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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: MARK D. BLAKE
Deputy City Attorney
Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other matters in connection therewith; and affirming the Planning Department's determination, and making findings under the California Environmental Quality Act.

September 11, 2018 Board of Supervisors - CONTINUED
Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

October 16, 2018 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 180780

I hereby certify that the foregoing Resolution was ADOPTED on 10/16/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved