

1 [Resolution to establish the Greater Union Square Business Improvement District.]

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3 **Resolution establishing a property-based business improvement district to be known**  
4 **as the “Greater Union Square Business Improvement District (BID),” by renewing and**  
5 **expanding the previously established Union Square BID; approving the amended**  
6 **management district plan and engineer's report and boundaries map; ordering the levy**  
7 **and collection of assessments against property located in the Greater Union Square**  
8 **Business Improvement District for ten years, commencing with fiscal year 2009-2010,**  
9 **subject to conditions as specified; and making environmental findings.**

10

11 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,  
12 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by  
13 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board  
14 of Supervisors adopted Resolution No. 208-09 on June 2, 2009, entitled "Resolution of  
15 Intention to renew the Union Square Business Improvement District, to be known as the  
16 Greater Union Square Business Improvement District, to order the levy and collection of a  
17 multi-year assessment, and setting a time and place for a public hearing thereon" (the  
18 "Resolution of Intention"); and,

19 WHEREAS, The Resolution of Intention for the Greater Union Square Business  
20 Improvement District (the "Union Square BID" or "District"), among other things, approved the  
21 Greater Union Square Business Improvement District Management District Plan (the "District  
22 Management Plan") and the District Assessment Engineer's Report (as each amended June  
23 2, 2009), the form of the Assessment Ballots and the Notice of Public Hearing, that are on file  
24 with Clerk of the Board of Supervisors in File No. 090569; and,

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1           WHEREAS, The Board of Supervisors caused notice of a public hearing concerning  
2 the proposed formation of the Greater Union Square BID, and the proposed levy of  
3 assessments against property located within the District for a period of ten years, for fiscal  
4 years 2009-2010 through 2018-2019; and,

5           WHEREAS, The Board of Supervisors has caused ballots to be mailed to the record  
6 owner of each parcel proposed to be assessed within the District, as required by law; and,

7           WHEREAS, A public hearing concerning the proposed formation of the Greater Union  
8 Square BID and the proposed levy of assessments within such District was held on July 28,  
9 2008, at 3 p.m., in the Board's Legislative Chambers, located on the Second Floor of City  
10 Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California; and,

11           WHEREAS, A Management District Plan entitled the "Greater Union Square Business  
12 Improvement District Management District Plan" containing information about the proposed  
13 district and assessments required by Section 36622 of the Law, as amended June 2, 2009,  
14 and as amended July 28, 2009, has been submitted to the Clerk of the Board of Supervisors;  
15 and,

16           WHEREAS, A detailed engineer's report supporting the assessments within the  
17 proposed district, prepared by John M. Brudin, California Registered Professional Engineer  
18 No. 41836, NBS, dated May 19, 2009 and amended June 2, 2009, and amended July 28,  
19 2009, entitled "Greater Union Square Business Improvement District, Engineer's Report" has  
20 been submitted to the Clerk of the Board of Supervisors; and

21           WHEREAS, A proposed Boundaries Map as amended July 28, 2009 has been  
22 submitted to the Clerk of the Board of Supervisors pursuant to California Streets and  
23 Highways Code §3110;

24           WHEREAS, At the public hearing, the testimony of all interested persons for or against  
25 the proposed formation of the District, the levy of assessments on property within the District,

1 the extent of the District, and the furnishing of specified types of improvements, services and  
2 activities within the District, was heard and considered, and a full, fair and complete meeting  
3 and hearing was held; and,

4 WHEREAS, The Board of Supervisors heard and considered all objections or protests  
5 to the proposed assessments and the Director of the Department of Elections tabulated the  
6 assessment ballots submitted and not withdrawn, in support of or in opposition to the  
7 proposed assessments, and the Clerk of the Board determined that a majority of the ballots  
8 cast (weighted according to the proportional financial obligations of the property) by the  
9 owners of record of the property located within the proposed District did not oppose  
10 establishing the proposed District; and,

11 WHEREAS, The public interest, convenience and necessity require the establishment  
12 of the proposed Greater Union Square Business Improvement District; and,

13 WHEREAS, In the opinion of the Board of Supervisors, the property within the District  
14 will be specially benefited by the improvements, services and activities funded by the  
15 assessments, and no assessment has been imposed on any parcel which exceeds the  
16 reasonable cost of the proportional special benefit conferred on that parcel; now therefore be  
17 it

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

19 **Section 1. FINDING OF NO MAJORITY PROTEST.** The Board of Supervisors  
20 hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIID of  
21 the California Constitution and Section 53753 of the California Government Code with respect  
22 to the formation of the Greater Union Square Business Improvement District. All objections or  
23 protests both written and oral, are hereby duly overruled.

