

File No. 130462

Committee Item No. 1

Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date January 23, 2014

Board of Supervisors Meeting Date February 4, 2014

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Completed by: Erica Major Date January 16, 2014

Completed by: ERICA MAJOR Date JANUARY 28, 2014

1 [Business and Tax Regulations Code - Public Realm Landscaping, Improvement and
2 Maintenance Assessment Districts]

3 **Ordinance amending the Business and Tax Regulations Code by adding Article 15A**
4 **“Public Realm Landscaping, Improvement and Maintenance Assessment Districts”**
5 **(“Green Benefit Districts”)** to provide for establishment of assessment districts to
6 finance landscaping, improvements and maintenance of Public Realm areas (outdoor
7 spaces open to the public), including parks, parklets, sidewalks, unimproved areas,
8 landscaped areas, plazas, and gardens; to authorize the purchase of real property with
9 assessment funds, where property will be a Public Realm area and the district will
10 provide landscaping, improvements and/or maintenance; and making environmental
11 findings.

12
13 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. This section is uncodified.

22 The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 130462 and is incorporated herein by reference.

1 Section 2. The San Francisco Business and Tax Regulations Code is hereby amended
2 by adding Article 15A, to read as follows:
3

4 ARTICLE 15A

5 PUBLIC REALM LANDSCAPING, IMPROVEMENT AND MAINTENANCE

6 ASSESSMENT DISTRICTS ("GREEN BENEFIT DISTRICTS")
7

8 SEC. 15A.1. PURPOSE.

9 (a) State law provides procedures to form property and business improvement districts and levy
10 assessments (California Streets and Highways Code Sections 36600 et seq.). This Article 15A provides
11 authority for the City to augment and modify those state law procedures to provide services,
12 improvements and activities, focused on landscaping, improvements and maintenance in Public Realm
13 areas, by authorizing the Board of Supervisors to do any of the following in conjunction:

14 (1) Reduce the percentage of petitions required from property owners in order to
15 initiate formation;

16 (2) Have the district encompass residential property, and to assess residential property,
17 including parcels zoned solely for residential use;

18 (3) Extend the term of the district to a maximum of 15 years, or such longer term as is
19 authorized by state law;

20 (4) Extend the term of the district to a maximum of 40 years, if all or a portion of the
21 assessments will be pledged or applied to pay any bond, financing lease (including certificates of
22 participation therein), or other similar obligations of the City;

23 (5) Recover through assessments the costs incurred in formation of the district; and,

24 (6) Disestablish a district upon a supermajority vote of the Board of Supervisors.
25

1 In addition, this Article augments and modifies state law by: requiring the Clerk of the Board of
2 Supervisors to notify business owners in English, Cantonese and Spanish when a petition for district
3 formation is received; and providing for representation by stakeholders who do not own property in the
4 district (e.g., residents, business owners, neighborhood organizations) on the governing body of an
5 owners' nonprofit association that administers, implements or provides the services, improvements and
6 activities specified in the management district plan.

7 (b) Under this Article 15A, the Board of Supervisors may establish property and business
8 improvement districts that focus on landscaping, improvements and maintenance in Public Realm
9 areas, which may be financed through assessments apportioned among parcels of real property within
10 such districts. It is the intent of this Article to provide a vehicle for financing services, activities and
11 improvements that supplement and complement existing services and facilities. The Board of
12 Supervisors may not establish any district or levy any assessment under this Article to replace or
13 supplant existing City services. Nothing in this Article shall be construed as prohibiting the
14 establishment of districts or levying of assessments to finance local capital improvements that are
15 otherwise authorized under the City Charter, any other City ordinance, or state law.

16
17 **SEC. 15A.2. AUGMENTATION AND MODIFICATION OF STATE LAW**

18 **REQUIREMENTS GOVERNING PROPERTY AND BUSINESS IMPROVEMENT DISTRICTS.**

19 The Board of Supervisors may elect to use the procedures set forth in California Streets and
20 Highways Code Sections 36600 et seq. as augmented and modified by this Article 15A, for the
21 formation of property and business improvement districts and the levy of assessments on real property
22 to fund services, improvements and activities that confer benefits on property, including parcels zoned
23 solely for residential use, by focusing on landscaping, improvements and maintenance of Public Realm
24 areas.

