Amending Resolution of Intention to Form Waterfront Infrastructure Financing District]

Resolution amending Resolution of Intention to establish Infrastructure Financing District No. 2 (File No. 120128) for the [City and County of San Francisco at the Port of San Francisco.

WHEREAS, California Statutes of 1968, Chapter 1333 (the "Burton Act") and the San Francisco Charter Section 4.114 and B3.581 empower the San Francisco Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the lands within Port Commission jurisdiction; and

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

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

WHEREAS, On March 27, 2012, by Resolution No. 110-12 (Original Resolution of Intention), this Board of Supervisors declared its intention to establish a waterfront district to be known as "City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco)" (IFD), and designated initial proposed project areas within the IFD; and

WHEREAS, Seawall Lot 351 was not included in the territory proposed to be included in the IFD pursuant to the Original Resolution of Intention; and

WHEREAS, Because the IFD Law provides that incremental tax revenues allocated to a waterfront district must be used within the waterfront district and the Executive Director of the Port of San Francisco has proposed the use of incremental tax
revenues generated by Seawall Lot 351 and related development to finance authorized
facilities throughout the IFD, the Board of Supervisors wishes to amend the Original
Resolution of Intention to add Seawall Lot 351 to the territory proposed to be included
in the IFD, and to designate Seawall Lot 351 as an initial proposed Project Area E;

now, therefore, be it

RESOLVED, By the Board of Supervisors as follows:

1. Ratification of Original Resolution of Intention. This Board of Supervisors
hereby ratifies the Original Resolution of Intention except as set forth in this Resolution.
Except as set forth in this Resolution, the Original Resolution of Intention shall remain
in full force and effect. Exhibit A to the Original Resolution of Intention, which lists the
type of public facilities proposed to be financed by the IFD, is attached hereto and
incorporated herein.

2. Amendment of Original Resolution of Intention. The Original Resolution of
Intention is hereby amended to propose a Project Area E (Seawall Lot 351), which will
be a project area and a waterfront district within the IFD. In order to provide for a
orderly designation of project areas, the Original Resolution of Intention is hereby
amended to establish the names of the initial proposed project areas as follows:

   a. Project Area A (Seawall Lot 330). Project Area A shall be a special
      waterfront district and a Port America’s Cup district.

   b. Project Area B (Piers 30-32). Project Area B shall be a special waterfront
district and a Port America’s Cup district.

   c. Project Area C (Pier 28). Project Area C shall be a special waterfront
district and a Port America’s Cup district.

   d. Project Area D (Pier 26). Project Area D shall be a special waterfront
district and a Port America’s Cup district.
e. Project Area E (Seawall Lot 351). Project Area E shall be a waterfront district.
f. Project Area F (Pier 48). Project Area F shall be a waterfront district.
g. Project Area G (Pier 70). Project Area G is expected to be a Pier 70 district and may not be subject to a Pier 70 enhanced financing plan prior to January 1, 2014.
h. Project Area H (Rincon Point-South Point Project Area). Unless the IFD Law is amended to permit venues within the Rincon Point-South Beach Project Area of the former Redevelopment Agency of the City and County of San Francisco to be included in a special waterfront district, Project Area H shall not constitute a special waterfront district.

3. Amended Boundaries Described. The proposed amended boundaries of the IFD, which are amended to include Project Area E and to reflect the re-naming of certain proposed project areas as described above, are as shown on the amended map of the IFD on file with the Clerk of the Board of Supervisors, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars.

4. Public Hearing; Notice. This Board of Supervisors will conduct a public hearing on the proposed establishment of the IFD, including Project Area E as proposed by this Board of Supervisors in this Resolution, in the Board of Supervisors Chambers, 1 Dr. Carlton B. Goodlett Place, City Hall, San Francisco, California, on a date to be established by the Executive Director of the Port, in consultation with the Clerk of the Board of Supervisors. The Clerk of the Board of Supervisors shall cause notice of the public hearing to be published as set forth in the Original Resolution of Intention.
5. Further Action. The Clerk of the Board of Supervisors and all other officers and agents of the City are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by Original Resolution of Intention, as amended by this Resolution.

6. No Obligation. The Original Resolution of Intention, as amended by this Resolution, shall in no way obligate the Board of Supervisors to establish the IFD. The establishment of the IFD, including the project areas described in the Original Resolution of Intention as amended by this Resolution, shall be subject to the approval of this Board of Supervisors by ordinance following the holding of the public hearing referred to above. The proposal to include property in the boundaries of the IFD does not constitute an approval of any specific land uses on such property.

7. California Environmental Quality Act. This Board of Supervisors hereby finds that, pursuant to Title 14, California Code of Regulations, Section 15378(b)(4), adoption of this Resolution and the establishment of the IFD are not “projects” under the California Environmental Quality Act, because they do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment.
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June 06, 2012 Budget and Finance Sub-Committee - REFERRED WITHOUT RECOMMENDATION

June 12, 2012 Board of Supervisors - ADOPTED
Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener
Noes: 3 - Avalos, Campos and Chiu

I hereby certify that the foregoing Resolution was ADOPTED on 6/12/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved