

File No. 101318

Committee Item No. 12

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

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: October 27, 2010

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ethics Form 126                              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

### OTHER

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- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Petitions to establish the Civic Center Community Benefit District |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____<br>Engineer's Report   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____<br>Management Plan   |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |

Completed by: Victor Young

Date: October 22, 2010

Completed by: Victor Young

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

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Resolution of Intention to Form the Civic Center Community Benefit District]

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

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

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

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

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

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

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

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

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

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

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

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

9 WHEREAS, A detailed engineer's report supporting the assessments within the  
10 proposed district, prepared by K. Dennis Klingelhofer, California Registered Professional  
11 Engineer No. C 50255, titled "Civic Center Community Benefit District, Engineer's Report,"  
12 has been submitted to the Clerk of the Board of Supervisors; and

13 WHEREAS, A Proposed Boundaries Map has been submitted to the Clerk of the Board  
14 of Supervisors pursuant to California Streets and Highways Code §3110;

15  
16 Now, therefore, be it

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

18 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of  
19 Supervisors declares its intention to form a property and business improvement district to be  
20 designated as the "Civic Center Community Benefit District" (the "District") for a period of ten  
21 (10) years, and to levy and collect assessments against all identified parcels of real property  
22 in the District for a period of ten (10) years, commencing with fiscal year 2011-2012, subject to  
23 approval by a majority of the property owners in the District who cast assessment ballots,  
24 which ballots shall be weighted according to the proportional financial obligations of the  
25 affected properties. No bonds will be issued. District operations will commence on or about

1 July 1, 2011, following collection of the assessments for fiscal year 2011-2012 and  
2 disbursement of the assessment proceeds to the nonprofit owners' association that will  
3 administer the property-related services, activities and improvements in the District pursuant  
4 to Section 36651 of the Law and a written agreement with the City.

5 Section 2. The Board of Supervisors hereby approves the Management District Plan  
6 and District Assessment Engineer's Report, including the estimates of the costs of the  
7 property-related services, activities and improvements set forth in the plan, and the  
8 assessment of said costs on the properties that will specially benefit from such services,  
9 activities and improvements. A copy of the Management District Plan and the District  
10 Assessment Engineer's Report, are on file with the Clerk of the Board of Supervisors in File  
11 No. 101318. The Clerk of the Board shall make the Management District Plan,  
12 District Assessment Engineer's Report and other documents related to the District and  
13 included in the record before the Board of Supervisors available to the public for review during  
14 normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal  
15 holidays.

16 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries  
17 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board  
18 of Supervisors in File No. 101318 and incorporated herein by reference. The  
19 proposed District contains approximately 654 identified parcels, located on approximately 35  
20 whole or partial blocks in the City Hall and Civic Center Plaza Street area, including the  
21 adjacent portion of Market Street. The District is generally bounded: on the North by Turk  
22 Street; on the East by a varying boundary along Hyde, Larkin and Ninth Streets; on the South  
23 by and including the South side of Market Street; and on the West by the West side of  
24 Franklin Street. It also includes both sides of Grove, Ivy and Hayes Streets westward to  
25 Gough Street.

1           Within the Civic Center CBD there are three separate benefit zones, established to  
2 reflect different levels of service provided.

3           Zone 1 generally encompasses the North side of McAllister Street to the South side of  
4 Turk Street, from Larkin Street in the East (where it adjoins the Tenderloin Community Benefit  
5 District) to the properties on the West side of Franklin Street, and extending South to include  
6 the Ballet building midway in the block between Fulton and Grove Streets.

7           Zone 2 generally encompasses the Civic Center Plaza, the Asian Art Museum, the  
8 Main Library, Bill Graham Auditorium, Symphony Hall, the Opera House, the War Memorial  
9 Building, the Performing Arts Garage, plus properties along Grove, Ivy and Hayes Streets  
10 West to Gough Street, and properties on both sides of Van Ness Avenue extending South to  
11 Market Street.

12           Zone 3 generally encompasses Polk Street South of Lech Walesa Street, Fox Plaza,  
13 Fell Street, Hickory Street, Oak Street West to Franklin Street, and both sides of Market Street  
14 from Ninth Street to Franklin Street.

15           Reference should be made to the detailed maps and the lists of parcels identified by  
16 Assessor Parcel Number that are contained in the Management District Plan, in order to  
17 determine which specific parcels are included in the Civic Center Community Benefit District,  
18 and in each zone.

