

File No. 230386

Committee Item No. 1

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 20, 2023

Board of Supervisors Meeting:

Date: \_\_\_\_\_

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU - FY2022-2024 - Clean
- MOU - FY2022-2024 - Redline
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
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### OTHER

- UPC Memo - Petitions Threshold 032723
- OEWD Memo - Excelsior CBD Petition Threshold 033023
- ECBD Affidavit for Ballot
- ECBD Ballot on Assessment
- Ntc. of Public Hearing & Assessment Ballot Proceeding
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: Stephanie Cabrera

Date: April 13, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Resolution of Intention - Excelsior Community Benefit District]

2

3 **Resolution declaring the intention of the Board of Supervisors to establish a property-**  
4 **based business improvement district known as the “Excelsior Community Benefit**  
5 **District” and levy a multi-year assessment on all parcels in the district; approving the**  
6 **management district plan and engineer’s report and proposed boundaries map for the**  
7 **district; ordering and setting a time and place for a public hearing of the Board of**  
8 **Supervisors, sitting as a Committee of the Whole, on July 11, 2023 at 3:00 p.m.;**  
9 **approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding,**  
10 **and Assessment Ballot; directing environmental findings; and directing the Clerk of the**  
11 **Board of Supervisors to give notice of the public hearing and balloting as required by**  
12 **law.**

13

14 WHEREAS, Article XIID of the California Constitution and the Property and Business  
15 Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600 et  
16 seq., “1994 Act”) authorize cities to establish property and business improvement districts  
17 funded by special assessments to promote the economic revitalization and physical  
18 maintenance of such districts; and

19 WHEREAS, Consistent with Section 36603 of the 1994 Act, the City has adopted  
20 Article 15 of the San Francisco Business and Tax Regulations Code (“Article 15”), which  
21 augments certain procedural and substantive requirements relating to the formation of  
22 property and business improvement districts and the assessments on real property or  
23 businesses within such districts; and

24 WHEREAS, Pursuant to the foregoing, the Board of Supervisors has received a  
25 Petition from property owners who will pay 30% or more of the total amount of assessments

1 on properties within the proposed district, requesting that the Board of Supervisors establish  
2 the property-based community benefit district known as the “Excelsior Community Benefit  
3 District,” and levy assessments on properties located in the proposed district to fund property-  
4 related services, activities and improvements within the district; and

5 WHEREAS, A Management District Plan entitled “Excelsior Community Benefit District  
6 Management Plan” (“Management District Plan”) containing information about the proposed  
7 district and assessments required by Section 36622 of the 1994 Act, including but not limited  
8 to a map showing all parcels located in the district, a description of the boundaries of the  
9 district, the name of the district, the amount of the proposed assessment for each parcel, the  
10 total annual amount chargeable to the entire district, the duration of the payments, the  
11 property-related services, activities and improvements to be funded by the assessments for  
12 each year and the maximum cost thereof, the method and basis upon which the assessments  
13 are calculated in sufficient detail to allow each property owner to calculate the amount of the  
14 assessment to be levied against his or her property, a statement that no bonds will be issued,  
15 the time and manner of collecting the assessments, and a list of the properties to be assessed  
16 (including assessor parcel numbers), is on file with the Clerk of the Board of Supervisors in  
17 File No. 230386, which is hereby declared to be a part of this Resolution as if set forth fully  
18 herein; and

19 WHEREAS, A detailed engineer’s report supporting the assessments within the  
20 proposed district, prepared by Terrance E. Lowell, California Registered Professional  
21 Engineer No. 13398, entitled “Excelsior Community Benefit District Engineer’s Report”  
22 (“Engineer’s Report”) is on file with the Clerk of the Board of Supervisors in File No. 230386,  
23 which is hereby declared to be a part of this Resolution as if set forth fully herein; and  
24  
25

1           WHEREAS, A Proposed Boundaries Map, submitted pursuant to California Streets and  
2 Highways Code, Section 3110, is on file with the Clerk of the Board of Supervisors in File No.  
3 230386, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

4           WHEREAS, The property-related services, activities and improvements to be funded  
5 with assessments on real property within the Excelsior CBD will confer special benefits on the  
6 assessed properties over and above the general benefit to the public at large from such  
7 services, activities and improvements; now, therefore, be it

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

9           Section 1. Pursuant to Section 36621(a) of the 1994 Act and Article 15, the Board of  
10 Supervisors declares its intention to establish the property and business improvement district  
11 known as the “Excelsior Community Benefit District” (“District”) for a period of 10.5 years, and  
12 to levy and collect assessments against all parcels of real property in the District for 10 of  
13 those years, commencing with FY 2023-2024, subject to a majority protest procedure with  
14 ballots weighted according to the proportional financial obligations of the affected properties,  
15 as required by law. No bonds will be issued, district operations are expected to commence on  
16 or about January 1, 2024, following collection of the assessments for FY 2023-2024 and  
17 disbursement of the assessment proceeds to the nonprofit owners’ association that will  
18 administer the property-related services, activities and improvements in the District pursuant  
19 to Section 36651 of the 1994 Act and a written agreement with the City.

20           Section 2. Nonpayment of assessments will have the same lien priority and delinquent  
21 payment penalties and be subject to the same enforcement procedures and remedies as the  
22 ad valorem property tax. All delinquent payment of assessments will be subject to interest  
23 and penalties. The City Treasurer and Tax Collector will enforce imposition of interest and  
24 penalties and collection of assessments pursuant to the 1994 Act, Article 15 and the San  
25

1 Francisco Business and Tax Regulation Code Article 6, as each may be amended from time  
2 to time.

3 Section 3. The Board of Supervisors hereby approves the Management District Plan  
4 and Engineer's Report, including the estimates of the costs of the property-related services,  
5 activities and improvements set forth in the plan, and the assessment of said costs on the  
6 properties that will specially benefit from such services, activities and improvements. The  
7 Clerk of the Board shall make the Management District Plan, Engineer's Report and other  
8 documents related to the District and included in the record before the Board of Supervisors  
9 available to the public for review during normal business hours, Monday through Friday 8:00  
10 a.m. through 5:00 p.m., excluding legal holidays.

11 Section 4. The Board of Supervisors hereby approves the Proposed Boundaries Map  
12 showing the boundaries of the District. The proposed District contains approximately 195  
13 identified parcels located on approximately 17 whole or partial blocks.

14 Specifically, the exterior District boundaries are:

- 15 • Parcels facing on both sides of Mission. Parcels included on Mission begin at Silver  
16 Avenue on the north and continue to France Avenue in the south.
- 17 • Parcels on Onondaga Avenue between Alemany Boulevard and Mission Street are  
18 included.

19 Reference should be made to the detailed maps and the lists of parcels identified by  
20 Assessor Parcel Number that are contained in the Management District Plan, in order to  
21 determine which specific parcels are included in the Excelsior Community Benefit District.

22 Section 5. A public hearing on the establishment of the District, and the levy and  
23 collection of assessments starting with FY 2023-2024 and continuing through FY 2032-2033,  
24 shall be conducted before the Board of Supervisors sitting as a Committee of the Whole on  
25 July 11, 2023 at 3:00 p.m., or as soon thereafter as the matter may be heard in the Board's

1 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San  
2 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public  
3 testimony regarding the proposed formation of the District, assessments, and boundaries of  
4 the District, including testimony from all interested persons for or against establishment of the  
5 District, the extent of the District, the levy of the assessments, the furnishing of specific types  
6 of property-related services, improvements and activities, and other matters related to the  
7 District. The Board of Supervisors may waive any irregularity in the form or content of any  
8 written protest, and at the public hearing may correct minor defects in the proceedings. All  
9 protests submitted by affected property owners and received prior to the conclusion of the  
10 public testimony portion of the public hearing shall be tabulated to determine whether a  
11 majority protest exists.

12 Section 6. The Board of Supervisors hereby approves the form of the Notice of Public  
13 Hearing and Assessment Ballot Proceeding, and Assessment Ballot, which are on file with the  
14 Clerk of the Board of Supervisors in File No. 230386; which are hereby declared to be a part  
15 of this Resolution as if set forth fully herein.

16 Section 7. The proposed property-related services, improvements and activities for the  
17 District include Clean & Beautiful, Marketing and Economic Development, and Administration.

18 **Clean & Beautiful.** Clean & Beautiful includes, but is not limited to, sidewalk and gutter  
19 sweeping, sidewalk pressure washing, trash removal, graffiti removal, and landscape  
20 maintenance.

21 **Marketing and Economic Development.** Marketing and Economic Development  
22 Improvements include, but is not limited to, promoting local businesses, attracting tenants  
23 through advertising, branding of the Excelsior CBD parcels, storefront improvement efforts,  
24 management and coordination of special events, marketing, managing media relations,  
25 maintaining website, conducting district stakeholder outreach, activating public spaces in the

1 District that may be developed, and creating a program of temporary, permanent and  
2 performing art and art workspaces.

3 **Administration.** Administration includes, but is not limited to, staff and administrative  
4 costs, advocacy to ensure that City and County services and policies support the Excelsior  
5 CBD, paying for grant writing expenses, office expenses, professional services, organizational  
6 expenses such as insurance, and a yearly financial review.

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

14 Section 9. The annual total assessments proposed to be levied and collected for the  
15 first year of the District (FY 2023-2024) is estimated to be \$340,762.50. The amount of the  
16 total annual assessments to be levied and collected for years two through ten (FYs 2024-2025  
17 through 2032-2033) may be increased annually by the amount not to exceed that year's  
18 increase in the San Francisco, Oakland, and San Jose area Consumer Price Index with  
19 approval of the Owners' Association Board of Directors. Assessments may also increase over  
20 time if changes to the parcels result in the parcels being assigned additional benefit points.

21 Section 10. Environmental Findings. Following the approval of this Resolution, the  
22 Planning Department shall determine whether the actions contemplated in this Resolution are  
23 in compliance with the California Environmental Quality Act (California Public Resources  
24 Code, Sections 21000 et seq.), and respond in writing to the Clerk of the Board of Supervisors  
25

1 prior to the Board’s public hearing on the establishment of the District on July 11, 2023, at  
2 3:00 p.m.

3 Section 11. The Clerk of the Board is directed to give notice of the public hearing as  
4 provided in California Streets and Highways Code Section 36623, California Government  
5 Code Section 53753, California Constitution Article XIID Section 4, San Francisco Charter  
6 Section 16.112, and San Francisco Administrative Code Section 67.7-1.

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**Excelsior  
Community Benefit District  
Management District Plan**

**For  
A Property-Based  
Community Benefit District  
In the City and County of San Francisco**

**March 2023**

**Prepared By  
Urban Place Consulting Group, Inc.**

Prepared pursuant to the State of California Property and Business Improvement District Law of 1994 as amended and augmented by Article 15 of the San Francisco Business and Tax Regulations Code and Article XIID of the California Constitution to create a property-based business improvement district

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**For the**  
**Excelsior**  
**Community Benefit District (District)**  
**San Francisco, California**

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# Section 1

## Management District Plan Summary

The Excelsior Community Benefit District (“Excelsior CBD”) is being established, pursuant to the California Constitution and the Property and Business Improvement District Law of 1994, as amended and augmented by Article 15 of the San Francisco Business and Tax Regulations Code.

Developed by the Excelsior CBD Steering Committee, in coordination with the San Francisco Office of Economic and Workforce Development, the Excelsior CBD Management District Plan describes how the Excelsior CBD will improve and convey special benefits to assessed parcels located within the Excelsior CBD area. The Excelsior CBD will provide activities consisting of Clean & Beautiful, Marketing/Economic Development, and Administration. Each of these programs is designed to meet the goals of the Excelsior CBD; to improve the cleanliness and appearance of each individual assessed parcel within the Excelsior CBD, to increase building occupancy and lease rates, to encourage new business development, and attract ancillary businesses and services for assessed parcels within the Excelsior CBD.

<p><b>Location</b></p>	<p>The Excelsior CBD consists of approximately 17 whole or partial blocks and approximately 195 parcels. In general, the Excelsior CBD is made up of parcels facing on both sides of Mission. Parcels included on Mission begin at Silver Avenue on the north and continue to France Avenue in the south. Parcels on Onondaga Avenue between Alemany Boulevard and Mission street are included.</p>
<p><b>Boundary</b></p>	<p>See Section 2, page 7 and map, pages 8-10.</p>
<p><b>Improvements, Activities, Services</b></p>	<p>The Excelsior CBD will finance activities and improvements that will be provided directly to the assessed parcels, to improve the District’s environment in the following ways:</p> <p><u>Clean &amp; Beautiful</u></p> <ul style="list-style-type: none"> <li>• Programs that may consist of, but are not limited to, the following: <ul style="list-style-type: none"> <li>- Sidewalk &amp; gutter sweeping</li> <li>- Sidewalk pressure washing</li> <li>- Graffiti &amp; handbill removal</li> <li>- Trash removal</li> <li>- Trees watered and weeded</li> <li>- Gardens planted and maintained</li> </ul> </li> </ul> <p><u>Marketing &amp; Economic Development</u></p> <p>Programs may consist of, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Branding &amp; Communication</li> <li>• Activation Events</li> </ul>

- Media Relations
- Website
- District Stakeholder Outreach
- Art pop ups & workspaces program
- Storefront improvement, business recruitment

Administration

Administrative staff oversees the Excelsior CBD’s services which are delivered seven days a week.

EXPENDITURES	TOTAL BUDGET	% of Budget
Marketing/Economic Dev	33,500.00	9.59%
Administration	\$66,000.00	18.88%
<b>Total Expenditures</b>	<b>\$349,500.00</b>	<b>100.00%</b>
REVENUES		
Assessment Revenues	\$340,762.50	97.50%
Other Revenues (1)	\$8,737.50	2.50%
<b>Total Revenues</b>	<b>\$349,500.00</b>	<b>100.00%</b>

**Method of Financing** Levy of assessments upon real property that specially benefit from improvements and activities.

**Assessments** Annual assessments are based on program costs allocated among the parcels based on assessable footage. Two property assessment variables, building square footage, and linear front footage, will be used in the calculation.

	<p>Because commercial and residential parcels receive special benefits from all of the CBD activities, their estimated annual maximum assessment rates for the first year of the district are as follows:</p> <table border="1" data-bbox="667 317 1511 499"> <tr> <td data-bbox="667 317 1312 394">Building Square Foot Assessment Rate</td> <td data-bbox="1312 317 1511 394">\$0.09283</td> </tr> <tr> <td data-bbox="667 394 1312 499">Front Foot Assessment Rate</td> <td data-bbox="1312 394 1511 499">\$31.58478</td> </tr> </table> <p>By contrast, non-profits parcels do not specially benefit from Promotion of District activities and the portion of Administration directly relating to Marketing &amp; Economic Development, so those types of entities will pay a reduced rate that does not reflect the cost of these activities:</p> <table border="1" data-bbox="667 751 1511 934"> <tr> <td data-bbox="667 751 1312 850">Non-Profit Building Square Foot Assessment Rate</td> <td data-bbox="1312 751 1511 850">\$0.07740</td> </tr> <tr> <td data-bbox="667 850 1312 934">Non-Profit Front Foot Assessment Rate</td> <td data-bbox="1312 850 1511 934">\$25.58478</td> </tr> </table>	Building Square Foot Assessment Rate	\$0.09283	Front Foot Assessment Rate	\$31.58478	Non-Profit Building Square Foot Assessment Rate	\$0.07740	Non-Profit Front Foot Assessment Rate	\$25.58478
Building Square Foot Assessment Rate	\$0.09283								
Front Foot Assessment Rate	\$31.58478								
Non-Profit Building Square Foot Assessment Rate	\$0.07740								
Non-Profit Front Foot Assessment Rate	\$25.58478								
<b>Annual Assessment Increase</b>	<p>Expenditures may require an annual adjustment up or down to continue the intended level of programs and services. In no case shall these annual assessment increases exceed that year's increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI). Total assessment revenue may also increase based on development in the District. The determination of annual adjustments in assessment rates will be subject to the approval of the Excelsior CBD Owners' Association.</p>								
<b>City Services</b>	<p>The City and County of San Francisco has established and documented the base level of pre-existing City services. The Excelsior CBD will not replace any pre-existing general City services.</p>								
<b>Collection</b>	<p>Excelsior CBD assessments appear as a separate line item on the San Francisco City and County property tax bills.</p>								
<b>District Governance</b>	<p>The City may contract with a new non-profit corporation the Excelsior CBD Owners' Association or another non-profit Owners' Association to provide the day-to-day operations</p>								

	and carry out the services as provided for in this Management District Plan.
<b>District Formation</b>	<p>A CBD requires property owner approval through a two-step voting process in which the votes are weighted according to the proportional financial obligation of each affected property. The voting process is as follows:</p> <ol style="list-style-type: none"> <li>1. Property owners representing at least 30% of assessments proposed to be levied must submit a signed petition to the San Francisco Board of Supervisors.</li> <li>2. If the Board of Supervisors adopts a “resolution of intent” to establish the District, the property owners will receive notice of the proposed assessment and a Ballot, with instructions on how to return the Ballot to the City.</li> </ol> <p>The assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.</p>
<b>Duration</b>	The Excelsior CBD will have a 10-year life beginning January 1, 2024 and ending December 31, 2033.

