

1 [Resolution of Intention to renew the Union Square Business Improvement District, to be
2 known as the Greater Union Square Business Improvement District]

3 **Resolution (1) declaring the intention of the Board of Supervisors to renew the**
4 **property-based Union Square business improvement district, to be known as the**
5 **“Greater Union Square Business Improvement District,” and to levy a multi-year**
6 **assessment on identified parcels in the district; (2) approving the management**
7 **district plan and engineer's report and proposed boundaries map for the district;**
8 **(3) ordering and setting a time and place for a public hearing thereon; (4) approving**
9 **the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the**
10 **Clerk of the Board of Supervisors to give notice of the public hearing and balloting as**
11 **required by law.**

12
13 WHEREAS, The Property and Business Improvement District Law of 1994, Part 7 of
14 Division 18 of the California Streets and Highways Code, commencing with Section 36600
15 (the "Law"), authorizes cities to establish property and business improvement districts within
16 business districts to promote the economic revitalization and physical maintenance of such
17 business districts; and

18 WHEREAS, Section 36603 of the Law recognizes the authority of Charter cities to
19 adopt ordinances providing for different methods of levying assessments for similar or
20 additional purposes from those set forth in the Law; and

21 WHEREAS, Article 15 of the San Francisco Business and Tax Regulation Code
22 ("Article 15") augments certain procedural and substantive requirements relating to the
23 formation of property and business improvement districts and the assessments on real
24 property or businesses within such districts; and

25 WHEREAS, The Law and Article 15 authorize the City to levy and collect assessments

1 on real property within such districts for the purpose of providing improvements and promoting
2 activities and property-related services that specially benefit identified parcels of real property
3 located within such districts; and

4 WHEREAS, Article XIID of the California Constitution and Section 53753 of the
5 California Government Code impose certain procedural and substantive requirements relating
6 to assessments on real property; and

7 WHEREAS, The Law and Article 15 impose additional procedural and substantive
8 requirements relating to assessments on real property within a proposed property and
9 business improvement district; and

10 WHEREAS, The Board of Supervisors finds that the property-related services, activities
11 and improvements to be funded with assessments on real property within the proposed district
12 will confer substantial special benefits on the assessed properties over and above the general
13 benefits to the public at large from such services, activities and improvements; and

14 WHEREAS, The property owners who will pay more than 30 percent of the total
15 amount of assessments on properties within the proposed renewed and expanded district
16 signed and submitted to the Clerk of the Board of Supervisors a petition (the "Petition")
17 requesting that the Board of Supervisors establish a property-based business improvement
18 district to be named the "Greater Union Square Business Improvement District," and to levy
19 assessments on properties located in the proposed district to fund property-related services,
20 activities and improvements within the district; and

21 WHEREAS, A Management District Plan entitled the "Greater Union Square Business
22 Improvement District Management District Plan" containing information about the proposed
23 district and assessments required by Section 36622 of the Law, including but not limited to
24 maps showing all identified parcels located in the district, a description of the boundaries of
25 the district, the name of the district, the amount of the proposed assessment for each

1 identified parcel, the total annual amount chargeable to the entire district, the duration of the
2 payments, the property-related services, activities and improvements to be funded by the
3 assessments for each year and the maximum cost thereof, the method and basis upon which
4 the assessments are calculated in sufficient detail to allow each property owner to calculate
5 the amount of the assessment to be levied against his or her property, a statement that no
6 bonds will be issued, the time and manner of collecting the assessments, and a list of the
7 properties to be assessed (including assessor parcel numbers), as amended June 2, 2009,
8 has been submitted to the Clerk of the Board of Supervisors; and

9 WHEREAS, A detailed engineer's report supporting the assessments within the
10 proposed district, prepared by Matt John M. Brudin, California Registered Professional
11 Engineer No. 41836, NBS, dated May 19, 2009 and amended June 2, 2009, ~~and~~ entitled
12 "Greater Union Square Business Improvement District, Engineer's Report" has been
13 submitted to the Clerk of the Board of Supervisors; and

14 WHEREAS, A Proposed Boundaries Map has been submitted to the Clerk of the Board
15 of Supervisors pursuant to California Streets and Highways Code §31110;

