

RESOLUTION NO. 56-2006

Adopted April 18, 2006

AUTHORIZING A JOINT COMMUNITY FACILITIES AGREEMENT CONCERNING THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2006-1 (RINCON HILL) WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS FOR THE PURPOSE OF DEFINING ELIGIBLE REDEVELOPMENT IMPROVEMENTS; SOUTH OF MARKET REDEVELOPMENT PROJECT AREA AND YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. The Board of Supervisors of the City and County of San Francisco (the "City") has adopted Ordinance No. 217-05 (File No. 050865 of the Clerk of the Board of Supervisors), codified at Section 318 et seq. of the City's Planning Code (collectively the "Ordinance") providing for, among other matters, the payment of a Community Improvements Impact Fee (the "Fee") by owners of property in the Rincon Hill Downtown Residential District (the "RHDTR District") that are developing their property with new residential development.
2. City Planning Code Section 318.6 requires all Fee payments made by RHDTR District property owners to be deposited into the Rincon Hill Community Improvements Fund (the "RH Fund") and also requires transfer of a 6 million dollar portion of the RH Fund to the SOMA Community Stabilization Fund for use in the greater South of Market Area defined in the Ordinance ("SOMA") for the uses described in City Planning Code Section 318.7.
3. In lieu of paying the applicable Fee, City Planning Code Section 318.2(q) allows RHDTR District property owners to enter a waiver agreement with the City (the "Waiver Agreement"), under which such property owners agree to place their property into a community facilities district that will levy special taxes on such property in order to finance improvements that would otherwise be financed by the Fee, in return for the City's waiver of the payment of the Fee.
4. The Ordinance contemplates that any Waiver Agreement will provide that any such special taxes will be used to pay for various public improvements described in City Planning Code Section 318.6, which include specified categories of public improvements in SOMA, which may include facilities to be constructed by or under the supervision of the Redevelopment Agency of the City and County of San Francisco (the "Agency"), to be owned by the Agency and/or to be operated by the Agency (the "Redevelopment Agency Improvements") as allowed by the Ordinance, by means of the issuance of bonds (the "Bonds") for such community facilities district and the use of the proceeds of the Bonds to finance, among other

improvements and subject to allocation by the City, the Redevelopment Agency Improvements.

5. The ABAG Finance Authority For Nonprofit Corporations (sometimes the "Authority") is undertaking proceedings to form the ABAG Finance Authority For Nonprofit Corporations Community Facilities District No. 2006-1 (Rincon Hill) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), being Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, and the Authority intends to issue Bonds with an approximate par value of \$5,000,000 under the Act in order to finance costs of the public improvements, which may include the Redevelopment Agency Improvements, in furtherance of the purposes of the Ordinance.
6. Section 53316.2 of the Act requires that the Authority enter into a joint community facilities agreement with the Agency, prior to the adoption by the Authority of a resolution of formation of the CFD, in respect of any public improvements that may be financed with the proceeds of the Bonds, and, upon completion, are to be owned or operated by the Agency.
7. A form of joint community facilities agreement by and between the Agency and the Authority relating to the Redevelopment Agency Improvements (the "Joint Community Facilities Agreement") has been prepared and lodged with the Agency's General Counsel that lists the following Redevelopment Agency Improvements that may be financed with the proceeds of the Bonds: (a) a community, cultural or performing arts facility at 185 Sixth Street in the South of Market Redevelopment Project Area, and (b) the community gardens on the east side of Lapu Lapu Street between Rizal Street and Bonifacio Street in the Yerba Buena Center Redevelopment Project Area.

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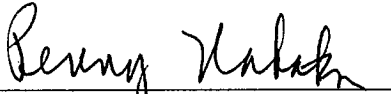
ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that:

1. The Commission finds that the Joint Community Facilities Agreement with the ABAG Finance Authority For Nonprofit Corporations is beneficial to the residents within its jurisdiction in allowing for the possible provision of financing for a portion of the costs of the Redevelopment Agency Improvements in furtherance of the purposes of the Ordinance and the Act.
2. Any one or more of the Executive Director, the Deputy Executive Director of Finance and Administration, or the authorized designee of any such officer (each an "Authorized Officer") are hereby authorized and directed to execute and deliver the Joint Community Facilities Agreement in substantially the form lodged with the Agency General Counsel, with such additions thereto or changes

therein as are approved by an Authorized Officer upon consultation with the Agency General Counsel, the approval of such additions or changes to be conclusively evidenced by the execution and delivery of the Joint Community Facilities Agreement by an Authorized Officer.

3. The Authorized Officers, and all other officers of the Agency, are hereby authorized and directed to take all actions and do all things necessary or desirable hereunder to implement the Joint Community Facilities Agreement, including but not limited to the execution and delivery of any and all agreements, certificates, documents and other instruments which they, or any of them, deem necessary or desirable and not inconsistent with the purposes of this Resolution and the Joint Community Facilities Agreement.

APPROVED AS TO FORM:


by James B. Morales
Agency General Counsel