


BOARD of SUPERVISORS



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MEMORANDUM

Date: June 21, 2023
To: Planning Department
From: Stephanie Cabrera, Clerk of the Government Audit and Oversight Committee
Subject: Board of Supervisors Legislation Referral - File No. 230386
Resolution of Intention - Excelsior Community Benefit District

- California Environmental Quality Act (CEQA) Determination Not defined as a project under CEQA Guidelines Section 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
(California Public Resources Code, Sections 21000 et seq.)
 Ordinance / Resolution
 Ballot Measure
06/26/23 
- Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
 General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 Landmark (Planning Code, Section 1004.3)
 Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
 Mills Act Contract (Government Code, Section 50280)
 Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department determination to Stephanie Cabrera at Stephanie.Cabrera@sfgov.org.

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.

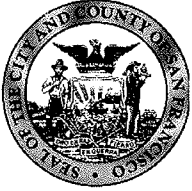
7 Section 8. Within the area encompassed by the proposed District, the City currently
8 provides services at the same level provided to other similar areas of the City. It is the intent
9 of the Board of Supervisors to continue to provide the area encompassed by the District with
10 the same level of 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.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 230386

Date Passed: May 02, 2023

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.

April 20, 2023 Government Audit and Oversight Committee - RECOMMENDED

May 02, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230386

I hereby certify that the foregoing Resolution was ADOPTED on 5/2/2023 by the Board of Supervisors of the City and County of San Francisco.

**Angela Calvillo
Clerk of the Board**

**London N. Breed
Mayor**

5/9/23

Date Approved