16

17 Now, therefore, be it

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

19 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of
20 Supervisors declares its intention to renew and expand the Union Square property and
21 business improvement district, to be designated as the " Greater Union Square Business
22 Improvement District" (the "District"), for a period of ten (10) years, and to levy and collect
23 assessments against all identified parcels of real property in the District for a period of ten (10)
24 years, commencing with fiscal year 2009-~~2010~~ 2010, subject to approval by a majority of the
25 property owners in the District who cast assessment ballots, which ballots shall be weighted

1 according to the proportional financial obligations of the affected properties. No bonds will be
2 issued. Greater Union Square BID operations will commence on or about January 1, 2010,
3 following collection of the assessments for fiscal year 2009-~~2010~~ 2010 and disbursement of
4 the assessment proceeds to the nonprofit owners' association that will administer the
5 property-related services, activities and improvements in the District pursuant to Section
6 36651 of the Law and a written agreement with the City.

7 Section 2. The Board of Supervisors hereby approves the Management District Plan
8 and District Assessment Engineer's Report as each amended June 2, 2009, including the
9 estimates of the costs of the property-related services, activities and improvements set forth in
10 the plan, and the assessment of said costs on the properties that will specially benefit from
11 such services, activities and improvements. A copy of the Management District Plan and the
12 District Assessment Engineer's Report as amended June 2, 2009 are on file with the Clerk of
13 the Board of Supervisors in File No. 090569. The Clerk of the Board shall make the
14 Management District Plan, District Assessment Engineer's Report and other documents
15 related to the District and included in the record before the Board of Supervisors available to
16 the public for review during normal business hours, Monday through Friday 8:00 a.m. through
17 5:00 p.m., excluding legal holidays.

18 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries
19 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board
20 of Supervisors in File No. 090569 and incorporated herein by reference. The Greater Union
21 Square BID area consists of approximately 27 whole or partial blocks surrounding Union
22 Square and bounded on the north by a varying boundary including Bush, Sutter, Post and
23 Geary Streets, on the east by Kearny Street and Claude Lane, on the south by Market Street,
24 and on the west by a varying boundary including Mason, Shannon Alley, and Taylor Streets.
25 There are approximately 2980 identified parcels within the exterior boundaries. The exterior

1 boundaries of the District include all parcels on both sides of the street unless otherwise
2 noted, as follows:

3 Northern Boundary:

- 4 • Geary Street from Shannon Alley to Taylor (south side only);
- 5 • South side of Post Street from Taylor to Mason;
- 6 • North side of Sutter from Mason to Powell and including parcels 0284 002, 0284
7 003, 0284 026-064 and 0284 025 and
- 8 • South side of Bush from Powell Street to Mark Lane.

9 Southern Boundary:

- 10 • North Side of Market Street from Kearny Street to Cyril Magnin including parcel
11 0341 013 on the West intersection of Cyril Magnin and Market Streets and
- 12 • South Side of Market Street from 4th Street to 5th Street including parcel 3706 047
13 on the east corner of 4th and Market Streets.

14 Eastern Boundary:

- 15 • West side of Kearny Street from Market to Sutter Streets and
- 16 • The intersection of the west side of Claude Lane and north side of Sutter and the
17 intersection of the west side of Mark Lane and Bush Streets. (Claude Lane and
18 Mark Lane are not included in the district.)

19 Western Boundary:

- 20 • East side of Mason Street from Eddy Street to O'Farrell Street;
- 21 • East side of Mason from Post to Sutter including parcels 0284 012, 0284 026-064,
22 and 0284 025;
- 23 • Taylor Street from O'Farrell Street to Post Street on the ~~West~~ East side and two
24 parcels on the ~~East~~ West side of Taylor Street 0317 001 and 0317 002 and
25

- 1 • East side of Shannon Alley (between O'Farrell & Geary) including three parcels
2 0317 002, 0317 026 and 0317 027;

3 Reference should be made to the detailed maps and the lists of parcels identified by
4 Assessor Parcel Number that are contained in the Management District Plan, in order to
5 determine which specific parcels are included in the Greater Union Square Business
6 Improvement District.

