Resolution approving the issuance and sale of revenue bonds and/or revenue bond**
4 **anticipation notes by the California Statewide Communities Development Authority in**
5 **an aggregate principal amount not to exceed \$32,000,000 for the Music Concourse**
6 **Community Partnership.**

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8 WHEREAS, The California Statewide Communities Development Authority, a joint
9 exercise of powers agency established pursuant to the laws of the State of California (the
10 “Authority”), has proposed to issue and sell its revenue bonds and/or revenue bond
11 anticipation notes (the “Bonds”), pursuant to a plan of financing, in one or more series issued
12 from time to time, and at no time to exceed thirty-two million dollars (\$32,000,000) in
13 outstanding aggregate principal amount for the purpose of making one or more loans to the
14 Music Concourse Community Partnership, a California nonprofit public benefit corporation
15 (the “Corporation”); and,

16 WHEREAS, The City and County of San Francisco (the “City”) is a member of the
17 Authority; and,

18 WHEREAS, The project to be financed with the proceeds of the Bonds includes: (1) the
19 design and construction of an underground parking facility with approximately 800 spaces,
20 including the construction of entrance and exit ramps, other ingress and egress facilities and
21 related facilities and construction; (2) the payment of costs of issuance of the Bonds; (3) the
22 funding of a debt service reserve for the Bonds; and, (4) the payment of other related
23 expenses and costs, including but not limited to capitalized interest and directly related
24 working capital (collectively, the “Project”), to be operated by the Corporation; and,

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1 WHEREAS, The Project is located substantially under Tea Garden Drive and Academy
2 Drive between the new M.H. de Young Museum and the California Academy of Sciences
3 buildings, situated in Golden Gate Park in San Francisco, California 94118; and,

4 WHEREAS, The interest on the Bonds may qualify for tax exemption under Section
5 103 of the Internal Revenue Code of 1986, as amended (the "Code") only if the Bonds are
6 approved in accordance with Section 147(f) of the Code; and,

7 WHEREAS, The Board of Supervisors of the City (the "Board") is the elected legislative
8 body of the City and is the applicable elected representative required to approve the issue
9 within the meaning of Section 147(f) of the Code; and,

10 WHEREAS, Section 6585.5 of the Government Code of the State of California requires
11 the Board, as the local governing body of the local agency within whose boundaries the
12 Project is located, to approve the issuance of the Bonds after a public hearing following
13 published notice, and to make certain findings of significant public benefit; and,

14 WHEREAS, by Resolution No. 740-03 adopted on November 18, 2003, the Board
15 approved the issuance of the Bonds after a public hearing and made a finding of significant
16 public benefit satisfying the foregoing requirements of Section 147(f) of the Code and Section
17 6585.5 of the Government Code; and,

18 WHEREAS, approvals under Section 147(f) of the Code expire after one year and the
19 Authority has therefore requested the Board to approve again the issuance and sale of the
20 Bonds in order to satisfy the public approval requirements of Section 147(f) of the Code; and,

21 WHEREAS, On May 7, 2005, the City caused a notice stating that a public hearing with
22 respect to the issuance of Bonds would be held by the Mayor's Office of Public Finance and
23 Business Affairs on May 23, 2005, to appear in the *Independent* which is a newspaper of
24 general circulation in the City; and,

1 WHEREAS, The Mayor's Office of Public Finance and Business Affairs has held the
2 public hearing described above on May 23, 2005, and an opportunity was provided for
3 persons to comment on the issuance and sale of the Bonds and the Project, a copy of such
4 public comment is on file with the Clerk of the Board in File No. _____; and,

5 WHEREAS, It is in the public interest and for the public benefit that the Board approve
6 the issuance of the Bonds; and,

7 WHEREAS, In Resolution No. 738-03, this Board adopted findings in connection with
8 its consideration of the Project under California Environmental Quality Act ("CEQA")
9 (California Public Resources Code Section 2100 et seq.), the State CEQA Guidelines
10 (California Code of Regulations Title 14 Sections 15000 et seq.), and Chapter 31 of the San
11 Francisco Administrative Code and adopted a mitigation monitoring and reporting program,
12 which findings and program are hereby incorporated by reference herein. A copy of said
13 resolution is on file with the Clerk on the Board in File No. 031321; and,

14 WHEREAS, In said resolution, this Board also adopted findings of consistency with the
15 General Plan, Planning Code Section 101.1, and the Golden Gate Park Master Plan, which
16 findings are hereby incorporated by reference herein; now, therefore, be it,

17 RESOLVED, That this Board hereby finds and declares the above recitals are true and
18 correct; and, be it

19 FURTHER RESOLVED, That this Board hereby approves the issuance and sale of the
20 Bonds by the Authority. It is the purpose and intent of this Board that this Resolution constitute
21 approval of the Bonds by the applicable elected representative of the governmental unit
22 having jurisdiction over the area in which the Project is located in accordance with Section
23 147(f) of the Code and Section 6585.5 of the Government Code of the State of California;
24 and, be it

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1 FURTHER RESOLVED, That the issuance of the Bonds will achieve significant public
2 benefit, in that demonstrable interest savings will be achieved, comparing debt service on the
3 Bonds to conventional financing which could be used by the Corporation for the construction
4 of a new underground parking facility; and, be it

5 FURTHER RESOLVED, That the approval of the issuance and sale of the Bonds by
6 the City is neither an approval of the underlying credit quality of the proposed Project nor an
7 approval of the financial structure of the Bonds.

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9 APPROVED AS TO FORM:

10 DENNIS J. HERRERA
11 City Attorney

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13 By: _____
14 MICHAEL J. MARTIN
15 Deputy City Attorney

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