25 (a) Definitions: of

1 (1) "Public Realm areas." As used in this Article 15A, Public Realm areas are outdoor spaces
2 open to the public that include but are not limited to parks, plazas, parklets, sidewalks, unimproved
3 areas, landscaped areas and gardens. Public Realm areas may be owned by public and/or private
4 entities or persons.

5 (2) "Ecological system." As used in this Article 15A, "ecological system" means a
6 system of living organisms and the physical environment those organisms inhabit. An
7 ecological system includes elements such as soil, geology, wildlife, vegetation, and
8 watersheds.

9 (3) "Recreational Improvements." As used in this Article 15A, "recreational
10 improvements" means improvements that will encourage recreational use, either by improving
11 current conditions (e.g., repairing a grass soccer field) or installation of new facilities (e.g.,
12 playground equipment).

13 (b) Petitions. Notwithstanding California Streets and Highways Code Section 36621(a) or any
14 other provision of state law to the contrary, the Board of Supervisors may initiate proceedings to
15 establish a property and business improvement district upon receipt of a petition signed by property
16 owners in the proposed district who will pay at least 30 percent of the assessments proposed to be
17 levied.

18 The amount of assessments attributable to properties owned by the same owner that is in excess
19 of 25 percent of all assessments proposed to be levied, shall not be included in determining whether the
20 petition is signed by the property owners who will pay the requisite 30 percent or more of the total
21 amount of assessments proposed to be levied.

22 (c) Term. Notwithstanding California Streets and Highways Code Section 36622(h) or any
23 other provision of state law to the contrary, the Board of Supervisors may form a district and levy
24 assessments:

1 (1) For a maximum term of up to 15 years, or such longer term as is authorized by state
2 law; or,

3 (2) For a maximum term of up to 40 years, if all or a portion of the assessments will be
4 pledged or applied to pay any bond, financing lease (including any certificates of participation
5 therein), or other similar obligations of the City. Such assessments may be pledged or applied to pay
6 such obligations commencing when the assessments are levied, or such later date as the Board of
7 Supervisors shall determine.

8 (d) Property Zoned Solely Residential. Notwithstanding California Streets and Highways Code
9 Section 36632(c) or any other provision of state law to the contrary, the Board of Supervisors may:

10 (1) Establish a district pursuant to this Article 15A that encompasses properties zoned
11 solely for residential use;

12 (2) Levy assessments upon such properties; and

13 (3) Authorize utilization of the assessments to fund services, improvements and
14 activities that benefit such properties.

15 (e) Under this Article 15A the Board of Supervisors may authorize:

16 (1) Assessment district services, improvements and activities consistent with California
17 Streets and Highways Code Sections 36600 et seq. that are focused on landscaping, improvements and
18 maintenance of Public Realm areas, notwithstanding any other provisions in Sections 36606, 36610, or
19 36613 or any other provision of state law to the contrary. Such services, improvements and
20 activities may include, but are not limited to, involvement with ecological systems, water and
21 energy systems, pedestrian and bicycle amenities, and recreational improvements.

22 (2) Use of assessment funds to purchase real property, in whole or in part, within or
23 contiguous to the District, where that property will be a Public Realm area and the district will provide
24 landscaping, improvements and/or maintenance of the area.

1 (f) Formation Cost Recovery. Notwithstanding any provision of state law to the contrary, the
2 Board of Supervisors may authorize a district formed pursuant to this Article 15A to recover through
3 assessments the costs incurred in forming the district, whether costs are generated by the City or by
4 others, including but not limited to:

5 (1) The costs of preparation of the management district plan and engineer's report
6 required by state law;

7 (2) The costs of circulating and submitting the petition to the Board of Supervisors
8 seeking establishment of the district;

9 (3) The costs of printing, advertising and the giving of published, posted or mailed
10 notices;

11 (4) The costs of engineering, consulting, legal or other professional services provided in
12 proceedings under this Article 15A or California Streets and Highways Code Sections 36600 et seq.;
13 and

14 (5) The costs of any ballot proceedings required by this Article 15A or other law for
15 approval of a new or increased assessment.

