

File No. 131070

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 18, 2013

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

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

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Exhibit A – Facilities to be Financed</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
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Completed by: Andrea Ausberry Date November 14, 2013  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_



1 [Changes to Special Tax District No. 2009-1 - San Francisco Sustainable Financing]

2  
3 **Resolution making changes to City and County of San Francisco Special Tax District**  
4 **No. 2009-1 (San Francisco Sustainable Financing) to authorize seismic safety standard**  
5 **retrofits to certain privately owned buildings or real property; and directing the Clerk of**  
6 **the Board to publish a notice of public hearing and other matters related thereto.**  
7

8 WHEREAS, Under Chapter 43, Article X of the San Francisco Administrative Code (the  
9 "Code"), which Code incorporates by reference the Mello-Roos Community Facilities Act of  
10 1982, as amended (the "Act"), this Board of Supervisors previously established a special tax  
11 district known as "City and County of San Francisco Special Tax District No. 2009-1 (San  
12 Francisco Sustainable Financing)" (the "Special Tax District"); and

13 WHEREAS, The Special Tax District is authorized to levy special taxes and incur debt  
14 to finance and refinance the acquisition, installation and improvement of energy efficiency,  
15 water conservation and renewable energy improvements to or on real property and in  
16 buildings, whether such real property or buildings are privately or publicly owned; and

17 WHEREAS, The Code authorizes this Board of Supervisors to make certain changes to  
18 the Special Tax District, subject to the following specific conditions: (i) this Board or a  
19 committee of this Board must hold a public hearing on the proposed changes at which any  
20 interested person, including persons owning property within the area, may appear and present  
21 any matters material to the questions set forth in the Resolution, (ii) the public hearing may  
22 not occur any sooner than 14 days after the introduction at this Board of the Resolution stating  
23 the changes, (iii) the Clerk of the Board must publish a notice of the public hearing one time in  
24 a newspaper of general circulation published in the area of the Special Tax District at least 7  
25 days prior to the public hearing and (iv) this Board must conclude that the public interest,



1 convenience and necessity would be served by the proposed changes, the changes will not  
2 adversely affect any taxable property in the Special Tax District and the changes will not  
3 adversely affect the owners of any outstanding bonds that are payable from special taxes  
4 levied in the Special Tax District; and

5 WHEREAS, This Board of Supervisors wishes to authorize the Special Tax District to  
6 levy special taxes and incur debt to finance work deemed necessary to bring buildings or real  
7 property, including privately owned buildings or real property, into compliance with seismic  
8 safety standards or regulations, as more completely set forth in Section 43.10.15 of the Code;  
9 and

10 WHEREAS, This Resolution was introduced at this Board on October 1, 2013, which  
11 was at least 14 days prior to the date hereof; and

12 WHEREAS, This Board held a public hearing on a date not earlier than 7 days after its  
13 introduction; and

14 WHEREAS, The Clerk of the Board published a notice of public hearing one time in a  
15 newspaper of general circulation published in the area of the Special Tax District at least 7  
16 days prior to the date of the public hearing; now, therefore, be it

17 RESOLVED, That this Board of Supervisors hereby incorporates by reference the  
18 findings of this Board of Supervisors set forth in Ordinance No. 66-13, and hereby finds that  
19 the public interest, convenience and necessity would be served by authorizing the Special Tax  
20 District to levy special taxes and incur debt to finance work deemed necessary to bring  
21 buildings or real property, including privately owned buildings or real property, into compliance  
22 with seismic safety standards or regulations, as more completely set forth in Section 43.10.15  
23 of the Code, that the change in the authority of the Special Tax District will not adversely  
24 affect any taxable property in the Special Tax District and that the change in the authority of  
25



1 the Special Tax District will not adversely affect the owners of any outstanding bonds that are  
2 payable from special taxes levied in the Special Tax District; and, be it

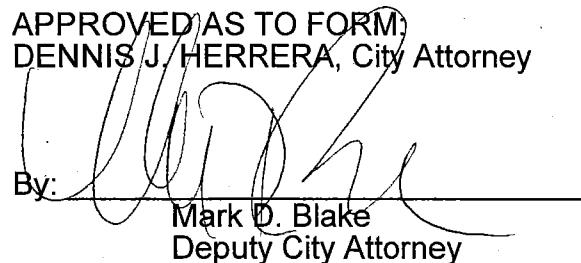
3 RESOLVED, This Board hereby authorizes the Special Tax District to levy special  
4 taxes and incur debt to finance work deemed necessary to bring buildings or real property,  
5 including privately owned buildings or real property, into compliance with seismic safety  
6 standards or regulations, as more completely set forth in Section 43.10.15 of the Code; and,  
7 be it;

