

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

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3 **Resolution approving the Infrastructure Financing Plan for City and County of San**
4 **Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard,**
5 **Pier 70); determining other matters in connection therewith; and affirming the Planning**
6 **Department’s determination, and making findings under the California Environmental**
7 **Quality Act.**

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

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

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

22 WHEREAS, To meet a part of this requirement, Forest City and the City anticipate that
23 the Mayor’s Office of Housing and Community Development will undertake pursuant to the
24 DDA an obligation to construct three 100% affordable housing projects within the Project Site
25 and an area of land in the vicinity of the Project Site and within Pier 70 commonly known as

1 Parcel 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 Pier 70 and Parcel K South; to provide
17 for future annexation; to call a public hearing on September 11, 2018, on the formation of the
18 district and to provide public notice thereof; determining other matters in connection therewith;
19 and affirming the Planning Department’s determination, and making findings under the
20 California Environmental Quality Act” (the Resolution of Intention to Establish IRFD), stating
21 its intention to form the “City and County of San Francisco Infrastructure and Revitalization
22 Financing District No. 2 (Hoedown Yard)” (the IRFD), pursuant to the IRFD Law; and

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

4 WHEREAS, The Board of Supervisors has also adopted its “Resolution authorizing and
5 directing the Executive Director of the Port of San Francisco, or designee thereof, to prepare
6 an infrastructure financing plan for City and County of San Francisco Infrastructure and
7 Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other matters in
8 connection therewith; and affirming the Planning Department’s determination, and making
9 findings under the California Environmental Quality Act,” ordering preparation of an
10 infrastructure financing plan for the IRFD (the Infrastructure Financing Plan) consistent with
11 the requirements of the IRFD Law; and

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

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

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

1 the Infrastructure Financing Plan and the CEQA Report to the City’s planning commission and
2 the Board of Supervisors; and

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

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

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

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

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

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

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

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

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

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

21 FURTHER RESOLVED, That this Resolution shall take effect upon its enactment.
22 Enactment occurs when the Mayor signs the resolution, the Mayor returns the resolution

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1 unsigned or does not sign the resolution within ten days of receiving it, or the Board of
2 Supervisors overrides the Mayor's veto of the resolution.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA
6 City Attorney

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10 By: _____

11 MARK D. BLAKE
12 Deputy City Attorney
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