

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

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

7
8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
17 finds, determines and declares based on the record before it that:

18 A. FC Pier 70, LLC (Forest City) and the City and County of San Francisco (“City”),
19 acting by and through the San Francisco Port Commission (“Port”), anticipate entering into a
20 Disposition and Development Agreement (“DDA”), which will govern the disposition and
21 development of approximately 28 acres of land in the waterfront area of the City known as
22 Pier 70 (“Project Site”).

23 B. In the general election held on November 4, 2014, an initiative entitled, the
24 “Union Iron Works Historic District Housing, Waterfront Parks, Jobs and Preservation
25 Initiative” (Proposition F), was approved by the voters in the City.

26 C. Pursuant to Proposition F, the voters in the City approved a policy of the City,
27 that the City encourage the timely development of the Project Site with a development project

1 that includes certain major uses, including without limitation, new below market-rate homes
2 affordable to middle- and low-income families and individuals, representing 30 percent of all
3 new housing units (Affordable Housing).

4 D. To meet a part of this requirement, Forest City and the City anticipate that the
5 Mayor’s Office of Housing and Community Development will undertake pursuant to the DDA
6 an obligation to construct three 100% affordable housing projects within the Project Site and
7 an area of land in the vicinity of the Project Site and within Pier 70 commonly known as Parcel
8 K South (“Parcel K South”), to satisfy the requirements for Affordable Housing under
9 Proposition F.

10 E. Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California Government
11 Code commencing with Section 53369 (“IRFD Law”), this Board of Supervisors is authorized
12 to establish an infrastructure and revitalization financing district and to act as the legislative
13 body for an infrastructure and revitalization financing district.

14 F. The IRFD Law provides that the legislative body of an infrastructure and
15 revitalization financing district may, at any time, add territory to a district or amend the
16 infrastructure financing plan for the district by conducting the same procedures for the
17 formation of a district or approval of bonds as provided in the IRFD Law, and the Board of
18 Supervisors wishes to establish the procedure for future annexation of property into the
19 proposed infrastructure district.

20 G. IRFD Section 53369.14(d)(5) provides that the legislative body of a proposed
21 infrastructure and revitalization financing district may specify, by ordinance, the date on which
22 the allocation of tax increment will begin, and the Board of Supervisors accordingly wishes to
23 specify the date on which the allocation of tax increment will begin for the proposed
24 infrastructure and revitalization financing district.

1 H. Pursuant to the IRFD Law, the Board of Supervisors adopted its “Resolution of
2 Intention to establish City and County of San Francisco Infrastructure and Revitalization
3 Financing District No. 2 (Hoedown Yard, Pier 70) on land within the City and County of San
4 Francisco commonly known as the Hoedown Yard to finance the construction of affordable
5 housing within Pier 70 and Parcel K South; to provide for future annexation; to call a public
6 hearing on September 11, 2018, on the formation of the district and to provide public notice
7 thereof; determining other matters in connection therewith; and affirming the Planning
8 Department’s determination, and making findings under the California Environmental Quality
9 Act” (the Resolution of Intention to Establish IRFD), stating its intention to form the “City and
10 County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown
11 Yard)” (“IRFD”), pursuant to the IRFD Law.

12 I. In the Resolution of Intention to Establish IRFD, this Board of Supervisors
13 declared its intent to provide for future annexations of property into the IRFD any time after
14 formation of the IRFD, but only if the Board of Supervisors has completed the procedures set
15 forth in the Infrastructure Financing Plan, which shall be based on the following: i) the Board
16 of Supervisors adopts a resolution of intention to annex property (“annexation territory”) into
17 the IRFD and describes the annexation territory to be included in the IRFD, (ii) the resolution
18 of intention is mailed to each owner of land in the annexation territory and each affected
19 taxing entity in the annexation territory, if any, in substantial compliance with IRFD Law
20 Sections 53369.11 and 53369.12, (iii) the Board of Supervisors directs the Port to prepare an
21 amendment to the Infrastructure Financing Plan, if necessary, and the designated official
22 prepares any such amendment, in substantial compliance with IRFD Law Sections 53369.13
23 and 53369.14 Law, (iv) any amendment to the Infrastructure Financing Plan is sent to each
24 owner of land and each affected taxing entity (if any) within the annexation territory, in
25 substantial compliance with IRFD Law Sections 53369.15 and 53369.16, (v) the Board of