8 FURTHER RESOLVED, As a result, the type of facilities that may be financed by the  
9 Special Tax District pursuant to the Code shall consist of those listed as facilities on Exhibit A  
10 hereto and hereby incorporated herein (the "Facilities"), which Exhibit A is on file with the  
11 Clerk of this Board of Supervisors in File No. 130970; and, be it

12 FURTHER RESOLVED, That the Mayor, the Controller, the Department of the  
13 Environment, the City Attorney, the Director of the Office of Public Finance, designees of the  
14 Director of the Office of Public Finance, the Clerk of the Board of Supervisors and all other  
15 officers and agents of the City are hereby authorized and directed to take all actions  
16 necessary or advisable to give effect to the transactions contemplated by this Resolution; and,  
17 be it

18 FURTHER RESOLVED, That this Resolution shall take effect on the effective date of  
19 Ordinance No. 205-13, finally passed by the Board of Supervisors on October 1, 2013.

20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22  
23 By:   
24 Mark D. Blake  
Deputy City Attorney

25 n:\financ\as2013\1300517\00877340.doc





**EXHIBIT A**

**CITY AND COUNTY OF SAN FRANCISCO  
Special Tax District No. 2009-1  
(San Francisco Sustainable Financing)**

**DESCRIPTION OF FACILITIES TO BE FINANCED  
BY THE SPECIAL TAX DISTRICT**

The Facilities shown below are proposed to be financed and refinanced by the City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) (the "Special Tax District").

**FACILITIES**

It is intended that the Special Tax District will be authorized to finance and refinance all or a portion of the costs of any of the following types of facilities:

A. Energy efficiency, water conservation and renewable energy improvements to or on real property and in buildings, whether such real property or buildings are privately or publicly owned.

B. Work deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with seismic safety standards or regulations. Only work certified as necessary to comply with seismic safety standards or regulations by local building officials may be financed. No project involving the dismantling of an existing building and its replacement by a new building, nor the construction of a new or substantially new building may be financed pursuant to this subparagraph.

**OTHER**

The Special Tax District may also finance any of the following:

1. Bond- and other debt- related expenses, including underwriters discount, reserve fund, capitalized interest, letter of credit fees and expenses, bond and disclosure counsel fees and expenses, bond remarketing costs, and all other incidental expenses.

2. Administrative fees of the City and the bond trustee or fiscal agent related to the Special Tax

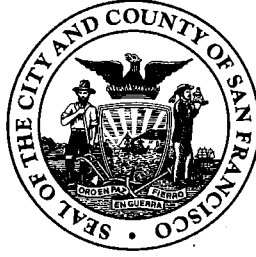


District and the bonds or other debt.

3. Any other costs or fees authorized by the Code.



BOARD of SUPERVISORS



City Hall  
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: Ben Rosenfield, Controller  
Melanie Nutter, Executive Director, Department of the Environment  
Tom Hui, Director, Building Inspection Department  
Nadia Sesay, Director, Office of Public Finance  
Patrick Otellini, Director, Earthquake Program

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: October 9, 2013

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Mayor Lee on October 1, 2013:

**File No. 130970**

Resolution making changes to City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) to authorize seismic safety standard retrofits to certain privately owned buildings or real property; and directing the Clerk of the Board to publish a notice of public hearing and other matters related there to.

**File No. 130971**

Resolution adopting amended and restated local goals and policies for Special Tax Districts pursuant to Administrative Code, Chapter 43, Article X.

If you have any additional 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: Monica Fish, Secretary, Department of the Environment  
William Strawn, Building Inspection Department  
Carolyn Jayin, Building Inspection Department



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## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, November 18, 2013

**Time:** 1:30 p.m.

**Location:** Committee Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 130970. Resolution making changes to City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) to authorize seismic safety standard retrofits to certain privately owned buildings or real property; and directing the Clerk of the Board to publish a notice of public hearing and other matters related thereto.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, November 15, 2013.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED: November 5, 2013  
PUBLISHED: November 10, 2013





OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *Edwin M. Lee* Mayor Edwin M. Lee  
RE: Resolution Making Changes to Special Tax District  
DATE: October 1, 2013

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 OCT -1 PM 3:03  
*le*

Attached for introduction to the Board of Supervisors is the resolution making changes to City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing).

Please note this item is cosponsored by Supervisors Chiu, Tang and Wiener

I request that this item be calendared in Land Use and Economic Development.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

cc. Supervisor David Chiu  
Supervisor Katy Tang  
Supervisor Scott Wiener

