

1 [Resolution of Intention to form the Broadway Entertainment Corridor Community Benefit  
2 District]

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

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

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

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

1           WHEREAS, The Law and Article 15 authorize the City to levy and collect assessments  
2 on real property within such districts for the purpose of providing improvements and promoting  
3 activities and property-related services that specially benefit identified parcels of real property  
4 located within such districts; and

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

8           WHEREAS, The Law and Article 15 impose additional procedural and substantive  
9 requirements relating to assessments on real property within a proposed property and  
10 business improvement district, also known as a community benefit district ("CBD"); and

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

15           WHEREAS, The property owners who will pay more than 30 percent of the total  
16 amount of assessments on properties within the proposed district signed and submitted to the  
17 Clerk of the Board of Supervisors a petition (the "Petition") requesting that the Board of  
18 Supervisors establish a property-based community benefit district to be named the "Broadway  
19 Entertainment Corridor Community Benefit District," and to levy assessments on properties  
20 located in the proposed district to fund property-related services, activities and improvements  
21 within the district; and

22           WHEREAS, A Management District Plan entitled the "Broadway Entertainment Corridor  
23 Community Benefit District Management District Plan" containing information about the  
24 proposed district and assessments required by Section 36622 of the Law, including but not  
25 limited to maps showing all identified parcels located in the district, a description of the

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

10 WHEREAS, A detailed engineer's report supporting the assessments within the  
11 proposed district, prepared by Edward V. Henning, California Registered Professional  
12 Engineer # 26549, Edward Henning & Associates, originally dated May 23, 2008 and  
13 amended June 6, 2008, and entitled "Broadway Entertainment Corridor Community Benefit  
14 District, District Assessment Engineer's Report" has been submitted to the Clerk of the Board  
15 of Supervisors; and

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

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19 Now, therefore, be it

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

21 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of  
22 Supervisors declares its intention to form a property and business improvement district to be  
23 designated as the "Broadway Entertainment Corridor Community Benefit District" (the  
24 "District") for a period of ten (10) years, and to levy and collect assessments against all  
25 identified parcels of real property in the District for a period of ten (10) years, commencing

1 with fiscal year 2008-2009, subject to approval by a majority of the property owners in the  
2 District who cast assessment ballots, which ballots shall be weighted according to the  
3 proportional financial obligations of the affected properties. No bonds will be issued. District  
4 operations will commence on or about January 1, 2009, following collection of the  
5 assessments for fiscal year 2008-2009 and disbursement of the assessment proceeds to the  
6 nonprofit owners' association that will administer the property-related services, activities and  
7 improvements in the District pursuant to Section 36651 of the Law and a written agreement  
8 with the City.

9 Section 2. The Board of Supervisors hereby approves the Management District Plan  
10 and District Assessment Engineer's Report, including the estimates of the costs of the  
11 property-related services, activities and improvements set forth in the plan, and the  
12 assessment of said costs on the properties that will specially benefit from such services,  
13 activities and improvements. A copy of the Management District Plan and the District  
14 Assessment Engineer's Report are on file with the Clerk of the Board of Supervisors in File  
15 No.080783. The Clerk of the Board shall make the Management District Plan, District  
16 Assessment Engineer's Report and other documents related to the District and included in the  
17 record before the Board of Supervisors available to the public for review during normal  
18 business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal holidays.

19 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries  
20 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board  
21 of Supervisors in File No.080783 and incorporated herein by reference. The proposed District  
22 contains approximately 42 identified parcels in the Broadway Entertainment Corridor area.  
23 The exterior boundaries of the District include all parcels on both sides of the street unless  
24 otherwise noted, as follows:

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1 Columbus Avenue, from the Northeastern and Southeastern corners of the intersection  
2 of Broadway Street and Columbus running south along the east side of Columbus Avenue to  
3 the Northeastern corner of the intersection of Columbus Avenue and Kearny Street;

4 Kearny Street from the intersection with Columbus Avenue running up both sides of the  
5 street to Broadway Street;

6 Broadway Street, from the Northeastern and Southeastern corners of the intersection  
7 of Columbus Avenue and Broadway Street running eastward on both sides of the street to the  
8 Northwestern and Southeastern corners of the intersection of Montgomery Street and  
9 Broadway Street.

10 Reference should be made to the detailed maps and the lists of parcels identified by  
11 Assessor Parcel Number that are contained in the Management District Plan, in order to  
12 determine which specific parcels are included in the Broadway Entertainment Corridor  
13 Community Benefit District.

14 Section 4. A public hearing on the establishment of the District, and the levy and  
15 collection of assessments starting with fiscal year 2008-2009 and continuing through fiscal  
16 year 2017-2018, shall be conducted before the Board of Supervisors on July 29, 2008 at 3:00  
17 p.m., or as soon thereafter as the matter may be heard, in the Board's Legislative Chambers,  
18 Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102. At  
19 this public hearing, the Board of Supervisors will hear public testimony regarding the proposed  
20 formation of the District, assessments, boundaries of the District, including testimony from all  
21 interested persons for or against establishment of the District, the extent of the District, the  
22 levy of the assessments, the furnishing of specific types of property-related services,  
23 improvements and activities, and other matters related to the District. The Board of  
24 Supervisors may waive any irregularity in the form or content of any written protest, and at the  
25 public hearing may correct minor defects in the proceedings. All protests submitted by

1 affected property owners and received prior to the conclusion of the public testimony portion  
2 of the public hearing shall be tabulated to determine whether a majority protest exists.

3 Section 5. The Board of Supervisors hereby approves the form of the Notice of  
4 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of  
5 Supervisors in File No.080783.

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

8 A Sidewalk Operations, Beautification and Order (SOBO) component, to include hiring  
9 dedicated police officers from the San Francisco Police Department under San Francisco  
10 CCSF Administrative Code Chapter 10B, sidewalk cleaning, public rights of way  
11 beautification, banners and decorations, enhanced trash emptying in the public rights of way,  
12 graffiti removal, parking related activities, programs to market and promote the district, and  
13 repayment of district formation costs;

14 An Administrative, Organization and Corporate Operations component to implement  
15 and support SOBO, to include staff and administrative costs, insurance, office related  
16 expenses, relations with City, public relations, financial reporting, web site development, and  
17 communications; and,

18 A Contingency and Reserve component to implement and support SOBO, to include  
19 reserves, delinquencies, hardship repayments, and long term capital improvement projects.

20 Section 7. Within the area encompassed by the proposed District, the City currently  
21 provides services at the same level provided to other similar areas of the City. It is the intent  
22 of the Board of Supervisors to continue to provide the area encompassed by the District with  
23 the same level of services provided to these other similar areas of the City. The  
24 establishment of the District will not affect the City's policy to continue to provide the same  
25 level of service to the areas encompassed by the District as it provides to other similar areas

1 of the City during the duration of the District.

2 Section 8. The annual assessment proposed to be levied and collected for the first  
3 year of the District (fiscal year 2008-2009) is estimated to be \$205,852. The amount of the  
4 annual assessment to be levied and collected for years two through ten (fiscal years 2009-  
5 2010 through 2017-2018) may be increased from one year to the next by a percentage that  
6 does not exceed either the change in the Consumer Price Index for All Urban Consumers in  
7 the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or five  
8 percent (5%), whichever is less.

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

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