24 **Section 2. ESTABLISHMENT OF DISTRICT.** Pursuant to the Act and Article 15, a  
25 property-based business improvement district designated as the "Greater Union Square

1 Business Improvement District" is hereby established.

2 **Section 3. MANAGEMENT DISTRICT PLAN AND DISTRICT ASSESSMENT**

3 **ENGINEER'S REPORT.** The Board hereby approves the Management District Plan and  
4 District Assessment Engineer's Report as each last amended July 28, 2009 including the  
5 estimates of the costs of the property-related services, activities and improvements set forth in  
6 the plan, and the assessment of said costs on the properties that will specially benefit from  
7 such services, activities and improvements. A copy of the Management District Plan and the  
8 District Assessment Engineer's Report as last amended July 28, 2009 are on file with the  
9 Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

10 **Section 4. DESCRIPTION OF DISTRICT, BOUNDARIES MAP.** The Greater Union

11 Square Business Improvement District shall include all parcels of real property within the  
12 district, the exterior boundaries of which are as follows, including all parcels on both sides of  
13 the street unless otherwise noted. The Board hereby approves the boundaries map dated as  
14 amended July 28, 2009, showing the exterior boundaries of the district, which is on file with  
15 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and incorporated herein by  
16 reference.

17 The Greater Union Square BID area consists of approximately 27 whole or partial  
18 blocks surrounding Union Square and bounded on the North by a varying boundary including  
19 Bush, Sutter, Post and Geary Streets, on the East by Kearny Street and Claude Lane, on the  
20 South by Market Street, and on the West by a varying boundary including Mason Street,  
21 Shannon Alley, and Taylor Street. There are approximately 2980 identified parcels within the  
22 exterior boundaries.

23 Northern Boundary:

- 24 • Geary Street from Shannon Alley to Taylor Street (South side only);
- 25 • South side of Post Street from Taylor Street to Mason Street;

- 1 • North side of Sutter Street from Mason Street to Powell Street and including
- 2 parcels 0284 002, 0284 003, 0284 026-064 and 0284 025, and,
- 3 • South side of Bush Street from Powell Street to Mark Lane.

4 Southern Boundary:

- 5 • North side of Market Street from Kearny Street to Cyril Magnin including parcel
- 6 0341 013 on the West intersection of Cyril Magnin and Market Streets, and
- 7 • South side of Market Street from 4<sup>th</sup> Street to 5<sup>th</sup> Street including parcel 3706
- 8 047 on the East corner of 4<sup>th</sup> and Market Streets.

9 Eastern Boundary:

- 10 • West side of Kearny Street from Market to Sutter Streets, and
- 11 • The intersection of the West side of Claude Lane and North side of Sutter, and
- 12 the intersection of the West side of Mark Lane and Bush Street. (Claude Lane
- 13 and Mark Lane are not included in the district.)

14 Western Boundary:

- 15 • East side of Mason Street from Eddy Street to O'Farrell Street;
- 16 • East side of Mason Street from Post Street to Sutter Street including parcels
- 17 0284 012, 0284 026-064, and 0284 025;
- 18 • Taylor Street from O'Farrell Street to Post Street on the East side and two
- 19 parcels on the West side of Taylor Street 0317 001 and 0317 002, and
- 20 • East side of Shannon Alley (between O'Farrell & Geary) including three parcels
- 21 0317 002, 0317 026 and 0317 027.

22 Reference should be made to the detailed maps and the lists of parcels identified by  
23 Assessor Parcel Number that are contained in the Management District Plan as amended July  
24 28, 2009, in order to determine which specific parcels are included in the Greater Union  
25 Square Business Improvement District.

1           **Section 5. FINDING OF BENEFIT.** The Board of Supervisors hereby finds that the  
2 property within the District will be benefited by the improvements and activities funded by the  
3 assessments proposed to be levied.

4           **Section 6. SYSTEM OF ASSESSMENTS.** (a) Annual assessments will be levied to  
5 pay for the activities to be provided within the District, commencing with fiscal year 2009-  
6 2010, and continuing for ten years, ending with fiscal year 2018-2019. For purposes of  
7 levying and collecting assessments within the District, a fiscal year shall commence on each  
8 July 1st and end on the following June 30th.

