

File No. 150653

Committee Item No. 1
Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 29, 2015

Board of Supervisors Meeting

Date July 7, 2015

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input checked="" 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 |
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OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Andrea Ausberry Date June 25, 2015
Completed by: _____ Date _____

1 [Assessment Ballots for City-Owned Parcels – Dogpatch & Northwest Potrero Hill Green
2 Benefit District]

3 **Resolution authorizing the Mayor or his designees to cast assessment ballots in the**
4 **affirmative on behalf of the City and County of San Francisco as owner of seven**
5 **parcels of real property over which the Board of Supervisors has jurisdiction, where**
6 **those parcels would be subject to assessment in the proposed property-based**
7 **business improvement district to be named the “Dogpatch & Northwest Potrero Hill**
8 **Green Benefit District.”**

9
10 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
11 California Streets and Highways Code, Sections 36600 et seq. (the "Act"), as augmented by
12 Article 15A of the San Francisco Business and Tax Regulations Code ("Article 15A"), the
13 Board of Supervisors adopted Resolution No. 198-15 on June 9, 2015, entitled "Resolution
14 declaring the intention of the Board of Supervisors to establish a property-based business
15 improvement district to be known as the 'Dogpatch & Northwest Potrero Hill Green Benefit
16 District' and levy a multi-year assessment on identified parcels in the district; approving the
17 management district plan and engineer's report and proposed boundaries map for the district;
18 ordering and setting a time and place for a public hearing thereon; approving the form of the
19 Notice of Public Hearing and Assessment Ballots Proceeding, and Assessment Ballot;
20 directing environmental findings; and directing the Clerk of the Board of Supervisors to give
21 notice of the public hearing and balloting as required by law" (the "Resolution of Intention,"
22 BOS File No. 150535); and

23 WHEREAS, The Resolution of Intention for the Dogpatch & Northwest Potrero Hill
24 Green Benefit District (the "Dogpatch & Northwest Potrero Hill GBD" or "District"), among
25 other things, approved the Dogpatch & Northwest Potrero Hill Green Benefit District

1 Management District Plan (the "District Management Plan"), dated March 27, 2015, the
2 District Assessment Engineer's Report, dated March 27, 2015, and the form of the
3 Assessment Ballots and the Notice of Public Hearing, that are all on file with Clerk of the
4 Board of Supervisors in File No. 150535; and

5 WHEREAS, Article XIID, Section 4 of the California Constitution provides that parcels
6 within an assessment district that are owned or used by any government agency, the State of
7 California or the United States shall not be exempt from assessment unless the agency can
8 demonstrate by clear and convincing evidence that those publicly owned parcels in fact
9 receive no special benefit; and

10 WHEREAS, The Board of Supervisors has jurisdiction over seven parcels of real
11 property within the proposed assessment district that are owned by the City and County of
12 San Francisco, the details of which are set forth in a chart below (on page 3 of this
13 Resolution); and

14 WHEREAS, The City and County of San Francisco owns additional real property within
15 the proposed assessment district that is subject to the exclusive jurisdiction and control of
16 certain City departments, such as the San Francisco Municipal Transportation Agency (the
17 "Other Property"); and

18 WHEREAS, The City-owned parcels over which the Board of Supervisors has
19 jurisdiction (not including the Other Property) are listed in the following chart, showing the
20 street address for each, Assessor's lot and block number, name/description of building,
21 proposed assessment amount for each, and the percent of the total proposed assessments
22 for the District that each parcel would be assessed (which is the corresponding weight to be
23 afforded the City's signature on the ballot to establish the Dogpatch & Northwest Potrero Hill
24 GBD):
25

ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT FOR FIRST YEAR	% OF TOTAL GBD BUDGET
2300 3 rd Street	4108 037	Department of Real Estate	\$1,140.44	0.231%
Public rights-of-way at approximately 1270 Pennsylvania Avenue	4291 018	Department of Public Works	\$78.46	0.016%
Public rights-of-way at approximately 910 Cesar Chavez Street	4314 001	Department of Public Works	\$275.41	0.056%
Public rights-of-way at approximately 1240 Cesar Chavez Street	4317 014	Department of Public Works	\$301.94	0.061%
Public rights-of-way at approximately 1320 Cesar Chavez Street	4318 017	Department of Public Works	\$772.21	0.157%
Public rights-of-way at approximately 495 San Bruno Avenue	3975 001N	Department of Public Works	\$150.80	0.031%
700 Minnesota St.	4061 002	Recreation and Park Department	\$1,902.00	0.386%
Subtotal for City-Owned Parcels under Board of Supervisors Jurisdiction, for Year One (Fiscal Year 2015-2016) of Dogpatch & Northwest Potrero Hill GBD, to be Established for a 10 year term			\$4,621.26	0.938%

WHEREAS, The Board of Supervisors will hold a public hearing on July 28, 2015, at 3:00 p.m. to consider public testimony on the proposed formation of the Dogpatch & Northwest Potrero Hill Green Benefit District, the levy of multi-year assessments on real property located in the proposed district, and assessment ballot proceedings for affected property owners to approve or disapprove the assessments; and

WHEREAS, The property owners or their authorized representatives may submit, withdraw or change assessment ballots for their respective properties prior to the close of public testimony at the public hearing; and

1 WHEREAS, The Board of Supervisors may cast the assessment ballots for those
2 parcels over which it has jurisdiction, to either approve or disapprove the proposed
3 assessments for those parcels that would be subject to assessment; or the Board may
4 authorize a representative to submit the assessment ballots for parcels over which the Board
5 has jurisdiction; and

6 WHEREAS, At the July 28, 2015, public hearing, the Board is likely to receive public
7 testimony both in favor of and against the levying of assessments, and the Department of
8 Elections will tabulate the assessment ballots submitted by the owners of affected properties
9 to determine if there is a majority protest; and

10 WHEREAS, It is appropriate for the Board of Supervisors to authorize a representative
11 to submit assessment ballots for the City-owned parcels within the proposed district over
12 which the Board has jurisdiction, to avoid confusion on the Board's dual role as both the
13 legislative body that may form the district and levy assessments if there is no majority protest
14 by the affected property owners, and as the decision-making body for the City as the owner of
15 property subject to assessments; now, therefore, be it

16 RESOLVED, That the Mayor or his designees is hereby authorized to submit any and
17 all assessment ballots in the affirmative for the above-listed parcels of real property owned by
18 the City and County of San Francisco over which the Board has jurisdiction (which list does
19 not include the Other Property) that would be subject to assessment in the proposed property
20 and business improvement district to be named the Dogpatch & Northwest Potrero Hill Green
21 Benefit District; and, be it

22 RESOLVED, That the Board encourages any City department that has exclusive
23 jurisdiction over the Other Property to submit any and all assessment ballots in the affirmative;
24 and, be it

25

1 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
2 of this Resolution to be delivered to the Department of Public Works, the Director of Elections,
3 the City departments with jurisdiction over the Other Property, the Green Benefit District
4 Formation Committee, and placed in the Board of Supervisors file for the Resolution to
5 establish the proposed district.

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* CALIFORNIA CONSTITUTION - CONS



ARTICLE XIII D [ASSESSMENT AND PROPERTY-RELATED FEE REFORM] [SECTION 1 - SEC. 6] (*Article 13D added Nov. 5, 1996, by Prop. 218. Initiative measure.*)

Procedures and Requirements for All Assessments. (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-

thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

(Sec. 4 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

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: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: June 25, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development 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. 150653

Resolution authorizing the Mayor or his designees to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as owner of seven parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property-based business improvement district to be named the "Dogpatch & Northwest Potrero Hill Green Benefit District."