7 Section 4. A public hearing on the establishment of the District, and the levy and
8 collection of assessments starting with fiscal year ~~2009-2010~~ 2010 and continuing through
9 fiscal year ~~2019-2020~~ 2018-2019, shall be conducted before the Board of Supervisors on July
10 28, 2009 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's
11 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San
12 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public
13 testimony regarding the renewal of the District, assessments, boundaries of the District,
14 including testimony from all interested persons for or against establishment of the District, the
15 extent of the District, the levy of the assessments, the furnishing of specific types of property-
16 related services, improvements and activities, and other matters related to the District. The
17 Board of Supervisors may waive any irregularity in the form or content of any written protest,
18 and at the public hearing may correct minor defects in the proceedings. All protests submitted
19 by affected property owners and received prior to the conclusion of the public testimony
20 portion of the public hearing shall be tabulated to determine whether a majority protest exists.

21 Section 5. The Board of Supervisors hereby approves the form of the Notice of
22 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
23 Supervisors in File No. 090569.

24 Section 6. The proposed property-related services, improvements or activities for
25 the District include:

- 1 • **Cleaning and Maintenance** which includes 8 maintenance workers providing daily
2 sidewalk sweeping and graffiti removal between 6:00 a.m. – 9:00 p.m.; steam
3 cleaning every two weeks; trash receptacle control including topping off and wiping
4 down receptacles and removal of bulky items between 6:00 a.m. - 9:00 p.m.
- 5 • **Public Safety** which includes a daily assignment of one uniformed 10B SFPD
6 officer per shift during the hours of 11:00 a.m. -11:00 p.m. Thursday – Saturday and
7 11:00 a.m. - 7:00 pm Sunday – Wednesday; a corps of eight uniformed Community
8 Service Ambassadors who support police and property owners in crime prevention,
9 assist visitors with area information and provide street population/homeless with
10 social services information. All public safety personnel carry two-way radios that
11 are connected to a centralized dispatch. The Ambassador hours are 9:00 a.m.-
12 10:00 p.m. Monday-Friday and 10:00 a.m.-10:00 p.m. Saturday and Sunday.
- 13 • **Marketing** for the Union Square district including the design and production of a
14 district map, an updated website, and special events to draw visitors to the area and
15 promotional campaigns to encourage visitors and create reasons for them to come
16 to Union Square.
- 17 • **Advocacy** including promoting a clean, safe, and vibrant district to assure a
18 positive experience for all visitors, workers and residents.
- 19 • **Beautification Programs** including hanging additional flower baskets at certain
20 intersections and entry points to the district, plaques on city receptacles and
21 maintenance carts to brand the district and seasonal décor and holiday lighting
22 throughout the district.
- 23 • **Capital improvements** to provide for way finding signage and other public right of
24 way enhancements to the district.
- 25

- 1 • Management and Operations administrative support budget for personnel, rent,
2 office supplies, utilities, office insurance and legal fees.
- 3 • Contingency and Reserves for long term capital improvements, replacement of
4 maintenance equipment for steam cleaning, first year repayment of District
5 formation costs, and late or non-payment of assessments.

6 Section 7. Within the area encompassed by the proposed District, the City currently
7 provides services at the same level provided to other similar areas of the City. It is the intent
8 of the Board of Supervisors to continue to provide the area encompassed by the District with
9 the same level of services provided to these other similar areas of the City. The
10 establishment of the District will not affect the City's policy to continue to provide the same
11 level of service to the areas encompassed by the District as it provides to other similar areas
12 of the City during the duration of the District.

13 Section 8. The annual assessment proposed to be levied and collected for the first
14 year of the District (fiscal year 2009-2010) is estimated to be \$3,040,061. The amount of the
15 annual assessment to be levied and collected for years two through ten (fiscal years 2010-
16 2011 through ~~2019-2020~~ 2018-2019) may be increased from one year to the next by a
17 percentage that does not exceed either the change in the Consumer Price Index for All Urban
18 Consumers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical
19 Area, or three percent (3%), whichever is less.

20 Section 9. The Clerk of the Board is directed to give notice of the public hearing as
21 provided in California Streets and Highways Code Section 36623, California Government
22 Code Section 53753, California Constitution Article XIID Section 4, San Francisco Charter
23 Section 16.112, and San Francisco Administrative Code Section 67.7-1.