16 To recover these costs, the management district plan required pursuant to California Streets
17 and Highways Code Section 36622 shall specify the formation costs eligible for recovery through
18 assessments, the schedule for recovery of those costs, and the basis for determining the amount of the
19 additional assessment for recovery of such costs, including the maximum amount of the additional
20 assessment, expressed either as a dollar amount, or as a percentage of the underlying assessment.

21 (g) Disestablishment by Board of Supervisors Supermajority. Notwithstanding California
22 Streets and Highways Code Section 36670 or any other provision of state law to the contrary, the
23 Board of Supervisors may, by a supermajority vote of eight or more of its 11 members, notice a
24 hearing and initiate proceedings to disestablish a district for any reason. Where the Board of
25 Supervisors seeks to disestablish a district in circumstances not authorized under California Streets

1 and Highways Code Section 36670, both the resolution of intention to disestablish the district and any
2 final resolution to disestablish the district shall require a supermajority vote of no fewer than eight of
3 its 11 members.

4 (h) Disestablishment Limitation. Notwithstanding Section 15A.2(g) of this Article, California
5 Streets and Highways Code Section 36670, or any other provision of law, the Board of Supervisors may
6 not disestablish a district where there are any outstanding bond, financing lease (including any
7 certificates of participation therein), or other similar obligations of the City, payable from or secured
8 by assessments levied within the district.

9 (i) Public Financing. Notwithstanding California Streets and Highways Code Section 36640 or
10 any other provision of state law to the contrary:

11 (1) The Board of Supervisors may, in the resolution to establish the district, determine
12 and declare that any bond, financing lease (including any certificates of participation therein), or other
13 similar obligations of the City, shall be issued to finance the estimated costs of some or all of the
14 proposed improvements or activities described in such resolution, pursuant to the City Charter, City
15 ordinances or state law, as the Board may determine; and

16 (2) The amount (including interest) of any City bond, financing lease (including any
17 certificates of participation therein) or other similar obligations, may not exceed the estimated total of
18 (A) revenues to be raised from the assessments over the term of the district, plus (B) such other monies,
19 if any, to be available for such purpose, in each case determined as of the date such obligations are
20 issued or incurred.

21 (j) Management of District.

22 (1) Management by Owners' Nonprofit Corporation. If so provided by the
23 management district plan, the Board of Supervisors may contract with an existing or new owners'
24 nonprofit corporation (California Streets and Highways Code Section 36614.5) to administer or
25 implement services, improvements and activities specified in the management district plan

1 ("Management Contract"). If so, the management district plan shall ensure adequate
2 representation that on the governing body of the owners' nonprofit corporation:

3 (i) a majority (over 50%) are district assesses; and,

4 (ii) there is adequate representation of district stakeholders who do not own or have
5 an ownership interest in property located in the district, including residents, businesses, and
6 neighborhood organizations. Where warranted by the circumstances in a proposed district, the Board
7 of Supervisors in its discretion may require that the management district plan provide particular levels
8 of such business owner or other district stakeholder representation.

9 (2) Management by the City. Alternatively, if so provided by the management
10 district plan, the Board of Supervisors may authorize the City to administer or implement services,
11 improvements and activities specified in the management district plan by utilizing existing City
12 departments, including but not limited to the Department of Public Works and the Recreation and Park
13 Department, and/or by contracting out.

14 (3) Change of Management during Term of District. If so provided by the
15 management district plan, Mmanagement may change during the term of the district from an
16 owners' nonprofit association to the City, or from the City to an owners' nonprofit association, by
17 changing the parties to the Management Contract. Procedures for such a change shall be
18 specified in the management district plan, and may be further detailed in any Management
19 Contract.

