

File No. 160152

Committee Item No. 1  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date April 13, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

**Cmte Board**

- Motion
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- Ordinance
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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

**OTHER** (Use back side if additional space is needed)

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Completed by: Linda Wong Date April 8, 2016  
Completed by: Linda Wong Date \_\_\_\_\_

1 [Appropriation - Office of Small Business in the Mayor's Office of Economic and Workforce  
2 Development - \$343,359 from the General Reserve - FY2015-2016]

3 **Ordinance appropriating \$343,359 from the General Reserve for grants and related**  
4 **administrative costs for the Legacy Business Registry and Historic Preservation Fund**  
5 **in the Office of Small Business in the Mayor's Office of Economic and Workforce**  
6 **Development in FY2015-2016.**

7  
8 Note: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
11 **Board amendment additions** are in double underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\*\*\*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The sources of funding outlined below are herein appropriated to reflect the  
17 funding available in Fiscal Year 2015-2016.

18 **SOURCES Appropriation**

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF AAA	GENRESERVE	99999R	GENERAL FUND	\$343,359
GF- NON-PROJECT-			RESERVE	
CONTROLLED				
<b>Total SOURCES Appropriation</b>				<b>\$343,359</b>

1 Section 2. The uses of funding outlined below are herein appropriated in Fiscal Year  
 2 2015-2016 for grants and related administrative expenses to implement the Legacy Business  
 3 Registry and Historic Preservation Fund in the Office of Small Business in the Mayor's Office  
 4 of Economic and Workforce Development:


5  
 6 **Uses Appropriation**

7	Fund	Index/Project Code	Subobject	Description	Amount
8	1G AGF AAP	XXXXXX	03800	CITY GRANT	\$281,250
9	GENERAL FUND ANNUAL			PROGRAMS	
10	PROJECTS				
11	1G AGF AAP	XXXXXX	02799	OTHER	\$25,000
12	GENERAL FUND ANNUAL			PROFESSIONAL	
13	PROJECTS			SERVICES	
14					
15	1G AGF AAP	XXXXXX	001/013	9774 SR. COMMUNITY	\$37,109
16	GENERAL FUND ANNUAL			DEVELOPMENT	
17	PROJECTS			SPECIALIST SALARIES	
18				AND BENEFITS	
19					
20	<b>Total USES Appropriation</b>				<u><u>\$343,359</u></u>

21  
 22 Section 3. The Controller is authorized to record transfers between funds and adjust  
 23 the accounting treatment of sources and uses appropriated in this Ordinance as necessary to  
 24 conform with Generally Accepted Accounting Principles.  
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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
THOMAS OWEN  
Deputy City Attorney

FUNDS AVAILABLE:  
BEN ROSENFELD, Controller

By:   
BEN ROSENFELD  
Controller

<p><b>Item 1</b>  <b>File 16-0152</b>  <i>(Continued from April 6, 2016)</i></p>	<p><b>Departments:</b>                  Office of Small Business                  Office of Economic and Workforce Development</p>
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**EXECUTIVE SUMMARY**

**Legislative Objectives**

- Ordinance appropriating \$343,359 of General Reserve for grants and administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business under the Office of Economic and Workforce Development in FY 2015-16.

**Key Points**

- On March 10, 2015, the Board of Supervisors established a Legacy Business Registry and set a one-time \$50 administrative fee for each Legacy Business.
- On November 3, 2015, San Francisco voters approved an ordinance establishing a Legacy Business Historic Preservation Fund to provide grants to (a) Legacy Businesses and (b) building owners who lease space to Legacy Businesses for at least ten years.