## **Section 2**

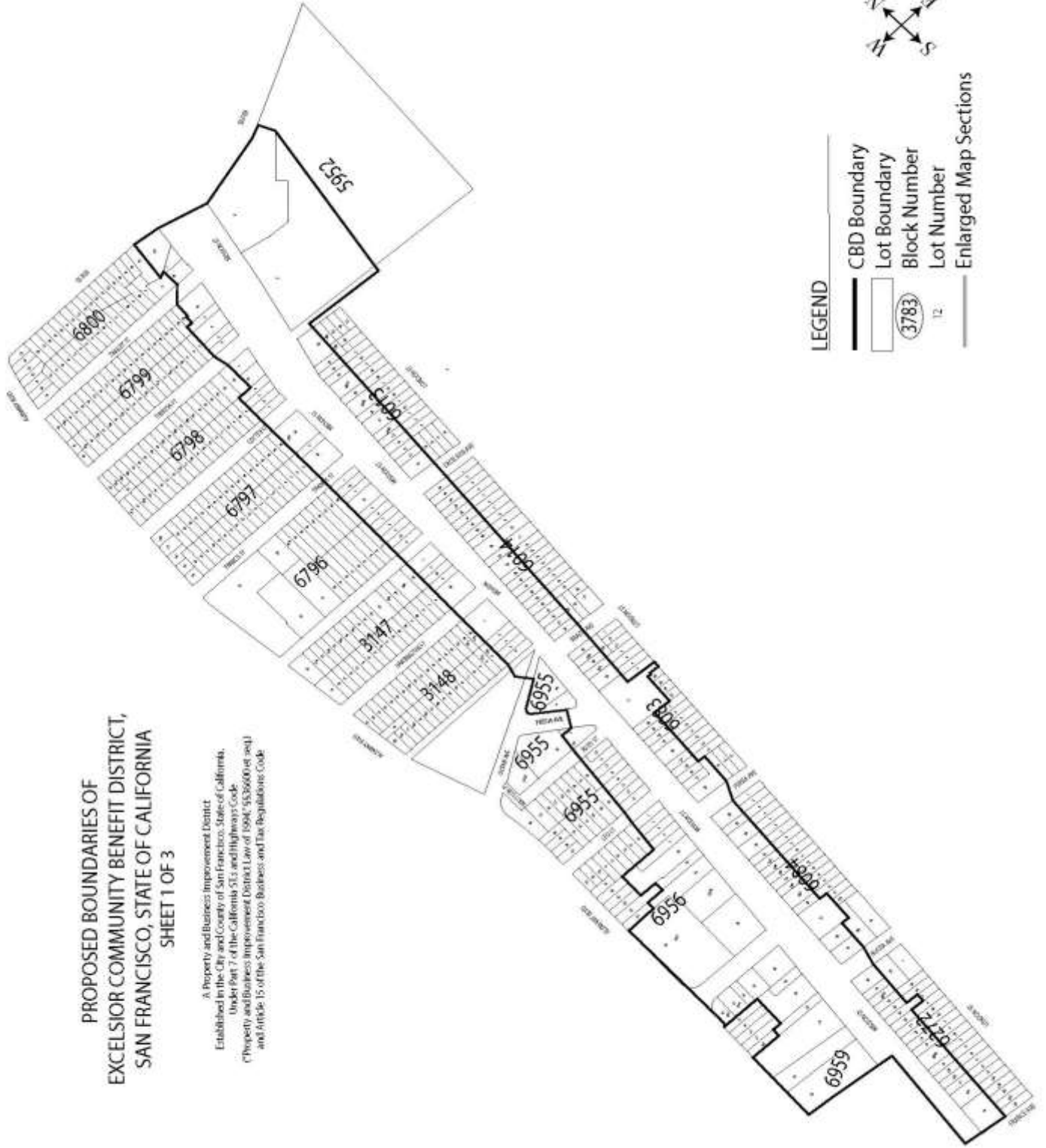
### **Excelsior CBD Boundaries**

The Excelsior CBD consists of approximately 17 whole or partial blocks and approximately 195 parcels. In general, the Excelsior CBD is made up of parcels facing on both sides of Mission. Parcels included on Mission begin at Silver Avenue on the north and continue to France Avenue in the south. Parcels on Onondaga Avenue between Alemany Boulevard and Mission street are included.






The Excelsior CBD boundaries are illustrated by the map on pages 8-10.

**PROPOSED BOUNDARIES OF  
EXCELSIOR COMMUNITY BENEFIT DISTRICT,  
SAN FRANCISCO, STATE OF CALIFORNIA  
SHEET 1 OF 3**

A Property and Business Improvement District  
Established in the City and County of San Francisco, State of California,  
Under Part 7 of the California S.E. and Highway Code  
(Property and Business Improvement District Law of 1994 (S.B. 600 et seq.)  
and Article 15 of the San Francisco Business and Tax Regulations Code



**LEGEND**

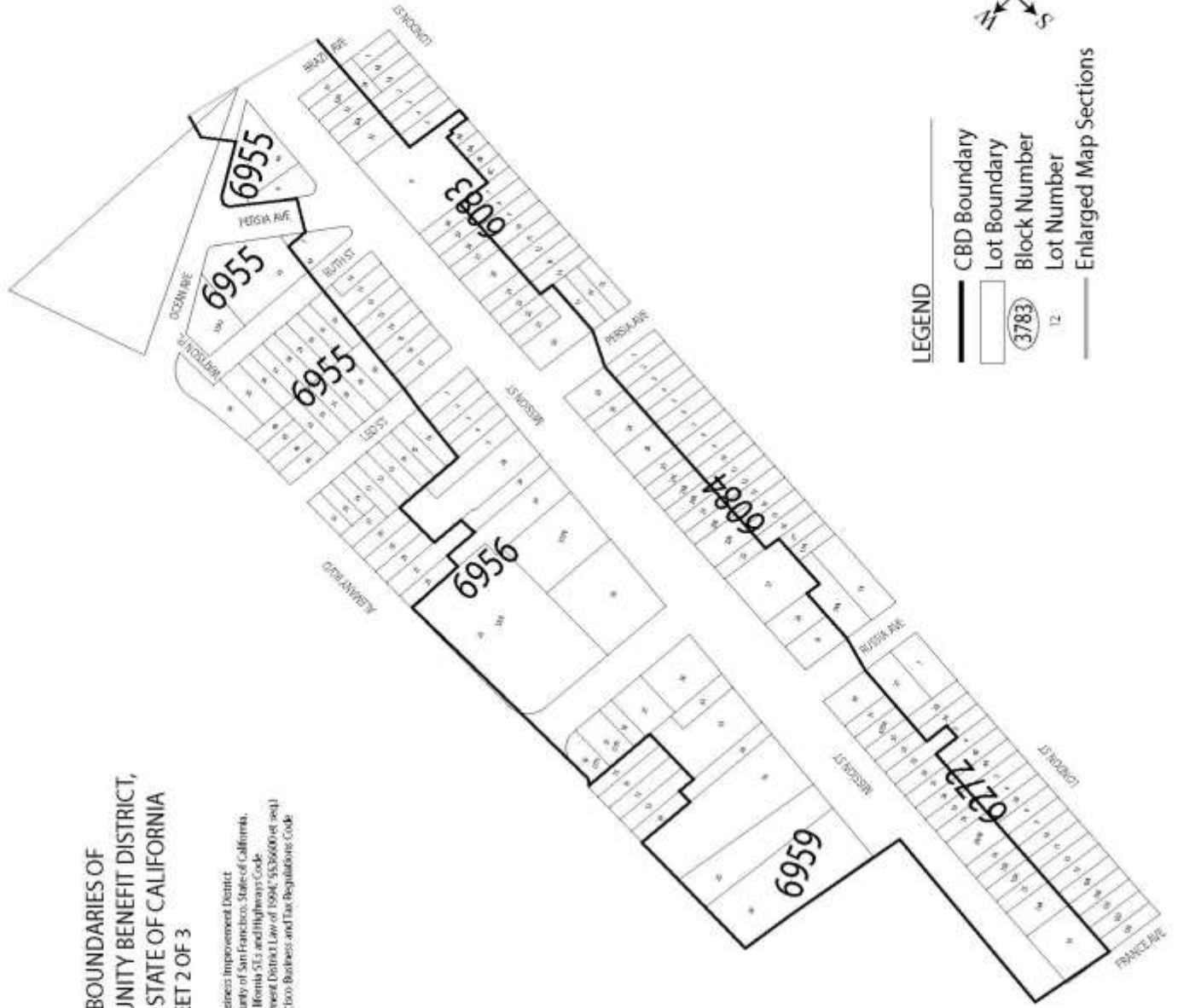
-  CBD Boundary
-  Lot Boundary
-  Block Number
-  Lot Number
-  Enlarged Map Sections





**PROPOSED BOUNDARIES OF  
EXCELSIOR COMMUNITY BENEFIT DISTRICT,  
SAN FRANCISCO, STATE OF CALIFORNIA  
SHEET 2 OF 3**

A Property and Business Improvement District  
Established in the City and County of San Francisco, State of California,  
Under Part 7 of the California S.E. and Highway Code  
(Property and Business Improvement District Law of 1994 (S.B. 600 et seq.)  
and Article 15 of the San Francisco Business and Tax Regulations Code



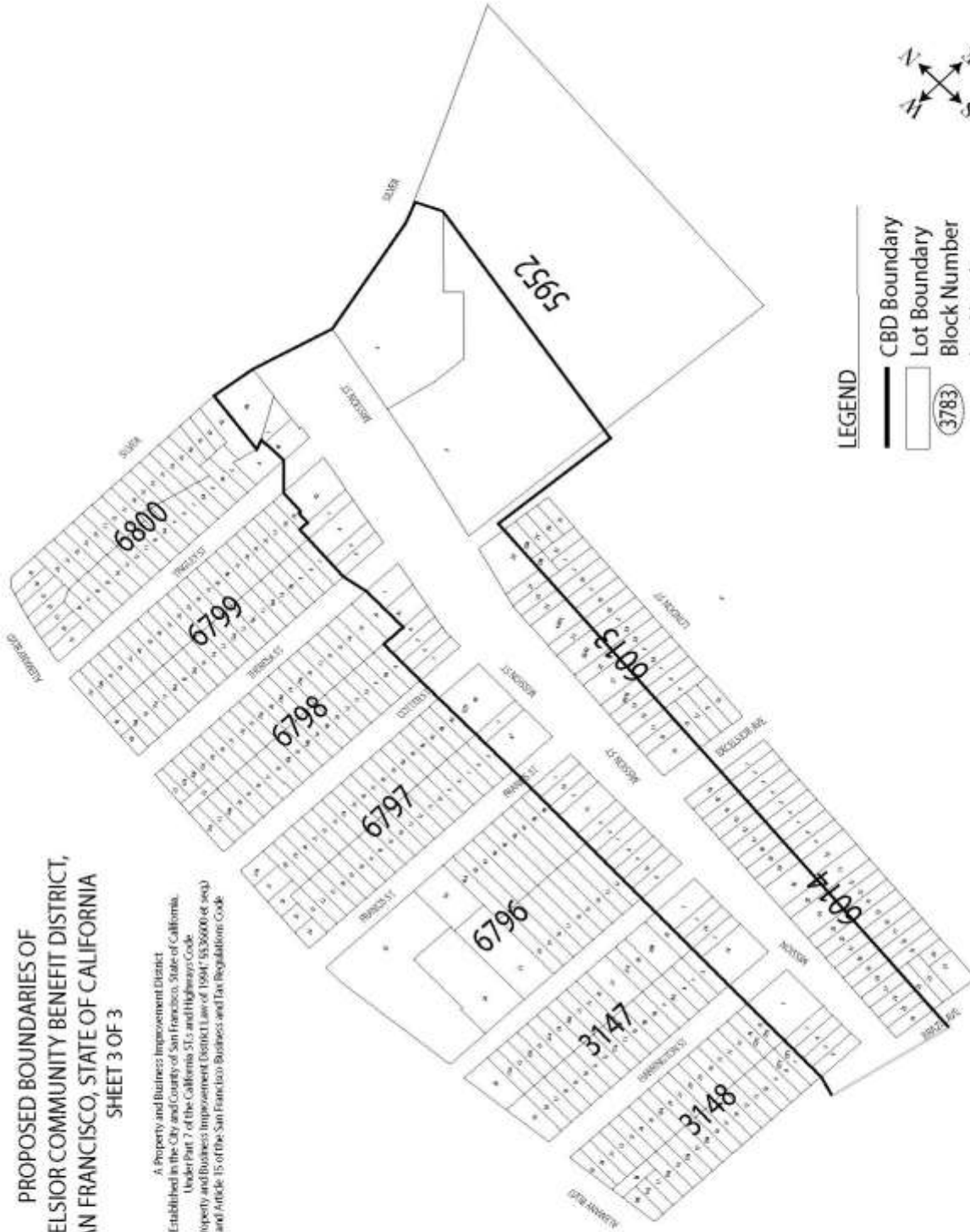
**LEGEND**

- CBD Boundary
- Lot Boundary
- Block Number
- Lot Number
- Enlarged Map Sections








**PROPOSED BOUNDARIES OF  
EXCELSIOR COMMUNITY BENEFIT DISTRICT,  
SAN FRANCISCO, STATE OF CALIFORNIA  
SHEET 3 OF 3**

A Property and Business Improvement District  
Established in the City and County of San Francisco, State of California,  
Under Part 7 of the California S.T. and Highway Code  
(Property and Business Improvement District Law of 1994) (S.B. 600 (4 sep))  
and Article 15 of the San Francisco Business and Tax Regulations Code



**LEGEND**

-  CBD Boundary
-  Lot Boundary
-  Block Number
-  Lot Number
-  Enlarged Map Sections

## **Section 3**

### **District Improvement and Activity Plan**

#### **Process to Establish the Improvement and Activity Plan**

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Beginning in 2017, the San Francisco Planning Department, the Office of Economic and Workforce Development (OEWD), and the Excelsior Action Group, a local nonprofit focused on commercial corridor improvement, worked in coordination to design a multi-pronged community outreach and engagement process to develop goals, strategies, and action items to support, sustain, and enhance the Excelsior and Outer Mission neighborhood and commercial corridors.

The highly participatory process began with an open house on May 5, 2017. More than ten City agencies shared information about current and planned programs and projects for the area, received feedback from residents, and answered questions. Attendees shared their opinions on neighborhood assets, challenges, and visions for the future.

Following the open house, a series of smaller workshops were held from May through July 2017 with high school students, neighborhood residents, seniors, merchants, and other stakeholders. The workshops helped identify aspirations and ideas for improvements in the neighborhood and commercial corridors.

A working group was developed and was tasked with reaching consensus on 1) a vision statement, 2) goals, 3) strategies. The Working Group was composed of diverse neighborhood stakeholders and helped guide the final neighborhood strategy document.

In summer 2017 a survey was conducted to gather more data. The survey was disseminated online and in paper in four languages: English, Spanish, Chinese, and Tagalog. The survey was distributed at workshops, on street corners, online, and at community meetings. Over 972 participants completed survey questions about business, transportation, infrastructure, and housing. Survey results were provided to the Working Group and many similar themes were identified in the survey and the workshops: how to improve the Neighborhood Commercial corridor.

As the process unfolded, Working Group members and City staff recognized certain community voices were not represented. These were often voices of linguistically isolated people, renters, business owners, and youth. Through collaboration with local community leaders and organizations, the City hosted eight Focused Conversations to gather opinions from often unheard or overlooked populations. Focused Conversations were facilitated in multiple languages and designed to be culturally relevant. Over 80 people attended Focused Conversations.

The results of this process determined that both cleanliness and safety were ongoing needs on the commercial corridor. The establishment of a Community Benefit District along the Excelsior Commercial corridor was considered a strategy, goal, and potential key next step following the completion of the strategy. The Excelsior Outer Mission Strategy was finalized in fall 2018.

In early 2019 merchants, property owners, and other stakeholders began reaching out to each other and OEWD about forming a CBD in the area. In the fall of 2019, the Steering Committee initiated a series of meetings to discuss establishing the Excelsior CBD to fund enhanced improvements and activities in the District. The primary needs as determined by the parcel owners were: cleaning, safety, beautification, marketing, economic development and administration. All of the services to be provided, such as the cleaning and beautification work provided, are services that are over and above the City's baseline of services and are not provided by the City.

The proposed services are based on the needs of each assessed parcel within the Excelsior CBD, and will provide particular and distinct benefits to each of those parcels. Each of the services provided by the Excelsior CBD are designed to meet the needs of the retail, residential, education, parking, non-profit, publicly-owned, office, and mixed-use parcels that make up the Excelsior CBD and provide special benefit to each of the assessed parcels. The services are provided only to the assessed parcels and are not provided to parcels outside the Excelsior CBD.

The total improvement and activity plan budget for the Excelsior CBD in 2023 is projected at \$349,500.00. Of the total budget, \$340,762.50 is attributable to providing special benefits and is therefore funded by property assessments. General benefit from the Excelsior CBD budget is calculated to be \$8,737.50 and is not funded by assessment revenue. The costs of providing each of the budget components were developed from actual experience obtained in providing these services to properties in other San Francisco CBDs for the past 15 years. Actual service hours and frequency may vary in order to match varying District needs over the ten-year life of the Excelsior CBD. A detailed operation deployment for 2023 will be available from the property owner's association during the first quarter of 2023. The budget is made up of the following components:

## **Clean and Beautiful**

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### **Clean and Beautiful Program**

In order to consistently deal with cleaning issues, a Clean and Beautiful Program will provide a multi-dimensional approach consisting of the following elements. The clean team will only provide service to properties within District boundaries. The special benefit to parcels from these services is increased commercial activity which directly relates to increases in lease rates and customer usage and quality of life for district businesses and residents. Services may include, but are not limited to, the following:

- **Sidewalk Cleaning:** Uniformed, radio equipped personnel sweep litter, debris and refuse from sidewalks and gutters of the District. District personnel may pressure wash the sidewalks. Paper signs and handbills that are taped or glued on property, utility boxes, poles and telephones are removed. Clean sidewalks support an increase in commerce and provides a special benefit to each individually assessed parcel in the district.
- **Sidewalk Pressure Washing:** District personnel may pressure wash the sidewalks. Clean sidewalks support an increase in commerce and provides a special benefit to each individually assessed parcel in the district.
- **Trash Collection:** Collector truck personnel collect trash from sidewalk trash receptacles as needed. They are also dispatched to collect stolen shopping carts and large bulky items illegally

dumped in the District.

- **Graffiti Removal:** Painters remove graffiti by painting, using solvent and pressure washing. The District maintains a zero-tolerance graffiti policy. An effort is made to remove all tags within 24 hours on weekdays.
- **Landscape Maintenance:** Weeding of District tree wells and sidewalk cracks.

The Clean Team will only operate within District boundaries. The special benefit to assessed parcels from these services result in increased commercial activity, which directly relates to increased building occupancy and customer usage. Dirty and unclean sidewalks deter pedestrians and commercial activity.

## **Marketing and Economic Development**

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The marketing and economic development activities consist of services provided directly to the assessed parcels: for example, the district will promote local businesses, help property owners attract tenants through advertising, neighborhood branding and storefront improvement efforts. The District will highlight the special benefits that the assessed parcels are receiving through a website, district marketing and special events. These activities will specially benefit each assessed parcel by encouraging business development and investment and increased commercial activity (e.g., filling of vacant storefronts and offices, increased lease rates for retail and office space). Decisions on where to shop, eat or attend events are largely based on a perception of the place. If these activities were not communicated it would be a deterrent to pedestrian traffic, business and commerce for the assessed parcels.