19           Section 4.   A public hearing on the establishment of the District, and the levy and  
20 collection of assessments starting with fiscal year 2011-2012 and continuing through fiscal  
21 year 2020-2021, shall be conducted before the Board of Supervisors on December 14, 2010  
22 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's Legislative  
23 Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco,  
24 California, 94102. At this public hearing, the Board of Supervisors will hear public testimony  
25 regarding the proposed formation of the District, assessments, boundaries of the District,

1 including testimony from all interested persons for or against establishment of the District, the  
2 extent of the District, the levy of the assessments, the furnishing of specific types of property-  
3 related services, improvements and activities, and other matters related to the District. The  
4 Board of Supervisors may waive any irregularity in the form or content of any written protest,  
5 and at the public hearing may correct minor defects in the proceedings. All protests submitted  
6 by affected property owners and received prior to the conclusion of the public testimony  
7 portion of the public hearing shall be tabulated to determine whether a majority protest exists.

8 Section 5. The Board of Supervisors hereby approves the form of the Notice of  
9 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of  
10 Supervisors in File No. \_\_\_\_\_.

11 Section 6. The proposed property-related services, improvements or activities for  
12 the District include several programs. Programs will be refined by the CBD management  
13 corporation board based on evaluation of need and effectiveness, and availability of additional  
14 resources.

15 **I. Programs common to all three Zones are as follows:**

16 **A. Safety Program -- Daytime Community Service Ambassadors:**

17 Four uniformed Community Service Ambassadors (CSAs) will serve throughout  
18 all three Zones five days per week during daytime, with overlapping shifts. The  
19 CSAs are currently scheduled to operate from 7:30 a.m. to 7:30 p.m.

20 **B. Advocacy:**

21 For all three Zones, multi-faceted Advocacy will be provided by the Executive  
22 Director. The Executive Director will coordinate a process for regular exchange  
23 of information among Civic Center stakeholders, develop a website, and  
24 produce a regular newsletter directed towards District merchants, organizations,  
25 property owners, and members of the media. Advocacy will also include



1 participating in community meetings, coordinating information between City  
2 agencies and Civic Center stakeholders related to events and issues affecting  
3 the area, speaking at hearings, and raising additional resources and  
4 investments.

5 C. Beautification:

6 For all three Zones, capital improvements such as wayfinding signage, sidewalk  
7 lighting and other streetscape improvements will be provided. Flower  
8 baskets/other greening throughout the District will be provided, using both  
9 assessment and non-assessment funds.

10 D. Daily Cleaning and Maintenance:

11 For all three Zones, Daily Cleaning and Maintenance will be provided by on call  
12 maintenance services for graffiti removal, washing down sidewalks, and similar  
13 services, for a total of 20 hours per week.

14 E. Administration:

15 The District will have an Executive Director, and provide dispatch and related  
16 administrative functions.

17 **II. Programs for Zone 2, in addition to those listed under 6.I. above, are:**

18 F. Safety Program -- Evening Community Service Ambassadors:

19 Four uniformed Community Service Ambassadors will serve Zone 2 during  
20 evening hours, for 200 evenings per year or an equivalent. The evening CSA  
21 shifts are currently scheduled for 6:30 p.m. – 11:30 p.m.

22 G. Public Space and Sidewalk Activation:

23 Public Space and Sidewalk Activation will be provided in Civic Center Plaza,  
24 Fulton Mall, and on sidewalks throughout Zone 2, through activities such as free  
25 music performances or performing arts.

1           **III. Programs for Zone 3, in addition to those listed under 6.I. above, are:**

2           **H. Daily Cleaning and Maintenance:**

3           Daily Cleaning and Maintenance will be provided by one maintenance worker to  
4           sweep sidewalks and remove graffiti; the shift is currently scheduled for  
5           7:30 a.m. – 4:00 p.m. daily. (This is in addition to the 20 hours per week on call  
6           maintenance services for tasks such as graffiti removal and washing down  
7           sidewalks, provided throughout the three Zones.)

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

15          Section 8. The annual assessment proposed to be levied and collected for the first  
16          year of the District (fiscal year 2011-2012) is estimated to be \$736,530. The amount of the  
17          annual assessment to be levied and collected for years two through ten (fiscal years 2012-  
18          2013 through 2020-2021) may be increased from one year to the next by a percentage that  
19          does not exceed either the change in the Consumer Price Index for All Urban Consumers in  
20          the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three  
21          percent (3%), whichever is less.

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



TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *FG* Mayor Gavin Newsom *ST*  
RE: Resolution of Intention to Form the Civic Center Community Benefit District  
DATE: October 19, 2010

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Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the Resolution (1) declaring the intention of the Board of Supervisors to establish a community benefit district to be known as the "Civic Center Community Benefit District" and levy a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report and proposed boundaries map for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

I request that this item be calendared in Budget and Finance committee on October 27, 2010.

Should you have any questions, please contact Starr Terrell (415) 554-5262.