**Fiscal Impact**

- \$281,250 will provide 13 grants based on a maximum \$4.50 per square feet up to 5,000 square feet per site, or \$22,500 per year to each building owner who leases space for ten years to a Legacy Business. If 24 Legacy Business property owners qualify for a maximum grant, the cost is \$540,000 per year or a compounded \$29,700,000 over ten years.
- \$37,109 will fund one new position in FY 2015-16, effective April 9, 2016. At the April 6, 2016 Budget and Finance Committee meeting, the Director of the Office of Small Business advised that there is sufficient salary savings in their FY 2015-16 budget to fund this position in the current fiscal year, without requiring these additional General Fund monies. This one new position will cost \$143,037 in General Fund costs in FY 2016-17.
- \$25,000 will fund a consultant to develop brand identity, toolkit, marketing and a website.
- The Office of Small Business is currently working with the Mayor’s Office on the FY 2016-17 and FY 2017-18 budgets for the Legacy Business Program. Given (a) the lateness in FY 2015-16, (b) dedicated Legacy Business staff will not be hired until June 2016, (c) a RFP needs to be conducted, and (c) property owners need time to apply for grants, the requested \$343,359 supplemental appropriation in FY 2015-16 is not currently needed.

**Recommendations**

- Amend the proposed supplemental appropriation to delete \$37,109 funding for salary and fringe benefits which are not required in FY 2015-16 and reduce the total supplemental appropriation from \$343,359 to \$306,250.
- Approval of the proposed ordinance, as amended, is a policy decision for the Board of Supervisors.

## MANDATE STATEMENT

City Charter Section 9.105 provides that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

## BACKGROUND

### Legacy Business Registry

On March 10, 2015, the Board of Supervisors approved an ordinance amending the City's Administrative Code to direct the Small Business Commission to establish a Legacy Business Registry and authorize an administrative fee not to exceed \$50 to be charged to each Legacy Business (File 14-1038; Ordinance No. 29-15). As specified in the Code, a Legacy Business is a business that has been nominated by a member of the Board of Supervisors or the Mayor and that the Small Business Commission determines, after public hearing, meets the following criteria:

- (1) has operated in San Francisco for 30 or more years, with no break in operations for more than two years and was founded or currently headquartered in San Francisco;
- (2) has contributed to the neighborhood's history and/or identity of a particular neighborhood or community; and
- (3) is committed to maintaining the physical features or traditions that define the business, including craft, culinary or art forms.

Under this previously approved ordinance, the Small Business Commission was also directed to survey San Francisco's Legacy Businesses and make substantive recommendations to the Board of Supervisors for the provision of Legacy Business programs no later than September 30, 2015. Such programs could include business and technical assistance, lease renewal and acquisition assistance, public education and commendation initiatives, financial incentives to encourage stability of businesses and business stabilization and neighborhood continuity initiatives. This survey of Legacy Businesses has not yet been conducted and submittal of recommendations to the Board of Supervisors regarding Legacy Business programs has not yet occurred.

According to Ms. Regina Dick-Endrizzi, the Executive Director of the Office of Small Business, to date, 12 applications from businesses requesting inclusion in the Legacy Business Registry have been submitted for processing and approval. Based on these 12 applications, to date, the Office of Small Business has collected a total of \$600 in administrative fees (12 x \$50). In addition, 20 other businesses have been nominated for inclusion in the Legacy Business Registry and are currently completing applications to be part of the Legacy Business Registry.

### Legacy Business Historic Preservation Fund

On November 3, 2015, San Francisco voters approved Proposition J, which is an ordinance that established a Legacy Business Historic Preservation Fund to provide grants to (a) Legacy

Businesses and (b) building owners who lease space to Legacy Businesses for at least ten years. To receive such grants, Legacy Businesses would be required to be listed on the Legacy Business Registry. Under Proposition J, Legacy Businesses can receive annual grants of up to \$500 per full-time equivalent employee in San Francisco and building owners who lease space to Legacy Businesses for at least ten years can receive annual grants of \$4.50 per square foot of leased space up to 5,000 square feet per location, with cost of living annual adjustments. Proposition J also expanded the definition of Legacy Business to include businesses and nonprofits that have operated in San Francisco for more than 20 years (instead of 30 or more years)<sup>1</sup>, have significantly contributed to the history or identity of a neighborhood, and, if not included in the Registry, would face a significant risk of displacement because of increased rents or lease termination. All of the funds to implement Proposition J are subject to Board of Supervisors appropriation approval.

Proposition J limits the Legacy Business Registry to 300 additional businesses each fiscal year, although there is no limit on the total number of Legacy Businesses that may ultimately qualify for funds. The Small Business Commission may adopt rules and regulations to implement Proposition J, which must be provided as written notice to the Clerk of the Board of Supervisors. If a member of the Board of Supervisors does not introduce an ordinance to disapprove such rules and regulations within 30 days or enact such ordinance within 90 days, the Small Business Commission regulations become effective.