The programs being considered include, but are not limited to, the following:

- Events
- Branding, Marketing, Media Relations
- Website
- District Stakeholder Outreach
- A program to activate public spaces in the District may be developed.
- A program of temporary and permanent art, including performing art, and art workspaces may be developed.

## **Administration**

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The improvements and activities are managed by a professional staff that requires centralized administrative support. Administration staff oversees the Excelsior CBD's services, which are delivered six days a week. Administration staff actively work on behalf of the Excelsior CBD parcels and advocate to ensure that City and County services and policies support the Excelsior CBD. Included in this item are grant writing expenses, office expenses, professional services, organizational expenses such as insurance, and the cost to conduct a yearly financial review. Excelsior CBD funds from Administration may be used for renewing the Excelsior CBD.

A well-managed Excelsior CBD provides necessary Excelsior CBD program oversight and guidance that produces higher quality and more efficient programs. Administration staff implement the programs and services of the Excelsior CBD. The special benefit to assessed parcels from these services is

increased commercial activity, which directly relates to increased building occupancy and enhanced commerce.

## **Section 4 Excelsior CBD Assessment Budget**

### **Ten-Year Operating Budget**

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A projected ten-year operating budget for the Excelsior CBD is provided below. The projections are based upon the following assumptions:

The cost of providing programs and services may vary depending on the change in market cost for those programs and services. Expenditures may require an annual adjustment up or down to continue the intended level of programs and services. In no case shall these annual assessment increases exceed that year's increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI). Assessments may also increase based on development in the Excelsior CBD. Annual adjustments in assessment rates will be subject to the approval of the Excelsior CBD Owners' Association. The projections below illustrate a 5% annual increase as an example for all budget items for the purpose of this Management District Plan.

The Owners' Association shall have the right to reallocate up to 10% by line item of the budget allocation within the budgeted categories. Any change beyond 10% will be subject to approval by the Owners' Association board of directors and submitted to the City and County of San Francisco within the CBD's annual planning report, pursuant to Section 36650 of the California Streets and Highways Code. The overall budget shall remain consistent with this Management District Plan. Each assessed parcel's assessment shall be no greater than its proportionate share of the special benefits received.

<b>Fiscal Year</b>	<b>Total Budget</b>
2023/24	\$349,500
2024/25	\$366,975
2025/26	\$385,324
2026/27	\$404,590
2027/28	\$424,819
2028/29	\$446,060
2029/30	\$468,363
2030/31	\$491,782
2031/32	\$516,371
2032/33	\$542,189

### **Future Development**

The above table is based on the Excelsior CBD's current development status and does not account for possible increases to assessments due to changes to the parcel characteristics that are used to allocate special benefits (e.g., building square footage). The amount of each parcel's assessment will depend on the existing assessment rates as well as the specific characteristics of the parcel, as explained in further detail below in Section 5. Each parcel will be assessed on a prorated basis from the date it

receives a temporary and/or permanent certificate of occupancy. Thus, changes to a parcel may result in corresponding revisions to the assessments. Over time, the total assessments levied in the Excelsior CBD likely will increase as parcels are developed. Parcels may also see assessments change as a result of changes to or from non-profit status.

## **Section 5 Assessment Methodology**

### **General**

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This Management District Plan provides for the levy of assessments to fund services and activities that specially benefit real property in the Excelsior CBD. These assessments are not taxes for the general benefit of the City, but are assessments on the parcels in the Excelsior CBD to cover the cost of providing those parcels special benefits.

### **Assessment Factors**

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Each parcel's proportional special benefit from the CBD activities is determined by analyzing two land use factors: Building Square Footage and Linear Street Frontage. These land use factors are an equitable way to identify the proportional special benefit that each of the parcels receive. Building square footage is relevant to the current use of a property and is also closely correlated to the potential pedestrian traffic from each parcel and the demand for CBD activities. A parcel's linear street frontage is relevant to the street level usage of a parcel and the demand for CBD activities. Together, these land use factors serve as the basic unit of measure to calculate how much special benefit each parcel receives in relationship to the district as a whole, which is the basis to then proportionately allocate the cost of the special benefits.

Building square footage is defined as the total building square footage as determined by the outside measurements of a building. The gross building square footage is taken from the County of San Francisco Assessor's records. Thirty percent (30%) of the assessment budget is allocated to the building square footage, to account for the special benefit to each parcel's current use and demand for district activities.

Linear street frontage is defined as the number of linear feet of each parcel that directly fronts a street that will receive the CBD activities. Alley front frontage is also included in this definition, if a parcel is on an alley and the alley is within the District and accessible to the public. Seventy percent (70%) of the assessment budget is allocated to Linear street frontage to account for the special benefit received at the street level of each parcel.

Each one of these land use factors represents the benefit units allocated to each specially benefitted parcel. The total number of benefit units in the CBD are as follows:

## **Assessable Footage**

	Commercial Residential	Non-Profit	TOTAL
Building Square Footage	1,076,073	30,242	1,106,315
Linear Street Frontage	6,482	1,327	7,809

**Non-Profit Parcels:** Non-profit owned properties specially benefit from the CBD activities, but differently than all other assessed parcels. Non-profit parcels are defined as parcels being owned by 501 c3 organizations. Non-profit parcels that have a mix of uses on one parcel receive differing levels of special benefit based on the type of use. Building square footage for non-profit mixed-use parcels is separated into non-profit uses and commercial/residential uses and assessed using the appropriate assessment rate. These property types will receive special benefit from the Clean and Beautiful activities and the Administration costs associated with the Clean and Beautiful Activities and will be assessed fully for them. However, they do not specially benefit from the Economic Development, Marketing, and Administration District programs. The Excelsior CBD Marketing, Economic Development and Administration programs are designed to provide special benefit to the retail, residential, parking, publicly-owned, office, and mixed-use parcels in the form of increased customers, lease rates, and commercial activity, none of which are a special benefit to non-profit use parcels. Thus, non-profit parcels will be assessed only in proportion to the special benefits they derive from Clean and Beautiful activities and the Administration activities that directly relates to the Clean and Beautiful services they receive.

## **Special Benefit Analysis**

The assessments outlined in this report are for property-related activities that are specifically intended for and directly benefitting each individual assessed parcel in the District. The activities provide special benefits because they affect the parcels in a way that is particular and distinct from how they affect other real property or the public at large. No parcel's assessment shall be greater than its proportionate share of the costs of the special benefits received.

Streets and Highways Code Section 36601(e) states that "Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits: (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied. (2) Job creation. (3) Business attraction. (4) Business retention. (5) Economic growth. (6) New investments."

The Excelsior CBD's goal is to fund activities and improvements to provide a cleaner and more attractive and economically vibrant environment. The goal of improving the economic vitality is to improve the cleanliness, appearance, and economic development of each individual specially benefitted parcel in an effort to increase commerce, to increase building occupancy and lease rates and to attract more customers, employees, tenants and investors.

Each parcel will specially benefit from:

- Cleaner sidewalks, streets, and common areas
- Greater pedestrian traffic



- Enhanced rental incomes
- Improved business climate
- New business and investment
- Well-managed CBD programs and services

Specifically, each parcel specially benefits from the Excelsior CBD activities as defined below.

### ***Clean and Beautiful***

The cleaning activities specially benefit each assessed parcel within the Excelsior CBD by providing a clean and aesthetically appealing environment. This is achieved through sidewalk sweeping and power washing, removing litter and graffiti, and trash removal. These activities create the environment needed to achieve the CBD's goals. Sidewalks that are dirty and unclean deter pedestrians and commercial activity.

The Clean and Beautiful activities are expected to provide special benefits to the assessed parcels in a variety of ways. For example:

- Maintaining and cleaning sidewalks in front of each parcel creates a cohesive environment and allows pedestrians to move freely throughout the Excelsior CBD. Sidewalks that are dirty and unkempt deter pedestrians and commercial activity. "Walkable communities offer many financial benefits, such as a reduction in healthcare costs. Homes with sidewalks tend to sell for more money and in less time than similar homes without sidewalks. Businesses also benefit as residents are more likely to shop locally when there is increased connectivity between residential and business/commercial districts. The well-maintained sidewalks, accessibility, and inviting atmosphere of downtown helps to attract tourists."<sup>1</sup>
- Removing graffiti from buildings to keep the aesthetic appeal uniform throughout the Excelsior CBD;
- The beautification activities specially benefit each assessed parcel by providing maintained landscaped corridors and art in public places. These activities create the environment needed to achieve the CBD's goals.

### ***Marketing/Economic Development***

The marketing and economic development activities consist of services provided directly to the assessed parcels, other than not-for-profit parcels. For example, the district will promote local businesses, help property owners attract tenants through advertising and neighborhood branding efforts, and highlight the special benefits that the assessed parcels are receiving through a website and district marketing and special events. These activities will specially benefit each assessed parcel by encouraging business development and investment and increased commercial activity (e.g., filling of vacant storefronts and offices, increased lease rates for retail and office space). Decisions on where to shop, eat or attend events are largely based on a perception of the place. If these activities were not communicated it would be a deterrent to pedestrian traffic, business and commerce for the assessed parcels.

### ***Administration***

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<sup>1</sup> "Benefits of Sidewalks", Iowa Healthiest State Initiative, November 1, 2017

The Excelsior CBD requires a professional staff to properly manage programs, communicate with stakeholders, advocate with City/County departments, and provide leadership. Each parcel will specially benefit from the Excelsior CBD Administration staff that will ensure that the Excelsior CBD services are provided and deployed as specifically laid out in this Engineer's Report and will provide leadership to represent the community with one clear voice.

### ***Special Benefit Conclusion***

Based on the special benefits each assessed parcel receives from the Excelsior CBD activities, we conclude that each of the proposed activities provides special benefits to the real property within the Excelsior CBD and that each parcel's assessment is in direct relationship to and no greater than the special benefits received.

The special benefit to parcels from the proposed Excelsior CBD activities and improvements described in this report is the basis for allocating the proposed assessments. Each individual assessed parcel's assessment does not exceed the reasonable cost of the proportionate special benefit it receives from the Excelsior CBD activities.

### ***General Benefit Analysis***

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As required by the State Constitution Article XIIID Section 4(a), the general benefits of an assessment district must be quantified and separated out so that the cost of the activities that are attributed to general benefit are deducted from the cost assessed against each specially benefitted parcel. General benefits are benefits from the Excelsior CBD activities and improvements that are not special in nature, are not "particular and distinct" and are not over and above the benefits that other parcels receive. This analysis will evaluate and determine the level of general benefits that (1) parcels inside of the Excelsior CBD, (2) parcels outside of the Excelsior CBD, and (3) the public at large may receive.

#### ***General Benefit to Parcels Inside the Excelsior CBD***

The Excelsior CBD provides funds for activities and improvements that are designed for and created to be provided directly to each individually assessed parcel within the Excelsior CBD. The benefits are particular and distinct to the assessed parcels, and thus 100% of the benefits conferred on these parcels are special in nature and 0% of the Excelsior CBD activities provide a general benefit to parcels in the Excelsior CBD boundary.

#### ***General Benefit to Parcels Outside of the Excelsior CBD***

All the Excelsior CBD activities and improvements are provided directly to each of the individual assessed parcels in the Excelsior CBD boundary. Each of the CBD activities is provided to the public right-of-ways (streets, sidewalks) adjacent to all specially benefitted parcels or tenants in the Excelsior CBD. The Excelsior CBD is a linear district in which all parcels primarily fronting Mission Street will receive the CBD activities. Corner parcels fronting on Mission Street and another street will receive services on both sides and will be assessed on both sides. As such, none of the parcels outside of the District will directly receive any of the Excelsior CBD activities. Any benefits these parcels may receive are incidental to providing special benefits to the assessed parcels, and thus any cost associated with the incidental benefits is not reduced from the cost of providing special benefit.

#### ***General Benefit to the Public At Large***

In addition to the general benefit analysis to the parcels outside of the Excelsior CBD boundary, there may be general benefits to the public at large, i.e., those people that are in the Excelsior CBD boundary

and not specially benefitted from the CBD activities. In order to analyze the public that may be generally benefitted we need to quantify the number of pedestrians within the CBD boundary that do not and will not engage in commerce regardless of the CBD activities.

To quantify the public that may be generally benefitting, volunteers conducted intercept surveys within the CBD boundary to determine to what proportion of respondents engage in any type of business activity (going to a restaurant; shopping; going to the gym or school; conducting personal business, e.g. visiting a bank, beauty salon, tailor, dry cleaner) versus those that are just passing through the district without any intent of engaging in commerce regardless of the provided CBD activities. The survey covered 326 participants and was conducted on December 14<sup>th</sup>, 19<sup>th</sup>, and 21<sup>st</sup>, 2019 at separate locations within the CBD with all efforts made to include an unbiased cross section of participants. The survey analysis report is attached to the Engineer's Report (Attachment A).

Of the 326 respondents, 97.5% responded that they were engaging in some type of commerce within the District, with 41.0% responding that shopping was their primary purpose for being in the district, while 30.9% were engaging in personal business, 13.6% were dining, and 12% were there for entertainment, going to a gym, church or school. When CBD services reach these respondents, it translates to a special benefit to the parcels within the CBD. The remaining 2.5% of the respondents indicated that they were "just passing through" the district with no intent to engage in any business activity that day or another day in the past month. Thus, 2.5% percent of the CBD services do not result in special benefits and instead provide general benefits to the public.

### ***Total General Benefits***

Using the sum of the three measures of general benefit described above, we find in year one that \$8,737.50 (2.5% of the CBD budget) may be general in nature and will be funded from sources other than special assessments.

### **Calculation of Assessments**

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The proportionate special benefit derived by each identified parcel shall be determined in relationship to the special benefits provided by the services across the entire Excelsior CBD. The proposed services are narrowly defined to confer a particular and distinct benefit to the parcels within the Excelsior CBD. To pay for these special benefits, these parcels will be assessed at a rate that covers each parcel's proportionate share of the special benefits received. Only special benefits are assessable and these benefits must be separated from any general benefits. The Engineer's Report has calculated that 2.5% of the benefits provided by the Excelsior CBD are general in nature, and cannot be paid for with assessments. Assessments will cover the remaining 97.5% of the CBD budget. (See page 11 of the Engineer's Report for discussion of general and special benefits.)

### **Benefit Zones**

Article XIID of the California Constitution requires that special assessments be levied according to the special benefit each individual parcel receives from the improvements. In order to match assessments to special benefits, the levels of appropriate service delivery were determined by analyzing the current conditions of the Excelsior CBD and quantifying the amount of clean, safe and beautiful services that are needed to be delivered to parcels, and projecting future needs over the term of the Excelsior CBD, in order to produce a common level of cleanliness for each parcel throughout the Excelsior CBD. All parcels within the Excelsior CBD will receive services and be assessed using the same assessment method and rate structure.

**Assessments**

Based on the special benefit factors and assessment methodology discussed in the Engineer’s Report and herein, the following illustrates the first year’s maximum annual assessment rates:

	<b>Commercial Residential</b>	<b>Non-Profit</b>
Building Square Foot Rate	\$0.09283	\$0.07740
Linear Street Frontage Foot Rate	\$31.56167	\$25.58478

**Assessment Rate Calculation**

The assessment rates are determined by the following calculations:

**All Parcels Clean & Beautiful and Administration portion of Clean & Beautiful Assessment Budget = \$285,416.50**

Assessment budget allocated to building square footage x 30% = \$85,624.95

Assessment budget allocated to linear street frontage x 70% = \$199,791.55

Building Square Footage Assessment Rate (all parcels):

Assessment budget \$85,624.95 / 1,106,315 building sq. ft. = \$0.07740

Linear Street Frontage Assessment Rate all parcels (all parcels):

Assessment budget \$199,791.55 / 7,809 street front ft. = \$25.58478

**All Parcels (except non-profit) Marketing and Economic Development and Administration portion of Marketing and Economic Development District Budget = \$55,346.00**

Assessment budget allocated to building square footage x 30% = \$16,603.80

Assessment budget allocated to linear street frontage x 70% = \$38,742.20

Building Square Footage Assessment Rate:

Assessment budget \$16,603.80 / 1,076,073 building sq. ft. = \$0.01543

Linear Street Frontage Assessment Rate:

Assessment budget \$38,742.20 / 6,482 street frontage = \$5.97689

**Sample Parcel Assessment**

The assessment for a commercial parcel with 5,000 square feet of building, and 50 linear feet of street front footage is calculated as follows:

$$\begin{aligned} \text{Bldg square footage x the assessment rate (5,000 x \$0.09283)} &= \$464.15 \\ \text{Street front footage x the assessment rate (50 x \$31.56167)} &= \underline{\underline{\$1,578.08}} \end{aligned}$$

Initial annual parcel assessment \$2,042.23

The assessment for a non-profit with 5,000 square feet of building, and 50 linear feet of street front footage is calculated as follows:

Bldg square footage x the assessment rate (5,000 x \$0.07740) =	\$387.00
Street front footage x the assessment rate (50 x \$25.58478) =	<u>\$1,279.24</u>
Initial annual parcel assessment	\$1,666.24

### **Maximum Annual Assessment Adjustments**

The cost of providing programs and services may vary depending on the change in market cost for those programs and services. Expenditures may require an annual adjustment up or down to continue the intended level of programs and services. In no case shall these annual assessment increases exceed that year's increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI). Assessments may also increase based on development in the Excelsior CBD. Annual adjustments in assessment rates will be subject to the approval of the Excelsior CBD Owners' Association. Any change will be approved by the Owners' Association Board of Directors and submitted to the City within its annual planning report, pursuant to Section 36650 of the California Streets and Highways Code.

### **Budget Adjustments**

Any annual budget surplus will be rolled into the following year's Excelsior CBD budget. The budget will be set accordingly, within the constraints of the Management District Plan to adjust for surpluses that are carried forward. Excelsior CBD funds may also be used for renewal of the Excelsior CBD. Funds from an expired Excelsior CBD shall be rolled over into the renewed Excelsior CBD if one is established or returned to the property owners if one is not established, in accordance with Streets and Highways Code section 36671.