1 Supervisors notices and holds a public hearing on the proposed annexation, in substantial
2 compliance with IRFD Law Sections 53369.17 and 53369.18, (vi) the Board of Supervisors
3 adopts a resolution proposing the adoption of any amendment to the Infrastructure Financing
4 Plan and annexation of the annexation territory to the IRFD, and submits the proposed
5 annexation to the qualified electors in the annexation territory, in substantial compliance with
6 IRFD Law Sections 53369.20-53369.22, with the ballot measure to include the question of the
7 proposed annexation of the annexation territory into the IRFD, approval of the appropriations
8 limit for the annexation territory and approval of the issuance of bonds for the annexation
9 territory, and (vii) after canvass of returns of any election, and if two-thirds of the votes cast
10 upon the question are in favor of the ballot measure, the Board of Supervisors may, by
11 ordinance, adopt the amendment to the Infrastructure Financing Plan, if any, and approve the
12 annexation of the annexation territory to the IRFD, in substantial compliance with IRFD Law
13 Section 53369.23.

14 J. The Board of Supervisors also adopted its "Resolution authorizing and directing
15 the Executive Director of the Port of San Francisco, or designee thereof, to prepare an
16 infrastructure financing plan for City and County of San Francisco Infrastructure and
17 Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other matters in
18 connection therewith; and affirming the Planning Department's determination, and making
19 findings under the California Environmental Quality Act," ordering preparation of an
20 infrastructure financing plan for the IRFD (Infrastructure Financing Plan) consistent with the
21 requirements of the IRFD Law.

22 K. The Infrastructure Financing Plan includes a list of Facilities (as defined below)
23 to be financed by the IRFD.

24 L. As required by the IRFD Law, the Clerk of the Board of Supervisors caused to
25 be mailed a copy of the Resolution of Intention to Establish IRFD to each owner of land within

1 the proposed IRFD and each affected taxing entity (as defined in the IRFD Law).

2 M. As further required by the IRFD Law, the Executive Director of the Port prepared
3 and sent the Infrastructure Financing Plan, along with any report required by the California
4 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.)
5 that pertains to the proposed Facilities or the proposed development project for which the
6 Facilities are needed (“CEQA Report”), to (i) each owner of land within the proposed IRFD
7 and (ii) each affected taxing entity; and the Executive Director of the Port of San Francisco
8 also sent the Infrastructure Financing Plan and the CEQA Report to the City’s Planning
9 Commission and the Board of Supervisors.

10 N. The Clerk of the Board of Supervisors made the Infrastructure Financing Plan
11 available for public inspection.

12 O. As required by the IRFD Law, the Board of Supervisors, as the legislative body
13 of the City, which is the only affected taxing entity which is proposed to be subject to the
14 division of taxes pursuant the IRFD Law, considered and adopted its resolution “Resolution
15 approving infrastructure financing plan for City and County of San Francisco Infrastructure
16 and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other
17 matters in connection therewith; and affirming the Planning Department’s determination, and
18 making findings under the California Environmental Quality Act,” pursuant to which the Board
19 of Supervisors approved the Infrastructure Financing Plan.

20 P. Following publication of a notice consistent with the requirements of the IRFD
21 Law, this Board of Supervisors held a public hearing relating to the proposed IRFD and the
22 proposed Infrastructure Financing Plan.