#### Previous Budget and Finance Committee Meeting

On April 6, 2016, the Budget and Finance Committee approved and referred to the full Board of Supervisors an ordinance amending the FY 2015-16 and FY 2016-17 Annual Salary Ordinance to add one new 9774 Senior Community Development Specialist for the equivalent of seven pay periods in FY 2015-16 in the Office of Small Business under the Office of Economic and Workforce Development to administer the Legacy Business Registry and Historic Preservation Fund (File 16-0151). At the April 6, 2016 Budget and Finance Committee meeting, Ms. Dick-Endrizzi reported that she has sufficient surplus funds in the FY 2015-16 budget to fund this position in the current year. On April 6, 2016, the Budget and Finance Committee continued the subject supplemental appropriation ordinance (File 16-0152) to the Call of the Chair.

#### **DETAILS OF PROPOSED LEGISLATION**

Ordinance appropriating \$343,359 from the General Fund Reserve for grants for a rent stabilization program, professional services and related administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business under the Office of Economic and Workforce Development.

The requested 9774 Senior Community Development Specialist would be a new full-time permanent position in the Office of Small Business to:

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<sup>1</sup> Ms. Dick-Endrizzi advises that businesses that have been in business for 30+ years is the primary criteria, however, nominators can use a special consideration for including businesses with 20-29 years of longevity, which will be subject to the Small Business Commission's final determination.

- 1- Facilitate the estimated 300 annual Legacy Business Registry applications;
- 2- Manage the Legacy Business Registry;
- 3- Conduct the above-noted survey of Legacy Businesses and develop recommendations for Legacy Business programs for the Board of Supervisors;
- 4- Manage the Legacy Business promotional assistance program;
- 5- Facilitate and support educational programs for Legacy Businesses;
- 6- Administer the Legacy Business Historic Preservation Fund; and
- 7- Maintain data and produce annual reports and budget requests as necessary.

**FISCAL IMPACT**

The requested \$343,359 of General Fund Reserve monies would be appropriated as shown in Table 1 below.

**Table 1: Supplemental Appropriation Request**

City Grants for Rent Stabilization	\$281,250
Other Professional Services	25,000
9774 Senior Community Development Specialist salary and benefits	<u>37,109</u>
Total	<u>\$343,359</u>

City Grants for Rent Stabilization

The City Grants expenditure request for \$281,250 would fund a Legacy Business rent stabilization program under Proposition J, to provide annual grants to building owners who lease space for at least ten years to Legacy Businesses. Each annual grant would provide \$4.50 per square foot of leased space up to 5,000 square feet per location, or a maximum of \$22,500 per rent stabilization grant in the first year, with potential cost of living annual adjustments. Based on the maximum grant of \$22,500, the requested \$281,250 in this supplemental appropriation would fund up to 13 property owners for one year.

Ms. Dick-Endrizzi estimates that 8% of the 300 Legacy Businesses each year, or 24 Legacy Businesses, may have property owners who apply for these rent stabilization grants each year. If 24 Legacy Business property owners apply for rent stabilization grant funds each year, and each qualifies for the maximum grant award, the estimated cost would be \$540,000 annually (\$22,500 x 24). Once awarded, the annual rent stabilization grant could continue for the ten year term of the lease. Therefore, if an additional 24 Legacy Business property owners apply each year, this could result in at least an additional \$540,000 each year<sup>2</sup>, or a compounded \$29,700,000 over a ten-year term.

Ms. Dick-Endrizzi also cautions that it is not currently known how many Legacy Businesses will actually enter into ten year leases with property owners who will request these rent

<sup>2</sup> As specified in Proposition J, the annual rent stabilization grant amount could be increased based on cost of living adjustments.



stabilization grants. In addition, Ms. Dick-Endrizzi advises that the Small Business Commission will be identifying criteria for awarding such rent stabilization funding. Once criteria are established, Ms. Dick-Endrizzi reports that these grants would then be awarded on a first-come, first served basis.

As noted above, Proposition J provides that Legacy Businesses can also receive annual grants of up to \$500 per full-time equivalent employee. The proposed supplemental appropriation would not fund grants for this purpose.