### **Assessment Roll Corrections**

If an error is discovered on a parcel's assessed footages or land use type, the Excelsior CBD may investigate and correct the error after confirming the correction with the San Francisco City and County Assessor Data. The correction will be made in accordance with the assessment methodology and may result in an increase or decrease to the parcel's assessment.

A property owner who believes that the assessment roll contains an error (for example, if it overstates the amount of assessable square footage) may submit a written request for review to the Owners' Association prior to April 1 of each year. Corrections shall be limited to the current assessment year and will not be considered for prior years.

### **Future Development**

The proposed assessment rates as defined above are based on the Excelsior CBD's current development status and does not account for possible increases to assessments due to changes in parcel characteristics that are used to allocate special benefits (e.g., building square footage). The amount of each parcel's assessment will depend on the existing assessment rates as well as the specific characteristics of the parcel, as explained in further detail above in Section 4. Each parcel will be assessed on a prorated basis from the date it receives a temporary and/or permanent certificate of occupancy. Thus, changes to a parcel may result in corresponding revisions to the assessments. Over

time the total assessments levied in the Excelsior CBD may increase as parcels are developed. Parcels may also see assessments change as a result of changes in to or from non-profit status. Parcels that experience a change in building square footage need to notify the Excelsior CBD of changes.

**Time and Manner for Collecting Assessments**

As provided by State Law, the Excelsior CBD assessment will appear as a separate line item on the annual San Francisco County property tax bills, or by a special manual bill prepared by the Excelsior CBD, and either paid in one lump sum or in two equal installments. Laws for enforcement and collection of property taxes also apply to the Excelsior CBD assessment.

**Disestablishment**

Each year that the Excelsior CBD is in existence, there will be a 30-day period during which property owners will have the opportunity to request disestablishment of the CBD. This 30-day period begins each year on the anniversary of the date the CBD was established. Within that 30-day period, if a written petition is submitted by the owners of real property who pay 50% or more of the assessments levied, the Board of Supervisors shall convene a hearing on whether to disestablish the Excelsior CBD. In addition, a majority of the Board of Supervisors (six members) may initiate disestablishment at any time based on misappropriation of funds, malfeasance, or violation of law in connection with management of the Excelsior CBD. And a supermajority (eight members) of the Board of Supervisors may initiate disestablishment proceedings for any reason. All outstanding bonds, financing leases, or similar obligations of the City payable from or secured by the CBD assessment must be paid prior to disestablishment of the CBD.

**Bond Issuance**

The Excelsior CBD will not issue Bonds.

**Public Property Assessments**

Proposition 218 provides that no parcel can be assessed for more than its fair share of special benefits, including public property. All publicly-owned parcels, including parcels owned by the State of California and City and County of San Francisco, will pay their proportional share of costs based on the special benefits conferred to those individual parcels. These parcels specially benefit from Excelsior CBD programs that provide an enhanced sense of safety and cleanliness, which makes employees and visitors, feel safe and increased use which translates into fulfilling their public service mission. Publicly-owned parcels also benefit from Excelsior CBD programs which increase exposure and awareness of Excelsior CBD amenities which in turn work to provide greater pedestrian traffic and increased use. The publicly-owned parcels and their assessments within the Excelsior CBD boundary are listed below.

City & County of San Francisco	6797 046	4400	Mission	PUB,VACANT LOT PUBLIC USE	\$3,156.17	0.93%
City & County of San Francisco	6959 016	45	ONONDAGA	COM,GARAGE	\$1,782.30	0.52%

City & County of San Francisco	6959 017	35	ONONDAGA	COM,GARAGE	\$1,949.39	0.57%
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## Section 6 Governance

The City and County of San Francisco may contract with a non-profit organization to provide the day-to-day operations of the Excelsior CBD. The non-profit organization will act as the Owners' Association and governing board for the Excelsior CBD. The role of the Owners' Association is consistent with similar Community Benefit Districts and management organizations throughout California. The Owners' Association determines budgets, assessment adjustments, and monitors service delivery.

The Owners' Association Board of Directors will represent a cross section of property owners found throughout the Excelsior CBD. The goal and spirit of the board's composition is to have a majority of property owners that pay Community Benefit District assessments, but also include representatives from businesses, residents, and stakeholders. At least 50% of the Board members will be property owners that pay an assessment and, per City requirements, at least 20% of the members be non-property-owning business owners within the Excelsior CBD boundary. A nominating committee develops an annual slate of board nominations, and nominations are voted on at an annual meeting of Excelsior CBD property owners.

## Section 7 Implementation Timetable

The Excelsior CBD is expected to be established and begin implementation of the Management District Plan on January 1, 2024. The Excelsior CBD will have a ten-year life through December 31, 2033. In order for the Excelsior CBD to meet the service begin date of January 1, 2024, the formation needs to adhere to the following schedule:

<b>Formation Schedule</b>	<b>Dates</b>
Petitions distributed to property owners	February 2022
Petition Drive concludes	March 2023
Board of Supervisors accepts petition results/sets public hearing date	April 2023
Ballots mailed to property owners	May 2023
Board of Supervisors holds public hearing and tabulates ballots	June 2023

## Section 8 Assessment Roll

APN	OWNER NAME	2024 Asmt	%
6797 046	CITY & COUNTY OF SAN FRANCISCO	\$3,156.17	0.93%
6959 016	CITY & COUNTY OF SAN FRANCISCO	\$1,782.30	0.52%
6959 017	CITY & COUNTY OF SAN FRANCISCO	\$1,949.39	0.57%
		<b>\$6,887.85</b>	<b>2.02%</b>

APN	2024 Asmt	%
3147 001	\$2,506.35	0.74%
3147 002	\$1,182.07	0.35%
3147 002A	\$1,182.07	0.35%
3147 003	\$1,160.35	0.34%
3147 030	\$4,316.48	1.27%
3148 001	\$4,502.80	1.32%
3148 003	\$1,021.11	0.30%
3148 004	\$1,132.50	0.33%
3148 005	\$1,090.73	0.32%
3148 006	\$1,241.57	0.36%
3206 003	\$3,550.65	1.04%
3206 004	\$1,995.80	0.59%
3206 005	\$2,053.17	0.60%
3206 031	\$5,554.28	1.63%
3207 001	\$3,527.47	1.04%
5952 003	\$49,215.20	14.44%
5952 004	\$0.00	0.00%
6013 014	\$1,980.95	0.58%
6013 016	\$1,058.24	0.31%
6013 017	\$997.90	0.29%
6013 018	\$1,067.52	0.31%
6013 019	\$1,255.50	0.37%
6013 021	\$2,234.83	0.66%
6013 022	\$1,262.46	0.37%
6013 023	\$1,044.31	0.31%



6013 025	\$1,125.54	0.33%
6013 026	\$1,119.23	0.33%
6013 027	\$1,025.75	0.30%
6013 033	\$706.51	0.21%
6013 034	\$451.79	0.13%
6013 035	\$426.17	0.13%
6013 036	\$451.14	0.13%
6013 037	\$452.54	0.13%
6013 038	\$457.64	0.13%
6013 039	\$426.17	0.13%
6013 040	\$455.32	0.13%
6013 041	\$457.08	0.13%
6013 044	\$370.10	0.11%
6013 045	\$391.08	0.11%
6013 046	\$372.15	0.11%
6013 049	\$317.47	0.09%
6013 050	\$342.16	0.10%
6013 051	\$340.31	0.10%
6013 052	\$345.13	0.10%
6013 053	\$343.28	0.10%
6013 054	\$345.13	0.10%
6013 055	\$343.28	0.10%
6013 056	\$317.47	0.09%
6013 057	\$342.16	0.10%
6013 058	\$340.31	0.10%
6013 059	\$345.13	0.10%
6013 060	\$343.28	0.10%
6013 061	\$345.13	0.10%
6013 062	\$343.28	0.10%

6014 024	\$1,088.87	0.32%
6014 025	\$974.69	0.29%
6014 026	\$1,062.32	0.31%
6014 027	\$1,096.02	0.32%
6014 028	\$1,067.52	0.31%
6014 029	\$974.69	0.29%
6014 030	\$974.69	0.29%
6014 031	\$1,184.20	0.35%
6014 032	\$1,066.13	0.31%
6014 033	\$974.69	0.29%
6014 034	\$1,949.39	0.57%
6014 035	\$1,090.17	0.32%
6014 036	\$1,949.39	0.57%
6014 038	\$1,267.10	0.37%
6014 039	\$1,104.65	0.32%
6014 040	\$988.62	0.29%
6014 041	\$1,102.70	0.32%
6014 042	\$1,211.12	0.36%
6014 043	\$1,104.65	0.32%
6014 044	\$1,104.65	0.32%
6014 045	\$1,100.94	0.32%
6014 046	\$1,359.92	0.40%
6083 006	\$6,616.68	1.94%
6083 020	\$2,506.35	0.74%
6083 021	\$974.69	0.29%
6083 022	\$982.77	0.29%
6083 023	\$974.69	0.29%
6083 024	\$974.69	0.29%
6083 027	\$1,097.23	0.32%
6083 028	\$1,113.93	0.33%
6083 029	\$1,058.24	0.31%
6083 030	\$1,081.45	0.32%
6083 032	\$1,769.02	0.52%
6083 032A	\$965.04	0.28%
6083 033	\$916.68	0.27%
6083 033A	\$951.49	0.28%
6083 036	\$2,097.91	0.62%

6083 037	\$1,241.57	0.36%
6084 019	\$5,267.90	1.55%
6084 020	\$2,181.46	0.64%
6084 021	\$4,084.43	1.20%
6084 023	\$974.69	0.29%
6084 023A	\$2,240.86	0.66%
6084 023B	\$1,158.03	0.34%
6084 024	\$977.02	0.29%
6084 024A	\$1,090.73	0.32%
6084 024B	\$1,044.31	0.31%
6084 024C	\$1,246.49	0.37%
6084 025	\$1,109.29	0.33%
6084 026	\$2,497.07	0.73%
6084 028	\$2,497.07	0.73%
6084 030	\$1,339.41	0.39%
6084 033	\$2,288.21	0.67%
6272 014	\$3,926.63	1.15%
6272 014A	\$2,042.22	0.60%
6272 015	\$1,074.48	0.32%
6272 015A	\$900.43	0.26%
6272 015B	\$999.20	0.29%
6272 016	\$1,021.11	0.30%
6272 018	\$1,227.28	0.36%
6272 019	\$1,123.22	0.33%
6272 020	\$967.73	0.28%
6272 021	\$1,049.70	0.31%
6272 022	\$1,366.42	0.40%
6272 023	\$890.32	0.26%
6272 025	\$921.32	0.27%
6272 030	\$3,481.03	1.02%
6272 031	\$1,317.04	0.39%
6272 033	\$937.56	0.28%
6272 039	\$280.99	0.08%
6272 040	\$317.47	0.09%
6272 041	\$330.56	0.10%
6272 042	\$337.80	0.10%
6272 043	\$331.95	0.10%
6272 044	\$337.80	0.10%

6272 045	\$331.95	0.10%
6272 047	\$299.46	0.09%
6272 048	\$306.89	0.09%
6272 049	\$313.66	0.09%
6272 050	\$313.66	0.09%
6796 001	\$1,160.35	0.34%
6796 001A	\$1,144.57	0.34%
6796 002	\$1,244.63	0.37%
6796 005	\$828.62	0.24%
6796 006	\$1,067.52	0.31%
6796 007	\$1,016.75	0.30%
6796 008	\$1,021.11	0.30%
6796 009	\$1,011.83	0.30%
6796 010	\$1,156.26	0.34%
6796 011	\$1,011.83	0.30%
6796 051	\$2,042.22	0.60%
6797 003	\$974.69	0.29%
6797 047	\$3,202.56	0.94%
6798 001	\$2,598.25	0.76%
6798 004	\$915.10	0.27%
6798 005	\$1,009.50	0.30%
6798 006	\$927.91	0.27%
6798 007	\$901.55	0.26%
6798 041	\$1,763.74	0.52%
6799 003	\$1,057.56	0.31%
6799 004	\$1,969.25	0.58%
6799 005	\$825.37	0.24%
6799 006	\$1,429.54	0.42%
6799 042	\$2,454.38	0.72%
6800 001	\$1,799.02	0.53%
6800 044	\$3,445.77	1.01%
6800 045	\$1,595.91	0.47%
6955 004	\$3,097.11	0.91%
6955 010	\$1,151.53	0.34%
6955 011	\$1,324.56	0.39%
6955 012	\$985.09	0.29%
6955 013	\$1,087.85	0.32%
6955 014	\$829.89	0.24%
6955 015	\$929.40	0.27%
6955 016	\$1,174.74	0.34%
6955 017	\$1,531.66	0.45%

6955 043	\$1,168.70	0.34%
6955 044	\$4,002.67	1.17%
6956 001	\$1,137.61	0.33%
6956 002	\$1,093.51	0.32%
6956 003	\$1,062.88	0.31%
6956 004	\$1,444.86	0.42%
6956 005	\$1,339.50	0.39%
6956 023	\$4,892.06	1.44%
6956 024	\$2,559.17	0.75%
6956 026	\$2,105.34	0.62%
6956 028	\$2,955.09	0.87%
6956 035	\$6,052.35	1.78%
6956 036	\$10,638.83	3.12%
6959 018	\$873.98	0.26%
6959 019	\$2,635.23	0.77%
6959 025	\$1,279.24	0.38%
6959 026	\$2,558.48	0.75%
6959 027	\$2,280.79	0.67%
6959 028	\$7,096.52	2.08%
6959 029	\$1,113.93	0.33%
6959 032	\$1,279.72	0.38%
6959 033	\$5,176.06	1.52%
Total Private Parcels	\$333,874.65	97.98%
Total Publicly Owned Parcels	\$6,887.85	2.02%
<b>Total All Parcels</b>	<b>\$340,762.50</b>	<b>100.00%</b>

**Attachment A**

**Excelsior  
Community Benefit District**

**Engineer's Report**



**San Francisco, California**  
**March 2023**

***Prepared by:***  
**Kristin Lowell Inc.**

*Prepared under Article XIID of the California State Constitution and the State of California Property and Business Improvement District Law of 1994 as augmented by Article 15 of the San Francisco Business and Tax Regulations Code to authorize a Community Benefit District*

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## ENGINEER'S STATEMENT

This Report is prepared pursuant to Article XIID of the California State Constitution (Proposition 218) and the State of California Property and Business Improvement District Law of 1994 as augmented by Article 15 of the San Francisco Business and Tax Regulations Code.

The Excelsior Community Benefit District ("Excelsior CBD") will provide activities that are either currently not provided or are above and beyond what the City of San Francisco provides. These activities will specially benefit each individual assessable parcel in the Excelsior CBD. Every individual assessed parcel within the Excelsior CBD receives special benefit from the activities identified under Section B of this Report. Only those individual assessed parcels within the Excelsior CBD receive the special benefit of these proposed activities; parcels contiguous to and outside the Excelsior CBD and the public at large may receive a general benefit, as outlined in Section E. The cost to provide general benefits, if any, will be funded from sources other than special assessments.

The duration of the proposed Excelsior CBD is ten (10) years, commencing January 1, 2024. An estimated budget for the Excelsior CBD improvements and activities is set forth in Section D. Assessments will be subject to an annual increase per year not to exceed that year's increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI). Any increase will be determined by the Owners' Association. Funding for the Excelsior CBD improvements and activities shall be derived from a property-based assessment levied on each specially benefitted parcel in the Excelsior CBD. A detailed description of the methodology for determining the proportional special benefit each individual assessable parcel receives from the service and the assessment for each parcel is set forth in Section G.

I hereby certify to the best of my professional knowledge that each of the identified assessable parcels located within the Excelsior CBD will receive a special benefit over and above the benefits conferred to those parcels outside of the Excelsior CBD boundary and to the public at large and that no parcel's assessment will exceed the reasonable cost of the proportional special benefits conferred on that parcel.



Respectfully submitted,

Terrance E. Lowell, P.E.



## SECTION A: LEGISLATIVE AND JUDICIAL REVIEW

### **Property and Business Improvement District Law of 1994**

Streets and Highways Code Section 36600 et seq. (the "1994 Act"), as augmented by Article 15 of the San Francisco Business and Tax Regulations Code, authorizes the City to levy assessments upon real property for the purposes of providing improvements and activities that specially benefit each individual assessed parcel in the Excelsior CBD. The purpose of the Excelsior CBD is to encourage commerce, investment, business activities and improve residential serving uses. In order to meet these goals, CBDs typically fund activities and improvements such as enhanced safety and cleaning and neighborhood beautification. Unlike other assessment districts which fund the construction of public capital improvements or maintenance thereof, CBDs provide activities and improvements "to promote the economic revitalization and physical maintenance of the business districts of their cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts." (Streets and Highways Code Section 36601(b)). The improvements and activities funded through the Excelsior CBD are over and above those already provided by the City within the Excelsior CBD's boundaries. Each of the Excelsior CBD activities or improvements is intended to increase building occupancy and lease rates, to encourage new business development, attract residential serving businesses and services, and improve the quality of life for its residents.

Specifically, the 1994 Act defines "Improvements" and "Activities" as follows:

*"Improvement" means "the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years..."<sup>1</sup>*

*"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:*

- (a) Promotion of public events.*
- (b) Furnishing of music in any public place.*
- (c) Promotion of tourism within the district.*
- (d) Marketing and economic development, including retail retention and recruitment.*
- (e) Providing safety, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.*
- (f) Other services provided for the purpose of conferring special benefit upon assessed businesses and real property located in the district.<sup>2</sup>*

### **Article XIID of the State Constitution**

In 1996, California voters approved Proposition 218, codified in part as Article XIID of the State Constitution. Among other requirements, Article XIID changes the way local agencies enact local taxes and levy assessments on real property. It states, in relevant part, that:

*(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*

<sup>1</sup> California Streets and Highways Code, Section 36610.

<sup>2</sup> California Streets and Highways Code, Section 36606.

*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.<sup>3</sup>*

*"Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."<sup>4</sup>*

### **Judicial Guidance**

Since the enactment of Article XIID, the courts have rendered opinions regarding various aspects of Article XIID. Notable portions of these cases are noted below.

