

BOARD of SUPERVISORS



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May 17, 2022

File No. 220355

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 5, 2022, Supervisor Walton introduced the following proposed legislation:

File No. 220355

Resolution of intention to modify the management district plan for the Dogpatch & Northwest Potrero Hill Green Benefit District, to combine capital and maintenance budget categories so that the District will have greater flexibility to allocate funds not needed for capital improvements towards maintenance; and finding that the proposed modifications will not result in a new or increased assessment.

This legislation is being transmitted to you for environmental review.

for

Angela Calvillo, Clerk of the Board

Lisa Lew
By: Lisa Lew, Legislative Clerk

Office of the Clerk of the Board of Supervisors

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

ll:bh:jw

1 [Resolution of Intention to Amend Management Plan - Dogpatch & Northwest Potrero Hill
2 Green Benefit District]

3 **Resolution of intention to modify the management district plan for the Dogpatch &**
4 **Northwest Potrero Hill Green Benefit District, to combine capital and maintenance**
5 **budget categories so that the District will have greater flexibility to allocate; finding**
6 **that the proposed modifications will not result in a new or increased assessment; and**
7 **ordering and setting a time and place for a public hearing of the Board of Supervisors,**
8 **sitting as a Committee of the Whole, on June 7, 2022, at 3:00 p.m., and to provide**
9 **public notice thereof.**

10
11 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
12 California Streets and Highways Code, Sections 36600, et seq. ("1994 Act"), as augmented
13 by Article 15A of the San Francisco Business and Tax Regulations Code ("Article 15A"), the
14 Board of Supervisors adopted Resolution No. 198-15 (File No. 150535) to approve a
15 management district plan ("the Management Plan") and engineer's report ("the Engineer's
16 Report") for the Dogpatch & Northwest Potrero Hill Green Benefit District ("the GBD"); and

17 WHEREAS, The Board of Supervisors subsequently adopted Resolution No. 301-15
18 (File No. 150795) to levy a multi-year assessment on identified parcels as set forth in the
19 Management Plan and to establish the GBD for a 10-year term ending June 30, 2025, and
20 then adopted Resolution No. 476-15 (File No. 151189) to approve an agreement with a non-
21 profit owners' association ("the Owners' Association") for the administration and management
22 of the GBD; and

1 WHEREAS, Pursuant to the above authorities and resolutions, assessments levied on
2 the parcels in the GBD may be used to fund improvements and activities only as set forth in
3 the Management Plan; and

4 WHEREAS, The Management Plan requires the Owners' Association to use the
5 assessments to fund four categories of improvements and activities: 1) Maintenance, 2)
6 Capital Improvements, 3) Accountability, Transparency, & Citizen Services, and 4) Operations
7 & Contingency Reserves. "Maintenance" comprises approximately 31% of the GBD budget
8 and includes maintenance care for new and existing street trees, the maintenance and repair
9 of irrigation systems, graffiti abatement, patrol officers to patrol graffiti hotspots, responses to
10 requests for the removal of trash and debris, pruning of shrubs, and weed removal and
11 fertilization. "Capital Improvements" comprises approximately 32% of the GBD budget and
12 includes improvements to existing public realm areas, such as providing new playground
13 equipment, new trash and recycling receptacles, new park benches, and new irrigation
14 systems; the development of new public realm areas, such as new parks, parklets, and
15 plazas, planting new trees and related bulb-outs, installing street furniture, and constructing
16 traffic-calming round-about, green spaces, at wide street intersections; and developing green
17 infrastructure, such as providing new recycled water collection and distribution systems, new
18 storm water capture systems, new rainwater/storm water cisterns, and the installation of
19 energy generation and distribution systems; and

20 WHEREAS, the Management Plan allows the Owners' Association to redeploy funds
21 between the above spending categories, so long as the redeployment does not exceed a 10%
22 charge of the GBD's total budget for that fiscal year; and

23 WHEREAS, The Owners' Association has requested the City modify the Management
24 Plan to let it combine the Maintenance and Capital Improvement budget categories, so that it
25 has greater flexibility to allocate funds between Capital Improvement and Maintenance budget

1 categories notwithstanding the 10% limit that otherwise applies, on the basis that funds could
2 be better spent on enhanced Maintenance rather than on further Capital Improvements, as
3 described in the proposed Amended Management Plan (dated February 18, 2022) which is on
4 file with the Clerk of the Board of Supervisors and is incorporated herein by reference; and

5 WHEREAS, The Owners' Association has also provided a Certification dated
6 January 24, 2022 from the registered Engineer who prepared the original Engineer's Report,
7 finding that the proposal does not impose a new or increased assessment and does not affect
8 the conclusion in the Engineer's Report that the assessments are in proportion to the special
9 benefits received by each of the assessed parcels . A copy of the Certification is on file with
10 the Clerk of the Board of Supervisors and is incorporated herein by reference; and

11 WHEREAS, Under Section 36636 of the 1994 Act, the Board of Supervisors may
12 modify the Management Plan to update the improvements and activities that will be funded
13 from the assessments, upon written request of the Owners' Association and after providing
14 notice as required by law; now, therefore, be it

15 RESOLVED, That the Board of Supervisors declares as follows:

16 Section 1. Pursuant to Section 36636 of the 1994 Act, the Board of Supervisors
17 declares its intention to approve the Certification letter and to approve the Amended
18 Management Plan, so that the Owners' Association can combine the Maintenance and Capital
19 Improvement budget categories and receive greater flexibility to allocate funds between those
20 categories, as stated in the Amended Management Plan. The proposed modifications do not
21 alter the approved boundary maps for the district, do not result in any new or increased
22 assessments on any parcels in the GBD, and do not materially change the special benefits
23 that the GBD provides to the assessed parcels. Reference may be made to the detailed
24 maps and list of parcels identified by Assessor Parcel Number that are contained in the
25 Amended Management Plan, in order to determine which specific parcels are in the GBD.

1 Section 2. Within the area encompassed by the GBD, the City currently provides
2 services at the same level provided to other similar areas of the City. It is the intent of the
3 Board of Supervisors to continue to provide the area encompassed by the GBD with the same
4 level of services provided to these other similar areas of the City. The proposed modification
5 of the Management Plan will not affect this policy.

6 Section 3. The Clerk of the Board shall make the Amended Management Plan and
7 Certification letter and other documents related to this Resolution and included in the record
8 before the Board of Supervisors available to the public for review during normal business
9 hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal holidays.

10 Section 4. A public hearing concerning the proposed modification of the Management
11 Plan shall be held on June 7th, 2022, at 3:00 p.m., in the Board's Legislative Chamber located
12 on the Second Floor of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California.
13 As provided in California Streets and Highways Code, Section 36636, San Francisco Charter,
14 Section 16.112, and San Francisco Administrative Code, Section 67.7-1, the Clerk of the San
15 Francisco Board of Supervisors shall mail a complete copy of the resolution of intention by
16 first class mail, at least 10 days before the public hearing, to each property owner affected by
17 the proposed modification and shall publish the resolution of intention in a newspaper of
18 general circulation in the city once at least seven days before the public hearing.

19 Section 5. Following approval of this Resolution, the Planning Department shall
20 determine whether the actions contemplated in this Resolution are in compliance with the
21 California Environmental Quality Act (California Public Resources Code, Sections 21000 *et*
22 *seq.*), and respond in writing to the Clerk of the Board of Supervisors.