20 (4) This subsection (j) shall not limit the authority of the Board of Supervisors to
21 require the incorporation of any other item or matter into the management district plan under
22 California Streets and Highways Code Section 36622(l) or other applicable law.

23 (k) Notice to Businesses in Three Languages. No fewer than 30 days after the Clerk of the
24 Board receives a complete petition seeking formation of a district pursuant to this Article 15A, the
25 Clerk shall mail notice to all businesses located within the proposed district holding a current

1 registration certificate issued by the Tax Collector. The notice shall be in English, Spanish and
2 Cantonese, and shall inform the recipients:

3 (1) That a petition for formation of a property and business improvement district has
4 been received;

5 (2) That if the district is formed, assessments will be levied against property in the
6 district;

7 (3) That formation of the district is subject to the approval of the Board of Supervisors
8 following public hearings and a ballot proceeding by owners of the property subject to the assessment;
9 and,

10 (4) How recipients may obtain further information about the petition and proposed
11 district.

12
13 **SEC. 15A.3. SEVERABILITY.**

14 If any provision of this Article 15A or the application thereof to any person or circumstance
15 shall be held invalid, such invalidity shall not affect any other provision or such other application of
16 such provision which can be given effect without such provision or application, and to this end the
17 provisions of this Article are declared to be severable.

18
19 **SEC. 15A.4. CITY PLANNING REFERRAL.**

20 (a) If a resolution of intent adopted pursuant to this Article 15A proposes to finance
21 acquisition, extension, widening, removal, relocation, vacation, abandonment, sale or change in the use
22 of any public way, transportation route, ground, open space, building, or structure which requires
23 referral to the Planning Department under Section 4.105 of the Charter, or any successor provision,
24 the resolution of intent shall be referred to the Planning Department for a report regarding conformity
25 with the General Plan.

1 **(b) If a resolution of intent is referred to the Planning Department pursuant to this Section, the**
2 **department shall make its report to the Board at or before the public hearing on the resolution of**
3 **formation to establish the District.**

4
5 **SEC. 15A.5. ASSESSMENT LIMITATION.**

6 **No amount proposed to be assessed upon any lot for the construction of any improvement or the**
7 **acquisition of any property for public use shall exceed one-half of the assessed value of the lot. The**
8 **total amount of all assessments levied on lots within the district for the construction or any**
9 **improvement or the acquisition of any property for public use shall not exceed one-half the assessed**
10 **value of all lots assessed or proposed to be assessed. Assessment amounts shall satisfy any further**
11 **limitations imposed by Section 1.20 of the Administrative Code and Part 5 of Division 4 of the**
12 **California Streets and Highways Code (Sections 2900 et seq.) or any preemptive successor statute.**

13
14 ~~Section 3. This section is uncodified.~~

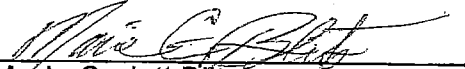
15 ~~Effective Date. This ordinance shall become effective 30 days from the date of~~
16 ~~passage after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor~~
17 ~~returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,~~
18 ~~or the Board of Supervisors overrides the Mayor's veto of the ordinance.~~

19
20 ~~Section 4. This section is uncodified.~~

21 ~~In enacting this ordinance, the Board intends to amend only those words, phrases,~~
22 ~~paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or~~
23 ~~any other constituent parts of the Administrative Code that are explicitly shown in this~~
24 ~~ordinance as additions, deletions, Board amendment additions, and Board amendment~~
25 ~~deletions in accordance with the "Note" that appears under the official title of the ordinance.~~

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

By: 
Marie Corlett Blits
Deputy City Attorney

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Amended LEGISLATIVE DIGEST

Amended to reflect proposed changes at Government Audit and Oversight Committee
on January 24, 2014

[Business and Tax Regulations Code - Public Realm Landscaping, Improvement and
Maintenance Assessment Districts]

Ordinance amending the Business and Tax Regulations Code by adding Article 15A “Public Realm Landscaping, Improvement and Maintenance Assessment Districts” (“Green Benefit Districts”) to provide for establishment of assessment districts to finance landscaping, improvements and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, unimproved areas, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.

