

1 [Resolution of Intention to Establish Infrastructure and Revitalization Financing District No. 2  
2 (Hoedown Yard)]

3 **Resolution of Intention to establish City and County of San Francisco Infrastructure**  
4 **and Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and**  
5 **County of San Francisco commonly known as the Hoedown Yard to finance the**  
6 **construction of affordable housing within Pier 70 and Parcel K South; to call a public**  
7 **hearing on October 24, 2017 on the formation of the district and to provide public**  
8 **notice thereof; and determining other matters in connection therewith.**

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

23 WHEREAS, Forest City and the City anticipate that Forest City will undertake pursuant  
24 to the DDA an obligation to construct Affordable Housing on the Project Site and an area of  
25

1 land in the vicinity of the Project Site and within Pier 70 commonly known as Parcel K South  
2 (Parcel K South) to satisfy the requirements for Affordable Housing under Proposition F; and,  
3 WHEREAS, At its hearing on \_\_\_\_\_, and prior to recommending the  
4 proposed Planning Code amendments for approval, by Motion No. \_\_\_\_\_, the  
5 Planning Commission certified a Final Environmental Impact Report (FEIR) for the Pier 70  
6 Mixed-Use District Project (Project) pursuant to the California Environmental Quality Act  
7 (CEQA) (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14  
8 Cal. Code Reg. Section 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of  
9 said Motion is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and,  
10 is incorporated herein by reference. In accordance with the actions contemplated herein, this  
11 Board of Supervisors has reviewed the FEIR, concurs with its conclusions, affirms the  
12 Planning Commission’s certification of the FEIR, and finds that the actions contemplated  
13 herein are within the scope of the Project described and analyzed in the FEIR; and,  
14 WHEREAS, In recommending the proposed Planning Code Amendments for approval by  
15 this Board of Supervisors at its hearing on \_\_\_\_\_, by Motion No. \_\_\_\_\_,  
16 the Planning Commission also adopted findings under CEQA, including a statement of  
17 overriding consideration, and a Mitigation Monitoring and Reporting Program (MMRP). A copy  
18 of said Motion and MMRP are on file with the Clerk of the Board of Supervisors in File No.  
19 \_\_\_\_\_, and is incorporated herein by reference. This Board of Supervisors hereby  
20 adopts and incorporates by reference as though fully set forth herein the Planning  
21 Commission’s CEQA approval findings, including the statement of overriding considerations.  
22 This Board of Supervisors also adopts and incorporates by reference as though fully set forth  
23 herein the Project’s MMRP; and,  
24 WHEREAS, Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California  
25 Government Code, commencing with Section 53369 (the IRFD Law), this Board of

1 Supervisors is authorized to establish an infrastructure and revitalization financing district and  
2 to act as the legislative body for an infrastructure and revitalization financing district; and,

3 WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of  
4 Supervisors wishes to establish an infrastructure and revitalization financing district to finance  
5 the construction of Affordable Housing on the Project Site and Parcel K South to satisfy the  
6 requirements for Affordable Housing under Proposition F; 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 district; now, therefore, be it

12 RESOLVED, That this Board of Supervisors proposes to conduct proceedings to  
13 establish an infrastructure and revitalization financing district pursuant to the IRFD Law; and,  
14 be it

15 FURTHER RESOLVED, That the name proposed for the infrastructure and  
16 revitalization financing district is “City and County of San Francisco Infrastructure and  
17 Revitalization Financing District No. 2 (Hoedown Yard)” (the IRFD); and, be it

18 FURTHER RESOLVED, That the proposed boundaries of the IRFD are as shown on  
19 the map of the IRFD on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_,  
20 which boundaries are hereby preliminarily approved and to which map reference is hereby  
21 made for further particulars; and, be it

22 FURTHER RESOLVED, That the type of facilities proposed to be financed by the IRFD  
23 pursuant to the IRFD Law shall consist of Affordable Housing and related facilities to be  
24 located within the Project Site and Parcel K South, as more particularly described on Exhibit A  
25 hereto and hereby incorporated herein (the Facilities), and the Facilities are authorized to be

1 financed by the IRFD by IRFD Law Sections 53369.2 and 53369.3, and the Board of  
2 Supervisors hereby finds each of the following: that the Facilities (i) are of communitywide  
3 significance, (ii) will not supplant facilities already available within the proposed boundaries of  
4 the IRFD, except for those that are essentially nonfunctional, obsolete, hazardous, or in need  
5 of upgrading or rehabilitation, and (iii) will supplement existing facilities as needed to serve  
6 new developments; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors hereby declares that, pursuant  
8 to the IRFD Law, incremental property tax revenue from the City to finance the Facilities, but  
9 no tax increment revenues from the other affected taxing entities (as defined in the IRFD Law)  
10 within the IRFD, if any, will be used by the IRFD to finance the Facilities, and the incremental  
11 property tax financing will be described in an infrastructure financing plan (the Infrastructure  
12 Financing Plan) to be prepared for this Board of Supervisors under the IRFD Law; and, be it

13 FURTHER RESOLVED, That in accordance with IRFD Law Sections 53369.5(b) and  
14 53369.14(d)(5), the Board of Supervisors shall establish, by ordinance, the date on which the  
15 allocation of tax increment shall begin for the IRFD (the Commencement Date), with the  
16 Commencement Date being the first day of the fiscal year following the fiscal year in which the  
17 IRFD has generated and the City has received at least \$100,000 of tax increment; and, be it

18 FURTHER RESOLVED, That Tuesday, October 24, 2017 at \_\_:00 p.m. or as soon as  
19 possible thereafter, in the Board of Supervisors Chamber, 1 Dr. Carlton B. Goodlett Place,  
20 City Hall, San Francisco, California, be, and the same are hereby appointed and fixed as the  
21 time and place when and where this Board of Supervisors, as legislative body for the IRFD,  
22 will conduct a public hearing on the proposed establishment of the IRFD; and, be it

23 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed  
24 to mail a copy of this Resolution to each owner of land (as defined in the IRFD Law) within the  
25 IRFD (but not to any affected taxing entities because there are none as of the date of this

1 Resolution), and in addition, in accordance with IRFD Law Section 53369.17, the Clerk of the  
2 Board of Supervisors is hereby directed to cause notice of the public hearing to be published  
3 not less than once a week for four successive weeks in a newspaper of general circulation  
4 published in the City, and the notice shall state that the IRFD will be used to finance  
5 affordable housing within in the City, briefly describe such affordable housing and the other  
6 Facilities, briefly describe the proposed financial arrangements, including the proposed  
7 commitment of incremental tax revenue, describe the boundaries of the proposed IRFD, and  
8 state the day, hour, and place when and where any persons having any objections to the  
9 proposed Infrastructure Financing Plan, or the regularity of any of the prior proceedings, may  
10 appear before this Board of Supervisors and object to the adoption of the proposed  
11 Infrastructure Financing Plan for the IRFD by the Board of Supervisors; and, be it

12 FURTHER RESOLVED, That this Resolution shall in no way obligate the Board of  
13 Supervisors to establish the IRFD, and the establishment of the IRFD shall be subject to the  
14 approval of this Board of Supervisors by resolution following the holding of the public hearing  
15 referred to above and a vote of the qualified electors in the IRFD; and, be it

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

24 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of  
25 Public Finance, the Clerk of the Board of Supervisors, the Executive Director of the Port of

1 San Francisco and any and all other officers of the City are hereby authorized, for and in the  
2 name of and on behalf of the City, to do any and all things and take any and all actions,  
3 including execution and delivery of any and all documents, assignments, certificates,  
4 requisitions, agreements, notices, consents, instruments of conveyance, warrants and  
5 documents, which they, or any of them, may deem necessary or advisable in order to  
6 effectuate the purposes of this Resolution; provided however that any such actions be solely  
7 intended to further the purposes of this Resolution, and are subject in all respects to the terms  
8 of the Resolution; and, be it

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

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

16

17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA  
19 City Attorney

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By: \_\_\_\_\_  
MARK D. BLAKE  
Deputy City Attorney  
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**EXHIBIT A**  
**DESCRIPTION OF FACILITIES**

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