

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

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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, (5) directing**
10 **environmental findings, and (6) directing the Clerk of the Board of Supervisors to give**
11 **notice of the public hearing and balloting as required by law.**

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13 WHEREAS, The Property and Business Improvement District Law of 1994 (California
14 Streets and Highways Code sections 36600 *et seq.*, "1994 Act" or the "Act"), authorizes cities
15 to establish property and business improvement districts within business districts to promote
16 the economic revitalization and physical maintenance of such business districts; and

17 WHEREAS, Section 36603 of the 1994 Act recognizes the authority of Charter cities to
18 adopt ordinances providing for different methods of levying assessments for similar or
19 additional purposes from those set forth in the 1994 Act; and

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

24 WHEREAS, The 1994 Act and Article 15 authorize the City to levy and collect
25 assessments on real property within such districts for the purpose of providing improvements

1 and promoting activities and property-related services that specially benefit identified parcels
2 of real property located within such districts; and

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

6 WHEREAS, The 1994 Act and Article 15 impose additional procedural and substantive
7 requirements relating to assessments on real property within a proposed property and
8 business improvement district, also known as a community benefit district ("CBD"); and

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

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

19 WHEREAS, A Management District Plan entitled the "Civic Center Community Benefit
20 District Management District Plan" containing information about the proposed district and
21 assessments required by Section 36622 of the 1994 Act, including but not limited to maps
22 showing all identified parcels located in the district, a description of the boundaries of the
23 district, the name of the district, the amount of the proposed assessment for each identified
24 parcel, the total annual amount chargeable to the entire district, the duration of the payments,
25 the property-related services, activities and improvements to be funded by the assessments

1 for each year and the maximum cost thereof, the method and basis upon which the
2 assessments are calculated in sufficient detail to allow each property owner to calculate the
3 amount of the assessment to be levied against his or her property, a statement that no bonds
4 will be issued, the time and manner of collecting the assessments, and a list of the properties
5 to be assessed (including assessor parcel numbers), has been submitted to the Clerk of the
6 Board of Supervisors, and amended on October 27, 2010; and

7 WHEREAS, A detailed engineer's report supporting the assessments within the
8 proposed district, prepared by K. Dennis Klingelhofer, California Registered Professional
9 Engineer No. C 50255, titled "Civic Center Community Benefit District, Engineer's Report,"
10 has been submitted to the Clerk of the Board of Supervisors, and amended on October 27,
11 2010; and

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

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15 Now, therefore, be it

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

17 Section 1. Pursuant to Section 36621(a) of the 1994 Act and Article 15, the Board of
18 Supervisors declares its intention to form a property and business improvement district to be
19 designated as the "Civic Center Community Benefit District" (the "District") for a period of ten
20 (10) years, and to levy and collect assessments against all identified parcels of real property
21 in the District for a period of ten (10) years, commencing with fiscal year 2011-2012, subject to
22 approval by a majority of the property owners in the District who cast assessment ballots,
23 which ballots shall be weighted according to the proportional financial obligations of the
24 affected properties. No bonds will be issued. District operations will commence on or about
25 July 1, 2011, following collection of the assessments for fiscal year 2011-2012 and

1 disbursement of the assessment proceeds to the nonprofit owners' association that will
2 administer the property-related services, activities and improvements in the District pursuant
3 to Section 36651 of the 1994 Act and a written agreement with the City.

4 Section 2. The Board of Supervisors hereby approves the Management District Plan
5 and District Assessment Engineer's Report, as each amended October 27, 2010, including
6 the estimates of the costs of the property-related services, activities and improvements set
7 forth in the plan, and the assessment of said costs on the properties that will specially benefit
8 from such services, activities and improvements. A copy of the Management District Plan as
9 amended and the District Assessment Engineer's Report as amended, are on file with the
10 Clerk of the Board of Supervisors in File No. 101318. The Clerk of the Board shall make the
11 Management District Plan, District Assessment Engineer's Report and other documents
12 related to the District and included in the record before the Board of Supervisors available to
13 the public for review during normal business hours, Monday through Friday 8:00 a.m. through
14 5:00 p.m., excluding legal holidays.

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

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

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

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

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

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

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

1 related services, improvements and activities, and other matters related to the District. The
2 Board of Supervisors may waive any irregularity in the form or content of any written protest,
3 and at the public hearing may correct minor defects in the proceedings. All protests submitted
4 by affected property owners and received prior to the conclusion of the public testimony
5 portion of the public hearing shall be tabulated to determine whether a majority protest exists.

6 Section 5. The Board of Supervisors hereby approves the form of the Notice of
7 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
8 Supervisors in File No. 101318.

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

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

14 A. Safety Program -- Daytime Community Service Ambassadors: Four uniformed
15 Community Service Ambassadors (CSAs) will serve throughout all three Zones five
16 days per week during daytime, with overlapping shifts. The CSAs are currently
17 scheduled to operate from 7:30 a.m. to 7:30 p.m.

18 B. Advocacy: For all three Zones, multi-faceted Advocacy will be provided by the
19 Executive Director. The Executive Director will coordinate a process for regular
20 exchange of information among Civic Center stakeholders, develop a website, and
21 produce a regular newsletter directed towards District merchants, organizations,
22 property owners, and members of the media. Advocacy will also include participating
23 in community meetings, coordinating information between City agencies and Civic
24 Center stakeholders related to events and issues affecting the area, speaking at
25 hearings, and raising additional resources and investments.

1 C. Beautification: For all three Zones, capital improvements such as wayfinding
2 signage, sidewalk lighting and other streetscape improvements will be provided.
3 Flower baskets/other greening throughout the District will be provided, using both
4 assessment and non-assessment funds.

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

8 E. Administration: The District will have an Executive Director, and provide
9 dispatch and related administrative functions.

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

11 F. Safety Program -- Evening Community Service Ambassadors: Four uniformed
12 Community Service Ambassadors will serve Zone 2 during evening hours, for 200
13 evenings per year or an equivalent. The evening CSA shifts are currently scheduled
14 for 6:30 p.m. – 11:30 p.m.

15 G. Public Space and Sidewalk Activation: Public Space and Sidewalk Activation
16 will be provided in Civic Center Plaza, Fulton Mall, and on sidewalks throughout Zone
17 2, through activities such as free music performances or performing arts.

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

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

24 Section 7. Within the area encompassed by the proposed District, the City currently
25 provides services at the same level provided to other similar areas of the City. It is the intent

1 of the Board of Supervisors to continue to provide the area encompassed by the District with
2 the same level of services provided to these other similar areas of the City. The
3 establishment of the District will not affect the City's policy to continue to provide the same
4 level of service to the areas encompassed by the District as it provides to other similar areas
5 of the City during the duration of the District.

6 Section 8. The annual assessment proposed to be levied and collected for the first
7 year of the District (fiscal year 2011-2012) is estimated to be \$729,482. The amount of the
8 annual assessment to be levied and collected for years two through ten (fiscal years 2012-
9 2013 through 2020-2021) may be increased from one year to the next by a percentage that
10 does not exceed either the change in the Consumer Price Index for All Urban Consumers in
11 the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three
12 percent (3%), whichever is less.

13 Section 9. Environmental Findings. The Planning Department shall determine
14 whether the actions contemplated in this Resolution are in compliance with the California
15 Environmental Quality Act (California Public Resources Code sections 21000 *et seq.*), and
16 respond in writing to the Clerk of the Board of Supervisors.

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

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