

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 funds not**
6 **needed for capital improvements towards maintenance; and finding that the proposed**
7 **modifications will not result in a new or increased assessment.**

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

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

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

24 WHEREAS, The Management Plan requires the Owners' Association to use the
25 assessments to fund four categories of improvements and activities: 1) Maintenance, 2)

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

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

18 WHEREAS, The Owners’ Association has requested the City modify the Management
19 Plan to let it combine the Maintenance and Capital Improvement budget categories, so that it
20 has greater flexibility to allocate funds between Capital Improvement and Maintenance budget
21 categories notwithstanding the 10% limit that otherwise applies, on the basis that funds could
22 be better spent on enhanced Maintenance rather than on further Capital Improvements, as
23 described in the proposed Amended Management Plan (dated February 18, 2022) which is on
24 file with the Clerk of the Board of Supervisors and is incorporated herein by reference; and

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

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

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

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

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

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

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

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