Other Professional Services

The Other Professional Services expenditure request for \$25,000 would fund a consultant, selected through a Request for Proposal (RFP) process, to develop (a) a logo and brand identity for the Legacy Business Registry Program, (b) toolkit for businesses, (c) marketing program and website to integrate with the Office of Small Businesses’ website. This would be a one-time expenditure. Ms. Dick-Endrizzi also estimates approximately \$7,500 General Fund expenditures in FY 2016-17 for translation and printing of Legacy Business materials.

Senior Community Development Specialist Position

The 9774 Senior Community Development Specialist expenditure request for \$37,109 would fund one new permanent position for seven pay periods in FY 2015-16, based on an anticipated start date of April 9, 2016, as shown in Table 2 below.

**Table 2: New Senior Community Development Specialist Position in FY 2015-16**

<u>FY 2015-16</u>	Effective <u>4/9/16</u>	Effective <u>6/6/16</u>	<u>Difference</u>
9774 Senior Community Development Specialist Salary	\$26,516	\$7,576	\$18,940
Fringe Benefits	<u>10,593</u>	<u>3,027</u>	<u>7,566</u>
Total FY 2015-16	\$37,109	\$10,603	\$26,506

However, the earliest that such a new position could begin would be June 6, 2016, reflecting two pay periods in FY 2015-16, which would result in an estimated costs of \$7,576 for salary and \$3,027 for fringe benefits, or a total cost of \$10,603 in FY 2015-16 as shown in Table 2 above. At the April 6, 2016 Budget and Finance Committee meeting, Ms. Dick-Endrizzi advised that there is sufficient salary savings in their FY 2015-16 budget to fund this position in the current fiscal year, without requiring these additional General Fund monies. Therefore, the requested supplemental appropriation should be reduced by \$37,109 for salary and fringe benefits costs that do not require funding in FY 2015-16.

Ms. Dick-Endrizzi advises that she is requesting this position be included in her proposed FY 2016-17 budget for the Office of Small Business. If the proposed one new 9774 Senior Community Development Specialist position is hired, as shown in Table 3 below, this position is estimated to cost approximately \$143,037 in General Fund costs in FY 2016-17, with annual cost of living adjustments in the future.

**Table 3: Annual Cost for Senior Community Development Specialist Position in FY 2016-17**

<u>FY 2016-17</u>	
9774 Senior Community Development Specialist Salary	\$101,689
Fringe Benefits	<u>41,348</u>
Total FY 2016-17	\$143,037

Ms. Dick-Endrizzi does not currently anticipate requesting additional positions to manage the Legacy Business Registry and Legacy Business Preservation Fund. However, additional positions may be requested for supportive and educational programs depending on the response and need of Legacy Businesses in the future.

Revenues Anticipated

As noted above, to date, the Office of Small Business has collected \$600 in administrative fees based on the \$50 one-time administrative fee and 12 applications submitted. Proposition J limits the Legacy Business Registry to 300 additional businesses each fiscal year. Therefore, based on the \$50 one-time administrative fee, total revenues of \$15,000 per year would be realized (300 x \$50).

General Fund Reserve Balance

The City’s General Fund Reserve balance is currently \$73,391,443. If the Board of Supervisors approves the requested \$343,359 supplemental appropriation ordinance, the General Fund Reserve would be reduced to \$73,048,084.

**POLICY CONSIDERATION**

Projected Costs and Funding for Proposition J

The Controller indicated in the November 2015 Voter Information Pamphlet that Proposition J would result in significant costs to government if the Mayor and Board of Supervisors chose to fully fund the Legacy Business programs. According to the Controller’s estimates, the cost of these programs could grow by approximately \$2.1 million to \$3.7 million annually beginning in FY 2015-16, ultimately reaching a potential cost of between \$51 million and \$94 million annually once all qualifying legacy businesses and leased spaces are enrolled in 25 years. However, the Controller noted that these costs will depend on decisions made through the budget process, as an ordinance such as Proposition J cannot bind future Mayors and Board of Supervisors to provide funding for this or any other purposes. All such expenditures would be subject to appropriation approval by the Board of Supervisors.

