

1 [Resolution of Intention to Form Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project
2 Area G-4 - Infrastructure Financing District (Port of San Francisco, Pier 70)]

3 **Resolution of Intention to establish Sub-Project Area G-2, Sub-Project Area G-3 and**
4 **Sub-Project Area G-4 of City and County of San Francisco Infrastructure Financing**
5 **District No. 2 (Port of San Francisco, Pier 70); to call a public hearing on September 11,**
6 **2018, on the establishment and to provide public notice thereof; and affirming the**
7 **Planning Department’s determination, and making findings under the California**
8 **Environmental Quality Act.**

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

14 WHEREAS, California Statutes of 1968, Chapter 1333 (Burton Act) and the San
15 Francisco Charter Sections 4.114 and B3.581 empower the City and County of San
16 Francisco, acting through the San Francisco Port Commission, with the power and duty to
17 use, conduct, operate, maintain, manage, regulate and control the lands within Port
18 Commission jurisdiction; and

19 WHEREAS, Under Government Code Section 53395 et seq. (IFD Law), this Board of
20 Supervisors is authorized to establish an infrastructure financing district and to act as the
21 legislative body for an infrastructure financing district; and,

22 WHEREAS, Pursuant to Section 53395.8 of the IFD Law, a waterfront district may be
23 divided into project areas; and

24 WHEREAS, On March 27, 2012, by Resolution No. 110-12 (Original Resolution of
25 Intention to Establish IFD), this Board of Supervisors declared its intention to establish a
waterfront district to be known as “City and County of San Francisco Infrastructure Financing

1 District No. 2 (Port of San Francisco)” (IFD), and designated initial proposed project areas
2 within the IFD; and

3 WHEREAS, On June 12, 2012, by Resolution No. 227-12 (First Amending Resolution),
4 this Board of Supervisors amended the Original Resolution of Intention to propose, among
5 other things, an amended list of project areas, including Project Area G (Pier 70); and

6 WHEREAS, On November 17, 2015, by Resolution 421-15 (Second Amending
7 Resolution, and together with the Original Resolution of Intention to Establish IFD and the
8 First Amending Resolution, the “Resolution of Intention to Establish IFD”), this Board of
9 Supervisors amended the Original Resolution of Intention, as amended by the First Amended
10 Resolution, to propose, among other things, a further amended list of project areas, including
11 Project Area G (Pier 70), as a Pier 70 district, and Sub-Project Area G-1 (Pier 70 – Historic
12 Core), as a Pier 70 district; and

13 WHEREAS, In the Resolution of Intention to Establish IFD, this Board of Supervisors
14 directed the Executive Director of the Port of San Francisco (Executive Director) to prepare an
15 infrastructure financing plan for the IFD (Infrastructure Financing Plan) that would comply with
16 the IFD Law, and reserved the right to establish infrastructure financing plans in the future
17 specific to other project areas and sub-project areas within the IFD; and,

18 WHEREAS, in accordance with the IFD Law, at the direction of this Board of Directors,
19 the Executive Director prepared the Infrastructure Financing Plan; and

20 WHEREAS, On February 23, 2016, by Ordinance No. 27-16 (Ordinance Establishing
21 IFD), this Board of Supervisors, among other things, declared the IFD to be fully formed and
22 established with full force and effect of law and adopted the Infrastructure Financing Plan; and

23 WHEREAS, At its hearing on August 24, 2017, and prior to recommending the
24 proposed Planning Code amendments for approval, by Motion No. 19976, the Planning
25 Commission certified a Final Environmental Impact Report (FEIR) for the Pier 70 Mixed-Use

1 District Project (Case No. 2014-001272ENV) (Project) pursuant to the California
2 Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.),
3 the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et seq.), and Chapter 31 of the
4 Administrative Code. A copy of said Motion is on file with the Clerk of the Board of
5 Supervisors in File No. 170930, and, is incorporated herein by reference. In accordance with
6 the actions contemplated herein, this Board of Supervisors has reviewed the FEIR, concurs
7 with its conclusions, affirms the Planning Commission’s certification of the FEIR, and finds
8 that the actions contemplated herein are within the scope of the Project described and
9 analyzed in the FEIR; and

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

20 WHEREAS, In connection with the Project, this Board of Supervisors wishes to declare
21 its intention to establish three additional sub-project areas within Project Area G (Pier 70) of
22 the IFD designated Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-3 (Pier
23 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site); now, therefore, be it
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1 RESOLVED, By the Board of Supervisors as follows:

2 1. Authority. This Board of Supervisors proposes to conduct proceedings to
3 establish three additional sub-project areas within Project Area G (Pier 70) of the IFD
4 pursuant to the IFD Law; and

5 2. Name of Sub-Project Areas. The names of the proposed sub-project areas are:

6 a. Sub-Project Area G-2 (Pier 70 - 28-Acre Site). Sub-Project Area G-2 (Pier 70 -
7 28-Acre Site) shall be a Pier 70 district and a sub-project area within Project Area G (Pier 70).

8 b. Sub-Project Area G-3 (Pier 70 - 28-Acre Site). Sub-Project Area G-3 (Pier 70 -
9 28-Acre Site) shall be a Pier 70 district and a sub-project area within Project Area G (Pier 70).

10 c. Sub-Project Area G-4 (Pier 70 - 28-Acre Site). Sub-Project Area G-4 (Pier 70 -
11 28-Acre Site) shall be a Pier 70 district and a sub-project area within Project Area G (Pier 70).

12 3. Amended Boundaries Described. The proposed amended boundaries of the
13 IFD, which are amended to include (i) Sub-Project Area G-2 (Pier 70 - 28-Acre Site) within
14 Project Area G of the IFD, (ii) Sub-Project Area G-3 (Pier 70 - 28-Acre Site) within Project
15 Area G of the IFD, and (iii) Sub-Project Area G-4 (Pier 70 - 28-Acre Site) within Project Area
16 G of the IFD, are as shown on the amended map of the IFD on file with the Clerk of the Board
17 of Supervisors, which boundaries are hereby preliminarily approved and to which map
18 reference is hereby made for further particulars.

19 4. Facilities. The type of public facilities proposed to be financed by Sub-Project
20 Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-3 (Pier 70 - 28-Acre Site) and Sub-
21 Project Area G-4 (Pier 70 - 28-Acre Site) consist of those listed on Exhibit A to the Original
22 Resolution of Intention to Establish IFD, and are particularly described in Appendix G-2 to the
23 Infrastructure Financing Plan described below. Exhibit A to the Original Resolution of Intention
24 to Establish IFD, which lists the type of public facilities proposed to be financed by the IFD,
25 including, without limitation, Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area

1 G-3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site), is attached
2 hereto and incorporated herein.

3 5. Incremental Property Tax Revenue. This Board of Supervisors hereby declares
4 that, pursuant to the IFD Law, Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project
5 Area G-3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site) will use
6 incremental property tax revenue from the City but none of the other affected taxing entities
7 within Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-3 (Pier 70 - 28-Acre
8 Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site) (in each case except to the extent
9 permitted by Section 53395.8(h) of the IFD Law or as a result of the allocation of the ERAF
10 share (as defined in the IFD Law) to finance the Facilities.

11 6. Infrastructure Financing Plan. The Executive Director is hereby directed to
12 prepare an infrastructure financing plan for Sub-Project Area G-2 (Pier 70 - 28-Acre Site),
13 Sub-Project Area G-3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre
14 Site) as an appendix to the Infrastructure Financing Plan, to be designated Appendix G-2 that
15 complies with the requirements of the IFD Law. Appendix G-2 shall be a Pier 70 enhanced
16 financing plan with respect to Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area
17 G-3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site). The Executive
18 Director shall cause the Infrastructure Financing Plan to be amended to include Appendix G-
19 2, and, to the extent required by the IFD Law, for the Infrastructure Financing Plan as so
20 amended to be sent to the San Francisco Planning Department and to this Board of
21 Supervisors.

22 7. Public Hearing. That on Tuesday, September 11, 2018 at 3:00 p.m. or as soon
23 as possible thereafter, in the Board of Supervisors Chambers, 1 Dr. Carlton B. Goodlett Place,
24 City Hall, San Francisco, California, be, and the same are hereby appointed and fixed as the
25 time and place when and where this Board of Supervisors will conduct a public hearing on the

1 proposed establishment of Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-
2 3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site) within Project
3 Area G (Pier 70) of the IFD.

4 8. Notice of Public Hearing. The Clerk of the Board of Supervisors is hereby
5 directed to cause notice of the public hearing to be published not less than once a week for
6 four successive weeks in a newspaper designated by this Board of Supervisors for the
7 publication of official notices in the City. The notice shall state that Sub-Project Area G-2 (Pier
8 70 - 28-Acre Site), Sub-Project Area G-3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4
9 (Pier 70 - 28-Acre Site) will be used to finance Facilities, briefly describe the Facilities and the
10 proposed financial arrangements, including the proposed commitment of incremental tax
11 revenue, describe the boundaries of the proposed Sub-Project Area G-2 (Pier 70 - 28-Acre
12 Site), Sub-Project Area G-3 (Pier 70 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-
13 Acre Site) and state the day, hour and place when and where any persons having any
14 objections to the proposed Appendix G-2 to the Infrastructure Financing Plan, or the regularity
15 of any of the prior proceedings, may appear before this Board of Supervisors and object to the
16 adoption of the proposed Appendix G-2 to the Infrastructure Financing Plan by this Board of
17 Supervisors.

18 9. Further Action. The Clerk of the Board of Supervisors and all other officers and
19 agents of the City are hereby authorized and directed to take all actions necessary or
20 advisable to give effect to the transactions contemplated by this Resolution. The Clerk of the
21 Board of Supervisors is further directed to mail a copy of this Resolution to any affected taxing
22 entities.

23 10. No Obligation. This Resolution shall in no way obligate the Board of
24 Supervisors to establish Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-3
25 (Pier 70 - 28-Acre Site) or Sub-Project Area G-4 (Pier 70 - 28-Acre Site) within the IFD. The

1 establishment of Sub-Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-3 (Pier 70
2 - 28-Acre Site) and Sub-Project Area G-4 (Pier 70 - 28-Acre Site) within the IFD, shall be
3 subject to the approval of this Board of Supervisors by ordinance following the holding of the
4 public hearing referred to above. The proposal to include property in the boundaries of Sub-
5 Project Area G-2 (Pier 70 - 28-Acre Site), Sub-Project Area G-3 (Pier 70 - 28-Acre Site) and
6 Sub-Project Area G-4 (Pier 70 - 28-Acre Site) within the IFD does not constitute an approval
7 of any specific land uses on such property.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA
City Attorney

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13 By: _____
14 MARK D. BLAKE
Deputy City Attorney

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