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

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: Mohammed Nuru, Director, Public Works
John Updike, Director, Real Estate
Phil Ginsburg, General Manager, Recreation and Parks
Todd Rufo, Director, Office of Economic and Workforce Development
John Arntz, Director, Department of Elections
John Rahaim, Director, Planning Department

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,
Board of Supervisors

DATE: June 25, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Cohen on June 23, 2015:

File No. 150653

Resolution authorizing the Mayor or his designees to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as owner of seven parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property-based business improvement district to be named the "Dogpatch & Northwest Potrero Hill Green Benefit District."

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:

- Sarah Ballard, Director Policy and Public Affairs
- Frank Lee, Executive Secretary
- Ken Rich, Director of Development
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Acting Environmental Review Officer,
- AnMarie Rodgers, Senior Policy Advisor
- Aaron Starr, Acting Manager of Legislative Affairs
- Joy Navarrete, Environmental Planning
- Jeanie Poling, Environmental Planning

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

JUN 18 PM 2:36

JRB

Assessor's Parcel No. 4296-015 & 42960-17
BARRISH JERRY R
June 15, 2015

File 150653
BOS-11, COB, LUClerk,

Leg Dep.
CPay

150535 passed

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
Room 244. City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Written comment for public hearing - Dogpatch & Northwest Potrero Hill Green Benefit District

Dear Board of Supervisors:

I encourage you to vote against the establishment of the property-based special assessment district, to be known as the "Dogpatch & Northwest Potrero Hill Green Benefit District."


Although residents and retail business owners would benefit greatly from the planned improvements, I am neither a resident nor retail business owner.

My small industrial building and vacant lot are zoned PDR-1-G, prohibiting Residential and Office uses. Illinois Street has become a heavily used traffic corridor for large trucks and machinery, with its inherent noise, vibration and fumes. Even though there is already a designated bike lane the entire length of Illinois Street, the industrial nature of Illinois Street from 25th to Cesar Chavez is not conducive any of the proposed improvements. I encourage further analysis of the actual nature of properties in Dogpatch South Map Quadrant 10. The borders need to be redrawn in accordance with actual use. My only neighbors are Rent-a-Wreck, Ajax Auto Dismantlers, and a taco truck that has been issued a permit to park daily in front of my building. None of these businesses will benefit from any of the proposed improvements.

If feel as if the assessment boundaries have been expanded only to benefit residential and retail business owners that are many blocks away from my location.

Please vote no.

Sincerely yours,


Jerry R. Barrish

Mailing address:
315 Shoreside
Pacifica CA 94044

Ausberry, Andrea

From: Poole, Brian (ECN)
Sent: Thursday, June 25, 2015 3:44 PM
To: Ausberry, Andrea; Dick-Endrizzi, Regina (ECN)
Subject: RE: BOS File Nos. 150653, 150685 and 150686 - Small Business Commission

Hi Andrea,

Thank you for the referrals, but after consulting with Regina, the Commission does not typically make recommendations on ballots/voting issues in regards to CBDs.

Please let me know if you have any questions.

Best,

Brian Poole
Office of Small Business/Small Business Commission


From: Ausberry, Andrea
Sent: Thursday, June 25, 2015 2:49 PM
To: Dick-Endrizzi, Regina (ECN)
Cc: Poole, Brian (ECN)
Subject: BOS File Nos. 150653, 150685 and 150686 - Small Business Commission

Good Afternoon,

Attached is a referral for BOS File Nos. 150653, 150685 and 150686, which is being referred to the Small Business Commission for comment and recommendation. Please forward the Commission's response as soon as it is available.

Best,

Andrea S. Ausberry
Assistant Clerk
Land Use and Transportation Committee
San Francisco Board of Supervisors
Office 415.554.4442
Website | <http://www.sfbos.org/>
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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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. [150653]
- 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):

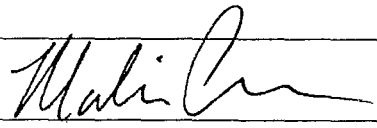
COHEN

Subject:

Assessment Ballots For City Parcels - Dogpatch | NW Potrero Hill Green Benefit District

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