October 19, 2010

To: Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Subject: Submittal of Petitions to form the  
Civic Center Community Benefit District,  
formed under the State of California Property  
and Business Improvement District Law of  
1994, augmented by Article 15 of the Business  
and Tax Regulations Code

Dear Ms. Calvillo:

Enclosed please find petitions representing 30.41 % weighted support representing \$224,150.04 in assessments. The total assessment budget is \$736,530.04 in assessments.

The proposed Civic Center Community Benefit District (CBD) is proposed to be formed pursuant to the State of California Property and Business Improvement District Law of 1994, augmented by Article 15 of the San Francisco Business and Tax Regulations Code (Article 15).

Article 1511 states that the "Board of Supervisors may initiate proceedings to establish a property and business improvement district upon receipt of petitions signed by property owners in the proposed district who will pay at least 30% of the assessments proposed to be levied"

If you have any questions about the proposed CBD please call Karin Eklund at 415 477-2600.

Sincerely,

Karin Flood Eklund  
on behalf of the Civic Center  
CBD Steering Committee  
MJM Management Group  
(415) 477-2600

<b>Civic Center CBD Petition Update 10-19-10</b>			
	<b>YES petitions received:</b>		<b>% Amount</b>
0786A-001	War Memorial Building and Opera House	37,266.02	5.06
0810-001	War Memorial Symphony	18,985.55	2.58
0811-022	VNO Patson Companies (former AAA)	10,607.99	1.44
0814-014	VNO Patson Companies (former AAA)	3,921.33	0.53
0814-015	VNO Patson Companies (former AAA)	3,680.41	0.5
0814-020	VNO Patson Companies (former AAA)	13,916.54	1.89
0814-022	Anka Civic Center (Argenta - 1 Polk)	16,370.39	2.22
0353-001	Asian Art Museum	15,725.21	2.14
0767 -001	STATE PROPERTY	4,507.79	0.61
0767 -002	STATE PROPERTY	517.26	0.07
0767 -003	STATE PROPERTY	874.97	0.12
0767 -004	STATE PROPERTY	959.57	0.13
0767 -005	SF STATE BUILDING AUTHORITY	1,375.59	0.19
0767 -006	SF STATE BUILDING AUTHORITY	566.60	0.08
0767 -007	SF STATE BUILDING AUTHORITY	760.48	0.10
0767 -009	SF STATE BUILDING AUTHORITY	2,223.35	0.30
0767 -010	SF STATE BUILDING AUTHORITY	883.85	0.12
0767 -011	SF STATE BUILDING AUTHORITY	527.84	0.07
0767 -012	SF STATE BUILDING AUTHORITY	341.01	0.05
0767 -013	SF STATE BUILDING AUTHORITY	774.12	0.11
0767 -014	STATE PROPERTY	672.35	0.09
0813-009	BRCP Broadreach Fox Plaza (Office)	11,293.47	1.53
0814 -001	COLUMBUS ENVIRONMENTAL CO	2,461.90	0.33
0814 -021	COLUMBUS ENVIRONMENTAL CO	644.80	0.09
0836 -008	COLUMBUS ENVIRONMENTAL CO	1,882.13	0.26
0836 -009	COLUMBUS ENVIRONMENTAL CO	827.42	0.11
0836 -013	COLUMBUS ENVIRONMENTAL CO	4,848.07	0.66
0814 -016	RESCALVO GEORGE & NORMA A	617.88	0.08
0792-029	MTA - Performing Arts Garage	9,001.49	1.22
0834-027	SF Conservatory of Music	8,557.53	1.16
0762-027	Opera Plaza Commercial	1,929.65	0.26
0762-026	Opera Plaza Commercial	5,685.99	0.77
0836-005	1540 Market St. NV	2,908.17	0.39
0836-003	1540 Market St. NV	969.39	0.13
0836-002	1540 Market St. NV	969.39	0.13
0836-004	1540 Market St. NV	2,247.08	0.31
3506-004	Boas Family Investments	6,696.20	0.91
0836-010	Mercy Housing	4,638.17	0.63
0811-018	234 Van Ness LLC	1,635.64	0.22
0811-020	250 Van Ness LLC	1,797.08	0.24
0766-013	Golden Van Building (Chevys)	3,307.22	0.45
0792-031	San Francisco Ballet Admin. Building	3,285.09	0.45
0768-013	San Francisco Redevelopment Agency	2,963.60	0.4
0816-003	San Francisco Jazz Properties	2,540.12	0.34
0763-001	Mattison Family Trust	1,801.66	0.24
0816-009	Pearl Investments - Jay Begun	1,683.19	0.23
0809-005	Patricia Unterman	788.08	0.11
0809-006	Patricia Unterman	788.08	0.11

