

1 [Resolution of Intention to form the Fisherman's Wharf Community Benefit District (CBD)

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3 **Resolution declaring the intention of the Board of Supervisors to establish a property-**
4 **based business improvement district to be known as the “Fisherman's Wharf**
5 **Community Benefit District (CBD),” to order the levy and collection of a multi-year**
6 **assessment, and setting a time and place for a public hearing thereon.**

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

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

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

20 WHEREAS, The Law and Article 15 authorize the City to levy and collect assessments
21 on real property within such districts for the purpose of providing improvements and promoting
22 activities and property-related services that specially benefit real property located within such
23 districts; and

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

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

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

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

18 WHEREAS, A Management District Plan entitled the "Fisherman's Wharf Community
19 Benefits District Management District Plan" containing information about the proposed district
20 and assessments required by Section 36622 of the Law, including but not limited to a map
21 showing all identified parcels located in the district, a description of the boundaries of the
22 district and benefit zones within the district, the name of the district, the amount of the proposed
23 assessment for each identified parcel, the total annual amount chargeable to the entire
24 district, the duration of the payments, the property-related services, activities and
25 improvements to be funded by the assessments for each year and the maximum cost thereof,

1 the method and basis upon which the assessments are calculated in sufficient detail to allow
2 each property owner to calculate the amount of the assessment to be levied against his or her
3 property, a statement that no bonds will be issued, the time and manner of collecting the
4 assessments, and a list of the properties to be assessed (including assessor parcel numbers),
5 has been submitted to the Clerk of the Board of Supervisors; and

6 WHEREAS, A detailed engineer's report entitled "District Assessment Engineer's
7 Report" supporting the assessments within the proposed district has been submitted to the
8 Clerk of the Board of Supervisors; now, therefore, be it

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

10 Section 1. Pursuant to section 36621(a) of the law and Article 15, the Board of
11 Supervisors declares its intention to form the property and business improvement district to be
12 designated as the "Fisherman's Wharf Community Benefits District" (the "District"), and to levy
13 and collect assessments against all parcels of real property in the district for a period of 15
14 years, commencing with fiscal year 2005-2006, beginning January 1, 2006 and ending
15 December 31, 2020, if a new business-based business improvement district (BID) is
16 established on or before December 31, 2006 that (i) includes business license holders on Port
17 of San Francisco property in the Fisherman's Wharf area (between Pier 35 and the Aquatic
18 Park, (ii) receives not less than \$50,000 in annual assessments, (iii) is formed to fund, at a
19 minimum, District Identity and Streetscape Improvement services as outlined in the
20 Management District Plan for this proposed Fisherman's Wharf Community Benefits District.
21 If the foregoing condition is not met, the District will expire on June 30, 2007. The
22 assessments on the properties within the District are for the costs and incidental expenses of
23 establishing and maintaining the District that have been determined to specially benefit the
24 assessed properties, subject to approval by a majority of the property owners in the District

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1 whose ballots shall be weighted according to the proportional financial obligations of their
2 affected properties. No bonds will be issued.

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

13 Section 3. The exterior boundaries of the District are as set forth in the map
14 contained in the Management District Plan on file with the Clerk of the Board of Supervisors in
15 File No. _____, and incorporated herein by reference. The District contains 106
16 parcels in the Fisherman's Wharf area, the exterior boundaries of which are as follows:

17	Jefferson St.:	from Hyde to Embarcadero (South side only)
18	Beach St.:	from Van Ness to Embarcadero
19	North Point:	from Van Ness to Embarcadero
20	Bay St.:	from Mason to Powell
21	Hyde St.:	from North Point to Jefferson
22	Columbus Ave.:	from Francisco to Beach
23	Taylor St.:	from Bay to Jefferson
24	Stockton St:	from Bay to Embarcadero
25	Leavenworth St:	from North Point to Jefferson

- 1 Jones St. from Francisco to Jefferson
- 2 Powell St.: from Bay to Embarcadero
- 3 Embarcadero: from Powell to North Point
- 4 Larkin: from North Point to Beach
- 5 Mason: from Bay to Jefferson
- 6 Grant Ave. from North Point to Embarcadero
- 7 Van Ness: from Beach to mid block south, (East side only)

8 Reference should be made to the detailed map in order to determine which specific
9 parcels are included in the District.

10 Section 4. A public hearing on the establishment of the District, and the levy and
11 collection of assessments starting with fiscal year 2005-2006 and continuing through the first
12 half of fiscal year 2020-2021 shall be conducted before the Board of Supervisors on July 26,
13 2005 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's
14 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San
15 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public
16 testimony regarding the proposed formation of the district, assessments, boundaries of the
17 district, including testimony from all interested persons for or against establishment of the
18 District, the extent of the District, and the furnishing of specific types of property-related
19 services, improvements or activities. The Board of Supervisors may waive any irregularity in
20 the form or content of any written protest, and at the public hearing may correct minor defects
21 in the proceedings. All protests submitted by affected property owners and received prior to
22 the conclusion of the public testimony portion of the public hearing shall be tabulated to
23 determine whether a majority protest exists.

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

4 Section 6. The proposed property-related services, improvements or activities for
5 the District include a Public Rights of Way and Sidewalk Operations component, consisting of
6 regular sidewalk and gutter sweeping, periodic sidewalk steam cleaning, spot steam cleaning
7 as necessary, safe passage programs for visitors and employees, minor security services,
8 beautification, decorations; enhanced trash emptying in the public rights of way, removal of
9 bulky items, graffiti removal within 24 hours, installation and maintenance of banners and/or
10 decorations, tree and plant maintenance and planting; equipment, supplies, tools, vehicle
11 maintenance and insurance, maintenance personnel and supervisor costs; a District Identity
12 and Streetscape Improvements component, consisting of special events, web site, pedestrian
13 kiosks and wayfinding signage system, enhanced beautification, flower pots on street lights,
14 marketing and promotions, advertising, walking map, public space development, historical
15 markers and public art; an Administrative and Corporate Operations component, consisting of
16 staff and administrative costs, insurance, office related expenses, financial reporting,
17 developing parking strategies with the City, communications, and repayment of district
18 formation costs; and a Contingency and Reserve component for delinquencies, a reserve and
19 repayment of district formation costs.

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
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1 level of service to the areas encompassed by the District as it provides to other similar areas
2 of the City during the duration of the District.

3 Section 8. The assessment proposed to be levied and collected for fiscal year 2005-
4 2006 is \$591,485. The amount to be levied and collected for subsequent years up through
5 the first half of fiscal year 2020-2021 may be increased annually by an amount not to exceed
6 the change in the Consumer Price Index for All Urban Consumers in the San Francisco-
7 Oakland-San Jose Consolidated Metropolitan Statistical Area, not to exceed 5 percent.

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

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