Existing Law

The state Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 *et seq.*, or “1994 Act”) authorizes boards of supervisors to create assessment districts and levy proportionate assessments on real property and/or businesses for specified periods of time, to provide services, improvements and activities that specially benefit each assessed property and/or business. Proposed assessees submit petitions to the Board of Supervisors requesting that the Board commence a process of public hearing and voting by proposed assessees. The petitions and the votes are weighted according to each property or business owner’s share of the total proposed assessment. In the absence of a majority protest, the Board of Supervisors may form the district and levy the assessments. The 1994 Act allows the Board of Supervisors to contract with an owners’ nonprofit corporation to manage the district; and includes provisions on operations, reporting, renewal, and disestablishment.

City Business and Tax Regulations Code Article 15 “Business Improvement Districts Procedure Code” (“Article 15”) provides certain optional modifications and augmentations to the 1994 Act. For example, Article 15: allows institution of formation proceedings by the Board of Supervisors upon submission of 30% weighted petitions by proposed assessees, instead of the 50% required under state law; allows a 15-year district term, instead of the (initial) 5-year term or (renewed) 10-year terms that the state law allows; allows assessment of residential property (which is otherwise limited in the 1994 Act); provides for 20% minimum representation by business owners on any owners’ nonprofit board of directors managing a district; provides that the Board may require an affirmative 2/3 weighted vote of proposed assessees before forming a district where business owners (rather than real property owners) are assessed; and provides a disestablishment alternative through supermajority vote of the Board of Supervisors (8 or more of the 11 members).

The City has formed 16 assessment districts under the 1994 Act and Article 15, focused on services, improvements and activities benefitting businesses and surrounding neighborhoods; thirteen assess real property owners, and three assess specified business owners. Each such district is managed under a contract between the City and an owners’ nonprofit corporation, as approved by the Board of Supervisors.

Amendments to Current Law

This ordinance would add new Article 15A to the City's Business and Tax Regulations Code: "Public Realm Landscaping, Improvement and Maintenance Assessment Districts (Green Benefit Districts)." Similar to Article 15, Article 15A augments and modifies state law, the "Property and Business Improvement District Law of 1994" (California Streets and Highways Code §§36600 *et seq.*, or "1994 Act").

Article 15A creates a procedural vehicle for neighborhoods to establish assessment districts that focus on landscaping, improvements, and maintenance of Public Realm areas ("Green Benefit Districts"). Assessment district services, improvements and activities may include, but are not limited to, involvement with ecological systems, water and energy systems, pedestrian and bicycle amenities, and recreational improvements.

As defined in Article 15A, Public Realm areas are outdoor spaces open to the public, including parks, parklets, sidewalks, unimproved areas, landscaped areas, plazas, and gardens. Article 15A also includes a provision for utilization of assessment funds to purchase or participate in the purchase of real property that will be a Public Realm area, where the district will provide landscaping, improvements and/or maintenance. [Section 15A.2(a).]

A Green Benefit District may be managed by an owners' nonprofit corporation; or alternatively, a District may be managed by the City utilizing existing City departments such as the Department of Public Works or the Recreation and Park Department, and/or by contracting out. [Section 15A.2(j).]

If managed by an owners' nonprofit corporation, instead of the minimum 20% business owner participation required by Article 15, §1511(h), Article 15A provides that: "the management district plan shall ensure adequate representation on the governing body of the owners' nonprofit corporation of district stakeholders who do not own or have an ownership interest in property located in the district, including residents, businesses, and neighborhood organizations." [Section 15A.2(j)(1).]