9           (b) The total amount of the proposed assessments to be levied and collected for  
10 fiscal year 2009-2010 is estimated to be \$3,040,061. The amount of assessments to be  
11 levied and collected in years two through ten (fiscal years 2010-2011 through 2018-2019) may  
12 be increased annually by the Board of Directors of the District by an amount not to exceed the  
13 change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-  
14 San Jose Consolidated Metropolitan Statistical Area, or three percent (3%), whichever is  
15 lower.

16           (c) The method and basis of levying and collecting the assessment shall be as set  
17 forth in the District Management Plan. The levy of the assessments shall commence with  
18 fiscal year 2009-2010. Each year the assessment shall be due and payable in two equal  
19 installments. The first installment shall be due on November 1 of each fiscal year during the  
20 life of the District, and shall become delinquent on December 10 of that fiscal year. The  
21 second installment shall be due on February 1 of each fiscal year during the life of the District,  
22 and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment  
23 shall have the same lien priority and delinquent payment penalties and be subject to the same  
24 enforcement procedures and remedies as the ad valorem property tax.

25           **Section 7. USE OF REVENUES.** The proposed property-related services,

1 improvements or activities for the District include:

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

- 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           The above improvements, services and activities will be funded by the levy of the  
7           assessments. The revenue from the levy of the assessments within the District shall not be  
8           used to provide improvements, services or activities outside the District or for any purpose  
9           other than the purposes specified in Board of Supervisors Resolution No. \_\_\_\_\_.

10           **Section 8. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract  
11           with a separate private entity to administer the improvements, services and activities set forth  
12           in Section 7. Any such entity shall hold the funds it receives from the City and County of San  
13           Francisco ("City") in trust for the improvements, services and activities set forth in Section 7.  
14           Any such entity that holds funds in trust for purposes related to the contract shall deliver, at no  
15           expense to the City, a balance sheet and the related statement of income and cash flows for  
16           each fiscal year, all in reasonable detail acceptable to City, reviewed by a Certified Public  
17           Accountant (CPA); this review shall include a statement of negative assurance from the CPA.  
18           In addition, or alternatively, the Controller or the Office of Economic and Workforce  
19           Development may in their discretion require the private entity to deliver, at no expense to the  
20           City, an annual independent audit report by a Certified Public Accountant of all such funds.  
21           The CPA review and/or audit may be funded from assessment proceeds as part of the  
22           general administration of the District. At all times the Board of Supervisors shall reserve full  
23           rights of accounting of these funds. The Office of Economic and Workforce Development  
24           shall be the City agency responsible for coordination between the City and the District.

25           **Section 9. AMENDMENTS.** The properties in the District established by this



1 Resolution shall be subject to any amendments to the Act and Article 15.

2 **Section 10. RECORDATION OF NOTICE AND DIAGRAM.** The County Clerk is  
3 hereby authorized and directed to record a notice and an assessment diagram pursuant to  
4 Section 36627 of the California Streets and Highways Code, following adoption of this  
5 Resolution.

6 **Section 11. LEVY OF ASSESSMENT.** The adoption of this Resolution and  
7 recordation of the notice and assessment diagram pursuant to Section 36627 of the California  
8 Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years  
9 referred to in the District Management Plan. Each year, the Assessor shall enter on the  
10 County Assessment Roll opposite each lot or parcel of land the amount of the assessment  
11 and such assessment shall be collected in the same manner as the County property taxes are  
12 collected.

13 **Section 12. BASELINE SERVICES.** To ensure that assessment revenues from the  
14 District are used to enhance the current level of services provided by the City within the  
15 District, the establishment of the District will not affect the City’s policy to continue to provide  
16 the same level of service to the areas encompassed by the District as it provides to other  
17 similar areas of the City for the duration of the District, provided, however, that in the event of  
18 a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of  
19 municipal services citywide, including within the District.

20 **Section 13. ENVIRONMENTAL FINDINGS.** The Planning Department has  
21 determined that the actions contemplated in this Resolution are in compliance with the  
22 California Environmental Quality Act (California Public Resources Code Sections 21000 *et*  
23 *seq.*). Said determination is on file with the Clerk of the Board of Supervisors in File No.  
24 \_\_\_\_\_ and is incorporated herein by reference.