*"The engineer's report describes the services to be provided by the [district]; (1) security, (2) streetscape maintenance (e.g., street sweeping, gutter cleaning, graffiti removal), and (3) marketing, promotion, and special events. They are all services over and above those already provided by the City within the boundaries of the [district]. And they are particular and distinct benefits to be provided only to the properties within the [district], not to the public at large—they 'affect the assessed property in a way that is particular and distinct from [their] effect on other parcels and that real property in general and the public at large do not share."<sup>5</sup>*

*"...separating the general from the special benefits of a public improvement project and estimating the quantity of each in relation to the other is essential if an assessment is to be limited to the special benefits."<sup>6</sup>*

*"...the agency must determine or approximate the percentage of the total benefit conferred by the service or improvement that will be enjoyed by the general public and deduct that percentage of the total cost of the service or improvement from the special assessment levied against the specially benefitted property owners."<sup>7</sup>*

*"...even minimal general benefits must be separated from special benefits and quantified so that the percentage of the cost of services and improvements representing general benefits, however slight, can be deducted from the amount of the cost assessed against specially benefitting properties."<sup>8</sup>*

The contents of this Engineer's Report are prepared in compliance with the above noted authorizing legislation, the State Constitution, and judicial opinions.

<sup>3</sup> Section 4, Article XIID of the State Constitution.

<sup>4</sup> Section 2 (i), Article XIID of the State Constitution.

<sup>5</sup> Dahms v. Downtown Pomona Property and Business Improvement District (2009) 174 Cal.App. 4th 708, 722.

<sup>6</sup> Beutz v. County of Riverside (2010) 184 Cal. App. 4th 1516, 1532.

<sup>7</sup> Golden Hill Neighborhood Association, Inc. v. City of San Diego (2011) 199 Cal.App. 4th 416, 438.

<sup>8</sup> Golden Hill Neighborhood Association, Inc. v. City of San Diego (2011) 199 Cal.App. 4th 416, 439.

## SECTION B: IMPROVEMENTS AND ACTIVITIES

In the fall of 2019, property owners and business owners within the proposed District formed a Steering Committee to provide oversight and input to the district establishment process. The Steering Committee initiated a series of meetings to discuss establishing the Excelsior CBD to fund enhanced improvements and activities in the District. The primary needs as determined by the parcel owners were: cleaning, beautification, marketing, economic development and administration. All of the services to be provided are over and above the City's baseline of services and are not provided by the City.

### **Clean and Beautiful**

#### **Clean and Beautiful Program**

In order to consistently deal with cleaning issues, a Clean and Beautiful Program will provide a multi-dimensional approach consisting of the following elements. The clean team will only provide service to properties within District boundaries. The special benefit to parcels from these services will result in increased commercial activity which directly relates to increases in lease rates and customer usage and quality of life for district businesses and residents. Services may include, but are not limited to, the following:

- **Sidewalk Cleaning:** Uniformed, radio equipped personnel sweep litter, debris and refuse from sidewalks and gutters of the District. District personnel may pressure wash the sidewalks. Paper signs and handbills that are taped or glued on property, utility boxes, poles and telephones are removed. Clean sidewalks support an increase in commerce and provides a special benefit to each individually assessed parcel in the district.
- **Sidewalk Pressure Washing:** District personnel may pressure wash the sidewalks. Clean sidewalks support an increase in commerce and provides a special benefit to each individually assessed parcel in the district.
- **Trash Collection:** Collector truck personnel collect trash from sidewalk trash receptacles as needed. They are also dispatched to collect stolen shopping carts and large bulky items illegally dumped in the District.
- **Graffiti Removal:** Painters remove graffiti by painting, using solvent and pressure washing. The District maintains a zero-tolerance graffiti policy. An effort is made to remove all tags within 24 hours on weekdays.
- **Landscape Maintenance:** Weeding of District tree wells and sidewalk cracks.

The Clean Team will only operate within District boundaries. The special benefit to assessed parcels from these services result in increased commercial activity, which directly relates to increased building occupancy and customer usage. Dirty and unclean sidewalks deter pedestrians and commercial activity.

### **Marketing and Economic Development**

The marketing and economic development activities consist of services provided directly to the assessed parcels: for example, the district will promote local businesses, help property owners attract high-paying tenants through advertising, neighborhood branding and storefront improvement efforts. The District will highlight the special benefits that the assessed parcels are

receiving through a website, district marketing and special events. These activities will specially benefit each assessed parcel by encouraging business development and investment and increased commercial activity (e.g., filling of vacant storefronts and offices, increased lease rates for retail and office space). Decisions on where to shop, eat or attend events are largely based on a perception of the place. If these activities were not communicated it would be a deterrent to pedestrian traffic, business and commerce for the assessed parcels.

*The programs being considered include, but are not limited to, the following:*

- Events
- Branding, Marketing, Media Relations
- Website
- District Stakeholder Outreach
- A program to activate public spaces in the District may be developed.
- A program of temporary and permanent art, including performing art, and art workspaces may be developed.

### **Administration**

The improvements and activities are managed by a professional staff that requires centralized administrative support. Administration staff oversees the Excelsior CBD's services, which are delivered six days a week. Administration staff actively work on behalf of the Excelsior CBD parcels and advocate to ensure that City and County services and policies support the Excelsior CBD. Included in this item are grant writing expenses, office expenses, professional services, organizational expenses such as insurance, and the cost to conduct a yearly financial review. Excelsior CBD funds from Administration may be used for renewing the Excelsior CBD.

A well-managed Excelsior CBD provides necessary Excelsior CBD program oversight and guidance that produces higher quality and more efficient programs. Administration staff implement the programs and services of the Excelsior CBD. The special benefit to assessed parcels from these services is increased commercial activity, which directly relates to increased building occupancy and enhanced commerce.

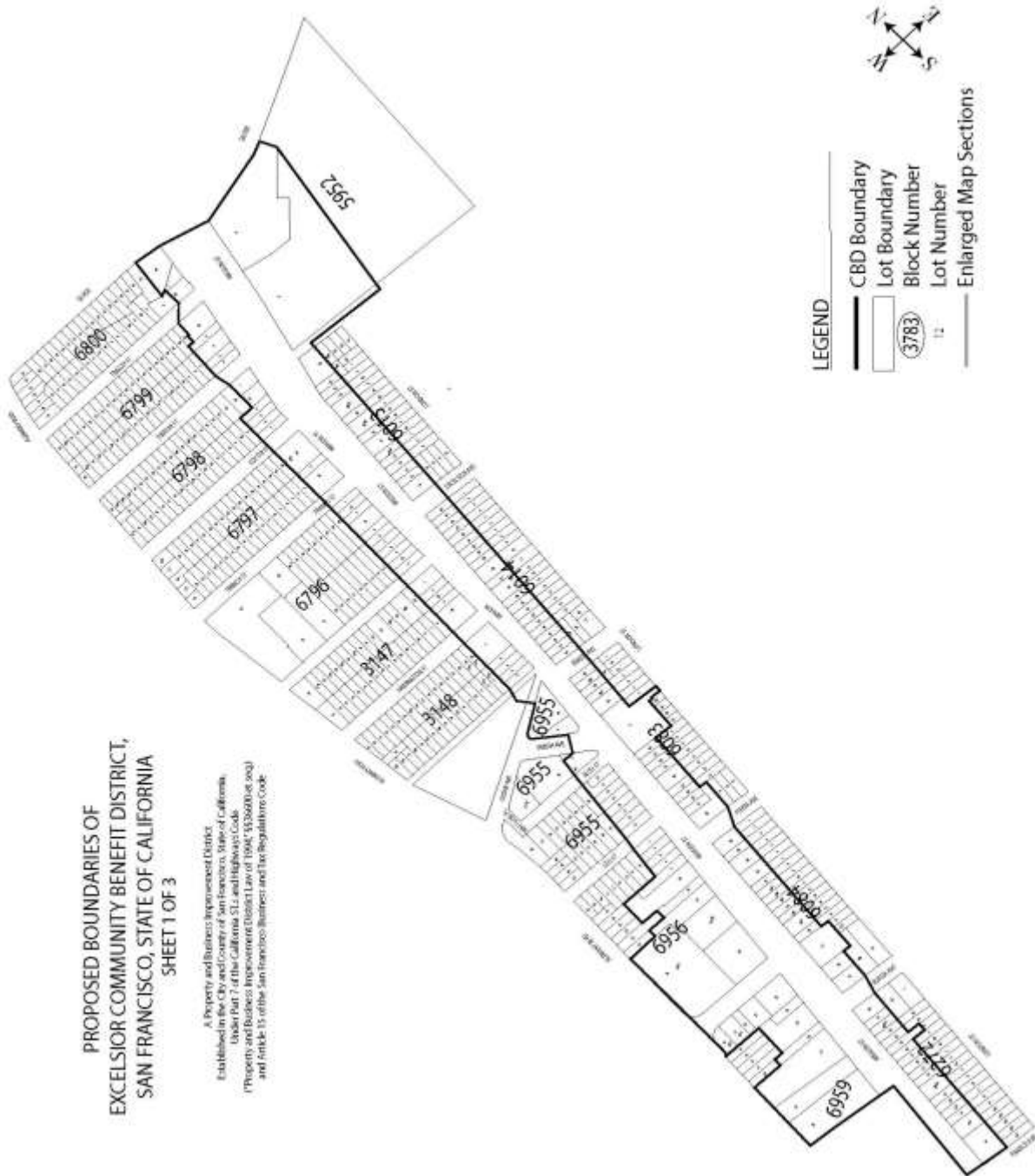
## **SECTION C: BENEFITTING PARCELS**

### **Overall Boundary**

Article XIIID Section 4(a) of the State Constitution requires that the authorizing agency "Identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed."

The Excelsior CBD consists of approximately 17 whole or partial blocks and approximately 195 parcels. In general, the Excelsior CBD is made up of parcels facing on both sides of Mission. Parcels included on Mission begin at Silver Avenue on the north and continue to France Avenue in the south. Parcels on Onondaga Avenue between Alemany Boulevard and Mission street are included.

The Excelsior CBD boundary is illustrated on the following pages.

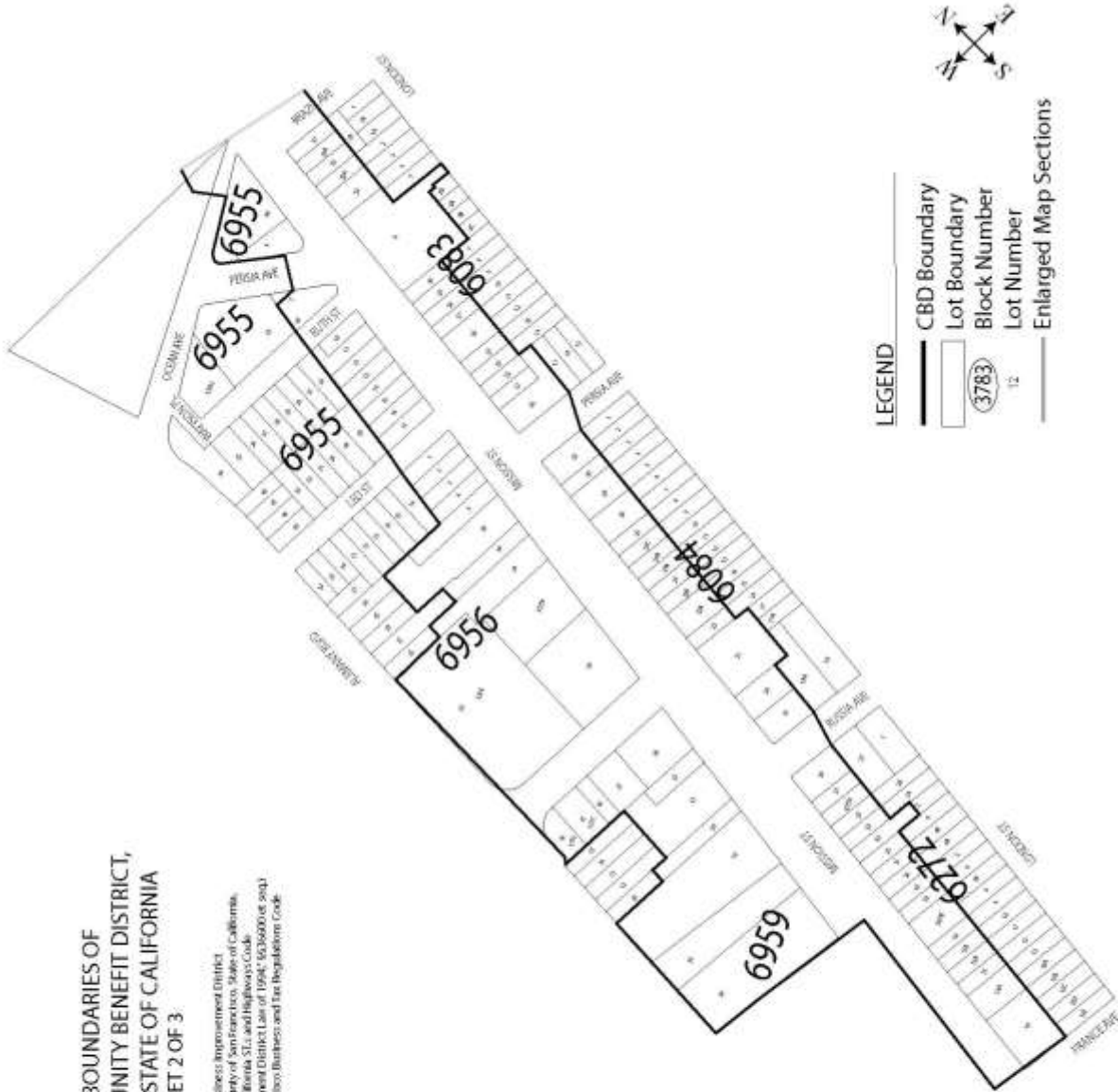


**PROPOSED BOUNDARIES OF  
EXCELSIOR COMMUNITY BENEFIT DISTRICT,  
SAN FRANCISCO, STATE OF CALIFORNIA  
SHEET 1 OF 3**

A Property and Business Improvement District  
Established in the City and County of San Francisco, State of California,  
Under Part 7 of the California S.L. and Highway Code  
(Property and Business Improvement District Law of 1994 (S.B. 800 et seq.)  
and Article 15 of the San Francisco Business and Taxpayers Code

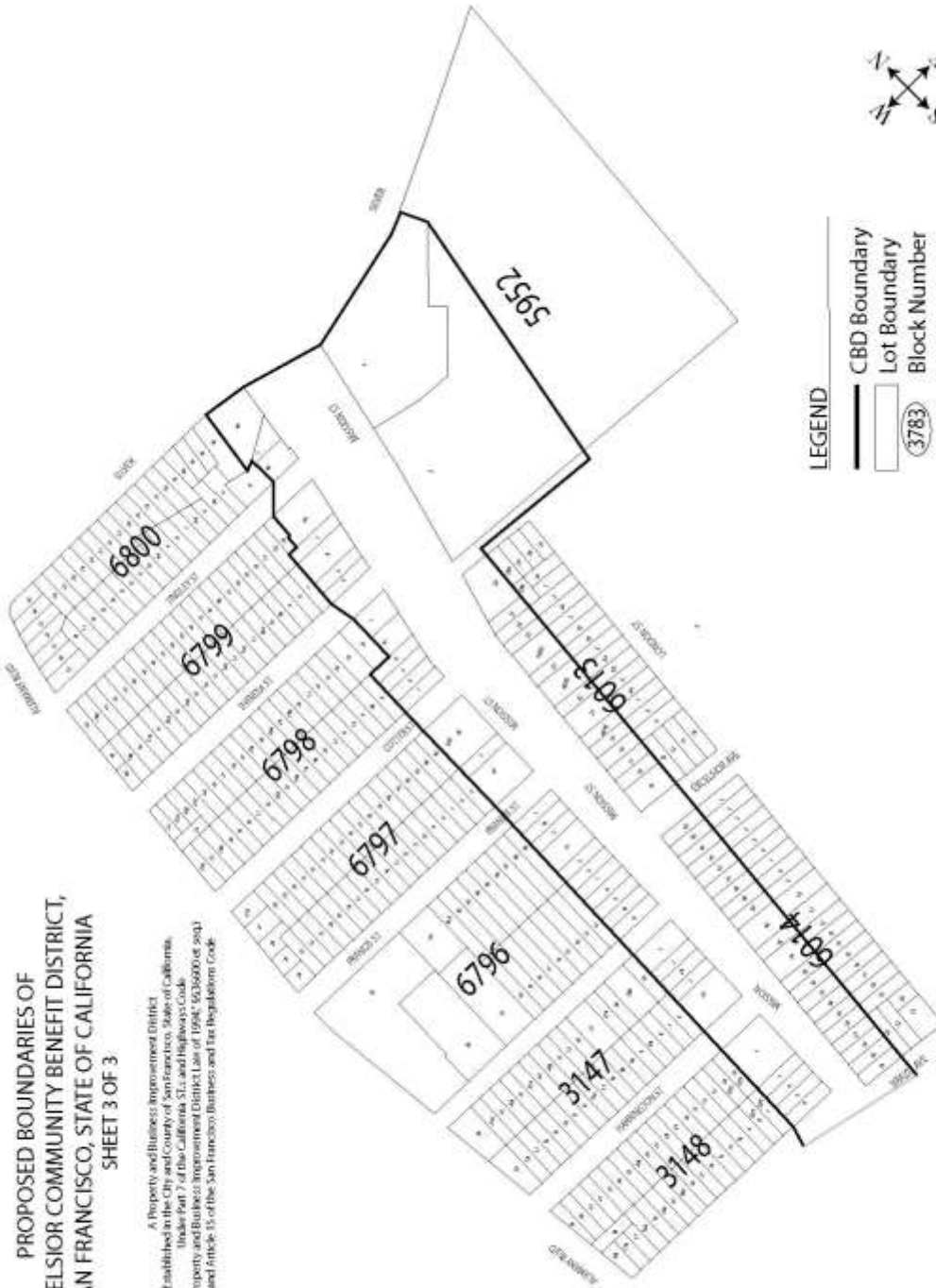
PROPOSED BOUNDARIES OF  
EXCELSIOR COMMUNITY BENEFIT DISTRICT,  
SAN FRANCISCO, STATE OF CALIFORNIA  
SHEET 2 OF 3

A Property and Business Improvement District  
Established in the City and County of San Francisco, State of California,  
Under Part 7 of the California S.C. and Highways Code  
(Property and Business Improvement District Law of 1994, §§36600 et seq.)  
and Article 15 of the San Francisco Business and Tax Regulations Code



**PROPOSED BOUNDARIES OF  
EXCELSIOR COMMUNITY BENEFIT DISTRICT,  
SAN FRANCISCO, STATE OF CALIFORNIA  
SHEET 3 OF 3**

A Property and Business Improvement District  
Established in the City and County of San Francisco, State of California,  
Under Part 7 of the California S.C.T. and Highway Code  
(Property and Business Improvement District Law of 1996, §§ 66600 et seq.)  
and Article 15 of the San Francisco Business and Tax Regulations Code



**LEGEND**

- CBD Boundary
- Lot Boundary
- Block Number
- Lot Number
- Enlarged Map Sections

## SECTION D: PROPORTIONAL BENEFITS

### *Methodology*

Article XIIID Section 4(a) of the State Constitution states that “The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of the public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided.”