The proposed Ordinance was originally filed with the Board of Supervisors on May 14, 2013. A Substitute Ordinance was filed June 4, 2013. In addition to some clarifying text, current proposed changes to the June 4, 2013 Substitute Ordinance, are as follows:

- "Green Benefit Districts" has been inserted in the title of Article 15A, as a shortened form of the name for this type of assessment district.
- The term "unimproved areas" has been included in examples of Public Realm areas. [Section 15A.2(a)(1).]
- Additional examples of services, improvements and activities have been added: "involvement with ecological systems, water and energy systems, pedestrian and bicycle amenities, and recreational improvements." [Section 15A.2(e)(1).]

Background Information

The state Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 *et seq.*, or "1994 Act"), Chapter 6 "Disestablishment," provides as follows:

"Section 36670. Procedures for disestablishment.

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the [Board of Supervisors] in either of the following circumstances:

(1) If the [Board of Supervisors] finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the [Board of Supervisors] shall pass a resolution of intention to disestablish the district. The [Board of Supervisors] shall notice a hearing on disestablishment.

(b) The [Board of Supervisors] shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

Section 36671. Disestablishment or expiration without renewal; disposition of remaining revenues.

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund."

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DENNIS J. HERRERA
City Attorney

MARIE CORLETT BLITS
Deputy City Attorney

DIRECT DIAL: (415) 554-4651
E-MAIL: marie.blits@sfgov.org

MEMORANDUM

TO: Supervisor Cohen
c/o Andrea Bruss

FROM: Marie Corlett Blits
Deputy City Attorney

DATE: January 22, 2014

OUR FILE NUMBER: 1300304

BOS FILE NUMBER: 130462

TYPE OF LEGISLATION: Ordinance

Attached please find the electronic versions of the amended Ordinance and amended Legislative Digest, for submission to the Clerk of the Board upon introduction of the following:

“Ordinance amending the Business and Tax Regulations Code by adding Article 15A “Public Realm Landscaping, Improvement and Maintenance Assessment Districts” (“Green Benefit Districts”) to provide for establishment of assessment districts to finance landscaping, improvements and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, unimproved areas, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.”

We have just hand-delivered to your office, the original plus two copies of this amended Ordinance and amended Legislative Digest.

Please let me know if you have any questions or would like additional information.

cc: Jon Givner
Paul Zarefsky
Melissa Millsaps
Allie Fisher
Robert Bryan

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

May 31, 2013

File No. 130462

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 14, 2013, Supervisor Cohen introduced the following proposed legislation:

File No. 130462

Ordinance amending the Business and Tax Regulations Code, by adding Article 15A "Public Realm Landscaping, Improvement and Maintenance Assessment Districts," to provide for establishment of assessment districts to finance landscaping, improvements, and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area, and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Miller in cursive.

By: Alisa Miller, Committee Clerk
Government Audit and Oversight Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

Non-physical Exemption
CEQA Section 15060(c)(2).
J. Navarrete 6/6/13
JOY NAVARRETE

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

May 31, 2013

File No. 130462

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 14, 2013, Supervisor Cohen introduced the following proposed legislation:

File No. 130462

Ordinance amending the Business and Tax Regulations Code, by adding Article 15A "Public Realm Landscaping, Improvement and Maintenance Assessment Districts," to provide for establishment of assessment districts to finance landscaping, improvements, and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area, and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Government Audit and Oversight Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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San Francisco 94102-4689
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MEMORANDUM

TO: John Rahaim, Director, Planning Department
Mohammed Nuru, Director, Department of Public Works
Phil Ginsburg, General Manager, Recreation and Park Department

FROM: Alisa Miller, Clerk, Government Audit and Oversight Committee
Board of Supervisors

DATE: May 31, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Cohen on May 14, 2013:

File No. 130462

Ordinance amending the Business and Tax Regulations Code, by adding Article 15A "Public Realm Landscaping, Improvement and Maintenance Assessment Districts," to provide for establishment of assessment districts to finance landscaping, improvements, and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area, and the district will provide landscaping, improvements, and/or maintenance; and making environmental findings.

