

AMENDED IN COMMITTEE
11/9/17

FILE NO. 170880

RESOLUTION NO.

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

3 **Resolution of Intention to establish City and County of San Francisco Infrastructure**
4 **and Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and**
5 **County of San Francisco commonly known as the Hoedown Yard to finance the**
6 **construction of affordable housing within Pier 70 and Parcel K South; to call a public**
7 **hearing on January 9, 2018, on the formation of the district and to provide public notice**
8 **thereof; and determining other matters in connection therewith.**

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

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

18 WHEREAS, Pursuant to Proposition F, the voters in the City approved a policy of the
19 City, that the City encourage the timely development of the Project Site with a development
20 project that includes certain major uses, including without limitation, new below market-rate
21 homes affordable to middle- and low-income families and individuals, representing 30 percent
22 of all new housing units (Affordable Housing); and

23 WHEREAS, Forest City and the City anticipate that Forest City will undertake pursuant
24 to the DDA an obligation to construct Affordable Housing on the Project Site and an area of

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1 land in the vicinity of the Project Site and within Pier 70 commonly known as Parcel K South
2 (Parcel K South) to satisfy the requirements for Affordable Housing under Proposition F; and

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

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

24 WHEREAS, Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California
25 Government Code, commencing with Section 53369 (the IRFD Law), this Board of

1 Supervisors is authorized to establish an infrastructure and revitalization financing district and
2 to act as the legislative body for an infrastructure and revitalization financing district; and

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

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

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

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

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

23 FURTHER RESOLVED, That the type of facilities proposed to be financed by the IRFD
24 pursuant to the IRFD Law shall consist of Affordable Housing and related facilities to be
25 located within the Project Site and Parcel K South, as more particularly described on Exhibit A

1 hereto and hereby incorporated herein (the Facilities), and the Facilities are authorized to be
2 financed by the IRFD by IRFD Law Sections 53369.2 and 53369.3, and the Board of
3 Supervisors hereby finds each of the following: that the Facilities (i) are of communitywide
4 significance, (ii) will not supplant facilities already available within the proposed boundaries of
5 the IRFD, except for those that are essentially nonfunctional, obsolete, hazardous, or in need
6 of upgrading or rehabilitation, and (iii) will supplement existing facilities as needed to serve
7 new developments; and, be it

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

14 FURTHER RESOLVED, That in accordance with IRFD Law Sections 53369.5(b) and
15 53369.14(d)(5), the Board of Supervisors shall establish, by ordinance, the date on which the
16 allocation of tax increment shall begin for the IRFD (the Commencement Date), with the
17 Commencement Date being the first day of the fiscal year following the fiscal year in which the
18 IRFD has generated and the City has received at least \$100,000 of tax increment; and, be it

19 FURTHER RESOLVED, That Tuesday, January 9, 2018 at 3:00 p.m. or as soon as
20 possible thereafter, in the Board of Supervisors Chamber, 1 Dr. Carlton B. Goodlett Place,
21 City Hall, San Francisco, California, be, and the same are hereby appointed and fixed as the
22 time and place when and where this Board of Supervisors, as legislative body for the IRFD,
23 will conduct a public hearing on the proposed establishment of the IRFD and the proposed
24 future annexation of territory to the IRFD; and, be it

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1 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
2 to mail a copy of this Resolution to each owner of land (as defined in the IRFD Law) within the
3 IRFD (but not to any affected taxing entities because there are none as of the date of this
4 Resolution), and in addition, in accordance with IRFD Law Section 53369.17, the Clerk of the
5 Board of Supervisors is hereby directed to cause notice of the public hearing to be published
6 not less than once a week for four successive weeks in a newspaper of general circulation
7 published in the City, and the notice shall state that the IRFD will be used to finance
8 affordable housing within in the City, briefly describe such affordable housing and the other
9 Facilities, briefly describe the proposed financial arrangements, including the proposed
10 commitment of incremental tax revenue, describe the boundaries of the proposed IRFD, and
11 state the day, hour, and place when and where any persons having any objections to the
12 proposed Infrastructure Financing Plan, or the regularity of any of the prior proceedings, may
13 appear before this Board of Supervisors and object to the adoption of the proposed
14 Infrastructure Financing Plan for the IRFD by the Board of Supervisors; and, be it

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

19 FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or
20 word of this resolution, or any application thereof to any person or circumstance, is held to be
21 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
22 shall not affect the validity of the remaining portions or applications of this resolution, this
23 Board of Supervisors hereby declaring that it would have passed this resolution and each and
24 every section, subsection, sentence, clause, phrase, and word not declared invalid or
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1 unconstitutional without regard to whether any other portion of this resolution or application
2 thereof would be subsequently declared invalid or unconstitutional; and, be it

3 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of
4 Public Finance, the Clerk of the Board of Supervisors, the Executive Director of the Port of
5 San Francisco and any and all other officers of the City are hereby authorized, for and in the
6 name of and on behalf of the City, to do any and all things and take any and all actions,
7 including execution and delivery of any and all documents, assignments, certificates,
8 requisitions, agreements, notices, consents, instruments of conveyance, warrants and
9 documents, which they, or any of them, may deem necessary or advisable in order to
10 effectuate the purposes of this Resolution; provided however that any such actions be solely
11 intended to further the purposes of this Resolution, and are subject in all respects to the terms
12 of the Resolution; and, be it

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

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

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA
23 City Attorney

24 By: _____
25 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:

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