Determining the proportionate special benefit among the parcels of real property within the proposed assessment Excelsior CBD which benefit from the proposed improvements, services, and activities is the result of a five-step process:

1. Defining the proposed activities.
2. Quantifying the degree to which the activities provide general versus special benefits.
3. Determining which parcels specially benefit from the proposed activities.
4. Determining the amount of special benefit each parcel receives.
5. Determining the proportional special benefit a parcel receives in relation to the amount of special benefit all other parcels in the District receive.

Each identified parcel within the Excelsior CBD will be assessed based upon the special benefits received by that parcel, as determined by analyzing each parcel's unique characteristics in relationship to all other specially benefitted parcels' characteristics. As a result of this analysis, each parcel will be assessed at a rate which is commensurate with the amount of special benefits received.

### *Land Use Considerations*

All parcels within the CBD specially benefit from the CBD activities, but not to the same degree. The methodology provides the following treatments for property used exclusively for residential or nonprofit uses.

**Non-Profit Use:** Non-profit owned properties specially benefit from the CBD activities but differently than all other assessed parcels. Non-profit parcels are defined as parcels being owned by 501 c3 organizations. Non-profit parcels that have a mix of uses on one parcel receive differing levels of special benefit based on the type of use. Building square footage for non-profit mixed-use parcels is separated into non-profit uses and commercial/residential uses and assessed using the appropriate assessment rate. These property types will receive special benefit from the Clean and Beautiful activities and the Administration costs associated with the Clean and Beautiful Activities and will be assessed fully for them. However, they do not specially benefit from the Economic Development and Marketing district programs. The Excelsior CBD Marketing, Economic Development and associated Administration costs are designed to provide special benefit to the retail, residential, parking, publicly-owned, office, and mixed-use parcels in the form of increased customers, lease rates, and commercial activity, none of which are a special benefit to non-profit use parcels. Thus, non-profit parcels will be assessed only in proportion to the special benefits they derive from Clean and Beautiful activities and the Administration activities that directly relates to the Clean and Beautiful services they receive.



**Special Benefit Factors**

Each parcel's proportional special benefit from the CBD activities is determined by analyzing two land use factors: Building Square Footage and Linear Street Frontage. These land use factors are an equitable way to identify the proportional special benefit that each of the parcels receive. Building square footage is relevant to the current use of a property and is also closely correlated to the potential pedestrian traffic from each parcel and the demand for CBD activities. A parcel's linear street frontage is relevant to the street level usage of a parcel and the demand for CBD activities. Together, these land use factors serve as the basic unit of measure to calculate how much special benefit each parcel receives in relationship to the district as a whole, which is the basis to then proportionately allocate the cost of the special benefits.

**Building square footage** is defined as the total building square footage as determined by the outside measurements of a building. The gross building square footage is taken from the County of San Francisco Assessor's records. Thirty percent (30%) of the assessment budget is allocated to the building square footage, to account for the special benefit to each parcel's current use and demand for district activities.

**Linear street frontage** is defined as the number of linear feet of each parcel that directly fronts a street that will receive the CBD activities. Alley front frontage is also included in this definition, if a parcel is on an alley and the alley is within the District and accessible to the public. Seventy percent (70%) of the assessment budget is allocated to Linear street frontage to account for the special benefit received at the street level of each parcel.

Each one of these land use factors represents the benefit units allocated to each specially benefitted parcel. The total number of benefit units in the CBD are as follows:

Land Use Factor	Benefit Units	
	All Uses Except Non-Profit	Non-Profit
Building Sq Ft.	1,076,073	30,242
Linear Street Frontage	6,482	1,327

## SECTION E: SPECIAL and GENERAL BENEFITS

State Law requires that assessments be levied according to the estimated special benefit each assessed parcel receives from the activities and improvements. Article XIII D Section 4(a) of the California Constitution in part states that “only special benefits are assessable,” which requires that we separate the general benefits, if any, from the special benefits provided by the proposed activities and improvements.

As of January 1, 2015, the State Legislature amended the State Law to clarify and define both special benefit and general benefit as they relate to the improvements and activities these districts provide. Specifically, the amendment (Section 36615.5 of the Streets and Highways Code) defines special benefit as follows: “‘Special benefit’ means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.”

In addition, the amendment (Section 36609.5 of the Streets and Highways Code) defines general benefit as follows: “‘General benefit’ means, for purposes of a property-based district, any benefit that is not a ‘special benefit’ as defined in Section 36615.5.”

Furthermore, the amendment (Section 36601(h)(2)) states: “Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.”

### **Special Benefit Analysis**

The assessments outlined in this report are for property-related activities that are specifically intended for and directly benefitting each individual assessed parcel in the District. The activities provide special benefits because they affect the parcels in a way that is particular and distinct from how they affect other real property or the public at large. No parcel's assessment shall be greater than its proportionate share of the costs of the special benefits received.

Streets and Highways Code Section 36601(e) states that “Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits: (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied. (2) Job creation. (3) Business attraction. (4) Business retention. (5) Economic growth. (6) New investments.”

The Excelsior CBD's goal is to fund activities and improvements to provide a cleaner and more attractive and economically vibrant environment. Improving economic vitality is an outcome of improving the cleanliness, appearance, and economic development of each individual specially

benefitted parcel in an effort to increase commerce, to increase building occupancy and lease rates and to attract more customers, employees, tenants, residents and investors.

Each parcel will specially benefit from:

- Cleaner sidewalks, streets, and common areas
- Greater pedestrian traffic
- Enhanced rental incomes
- Improved business climate
- New business and investment
- Well-managed CBD programs and services

Specifically, each parcel specially benefits from the Excelsior CBD activities as defined below.

### **Clean and Beautiful**

The cleaning activities specially benefit each assessed parcel within the Excelsior CBD by providing a clean and aesthetically appealing environment. This is achieved through sidewalk sweeping and power washing, removing litter and graffiti, and trash removal. These activities create the environment needed to achieve the CBD's goals. Sidewalks that are dirty and unclean deter pedestrians and commercial activity.

The Clean and Beautiful activities are expected to provide special benefits to the assessed parcels in a variety of ways. For example:

- Maintaining and cleaning sidewalks in front of each parcel creates a cohesive environment and allows pedestrians to move freely throughout the Excelsior CBD. Sidewalks that are dirty and unkempt deter pedestrians and commercial activity. "Walkable communities offer many financial benefits, such as a reduction in healthcare costs. Homes with sidewalks tend to sell for more money and in less time than similar homes without sidewalks. Businesses also benefit as residents are more likely to shop locally when there is increased connectivity between residential and business/commercial districts. The well-maintained sidewalks, accessibility, and inviting atmosphere of downtown helps to attract tourists."<sup>9</sup>
- Removing graffiti from buildings to keep the aesthetic appeal uniform throughout the Excelsior CBD;
- The beautification activities specially benefit each assessed parcel by providing maintained landscaped corridors and art in public places. These activities create the environment needed to achieve the CBD's goals.

### **Marketing and Economic Development**

The marketing and economic development activities consist of services provided directly to the assessed parcels, other than not-for-profit parcels. For example, the district will promote local businesses, help property owners attract high-paying tenants through advertising and neighborhood branding efforts, and highlight the special benefits that the assessed parcels are receiving through a website and district marketing and special events. These activities will specially benefit each assessed parcel by encouraging business development and investment and increased commercial activity (e.g., filling of vacant storefronts and offices, increased lease rates for retail and office space). Decisions on where to shop, eat or attend events are largely

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<sup>9</sup> "Benefits of Sidewalks", Iowa Healthiest State Initiative, November 1, 2017

based on a perception of the place. If these activities were not communicated it would be a deterrent to pedestrian traffic, business and commerce for the assessed parcels.

**Administration**

The Excelsior CBD requires a professional staff to properly manage programs, communicate with stakeholders, advocate with City/County departments, and provide leadership. Each parcel will specially benefit from the Excelsior CBD Administration staff that will ensure that the Excelsior CBD services are provided and deployed as specifically laid out in this Engineer's Report and will provide leadership to represent the community with one clear voice.

**Special Benefit Conclusion**

Based on the special benefits each assessed parcel receives from the Excelsior CBD activities, we conclude that each of the proposed activities provides special benefits to the real property within the Excelsior CBD and that each parcel's assessment is in direct relationship to and no greater than the special benefits received.

The special benefit to parcels from the proposed Excelsior CBD activities and improvements described in this report is the basis for allocating the proposed assessments. Each individual assessed parcel's assessment does not exceed the reasonable cost of the proportionate special benefit it receives from the Excelsior CBD activities.

## **General Benefit Analysis**

As required by the State Constitution Article XIID Section 4(a), the general benefits of an assessment district must be quantified and separated out so that the cost of the activities that are attributed to general benefit are deducted from the cost assessed against each specially benefitted parcel. General benefits are benefits from the Excelsior CBD activities and improvements that are not special in nature, are not "particular and distinct" and are not over and above the benefits that other parcels receive. This analysis will evaluate and determine the level of general benefits that (1) parcels inside of the Excelsior CBD, (2) parcels outside of the Excelsior CBD, and (3) the public at large may receive.

### **General Benefit to Parcels Inside the Excelsior CBD**

The Excelsior CBD provides funds for activities and improvements that are designed for and created to be provided directly to each individually assessed parcel within the Excelsior CBD. The benefits are particular and distinct to the assessed parcels, and thus 100% of the benefits conferred on these parcels are special in nature and 0% of the Excelsior CBD activities provide a general benefit to parcels in the Excelsior CBD boundary.

### **General Benefit to Parcels Outside of the Excelsior CBD**

All the Excelsior CBD activities and improvements are provided directly to each of the individual assessed parcels in the Excelsior CBD boundary. Each of the CBD activities is provided to the public right-of-ways (streets, sidewalks) adjacent to all specially benefitted parcels or tenants in the Excelsior CBD. The Excelsior CBD is a linear district in which all parcels primarily fronting Mission Street will receive the CBD activities. As such, none of the parcels outside the district will directly receive any of the Excelsior CBD activities. Any benefits these parcels may receive are incidental to providing special benefits to the assessed parcels, and thus any cost associated with the incidental benefits is not reduced from the cost of providing special benefit.

### **General Benefit to the Public At Large**

In addition to the general benefit analysis to the parcels outside of the Excelsior CBD boundary, there may be general benefits to the public at large, i.e., those people that are in the Excelsior CBD boundary and not specially benefitted from the CBD activities. In order to analyze the public that may be generally benefitted we need to quantify the number of pedestrians within the CBD boundary that do not and will not engage in commerce regardless of the CBD activities.

To quantify the public that may be generally benefitting, volunteers conducted intercept surveys within the CBD boundary to determine to what proportion of respondents engage in any type of business activity (going to a restaurant; shopping; going to the gym or school; conducting personal business, e.g. visiting a bank, beauty salon, tailor, dry cleaner) versus those that are just passing through the district without any intent of engaging in commerce regardless of the provided CBD activities. The survey covered 326 participants and was conducted on December 14<sup>th</sup>, 19<sup>th</sup>, and 21<sup>st</sup>, 2019 at separate locations within the CBD with all efforts made to include an unbiased cross section of participants. The survey analysis report is attached.

Of the 326 respondents, 97.5% responded that they were engaging in some type of commerce within the District, with 41.0% responding that shopping was their primary purpose for being in the district, while 30.9% were engaging in personal business, 13.6% were dining, and 12% were there for entertainment, going to a gym, church or school. When CBD services reach these respondents, it translates to a special benefit to the parcels within the CBD. The remaining 2.5% of the respondents indicated that they were "just passing through" the district with no intent to engage in any business activity that day or another day in the past month. Thus, 2.5% percent

of the CBD services do not result in special benefits and instead provide general benefits to the public at large.

**Total General Benefits**

Using the sum of the three measures of general benefit described above, we find in year one that \$8,737.50 (2.5% of the CBD budget) may be general in nature and will be funded from sources other than special assessments.

## SECTION F: COST ESTIMATE

### 2024 Operating Budget

The Excelsior CBD’s operating budget takes into consideration:

1. The improvements and activities needed to provide special benefits to each individual parcel within the Excelsior CBD boundary (Section B),
2. The parcels that specially benefit from said improvements and activities (Section C), and
3. The costs associated with the special and general benefits conferred (Section E).

EXPENDITURES	TOTAL BUDGET	% of Budget
Clean and Beautiful	\$250,000.00	71.53%
Marketing and Economic Development	\$33,500.00	9.59%
Administration	\$66,000.00	18.88%
<b>Total Expenditures</b>	<b>\$349,500.00</b>	<b>100.00%</b>
REVENUES		
Assessment Revenues	\$340,762.50	97.50%
Other Revenues (1)	\$8,737.50	2.50%
<b>Total Revenues</b>	<b>\$349,500.00</b>	<b>100.00%</b>

(1) Other non-assessment funding to cover the cost associated with general benefit.

#### **Budget Notation**

The cost of providing programs and services may vary depending on the change in market cost for those programs and services. Expenditures may require an annual adjustment up or down to continue the intended level of programs and services. In no case shall these annual assessment increases exceed that year’s increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI). Assessments may also increase based on development in the Excelsior CBD. Annual adjustments in assessment rates will be subject to the approval of the Excelsior CBD Owners’ Association.

**Projected 10-Year Maximum Budgets**

A projected ten-year operating budget for the Excelsior CBD is provided below. The projections are based upon the following assumptions:

The cost of providing programs and services may vary depending on the change in market cost for those programs and services. Expenditures may require an annual adjustment up or down to continue the intended level of programs and services. In no case shall these annual assessment increases exceed that year’s increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI). Assessments may also increase based on development in the Excelsior CBD. Annual adjustments in assessment rates will be subject to the approval of the Excelsior CBD Owners’ Association. The projections below illustrate a 5% annual increase as an example for all budget items for the purpose of this Management District Plan.

The Owners’ Association shall have the right to reallocate up to 10% by line item of the budget allocation within the budgeted categories. Any change beyond 10% will be subject to approval by the Owners’ Association board of directors and submitted to the City and County of San Francisco within the CBD’s annual planning report, pursuant to Section 36650 of the California Streets and Highways Code. The overall budget shall remain consistent with this Management District Plan. Each assessed parcel’s assessment shall be no greater than its proportionate share of the special benefits received.

Fiscal Year	Total Budget
2023/24	\$349,500
2024/25	\$366,975
2025/26	\$385,324
2026/27	\$404,590
2027/28	\$424,819
2028/29	\$446,060
2029/30	\$468,363
2030/31	\$491,782
2031/32	\$516,371
2032/33	\$542,189

**Future Development**

The above table is based on the Excelsior CBD’s current development status and does not account for possible increases to assessments due to changes to the parcel characteristics that are used to allocate special benefits (e.g., building square footage). The amount of each parcel’s assessment will depend on the existing assessment rates as well as the specific characteristics of the parcel, as explained in further detail below in Section D. Each parcel will be assessed on a prorated basis from the date it receives a temporary and/or permanent certificate of occupancy. Thus, changes to a parcel may result in corresponding revisions to the assessments. Over time the total assessments levied in the Excelsior CBD may increase as parcels are developed. Parcels may also see assessments change as a result of changes in for-profit or non-profit status.

**Bond Issuance**

The Excelsior CBD will not issue bonds.



## SECTION G: APPORTIONMENT METHOD

### Assessment Methodology

The CBD services and activities will be provided uniformly throughout the Excelsior CBD. The cost of the special benefits received from these services is apportioned in direct relationship to each parcel's use, building square footage and linear street frontage as discussed in Section D. Each parcel is assigned a proportionate benefit unit for each building square foot, and linear street front foot. The sum of the total special benefit units in the CBD is then divided into the assessment budget to determine the assessment rate for each benefit unit. See example below.

Land Use Factor	Benefit Units		
	All Uses Except Non-Profit	Non-Profit	TOTAL Benefit Units
Building Sq Ft.	1,076,073	30,242	1,106,863
Linear Street Frontage	6,482	1,327	7,809

### Calculation of Assessments

The assessment rates are determined by the following calculations:

**All Parcels Clean & Beautiful and Administration portion of Clean & Beautiful Assessment Budget = \$285,416.50**

Assessment budget allocated to building square footage x 30% = \$85,624.95

Assessment budget allocated to linear street frontage x 70% = \$199,791.55

Building Square Footage Assessment Rate (all parcels):

Assessment budget \$85,624.95 / 1,106,315 building sq. ft. = \$0.07740

Linear Street Frontage Assessment Rate all parcels (all parcels):

Assessment budget \$199,791.55 / 7,809 street front ft. = \$25.58478

**All Parcels (except non-profit) Marketing and Economic Development and Administration portion of Marketing and Economic Development District Budget = \$55,346.00**

Assessment budget allocated to building square footage x 30% = \$16,603.80

Assessment budget allocated to linear street frontage x 70% = \$38,742.20

Building Square Footage Assessment Rate:

Assessment budget \$16,603.80 / 1,076,073 building sq. ft. = \$0.01543

Linear Street Frontage Assessment Rate:

Assessment budget \$38,742.20 / 6,482 street frontage = \$5.97689

### Assessment Rates

Based on the special benefit factors and assessment methodology discussed above, the following illustrates the first year's maximum annual assessment:

Land Use Factor	All Parcels Except Non-Profit	Non-Profit
Building Square Foot Rate	\$0.09283	\$0.07740
Linear Street Frontage Foot Rate	\$31.56167	\$25.58478

**Sample Parcel Assessment**

The assessment for a commercial parcel with 5,000 square feet of building, and 50 linear feet of street front footage is calculated as follows:

Bldg square footage x the assessment rate (5,000 x \$0.09283) = \$464.15  
 Street front footage x the assessment rate (50 x \$31.56167) = \$1,578.08  
 Initial annual parcel assessment \$2,042.23

The assessment for a non-profit with 5,000 square feet of building, and 50 linear feet of street front footage is calculated as follows:

Bldg square footage x the assessment rate (5,000 x \$0.07740) = \$387.00  
 Street front footage x the assessment rate (50 x \$25.58478) = \$1,279.24  
 Initial annual parcel assessment \$1,666.24

**Public Property Assessments**

The Excelsior CBD will serve all parcels within its boundary, including those parcels owned by the City and County or the State of California. All publicly-owned parcels, with the exception of parcels owned by the federal government, will pay their proportional share of costs based on the special benefits conferred to those individual parcels. Public owned parcels, such as the library and park will receive special benefit from Excelsior CBD services that lead to increased use which directly relates to fulfilling their public service mission. Article XIII D of the California Constitution was added in November of 1996 to provide for these assessments. It specifically states in Section 4(a) that “Parcels within a district that are owned or used by any agency...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.” Below are the publicly-owned parcels that specially benefit from the Excelsior CBD activities.