Rules and Regulations to Award Grants for Legacy Businesses

As noted above, the Small Business Commission will be developing rules and regulations, including identifying criteria for awarding rent stabilization and Legacy Business grant funding. Such regulations could provide broader or more restrictive criteria, such as proving financial need or restricted to specific types or sizes of businesses, which could potentially limit or

expand the number of Legacy Businesses and property owners that would qualify to receive General Fund revenues appropriated for this purpose. As also noted above, the Small Business Commission must provide written notice to the Clerk of the Board of Supervisors regarding future Legacy Business rules and regulations. If a member of the Board of Supervisors does not introduce an ordinance to disapprove such rules and regulations within 30 days or enact such ordinance within 90 days, the Small Business Commission regulations become effective.

#### FY 2016-17 and FY 2017-18 Budgets for Legacy Business Program

Ms. Dick-Endrizzi advises she is currently working with the Mayor's Office on the FY 2016-17 and FY 2017-18 budget requests for the Legacy Business Program. Ms. Dick-Endrizzi further notes that, given (a) the lateness in FY 2015-16, (b) a dedicated Legacy Business staff person will not be hired until June of 2016, (c) hiring a consultant will require that a RFP process be conducted, and (c) property owners will still need time to apply for rent stabilization grants, the entire \$25,000 professional services and \$281,250 for rent stabilization grants may not be needed until FY 2016-17. As noted above, the requested \$37,109 for salary and fringe benefits is not required as surplus salary funds are available in FY 2015-16.

#### **RECOMMENDATIONS**

1. Amend the proposed supplemental appropriation to delete \$37,109 funding for salary and fringe benefits which are not required in FY 2015-16 and reduce the total supplemental appropriation from \$343,359 to \$306,250.
2. Approval of the proposed ordinance, as amended, is a policy decision for the Board of Supervisors.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Regina Dick-Endrizzi, Director, Office of Small Business  
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: Linda Wong, Assistant Clerk, Budget and Finance Committee

DATE: March 28, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor David Campos:

**File No. 160152**

**Ordinance appropriating \$343,359 from the General Reserve for grants and related administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business in the Mayor's Office of Economic and Workforce Development in FY2015-2016.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Lisa Pagan, Office of Economic and Workforce Development

## **Wong, Linda (BOS)**

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**From:** Wong, Linda (BOS)  
**Sent:** Monday, March 28, 2016 11:11 AM  
**To:** Dick-Endrizzi, Regina (ECN); Rufo, Todd (ECN)  
**Cc:** Pagan, Lisa (ECN)  
**Subject:** File Nos. 160151 and 160152 - REFERRALS FROM BOARD OF SUPERVISORS (Budget & Finance Committee)  
**Attachments:** 160151.pdf; 160152.pdf

Good morning,

Attached are referrals for BOS File Nos. 160151 and 160152, which are being sent to you for informational purposes. If you have any comments or reports to be included with the files, please respond to this email or forward them to me at the address listed below.

### **File No. 160151**

Ordinance amending Ordinance No. 129-15 (Annual Salary Ordinance - FYs 2015-2016 and 2016-2017) to reflect the addition of one (1) 9774 Sr. Community Development Specialist for the equivalent of seven full pay periods before the end of FY2015-2016 in the Office of Small Business in the Mayor's Office of Economic and Workforce Development (ECN) to administer the Legacy Business Registry and Historic Preservation Fund.

### **File No. 160152**

Ordinance appropriating \$343,359 from the General Reserve for grants and related administrative costs for the Legacy Business Registry and Historic Preservation Fund in the Office of Small Business in the Mayor's Office of Economic and Workforce Development in FY2015-2016.

Sincerely,

Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

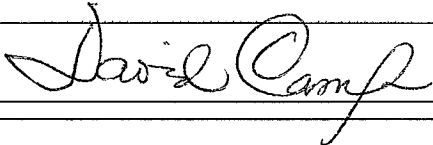
Campos, Peskin

**Subject:**

Appropriation - Legacy Business Registry and Historic Preservation Fund in the Office of Small Business in the Mayor's Office of Economic and Workforce Development - \$343,359 from the General Reserve - FY2015-2016

**The text is listed below or attached:**

[ ]

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**