23 Q. Subsequent to the hearing, the Board of Supervisors adopted resolutions
24 entitled (i) “Resolution proposing adoption of infrastructure financing plan and formation of
25 City and County of San Francisco Infrastructure and Revitalization Financing District No. 2

1 (Hoedown Yard, Pier 70); providing for future annexation; determining other matters in
2 connection therewith; and affirming the Planning Department’s determination, and making
3 findings under the California Environmental Quality Act” (the Resolution Proposing
4 Formation), and (ii) “Resolution calling special election for City and County of San Francisco
5 Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70);
6 determining other matters in connection therewith; and affirming the Planning Department’s
7 determination, and making findings under the California Environmental Quality Act,” which
8 resolutions proposed formation of the IRFD, proposed approval of the Infrastructure Financing
9 Plan, proposed the process for future annexations of territory to the IRFD, proposed an
10 annual appropriations limit for the IRFD, proposed issuance of bonds and other debt (Bonds)
11 for the IRFD to finance certain facilities (the Facilities) and called a special election within the
12 IRFD.

13 R. A special election was held within the IRFD pursuant to which the eligible
14 landowner-electors approved the propositions presented at the election by the two-thirds vote
15 required by the IRFD Law.

16 Section 2. By the passage of this Ordinance, the Board of Supervisors hereby
17 declares the IRFD to be fully formed with full force and effect of law, approves the
18 Infrastructure Financing Plan, declares the IRFD to have an annual appropriations limit of
19 \$91.9 million, and declares that the Board of Supervisors has the authority to issue from time
20 to time Bonds in one or more series for the IRFD in the maximum aggregate principal amount
21 of (i) \$91.9 million (in 2017 dollars) plus (ii) the principal amount of Bonds approved by this
22 Board of Supervisors and the qualified electors of the annexation territory in connection with
23 the annexation of the annexation territory to the IRFD, so long as the Board makes the finding
24 specified in IRFD Law Section 53369.41(f), all as provided in the proceedings for the IRFD
25 and in the IRFD Law.

1 Territory may be annexed into the IRFD in the future, as described in the Resolution of
2 Intention to Establish IRFD and the Resolution Proposing Formation. It is hereby found that
3 all prior proceedings and actions taken by this Board of Supervisors with respect to the IRFD
4 were valid and in conformity with the IRFD Law.

5 Section 3. In accordance with IRFD Law Sections 53369.5(b) and 53369.14(d)(5), the
6 Board of Supervisors hereby establishes the date on which the allocation of tax increment
7 shall begin for the IRFD (the Commencement Date), with the Commencement Date being the
8 first day of the fiscal year following the fiscal year in which the IRFD has generated and the
9 City has received at least \$100,000 of tax increment.

10 Section 4. In the Resolution of Intention to Establish IRFD, the Board of Supervisors
11 made certain findings under the CEQA about the Final Environmental Impact Report for the
12 Pier 70 Mixed-Use District Project, and those findings are incorporated in this Ordinance as if
13 set forth in their entirety herein.

14 Section 5. If any section, subsection, sentence, clause, phrase, or word of this
15 ordinance, or any application thereof to any person or circumstance, is held to be invalid or
16 unconstitutional by a decision of a court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining portions or applications of this ordinance, this Board of
18 Supervisors hereby declaring that it would have passed this ordinance and each and every
19 section, subsection, sentence, clause, phrase, and word not declared invalid or
20 unconstitutional without regard to whether any other portion of this ordinance or application
21 thereof would be subsequently declared invalid or unconstitutional.

22 Section 6. The Clerk of the Board of Supervisors shall cause this Ordinance to be
23 published within 5 days of its passage and again within 15 days after its passage, in each
24 case at least once in a newspaper of general circulation published and circulated in the City.

25 ///

1 Section 7. This ordinance shall become effective 30 days after enactment. Enactment
2 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
3 does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors
4 overrides the Mayor's veto of the ordinance.

5

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

8

9

10 By: _____

11 MARK D. BLAKE
12 Deputy City Attorney
13 n:\port\as2018\1100292\01300922.docx

13

14

15

16

17

18

19

20

21

22

23

24

25