City & County of San Francisco	6797 046	4400	Mission	PUB,VACANT LOT PUBLIC USE	\$3,156.17	0.93%
City & County of San Francisco	6959 016	45	ONONDAGA	COM,GARAGE	\$1,782.30	0.52%
City & County of San Francisco	6959 017	35	ONONDAGA	COM,GARAGE	\$1,949.39	0.57%

### **Budget Adjustment**

Any annual budget surplus will be rolled into the following year's budget. The budget will be set accordingly, within the constraints of the management plan to adjust for surpluses that are carried forward. Excelsior CBD funds may be used to fund the cost of renewing the Excelsior CBD. Funds from an expired Excelsior CBD shall be rolled over into the new Excelsior CBD if one is established or returned to the property owners if one is not established, in accordance with the Streets and Highways Code section 36671. Excelsior CBD rollover funds may be spent on renewal.

If an error is discovered on a parcel's assessed footages or land use type, the Excelsior CBD may investigate and correct the error after confirming the correction with the San Francisco City and County Assessor's office. The correction will be made in accordance with the assessment methodology and may result in an increase or decrease to the parcel's assessment.

The cost of providing programs and services may vary depending on the change in market cost for those programs and services. Expenditures may require an annual adjustment up or down to continue the intended level of programs and services. In no case shall these annual assessment increases exceed the increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI).

The Owner's Association shall have the right to reallocate up to 10% by line item of the budget allocation within the budgeted categories. Any change will be approved by the Owners' Association board of directors and submitted to the City and County of San Francisco within its annual planning report, pursuant to Section 36650 of the California Streets and Highways Code. The overall budget shall remain consistent with the Management District Plan. Each assessed parcel pays for 100% of the special benefit received based on the level of benefit received.

## SECTION H: ASSESSMENT ROLL

The total assessment amount for FY 2023/2024 is \$340,762.50 apportioned to each individual assessed parcel, as follows.

APN	OWNER NAME	2024 Asmt	%
6797 046	CITY & COUNTY OF SAN FRANCISCO	\$3,156.17	0.93%
6959 016	CITY & COUNTY OF SAN FRANCISCO	\$1,782.30	0.52%
6959 017	CITY & COUNTY OF SAN FRANCISCO	\$1,949.39	0.57%
		<b>\$6,887.85</b>	<b>2.02%</b>

APN	2024 Asmt	%
3147 001	\$2,506.35	0.74%
3147 002	\$1,182.07	0.35%
3147 002A	\$1,182.07	0.35%
3147 003	\$1,160.35	0.34%
3147 030	\$4,316.48	1.27%
3148 001	\$4,502.80	1.32%
3148 003	\$1,021.11	0.30%
3148 004	\$1,132.50	0.33%
3148 005	\$1,090.73	0.32%
3148 006	\$1,241.57	0.36%
3206 003	\$3,550.65	1.04%
3206 004	\$1,995.80	0.59%
3206 005	\$2,053.17	0.60%
3206 031	\$5,554.28	1.63%
3207 001	\$3,527.47	1.04%
5952 003	\$49,215.20	14.44%
5952 004	\$0.00	0.00%
6013 014	\$1,980.95	0.58%
6013 016	\$1,058.24	0.31%
6013 017	\$997.90	0.29%
6013 018	\$1,067.52	0.31%
6013 019	\$1,255.50	0.37%
6013 021	\$2,234.83	0.66%
6013 022	\$1,262.46	0.37%
6013 023	\$1,044.31	0.31%

6013 025	\$1,125.54	0.33%
6013 026	\$1,119.23	0.33%
6013 027	\$1,025.75	0.30%
6013 033	\$706.51	0.21%
6013 034	\$451.79	0.13%
6013 035	\$426.17	0.13%
6013 036	\$451.14	0.13%
6013 037	\$452.54	0.13%
6013 038	\$457.64	0.13%
6013 039	\$426.17	0.13%
6013 040	\$455.32	0.13%
6013 041	\$457.08	0.13%
6013 044	\$370.10	0.11%
6013 045	\$391.08	0.11%
6013 046	\$372.15	0.11%
6013 049	\$317.47	0.09%
6013 050	\$342.16	0.10%
6013 051	\$340.31	0.10%
6013 052	\$345.13	0.10%
6013 053	\$343.28	0.10%
6013 054	\$345.13	0.10%
6013 055	\$343.28	0.10%
6013 056	\$317.47	0.09%
6013 057	\$342.16	0.10%
6013 058	\$340.31	0.10%
6013 059	\$345.13	0.10%
6013 060	\$343.28	0.10%
6013 061	\$345.13	0.10%
6013 062	\$343.28	0.10%

6014 024	\$1,088.87	0.32%
6014 025	\$974.69	0.29%
6014 026	\$1,062.32	0.31%
6014 027	\$1,096.02	0.32%
6014 028	\$1,067.52	0.31%
6014 029	\$974.69	0.29%
6014 030	\$974.69	0.29%
6014 031	\$1,184.20	0.35%
6014 032	\$1,066.13	0.31%
6014 033	\$974.69	0.29%
6014 034	\$1,949.39	0.57%
6014 035	\$1,090.17	0.32%
6014 036	\$1,949.39	0.57%
6014 038	\$1,267.10	0.37%
6014 039	\$1,104.65	0.32%
6014 040	\$988.62	0.29%
6014 041	\$1,102.70	0.32%
6014 042	\$1,211.12	0.36%
6014 043	\$1,104.65	0.32%
6014 044	\$1,104.65	0.32%
6014 045	\$1,100.94	0.32%
6014 046	\$1,359.92	0.40%
6083 006	\$6,616.68	1.94%
6083 020	\$2,506.35	0.74%
6083 021	\$974.69	0.29%
6083 022	\$982.77	0.29%
6083 023	\$974.69	0.29%
6083 024	\$974.69	0.29%
6083 027	\$1,097.23	0.32%
6083 028	\$1,113.93	0.33%
6083 029	\$1,058.24	0.31%
6083 030	\$1,081.45	0.32%
6083 032	\$1,769.02	0.52%
6083 032A	\$965.04	0.28%
6083 033	\$916.68	0.27%
6083 033A	\$951.49	0.28%
6083 036	\$2,097.91	0.62%

6083 037	\$1,241.57	0.36%
6084 019	\$5,267.90	1.55%
6084 020	\$2,181.46	0.64%
6084 021	\$4,084.43	1.20%
6084 023	\$974.69	0.29%
6084 023A	\$2,240.86	0.66%
6084 023B	\$1,158.03	0.34%
6084 024	\$977.02	0.29%
6084 024A	\$1,090.73	0.32%
6084 024B	\$1,044.31	0.31%
6084 024C	\$1,246.49	0.37%
6084 025	\$1,109.29	0.33%
6084 026	\$2,497.07	0.73%
6084 028	\$2,497.07	0.73%
6084 030	\$1,339.41	0.39%
6084 033	\$2,288.21	0.67%
6272 014	\$3,926.63	1.15%
6272 014A	\$2,042.22	0.60%
6272 015	\$1,074.48	0.32%
6272 015A	\$900.43	0.26%
6272 015B	\$999.20	0.29%
6272 016	\$1,021.11	0.30%
6272 018	\$1,227.28	0.36%
6272 019	\$1,123.22	0.33%
6272 020	\$967.73	0.28%
6272 021	\$1,049.70	0.31%
6272 022	\$1,366.42	0.40%
6272 023	\$890.32	0.26%
6272 025	\$921.32	0.27%
6272 030	\$3,481.03	1.02%
6272 031	\$1,317.04	0.39%
6272 033	\$937.56	0.28%
6272 039	\$280.99	0.08%
6272 040	\$317.47	0.09%
6272 041	\$330.56	0.10%
6272 042	\$337.80	0.10%
6272 043	\$331.95	0.10%
6272 044	\$337.80	0.10%

6272 045	\$331.95	0.10%
6272 047	\$299.46	0.09%
6272 048	\$306.89	0.09%
6272 049	\$313.66	0.09%
6272 050	\$313.66	0.09%
6796 001	\$1,160.35	0.34%
6796 001A	\$1,144.57	0.34%
6796 002	\$1,244.63	0.37%
6796 005	\$828.62	0.24%
6796 006	\$1,067.52	0.31%
6796 007	\$1,016.75	0.30%
6796 008	\$1,021.11	0.30%
6796 009	\$1,011.83	0.30%
6796 010	\$1,156.26	0.34%
6796 011	\$1,011.83	0.30%
6796 051	\$2,042.22	0.60%
6797 003	\$974.69	0.29%
6797 047	\$3,202.56	0.94%
6798 001	\$2,598.25	0.76%
6798 004	\$915.10	0.27%
6798 005	\$1,009.50	0.30%
6798 006	\$927.91	0.27%
6798 007	\$901.55	0.26%
6798 041	\$1,763.74	0.52%
6799 003	\$1,057.56	0.31%
6799 004	\$1,969.25	0.58%
6799 005	\$825.37	0.24%
6799 006	\$1,429.54	0.42%
6799 042	\$2,454.38	0.72%
6800 001	\$1,799.02	0.53%
6800 044	\$3,445.77	1.01%
6800 045	\$1,595.91	0.47%
6955 004	\$3,097.11	0.91%
6955 010	\$1,151.53	0.34%
6955 011	\$1,324.56	0.39%
6955 012	\$985.09	0.29%
6955 013	\$1,087.85	0.32%
6955 014	\$829.89	0.24%
6955 015	\$929.40	0.27%
6955 016	\$1,174.74	0.34%



6955 017	\$1,531.66	0.45%
6955 043	\$1,168.70	0.34%
6955 044	\$4,002.67	1.17%
6956 001	\$1,137.61	0.33%
6956 002	\$1,093.51	0.32%
6956 003	\$1,062.88	0.31%
6956 004	\$1,444.86	0.42%
6956 005	\$1,339.50	0.39%
6956 023	\$4,892.06	1.44%
6956 024	\$2,559.17	0.75%
6956 026	\$2,105.34	0.62%
6956 028	\$2,955.09	0.87%
6956 035	\$6,052.35	1.78%
6956 036	\$10,638.83	3.12%
6959 018	\$873.98	0.26%
6959 019	\$2,635.23	0.77%
6959 025	\$1,279.24	0.38%
6959 026	\$2,558.48	0.75%
6959 027	\$2,280.79	0.67%
6959 028	\$7,096.52	2.08%
6959 029	\$1,113.93	0.33%
6959 032	\$1,279.72	0.38%
6959 033	\$5,176.06	1.52%
Total Private Parcels	\$333,874.65	97.98%
Total Publicly Owned Parcels	\$6,887.85	2.02%
<b>Total All Parcels</b>	<b>\$340,762.50</b>	<b>100.00%</b>

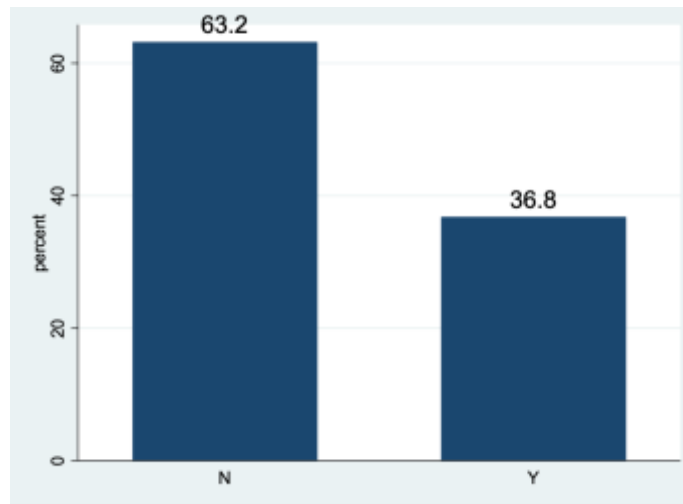
## ATTACHMENT: SURVEY RESULTS

### Excelsior Community Benefit District Survey – Toplines January 2020

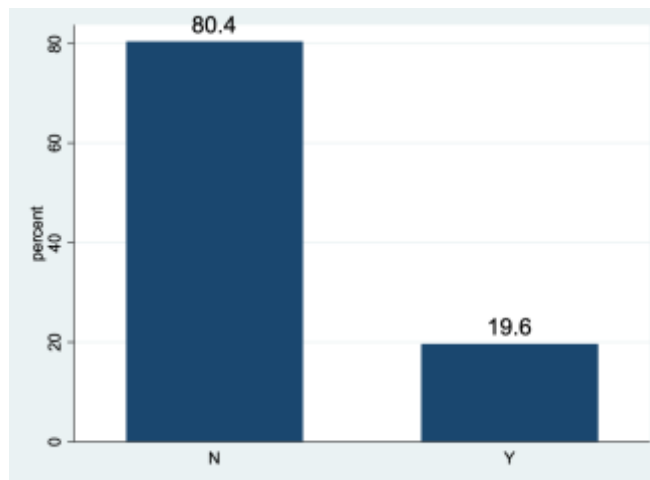
Count by day

Date	Zone				Total
	1	2	3	4	
12/14	6	17	23	6	52
12/19	62	89	38	51	240
12/21	6	12	11	5	34
<b>Total</b>	<b>74</b>	<b>118</b>	<b>72</b>	<b>62</b>	<b>326</b>

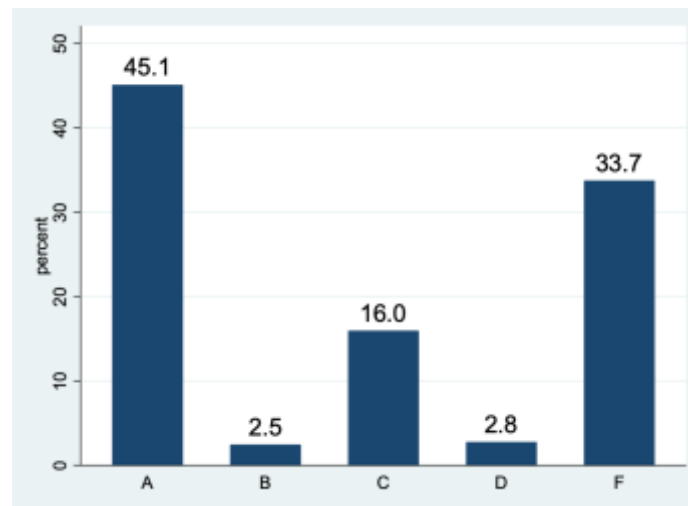
1. Do you live within the proposed Excelsior Community Benefit District boundary?



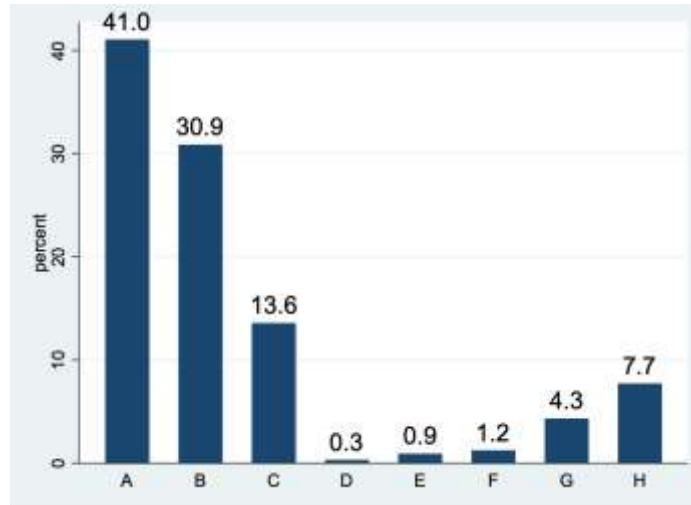
2. Do you work within the proposed Excelsior Community Benefit District boundary?



