

1 [Resolution to Disestablish - Top of Broadway Community Benefit District]

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3 **Resolution to disestablish the property-based business improvement district known as**
4 **the “Top of Broadway Community Benefit District,” and to remove a multi-year**
5 **assessment on all parcels in the District; and affirming environmental findings.**

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7 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
8 California Streets and Highways Code Sections 36600 et seq. ("1994 Act"), as augmented by
9 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), collectively,
10 the “Business Assessment Law,” the Board of Supervisors adopted Resolution No. 444-20
11 entitled “Resolution declaring the intention of the Board of Supervisors to receive and approve
12 a final annual report for the property-based business improvement district (community benefit
13 district) known as the “Top of Broadway Community Benefit District” for FY2018-2019, to
14 disestablish the District, and to remove a multi-year assessment on all parcels in the District;
15 ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting
16 as a Committee of the Whole, on November 17, 2020, at 3:00 p.m., on the proposed
17 disestablishment; approving the form of the Notice of Public Hearing; and affirming
18 environmental findings.” (The "Resolution of Intention," Board of Supervisors
19 File No. 200956); and

20 WHEREAS, The Owners’ Association operated the Top of Broadway Community
21 Benefit District (“the District”) with assessment revenues and matching private funds, but
22 eventually lost access to matching funds, and determined at the end of FY2018-2019 that it
23 could not operate the District effectively with assessment revenue alone, and therefore asked
24 the City to disestablish the District, as reflected in the August 2019 letter on file with the Clerk
25 of the Board of Supervisors in File No. 200956; and

1 WHEREAS, Based on the August 2019 letter, the City stopped collecting assessment
2 revenue starting with FY2019-2020, and instead allowed the Owners' Association to expend
3 its remaining assessment funds as set forth in the District management plan, and to then
4 cease operating; and

5 WHEREAS, The Owners' Association circulated a petition to the owners and
6 representatives of real property in the District, and received signatures in favor of the
7 disestablishment from owners and representatives representing 47.29 percent of the total
8 assessments levied, and based on the petition results remains in favor of disestablishing the
9 District; and

10 WHEREAS, The Owners' Association has asked the City to disestablish the District
11 under Business and Tax Regulations Code, Section 15.11(e), which provides that the Board
12 of Supervisors may, by a supermajority vote of eight or more members, initiate proceedings to
13 disestablish for any reason, by adopting a resolution of intention to disestablish, and by then
14 mailing a notice to the property owners of a public hearing, which shall occur not less than 30
15 days after mailing the notice and not more than 60 days after the adoption a resolution of
16 intention, as set forth in California Streets and Highways Code, Section 36670(b); and

17 WHEREAS, The Resolution of Intention to disestablish the District, among other things,
18 approved the form of the Notice of Public Hearing, which is all on file with the Clerk of the
19 Board of Supervisors in File No. 200956; and

20 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning
21 the proposed disestablishment of the District, and the removal of multi-year assessments
22 against property located within the District; and

23 WHEREAS, A public hearing concerning the proposed disestablishment of the District
24 and the proposed removal of assessments within the District was held pursuant to the notice
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1 on November 17, 2020 at 3:00 p.m., the Board met remotely through videoconferencing and
2 the meeting was broadcast live; and

3 WHEREAS, At the public hearing, the testimony of all interested persons for or against
4 the proposed disestablishment of the District and the removal of assessments on property
5 within the District, was heard and considered, and a full, fair and complete meeting and
6 hearing was held; and

7 WHEREAS, The Board of Supervisors heard and considered all objections or protests
8 to the proposed removal of assessments and disestablishment of the District; and

9 WHEREAS, The Annual Report and supporting documents show that the Owners'
10 Association has ceased operating, and that it does not have any assessment funds remaining,
11 or any assets that it acquired with assessment revenues; now therefore, be it

12 RESOLVED, Pursuant to Section 36670 of the Act and Section 1511(e) of the San
13 Francisco Business and Tax Regulations Code, the Board of Supervisors hereby
14 disestablishes the property and business improvement district known as the "Top of Broadway
15 Community Benefit District" and removes assessments against all parcels of real property in
16 the District, commencing with FY2019-2020, for the reasons stated herein; and, be it

17 FURTHER RESOLVED, The Planning Department has determined that the actions
18 contemplated in this Resolution are in compliance with the California Environmental Quality
19 Act (California Public Resources Code sections 21000 *et seq.*); said determination is on file
20 with the Clerk of the Board of Supervisors in File No. 200958, which is hereby declared to be
21 a part of this Resolution as if set forth fully herein.

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