This matter is being forwarded to your department for informational purposes. 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: Scott Sanchez, Planning Department
AnMarie Rodgers, Planning Department
Frank Lee, Department of Public Works
Sarah Ballard, Recreation and Park Department

BOARD of SUPERVISORS



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San Francisco 94102-4689
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TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Chris Schulman, Commission Secretary
Small Business Commission, City Hall, Room 448

FROM: Alisa Miller, Clerk, Government Audit and Oversight Committee
Board of Supervisors

DATE: May 31, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Government Audit and Oversight Committee

The Board of Supervisors' Government Audit and Oversight Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 130462

Ordinance amending the Business and Tax Regulations Code, by adding Article 15A "Public Realm Landscaping, Improvement and Maintenance Assessment Districts," to provide for establishment of assessment districts to finance landscaping, improvements, and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area, and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- _____ No Comment
- _____ Recommendation Attached

Chairperson, Small Business Commission
2330

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. [130462]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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

Sponsor(s):

[COHEN]

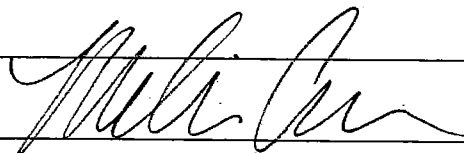
Subject:

[Public Realm Landscaping, Improvement and Maintenance Assessment Districts]

The text is listed below or attached:

[Attached]

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

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. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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

Sponsor(s): COHEN

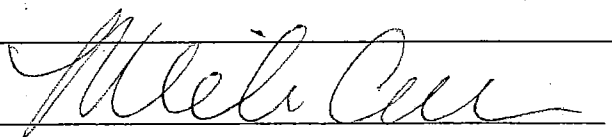
COHEN

Subject:

ordinance - Business and tax code - public realm landscaping, improvement and Maintenance Assessment Districts

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

Effective: January 1, 2012

West's Annotated California Codes Currentness

Streets and Highways Code (Refs & Annos)

Division 18. Parking (Refs & Annos)

Part 7. Property and Business Improvement District Law of 1994 (Refs & Annos)

Chapter 6: Disestablishment (Refs & Annos)

→ → § 36670. Procedures for disestablishment

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

CREDIT(S)

(Added by Stats.2001, c. 88 (A.B.1021), § 10. Amended by Stats.2003, c. 763 (A.B.944), § 18; Stats.2011, c. 382 (S.B.194), § 22.)

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

For provisions providing for construction of Stats.2001, c. 88 (A.B.1021), regarding continuation of prior law, see Historical and Statutory Notes under Streets and Highways Code § 36614.5

2014 Electronic Pocket Part Update

2011 Legislation

For short title and legislative findings and declarations relating to Stats.2011, c. 382 (S.B.194), see Historical and Statutory Notes under Government Code § 6159.

2005 Main Volume

Derivation

Former § 36650, added by Stats.1994, c. 897 (A.B.3754), § 1, amended by Stats.1999, c. 871 (A.B.1381), § 19.

CROSS REFERENCES

Assessment defined for purposes of this Part, see Streets and Highways Code § 36606.

City council defined for purposes of this Part, see Streets and Highways Code § 36609.

Computation of time, see Code of Civil Procedure §§ 12 and 12a and Government Code § 6800 et seq.

Notice, actual and constructive, defined, see Civil Code § 18.

Owner and property owner defined for purposes of this Part, see Streets and Highways Code § 36615.

Property defined for purposes of this Part, see Streets and Highways Code § 36612.

LIBRARY REFERENCES

2005 Main Volume

Municipal Corporations ~~§~~450(4).

Westlaw Topic No. 268.

C.J.S. Municipal Corporations §§ 1193 to 1199, 1208 to 1214.

West's Ann. Cal. Str. & H. Code § 36670, CA STR & HWY § 36670

Current with all 2013 Reg.Sess. laws, all 2013-2014 1st Ex.Sess. laws, and Res. c. 123 (S.C.A.3)

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