

1 [Approving Infrastructure and Revitalization Financing Plan - Infrastructure and Revitalization  
2 Financing District No. 2 (Hoedown Yard, Pier 70)]

3

4 **Resolution approving the Infrastructure Financing Plan for City and County of San**  
5 **Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard);**  
6 **determining other matters in connection therewith; and affirming the Planning**  
7 **Department’s determination, and making findings under the California Environmental**  
8 **Quality Act.**

9

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% of all  
22 new housing units (Affordable Housing); and,

23 WHEREAS, To meet a part of this requirement, Forest City and the City anticipate that  
24 the Mayor’s Office of Housing and Community Development will undertake pursuant to the  
25 DDA an obligation to construct three 100% affordable housing projects within the City,  
including without limitation, on the Project Site and within Pier 70 commonly known as Parcel

1 K South (Parcel K South), to satisfy the requirements for Affordable Housing under  
2 Proposition F; 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), the 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, IRFD Law, Section 53369.14(d)(5) provides that the legislative body of a  
8 proposed infrastructure and revitalization financing district may specify, by ordinance, the date  
9 on which the allocation of tax increment will begin, and the Board of Supervisors accordingly  
10 wishes to specify the date on which the allocation of tax increment will begin for the proposed  
11 infrastructure and revitalization financing district; and

12 WHEREAS, In connection with the Project, pursuant to IRFD Law, the Board of  
13 Supervisors adopted its “Resolution of Intention to establish City and County of San Francisco  
14 Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70) on land  
15 within the City and County of San Francisco commonly known as the Hoedown Yard to  
16 finance the construction of Affordable Housing within the City and County of San Francisco; to  
17 provide for future annexation; to call a public hearing on September 11, 2018, on the  
18 formation of the district and to provide public notice thereof; determining other matters in  
19 connection therewith; and affirming the Planning Department’s determination, and making  
20 findings under the California Environmental Quality Act” (the Resolution of Intention to  
21 Establish IRFD), stating its intention to form the “City and County of San Francisco  
22 Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70)” (the IRFD),  
23 pursuant to the IRFD Law; and

24 WHEREAS, The City intends to form the IRFD for the purpose of financing certain  
25 facilities (the Facilities) as further provided in the Resolution of Intention to Establish IRFD;

1 and

2 WHEREAS, The Board of Supervisors has also adopted its “Resolution authorizing and  
3 directing the Executive Director of the Port of San Francisco, or designee thereof, to prepare  
4 an infrastructure financing plan for City and County of San Francisco Infrastructure and  
5 Revitalization Financing District No. 2 (Hoedown Yard); determining other matters in  
6 connection therewith; and affirming the Planning Department’s determination, and making  
7 findings under the California Environmental Quality Act,” ordering preparation of an  
8 infrastructure financing plan for the IRFD (the Infrastructure Financing Plan) consistent with  
9 the requirements of the IRFD Law; and

10 WHEREAS, The Infrastructure Financing Plan includes a list of the Facilities to be  
11 financed by the IRFD; and

12 WHEREAS, As required by the IRFD Law, the Clerk of the Board of Supervisors  
13 caused to be mailed a copy of the Resolution of Intention to Establish IRFD to each owner of  
14 land within the proposed IRFD and each affected taxing entity (as defined in the IRFD Law);  
15 and

16 WHEREAS, As further required by the IRFD Law, the Executive Director of the Port of  
17 San Francisco prepared the Infrastructure Financing Plan so as to comply with the  
18 requirements of the IRFD Law, and the Executive Director of the Port of San Francisco sent  
19 the Infrastructure Financing Plan, along with any report required by the California  
20 Environmental Quality Act (CEQA) (California Public Resources Code, Sections 21000 et  
21 seq.) that pertains to the proposed Facilities or the proposed development project for which  
22 the Facilities are needed (CEQA Report), to (i) each owner of land within the proposed IRFD  
23 and (ii) each affected taxing entity; the Executive Director of the Port of San Francisco also  
24 sent the Infrastructure Financing Plan and the CEQA Report to the Planning Commission and  
25 the Board of Supervisors; and

1           WHEREAS, The Clerk of the Board of Supervisors made the Infrastructure Financing  
2 Plan available for public inspection; and

3           WHEREAS, As required by the IRFD Law, the Board of Supervisors, as the legislative  
4 body of the City, which is the only affected taxing entity which is proposed to be subject to the  
5 division of taxes pursuant the IRFD Law, wishes to consider and adopt a resolution approving  
6 the Infrastructure Financing Plan; now, therefore, be it

7           RESOLVED, That the foregoing recitals are true and correct; the Board of Supervisors  
8 has received all of the information it is required to have received under the IRFD Law prior to  
9 adoption of this Resolution; and, be it

10          RESOLVED FURTHER, That the Board of Supervisors, as the legislative body of the  
11 City, which is the only affected taxing entity, which is proposed to be subject to the division of  
12 taxes pursuant the IRFD Law, as further described in the Infrastructure Financing Plan,  
13 hereby approves the Infrastructure Financing Plan; and, be it

14          RESOLVED FURTHER, That the Board of Supervisors acknowledges that territory  
15 may be annexed into the IRFD in the future, as described in the Resolution of Intention to  
16 Establish IRFD; and, be it

17          RESOLVED FURTHER, That this Resolution shall be filed with the Clerk of the Board  
18 of Supervisors at or prior to the time of the public hearing for the proposed IRFD; and, be it

19          FURTHER RESOLVED, That in the Resolution of Intention to Establish IRFD, the  
20 Board of Supervisors made certain findings under the CEQA about the Final Environmental  
21 Impact Report for the Pier 70 Mixed-Use District Project, and those findings are incorporated  
22 in this Resolution as if set forth in their entirety herein; and, be it

23          FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or  
24 word of this resolution, or any application thereof to any person or circumstance, is held to be  
25 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision

1 shall not affect the validity of the remaining portions or applications of this resolution, the  
2 Board of Supervisors hereby declaring that it would have passed this resolution and each and  
3 every section, subsection, sentence, clause, phrase, and word not declared invalid or  
4 unconstitutional without regard to whether any other portion of this resolution or application  
5 thereof would be subsequently declared invalid or unconstitutional; and, be it

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

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

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1           RESOLVED FURTHER, That this Resolution shall take effect upon its enactment.  
2           Enactment occurs when the Mayor signs the resolution, the Mayor returns the resolution  
3           unsigned or does not sign the resolution within ten days of receiving it, or the Board of  
4           Supervisors overrides the Mayor's veto of the resolution.

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6           APPROVED AS TO FORM:  
7           DENNIS J. HERRERA  
8           City Attorney

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10          By: \_\_\_\_\_

11                   MARK D. BLAKE  
12                   Deputy City Attorney  
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