

AMENDMENT OF THE WHOLE – 10/21/03

FILE NO. 031277

RESOLUTION NO.

1 [Resolution of Intention to authorize renewal and modification of the Union Square Business  
2 Improvement District.]

3 **Resolution declaring the intention of the Board of Supervisors to authorize renewal and**  
4 **modification of boundaries of a property-based business improvement district known**  
5 **as the “Union Square Business Improvement District,” to order the levy and collection**  
6 **of a multi-year assessment, and setting a time and place for a public hearing thereon.**

7 WHEREAS, The Property and Business Improvement District Law of 1994, Part 7 of  
8 Division 18 of the California Streets and Highways Code, commencing with Section 36600,  
9 (the “Law”) authorizes cities to establish property and business improvement districts within  
10 business districts to promote the economic revitalization and physical maintenance of such  
11 business districts; and

12 WHEREAS, The Law authorizes cities to levy and collect assessments on real property  
13 within such districts for the purpose of providing improvements and promoting activities that  
14 specially benefit real property within such districts; and

15 WHEREAS, Articles XIII C and XIII D of the California Constitution and Section 53753 of  
16 the California Government Code impose certain procedural and substantive requirements  
17 relating to assessments; and,

18 WHEREAS, By passage of Resolution No. 61-99, the Board of Supervisors in January  
19 1999, authorized the establishment of a property and business improvement district known as  
20 the Union Square Business Improvement District; and

21 WHEREAS, The Board of Supervisors finds that the Union Square Business  
22 Improvement District has provided substantial benefits to the property owners within the  
23 District and; and

24 WHEREAS, The five year term of the Union Square Business Improvement District  
25 expires in 2004; and

1           WHEREAS, The Board of Supervisors must authorize renewal of the Union Square  
2 Business Improvement District in order for that District to continue operating beyond the  
3 expiration date; and

4           WHEREAS, A petition has been filed by property owners who will pay more than 50  
5 percent of the total amount of assessments to be levied, requesting the Board of Supervisors  
6 to authorize the renewal of such a district, with the boundaries modified as set forth in this  
7 Resolution, to be named the Union Square Business Improvement District; and

8           WHEREAS, A Management District Plan entitled the “Union Square Business  
9 Improvement District Management Plan” has been prepared and submitted to the Clerk of the  
10 Board of Supervisors, containing all of the information required by Section 36622 of the Law,  
11 including a description of the modified boundaries for the district, and the cost of such  
12 improvements and activities; now, therefore, be it

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

14           Section 1. Pursuant to Sections 36621(a) of the Law, the Board of Supervisors  
15 declares its intention to renew the property and business improvement district designated as  
16 the Union Square Business Improvement District (“the District”), including the modified  
17 boundaries set forth in this Resolution, and to levy and collect assessments against lots and  
18 parcels in the District for five years, commencing with fiscal year 2004-2005, beginning July 1,  
19 2004 and ending June 30, 2009, for the costs and incidental expenses of establishing and  
20 maintaining the District that have been determined to specially benefit the assessed  
21 properties, subject to approval by a majority (weighted according to the proportional financial  
22 obligations of the property) of the property owners in the District.

23           Section 2. The Board of Supervisors hereby approves the Management District  
24 Plan, including the estimates of the costs of maintaining the services set forth therein and the  
25 assessment of said costs. A copy of the Management District Plan is on file with the Clerk of

1 the Board of Supervisors in File No. 031277. The Clerk of the Board shall make the  
2 Management District Plan and other documents related to the District available to the public  
3 for review during normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m.,  
4 excluding legal holidays.

5 Section 3. The exterior boundaries of the renewed District are as set forth in the  
6 map entitled "Proposed Boundaries of the Union Square Business Improvement District, City  
7 and County of San Francisco, State of California," on file with the Clerk of the Board of  
8 Supervisors in File No. 031277 and incorporated herein by reference. The boundaries of the  
9 renewed District are the same as the boundaries of the existing district, except that the  
10 southern boundary has been extended to encompass all parcels on the south side of Market  
11 Street between 5th Street on the west, and 4th Street on the east, as well as the first parcel  
12 on Market Street east of 4th Street; the western boundary has been extended to include those  
13 parcels on the east side of Cyril Magnin north of Ellis Street and south of O'Farrell Street; and  
14 the eastern boundary has been extended by adding one parcel adjoining the existing District  
15 boundary on the south side of Geary Street between Stockton and Grant Streets. Reference  
16 should be made to the detailed map in order to determine which specific parcels are included  
17 in the District

18 Section 4. A public hearing on the renewal of the District, with the modification of  
19 boundaries set forth in this Resolution, and the levy and collection of assessments starting  
20 with fiscal year 2004-2005 and continuing through fiscal year 2008-2009 shall be conducted  
21 before the Board of Supervisors on ~~December 9, 2003 at 3 p.m.~~ December 16, 2003 at 4 p.m.  
22 or as soon thereafter as the matter may be heard, in the Board's Legislative Chambers,  
23 Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102. At  
24 this public hearing, the Board of Supervisors will hear testimony regarding the proposed  
25 renewal and modification of boundaries of the district, including testimony from all interested

1 persons for or against renewal of the District, the extent of the District, and the furnishing of  
2 specific types of service, improvements or activities. The Board of Supervisors may waive  
3 any irregularity in the form or content of any written protest, and at the public hearing may  
4 correct minor defects in the proceedings. All protests submitted by affected property owners  
5 and received prior to the conclusion of the public input portion of the public hearing shall be  
6 tabulated to determine whether a majority protest exists.

7 Section 5. The Board of Supervisors hereby approves the form of the Notice of  
8 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of  
9 Supervisors in File No. 031277.

10 Section 6. The proposed improvements and activities for the District include  
11 providing security, sanitation, street and sidewalk cleaning and other municipal services  
12 supplemental to those normally provided by the City, marketing, and other improvements and  
13 activities which benefit businesses and real property located in the District.

14 Section 7. Within the area encompassed by the proposed renewal of the District, the  
15 City currently provides services at the same level provided to other similar areas of the City. It  
16 is the intent of the Board of Supervisors to continue to provide the area encompassed by the  
17 District with the same level of services provided to these other similar areas of the City. The  
18 renewal of the District will not affect the City's policy to continue to provide the same level of  
19 service to the areas encompassed by the District as it provides to other similar areas of the  
20 City during the duration of the District.

21 Section 8. The assessment proposed to be levied and collected for fiscal year 2004-  
22 2005 is \$979,815. The amount to be levied and collected for subsequent years up through  
23 fiscal year 2008-2009 may be increased annually by the Board of Directors of the District by  
24 an amount not to exceed the change in the Consumer Price Index for All Urban Consumers in  
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1 the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or 3 percent,  
2 whichever is greater.

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

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