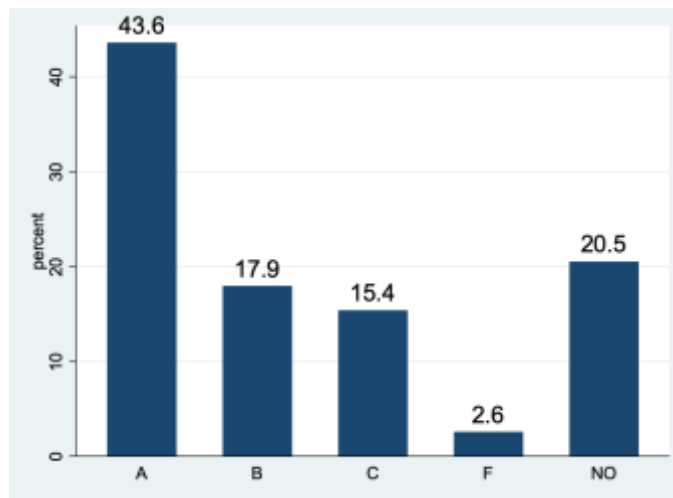
3. How did you get here today?
- a. on foot
  - b. by bike
  - c. public transit
  - d. taxi/ride share
  - f. private car



4. What's the purpose of your visit today?
- a. shopping
  - b. visiting a bank, dry cleaner, medical office, beauty salon, etc. or any other service
  - c. dining
  - d. entertainment
  - e. going to the gym
  - f. attending a religious service or visiting a non-profit organization
  - g. attending school and/or going to the library (see question 5 below)
  - h. passing through (see question 5 below)



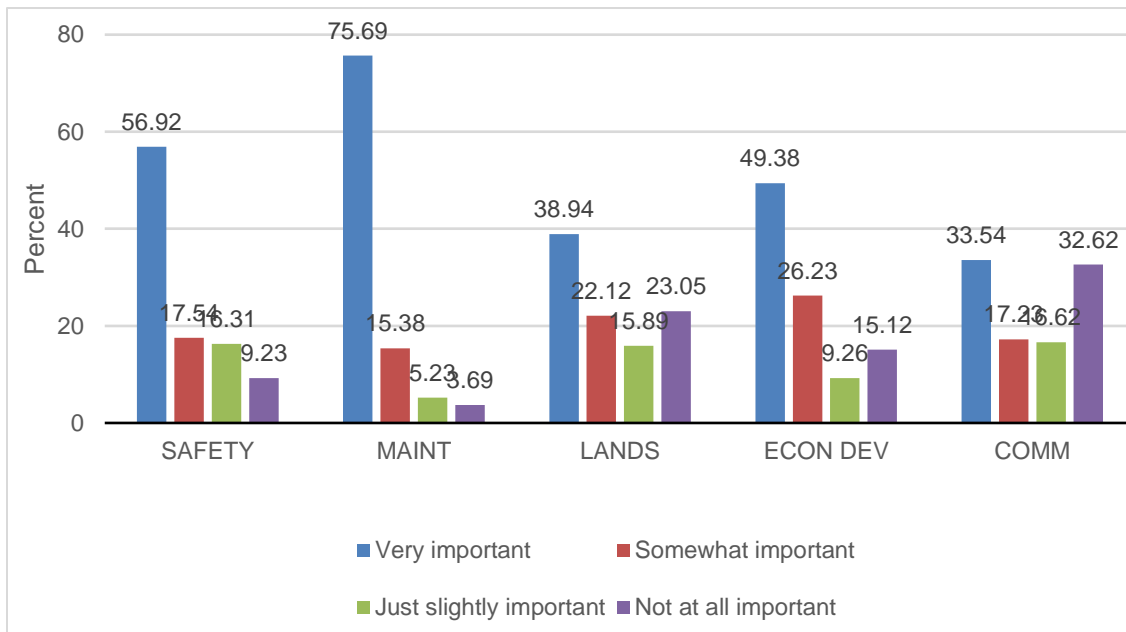
5. If you answered “attending school, going to the library or passing through” in the previous question, have you in the last month engaged in any of the other activities in question 4 within the CBD boundary? (n=39)



**Note – 8 respondents total were “just passing through” (2.5%)**

Now, I am going to read a list of features. For each I read, please tell me how important each is to you for the purpose of your visit today. Please tell me if each of the following features is very important, somewhat important, just slightly important or not at all important in making your decision.

(CIRCLE ONE FOR EACH)	Very Important	Somewhat Important	Just Slightly Important	Not at all Important
1. Safety, like extra security,	1	2	3	4
2. Cleanliness, like sidewalk sweeping, extra trash pick-up, steam cleaning and graffiti removal	1	2	3	4
3. Appearance, like plants, flowers and landscaping	1	2	3	4
4. New businesses and restaurants to fill empty storefronts	1	2	3	4
5. Good communication channels to inform me about the District and its offerings	1	2	3	4



# MEMORANDUM

**TO:** Ahsha Safaí; District 11 Supervisor

**FROM:** Chris Corgas; Deputy Director, Community Economic Development, OEWD

**DATE:** March 30, 2023

**SUBJECT:** Proposed Excelsior Community Benefit District - Formation

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Dear Supervisor Safaí

The Office of Economic and Workforce Development (OEWD) was informed on March 27, 2023 that the proposed Excelsior Community Benefit District surpassed the 30% weighted threshold needed for the San Francisco Board of Supervisors to authorize special assessment district formation. OEWD has confirmed these results upon review of submitted petitions and the proposed assessment roll and confirms that the proposed Excelsior Community Benefit District has surpassed the threshold needed for the San Francisco Board of Supervisors to authorize a special assessment district formation.

Enclosed for your review and legislative submittal are the materials related to the proposed formation of the Excelsior Community Benefit District, those materials include:

- Resolution of Intention to form the Excelsior CBD
- Excelsior CBD Management Plan
- Excelsior CBD Engineer's Report
- Memos indicating the 30% threshold was met
- Ballot
- Ballot Affidavit
- Notice of Public Hearing and Assessment Ballot Proceeding

If you should have any questions regarding the enclosed materials or the formation process please do not hesitate to contact me. I look forward to the introduction of the Resolution on Tuesday, April 4, 2023.





## MEMORANDUM

**Date:** 3.27.23  
**To:** City of San Francisco  
**From:** Aaron Aulenta, Urban Place Consulting Group  
**Regarding:** Excelsior Community Benefit District Establishment

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This memo is to serve as the findings from the review of petitions attributable to the proposed establishment of the Excelsior Community Benefit District (“District”). The District includes 195 parcels for a total assessment of \$340,762.50. Urban Place Consulting Group has reviewed 33 parcel petitions related to the proposed establishment of the District in the amount of \$104,920.55 representing 30.79% of the District assessment were executed in favor of the proposed establishment of the District.

<b>Description</b>	<b>Number of Parcels</b>	<b>Assessment Amount</b>	<b>% of Total Assessment</b>
Petitions in favor of District Formation	33	\$104,920.55	30.79%

# MEMORANDUM

**TO:** Angela Calvillo; Clerk of the Board of Supervisor

**FROM:** Chris Corgas; Deputy Director, Community Economic Development, OEWD

**DATE:** March 30, 2023

**SUBJECT:** Proposed Excelsior Community Benefit District Tabulation

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The Office of Economic and Workforce Development (OEWD) was informed on March 27, 2023 that the proposed Excelsior Community Benefit District surpassed the 30% weighted threshold needed for the San Francisco Board of Supervisors to authorize special assessment district formation procedures.

As provided by the Management District Plan, the “weight” calculated for the petition vote is determined by the assessment of each property will pay into the District compared to the total assessment estimated to be collected in Year One, for this property-based District.

The proposed assessment budget for the District in Year one is \$340,762.50.

The total weighted YES petitions, on whether to call an election to form the District and levy assessments:

\$104,920.55  
30.79% of total proposed assessments in the District

The submitted petitions are consistent with the requirements of the City and County of San Francisco and are on file with the Office of Economic and Workforce Development.

OEWD has confirmed these results upon review of submitted petitions and the proposed assessment roll and confirms that the proposed Excelsior Community Benefit District has surpassed the threshold needed for the San Francisco Board of Supervisors to authorize a special assessment district formation.





**AFFIDAVIT of Identification (Property Owner)**

I, \_\_\_\_\_, the undersigned, declare that I am authorized to cast a ballot for the following parcel identified as:

\_\_\_\_\_, as either (1) the sole owner or agent, or (2) co-owner or agent to payment of the assessment which will be levied for the proposed Property and Business Improvement District to be known as the “Excelsior Community Benefit District.”

I declare under penalty of perjury under the laws of the State of California that this declaration made this \_\_\_\_ the day of \_\_\_\_\_, 20\_\_, in the City and County of San Francisco, is true and correct.

\_\_\_\_\_  
Signature Property Owner/Co-Property Owner/Authorized Agent

\_\_\_\_\_  
Print Name Business Owner/Co-Owner/Authorized Agent



**Ballot on Assessment for the establishment of the property-based business improvement district known as the “Excelsior Community Benefit District”**

**«Barcode»**

Assessor’s Parcel Number: \_\_\_\_\_ Address of Parcel: \_\_\_\_\_

Property Owner’s Name: \_\_\_\_\_

Property Owner’s Address: \_\_\_\_\_

Proposed Assessment for this Parcel Beginning 2023-2024 Fiscal Year: \_\_\_\_\_ of Total: \$ \_\_\_\_\_

Proposed Range or Inflation Adjustment Formula: The City will calculate each parcel’s assessment using a formula based on the following parcel characteristics: building square footage or lot square footage. The assessment may be updated if the parcel characteristics change. In addition, the assessment may be increased from one year to the next by a percentage that does not exceed that year’s increase in the Consumer Price Index for All Urban Consumers in the San Francisco, Oakland, and San Jose Consolidated Metropolitan Statistical Area (CPI).

**Instructions for Completing and Delivering this Ballot**

\*To express your view on the proposed assessment and the proposed range or inflation adjustment, check above the line before the word “YES” or “NO” below, then sign and date the ballot.

\_\_\_\_\_ Yes, I approve the proposed annual assessment described above on the parcel identified in this ballot, and I understand that my assessment could be subject to the inflation adjustment formula described above.

\_\_\_\_\_ No, I do not approve the proposed annual assessment, on the parcel identified in this ballot, nor the inflation adjustment formula described above.

I hereby declare by penalty of perjury that I am a record owner or authorized agent for the record owner of the parcel listed above.

\_\_\_\_\_  
Signature of Owner of Record, or Authorized Agent Date

\_\_\_\_\_  
Print Name of Owner or Authorized Agent: If Agent of Owner, State Authorization

**\*After completing your ballot, please mail to:**  
**Director**  
**Department of Elections**  
**P.O. Box \_\_\_\_\_**  
**San Francisco, CA 94142-2189**

**To hand deliver, please use the following address:**  
**Director**  
**Department of Elections**  
**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 48**  
**San Francisco, CA 94102**

*Ballots may also be delivered to the Director at the Public Hearing prior to the close of public testimony.*

\*Ballots may be sent or delivered to the Director at any time, but MUST be received in the mail not later than 12 P.M. (noon) on the day of the public hearing or in person before the conclusion of the public testimony portion of the public hearing on the proposed assessment and assessment range. That hearing is set for 3:00 p.m. on July 11, 2023. Ballots received after that time will only be counted if the Board elects to continue public comment until a later date.



## **NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEEDING**

**TO:**            «Name»  
                  Assessor's Parcel No. «BlockLot»  
                  «Situs»  
                  «No»

**FROM:**       John Arntz, Director  
                  Department of Elections  
                  City and County of San Francisco

**SUBJECT:**   Notice of Public Hearing and Assessment Ballot Proceeding to consider establishment of the property-based special assessment district, to be known as the "Excelsior Community Benefit District"

The purpose of this notice is to provide you with information about an assessment ballot proceeding and public hearing being conducted by the Board of Supervisors, and its effect on real property that you own. This notice is being sent to you in accordance with Resolution No. \_\_\_\_-\_\_\_\_, passed by the Board of Supervisors (a copy of which is enclosed), California Government Code Section 53753, and California Constitution Article XIID Section 4(c).

Please be advised of the following:

- The Board of Supervisors will hold a public hearing on the proposed assessment at 3:00 p.m. on July 11th, 2023 or as soon thereafter as the matter may be heard, in the Board's Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102. At this hearing, the Board will hear testimony regarding the proposed assessment. The reason for the assessment is to fund the property-based business improvement district (community benefit district) to be known as the "Excelsior Community Benefit District". The annual assessments would last for 10 years (July 1, 2023 – June 30, 2033) the services, activities, and improvements will be implemented through December 31, 2033. The boundaries of Excelsior Community Benefit District are described in the enclosed Resolution passed by the Board of Supervisors.
- The Excelsior Community Benefit District will fund the following services, activities, and improvements:
  - 1) Clean and Beautiful
  - 2) Marketing and Economic Development
  - 3) Administration
- Examples of services, activities, and improvements to be funded under the budget category "Clean and Beautiful" include: sidewalk and gutter sweeping, sidewalk steam cleaning, removing trash overflow, graffiti removal, trash removal, trees watered and weeded, maintaining and planting gardens.



- Examples of services, activities, and improvements to be funded under the budget category “Marketing and Economic Development” include: branding and communication, activation events, media relations, website, district stakeholder outreach, art popups and work space programs, storefront improvement, and business recruitment.
- Examples of services, activities, and improvements to be funded under the budget category “Administration” include: staff and administrative costs, advocacy, grant writing expenses, office expenses, professional services, organizational expense, and the cost to conduct a yearly financial review.
- The proposed fiscal year 2023-2024 assessment for your parcel is «Voter\_Proportional». The duration of the assessment district is 10 ½ years, the authority to levy assessments on your property would be ten (10) years (July 1, 2023 – June 30, 2033) with services to be implemented January 1, 2024 through December 31, 2033. The Excelsior Community Benefit District assessment will appear as a separate line item on the property tax bill. The final assessment would be collected on your property tax bill for fiscal year 2032-2033. The City will directly bill any Assessor’s Parcels which do not regularly receive a property tax bill from the City. The amount of the annual assessment for years 2 through 10 would be subject to annual adjustment by an amount not to exceed that year’s increase in the Consumer Price Index for All Urban Consumers in the San Francisco, Oakland, and San Jose Consolidated Metropolitan Statistical Area (CPI). The amount of your assessment could also be reduced in a subsequent fiscal year if the amount collected during the prior fiscal year exceeded the costs incurred of providing authorized services in the district. In such a case, your assessment for the subsequent year would be reduced by the share of the excess funds collected that is allocable to your property.

The maximum amount chargeable to the entire assessment district would be a maximum of \$340,762.50 in the first year. The maximum amount assessed to the entire assessment district over the life of the district (*assuming the maximum annual adjustment of 5% in years 2 through 10*) would be a maximum of \$528,634.28. The maximum amount assessed to the entire assessment district for each of the fifteen fiscal years is set forth in the following table.

**TOTAL MAXIMUM AMOUNT OF ASSESSMENTS ON ALL PARCELS INCLUDED IN THE PROPOSED DISTRICT FOR EACH FISCAL YEAR, ASSUMING MAXIMUM ANNUAL CPI INCREASE OF 5% IN YEARS 2 THROUGH 10 ONLY**

YEAR	FISCAL YEAR	MAXIMUM ANNUAL ASSESSMENT
1	FY 2023-2024	\$340,762.50
2	FY 2024-2025	\$357,800.63
3	FY 2025-2026	\$375,690.90
4	FY 2026-2027	\$394,475.25
5	FY 2027-2028	\$414,198.53



6	FY 2028-2029	\$434,908.50
7	FY 2029-2030	\$456,653.93
8	FY 2030-2031	\$479,487.45
9	FY 2031-2032	\$503,461.73
10	FY 2032-2033	\$528,634.28

(1) The total maximum amount assessed to property owners within the Downtown CBD each Fiscal Year.

The first year annual assessment rate for each parcel is calculated at:

- **Building Square Footage:** \$0.09283 per square foot for all parcels except non-profit parcels. \$0.07740 per square foot for all non-profit parcels.
- **Linear Street Frontage Foot Rate:** \$31.56167 per linear foot for all parcels except non-profits parcels. \$25.58478 per linear foot for all non-profit parcels.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, San Francisco Board of Supervisors, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102.

### ASSESSMENT BALLOT PROCEDURES

Enclosed with this notice, you will find an assessment ballot. Please follow the directions on the assessment ballot to express your view on the proposed assessment. The following is a summary of the procedures governing the return and tabulation of ballots. More detailed information concerning the ballot procedures is set forth in the enclosed “Procedures for the Completion, Return and Tabulation of Ballots,” which is also available on the City’s website at [www.sfelections.org](http://www.sfelections.org).

1. You may mail or deliver your ballot to the Director of Elections at the Post Office Box location shown on the ballot, or submit the ballot in person at the Department of Elections, located at City Hall Room 48.
2. Ballots may be sent or delivered to the Director of Elections at any time, but **MUST** be received by the Director of Elections not later than the conclusion of the public input portion of the public hearing on July 11, 2023 in the Board’s Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102, scheduled to commence at 3 p.m. or as soon thereafter as the matter may be heard. Depending on the nature and extent of public testimony, the public input portion of the hearing may not be concluded on that date, but may instead be continued to a later date. At any time prior to the conclusion of the public input portion of the hearing, you may



withdraw your ballot and submit a new or changed ballot in place of the ballot previously submitted. If the public input portion of the hearing is continued to a later date, the deadline for submission of ballots will likewise be extended until the close of public input on that date.

3. The Director of Elections will pick up mailed ballots at 12 o'clock noon from the designated Department of Elections Post Office box on the date scheduled for the public hearing. To ensure that mailed ballots are received by the Director of Elections prior to the conclusion of the public input portion of the hearing, mailed ballots must be received by the Director of Elections by 12 o'clock noon on July 11, 2023. Mailed ballots received after 12 o'clock noon on the date scheduled for the public hearing will only be counted if the public input portion of the hearing is continued to a later date and the ballots are received by the Director of Elections prior to the conclusion of the public input portion of the hearing.
4. Only ballots with original signatures - not photocopies of signatures - will be accepted.
5. The Director of Elections will not accept or tabulate a ballot:
  - which is a photocopy without an original signature;
  - which is unsigned;
  - which lacks an identifiable "yes" or "no" vote; or
  - which appears to have been tampered with based upon its appearance or method of delivery.
6. The assessment ballot shall be treated as a disclosable public record during and after the tabulation of the assessment ballots.
7. At the conclusion of the public input portion of the public hearing, the Director of Elections will tabulate the ballots, including those received during the public input portion of the public hearing. If the number of ballots received at the hearing is such that it is not feasible to accurately tabulate the ballots that day, the Board of Supervisors may continue the meeting to a later date for the purpose of obtaining the final tabulation.
8. The Board of Supervisors will not impose the 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. Ballots shall be weighted according to the proposed financial obligation of the affected property.

**Should you have any questions, please call or write to:** Mr. Cuong Quach, Department of Elections, Room 48, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102. Telephone: (415) 554-4342.

## Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [ ] inquires..."
- 5. City Attorney Request
- 6. Call File No. [ ] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Ahsha Safai

Subject:

Resolution of Intention – Excelsior Community Benefit District

Long Title or text listed:

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district known as the "Excelsior Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on July 11, 2023 at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

Signature of Sponsoring Supervisor:

