

1 [Resolution Authorizing Executive Director of the Port of San Francisco to Prepare an
2 Infrastructure Financing Plan - Infrastructure and Revitalization Financing District No.2
(Hoedown Yard, Pier 70)]

3 **Resolution authorizing and directing the Executive Director of the Port of San**
4 **Francisco, or designee thereof, to prepare an infrastructure financing plan for City and**
5 **County of San Francisco Infrastructure and Revitalization Financing District No. 2**
6 **(Hoedown Yard, Pier 70); determining other matters in connection therewith; and**
7 **affirming the Planning Department’s determination, and making findings under the**
8 **California 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;
Board amendment deletions are ~~strikethrough normal~~.

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

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

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

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

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

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

14 WHEREAS, On the date hereof, pursuant to the IRFD Law and a resolution entitled
15 “Resolution of intention to establish City and County of San Francisco Infrastructure and
16 Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and County of
17 San Francisco commonly known as the Hoedown Yard to finance the construction of
18 affordable housing within Pier 70 and Parcel K South; to call a public hearing on September
19 11, 2018 on the formation of the district and to provide public notice thereof; determining other
20 matters in connection therewith; and affirming the Planning Department’s determination, and
21 making findings under the California Environmental Quality Act” (the Resolution of Intention),
22 this Board of Supervisors declared its intention to conduct proceedings to establish the “City
23 and County of San Francisco Infrastructure and Revitalization Financing District No. 2
24 (Hoedown Yard)” (the IRFD), pursuant to the IRFD Law; and

1 WHEREAS, The IRFD Law requires this Board of Supervisors, after adopting the
2 Resolution of Intention, to designate and direct the City engineer or other appropriate official
3 to prepare an infrastructure plan; now, therefore, be it

4 RESOLVED, That the Executive Director of the Port of San Francisco (Executive
5 Director), or the designee of the Executive Director, is hereby authorized and directed to
6 prepare, or cause to be prepared, a report in writing for the IRFD (the Infrastructure Financing
7 Plan), which is consistent with the general plan of the City and includes all of the following:

8 (a) A map and legal description of the proposed IRFD.

9 (b) A description of the Affordable Housing and related facilities required to serve
10 the development proposed in the area of the IRFD including those to be provided by the
11 private sector, the Affordable Housing and related facilities to be provided by governmental
12 entities without assistance under the IRFD Law, the Affordable Housing and related facilities
13 to be financed with assistance from the proposed IRFD, and the Affordable Housing and
14 related facilities to be provided jointly (the Facilities). The description shall include the
15 proposed location, timing, and costs of the Facilities.

16 (c) A finding that the Facilities are of communitywide significance, are consistent
17 with the authority reuse plan and will be approved by the military base reuse authority, if
18 applicable, will not supplant facilities already available within the boundaries of the IRFD
19 (except for those that are essentially nonfunctional, obsolete, hazardous, or in need of
20 upgrading or rehabilitation) and will supplement existing facilities as needed to serve new
21 developments.

22 (d) A financing section, which shall contain all of the following information:

23 (1) A specification of the maximum portion of the incremental tax revenue of the
24 City and of each affected taxing entity (as defined in the IRFD Law) proposed to be committed
25 to the IRFD for each year during which the IRFD will receive incremental tax revenue;

1 provided however such portion of incremental tax revenue need not be the same for all
2 affected taxing entities, and such portion may change over time.

3 (2) A projection of the amount of tax revenues expected to be received by the IRFD
4 in each year during which the IRFD will receive tax revenues, including an estimate of the
5 amount of tax revenues attributable to each affected taxing entity proposed to be committed to
6 the IRFD for each year. If applicable, the plan shall also include a specification of the
7 maximum portion of the net available revenue of the City proposed to be committed to the
8 IRFD for each year during which the IRFD will receive revenue, which portion may vary over
9 time.

10 (3) A plan for financing the Facilities, including a detailed description of any
11 intention to incur debt.

12 (4) A limit on the total number of dollars of taxes that may be allocated to the IRFD
13 pursuant to the plan.

14 (5) A date on which the IRFD will cease to exist, by which time all tax allocation to
15 the IRFD will end. The date shall not be more than 40 years from the date on which the
16 ordinance forming the IRFD is adopted, or a later date, if specified by the ordinance, on which
17 the allocation of tax increment will begin.

18 (6) An analysis of the costs to the City of providing facilities and services to the
19 IRFD while the area within the IRFD is being developed and after the area within the IRFD is
20 developed. The plan shall also include an analysis of the tax, fee, charge, and other revenues
21 expected to be received by the City as a result of expected development in the area of the
22 IRFD.

23 (7) An analysis of the projected fiscal impact of the IRFD and the associated
24 development upon each affected taxing entity that is proposed to participate in financing the
25 IRFD.

1 (8) A plan for financing any potential costs that may be incurred by reimbursing a
2 developer of a project that is both located entirely within the boundaries of the IRFD and
3 qualifies for the Transit Priority Project Program, pursuant to Government Code Section
4 65470, including any permit and affordable housing expenses related to the project.

5 (9) If any dwelling units occupied by persons or families of low or moderate income
6 are proposed to be removed or destroyed in the course of private development or facilities
7 construction within the area of the IRFD, a plan providing for replacement of those units and
8 relocation of those persons or families consistent with the requirements of Section 53369.6 of
9 the IRFD Law.

10 This Board of Supervisors reserves the right to approve supplements or amendments
11 to the Infrastructure Financing Plan in accordance with the IRFD Law; and, be it

12 FURTHER RESOLVED, That the Executive Director, or the designee of the Executive
13 Director, shall send the Infrastructure Financing Plan to (i) the planning commission of the
14 City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and (iv)
15 each affected taxing entity (if any). The Executive Director, or the designee of the Executive
16 Director, shall also send to the owners of land within the proposed IRFD and the affected
17 taxing entities (if any) any report required by the California Environmental Quality Act (Division
18 13 (commencing with Section 21000) of the Public Resources Code) that pertains to the
19 proposed Facilities or the proposed development project for which the Facilities are needed.

20 The Clerk of the Board of Supervisors shall make the Infrastructure Financing Plan
21 available for public inspection; and, be it

22 FURTHER RESOLVED, That the Executive Director, or the designee of the Executive
23 Director, shall consult with each affected taxing entity, and, at the request of any affected
24 taxing entity, shall meet with representatives of the affected taxing entity; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
2 the FEIR and finds that the FEIR is adequate for its use for the actions taken by this resolution
3 and incorporates the FEIR and the CEQA findings contained in Resolution No. _____
4 of this Board of Supervisors; and, be it

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

13 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of
14 Public Finance, the Clerk of the Board of Supervisors, the Executive Director and any and all
15 other officers of the City are hereby authorized, for and in the name of and on behalf of the
16 City, to do any and all things and take any and all actions, including execution and delivery of
17 any and all documents, assignments, certificates, requisitions, agreements, notices, consents,
18 instruments of conveyance, warrants and documents, which they, or any of them, may deem
19 necessary or advisable in order to effectuate the purposes of this Resolution; provided
20 however that any such actions be solely intended to further the purposes of this Resolution,
21 and are subject in all respects to the terms of the Resolution and provided that no such
22 actions shall increase the risk to the City or require the City to spend any resources not
23 otherwise granted herein; and, be it

1 FURTHER RESOLVED, That all actions authorized and directed by this Resolution,
2 consistent with any documents presented herein, and heretofore taken are hereby ratified,
3 approved and confirmed by this Board of Supervisors; and, be it
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5 FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.
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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA
City Attorney

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11 By: _____
12 MARK D. BLAKE
Deputy City Attorney

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