Resolution authorizing and directing the Executive Director of the Port of San Francisco, or designee of the Executive Director of the Port of San Francisco to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure Financing District No. 2 (Hoedown Yard) and determining other matters in connection therewith.

WHEREAS, Forest City Development California, Inc. (Forest City) and the City and County of San Francisco (the City), acting by and through the San Francisco Port Commission (the 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);

WHEREAS, Forest City and the City anticipate that Forest City will undertake pursuant to the DDA an obligation to construct Affordable Housing on 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;

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), this 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, Section 53369.14(d)(5) of the IRFD Law 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 district; and,

WHEREAS, On the date hereof, pursuant to the IRFD Law and a resolution entitled “Resolution of intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard) 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 call a public hearing on October 24, 2017 on the formation of the district and to provide public notice thereof; and determining other matters in connection therewith” (the Resolution of Intention), this Board of Supervisors declared its intention to conduct proceedings to establish the “City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)” (the IRFD), pursuant to the IRFD Law; and,

WHEREAS, The IRFD Law requires this Board of Supervisors, after adopting the Resolution of Intention, to designate and direct the City engineer or other appropriate official to prepare an infrastructure plan; now, therefore, be it
RESOLVED, That the Executive Director of the Port of San Francisco (Executive Director), or the designee of the Executive Director, is hereby authorized and directed to prepare, or cause to be prepared, a report in writing for the IRFD (the Infrastructure Financing Plan), which is consistent with the general plan of the City and includes all of the following:

(a) A map and legal description of the proposed IRFD.

(b) A description of the Affordable Housing and related facilities required to serve the development proposed in the area of the IRFD including those to be provided by the private sector, the Affordable Housing and related facilities to be provided by governmental entities without assistance under the IRFD Law, the Affordable Housing and related facilities to be financed with assistance from the proposed IRFD, and the Affordable Housing and related facilities to be provided jointly (the Facilities). The description shall include the proposed location, timing, and costs of the Facilities.

(c) A finding that the Facilities are of communitywide significance, are consistent with the authority reuse plan and will be approved by the military base reuse authority, if applicable, will not supplant facilities already available within the boundaries of the IRFD (except for those that are essentially nonfunctional, obsolete, hazardous, or in need of upgrading or rehabilitation) and will supplement existing facilities as needed to serve new developments.

(d) A financing section, which shall contain all of the following information:

(1) A specification of the maximum portion of the incremental tax revenue of the City and of each affected taxing entity (as defined in the IRFD Law) proposed to be committed to the IRFD for each year during which the IRFD will receive incremental tax revenue; provided however such portion of incremental tax revenue need not be the same for all affected taxing entities, and such portion may change over time.
(2) A projection of the amount of tax revenues expected to be received by the IRFD in each year during which the IRFD will receive tax revenues, including an estimate of the amount of tax revenues attributable to each affected taxing entity proposed to be committed to the IRFD for each year. If applicable, the plan shall also include a specification of the maximum portion of the net available revenue of the City proposed to be committed to the IRFD for each year during which the IRFD will receive revenue, which portion may vary over time.

(3) A plan for financing the Facilities, including a detailed description of any intention to incur debt.

(4) A limit on the total number of dollars of taxes that may be allocated to the IRFD pursuant to the plan.

(5) A date on which the IRFD will cease to exist, by which time all tax allocation to the IRFD will end. The date shall not be more than 40 years from the date on which the ordinance forming the IRFD is adopted, or a later date, if specified by the ordinance, on which the allocation of tax increment will begin.

(6) An analysis of the costs to the City of providing facilities and services to the IRFD while the area within the IRFD is being developed and after the area within the IRFD is developed. The plan shall also include an analysis of the tax, fee, charge, and other revenues expected to be received by the City as a result of expected development in the area of the IRFD.

(7) An analysis of the projected fiscal impact of the IRFD and the associated development upon each affected taxing entity that is proposed to participate in financing the IRFD.

(8) A plan for financing any potential costs that may be incurred by reimbursing a developer of a project that is both located entirely within the boundaries of the IRFD and
qualifies for the Transit Priority Project Program, pursuant to Government Code Section 65470, including any permit and affordable housing expenses related to the project.

(9) If any dwelling units occupied by persons or families of low or moderate income are proposed to be removed or destroyed in the course of private development or facilities construction within the area of the IRFD, a plan providing for replacement of those units and relocation of those persons or families consistent with the requirements of Section 53369.6 of the IRFD Law.

This Board of Supervisors reserves the right to approve supplements or amendments to the Infrastructure Financing Plan in accordance with the IRFD Law; and, be it

FURTHER RESOLVED, That the Executive Director, or the designee of the Executive Director, shall send the Infrastructure Financing Plan to (i) the planning commission of the City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and (iv) each affected taxing entity (if any). The Executive Director, or the designee of the Executive Director, shall also send to the owners of land within the proposed IRFD and the affected taxing entities (if any) any report required by the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) that pertains to the proposed Facilities or the proposed development project for which the Facilities are needed.

The Clerk of the Board of Supervisors shall make the Infrastructure Financing Plan available for public inspection; and, be it

FURTHER RESOLVED, That the Executive Director, or the designee of the Executive Director, shall consult with each affected taxing entity, and, at the request of any affected taxing entity, shall meet with representatives of the affected taxing entity; and, be it

FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR and finds that the FEIR is adequate for its use for the actions taken by this resolution
and incorporates the FEIR and the CEQA findings contained in Resolution No. ___ of this
Board of Supervisors; and, be it

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, this
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 Director of the Office of
Public Finance, the Clerk of the Board of Supervisors, the Executive Director 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 provided that no such
actions shall increase the risk to the City or require the City to spend any resources not
otherwise granted herein; 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 this Board of Supervisors; and, be it

FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.
APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: ______________________
MARK D. BLAKE
Deputy City Attorney
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