

1 [Resolution of Intention to form the North of Market/Tenderloin Community Benefits District
2 (CBD)]

3 **Resolution declaring the intention of the Board of Supervisors to establish a property-**
4 **based business improvement district to be known as the “North of Market/Tenderloin**
5 **Community Benefits 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 " North of
15 Market/Tenderloin Community Benefits 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 "North of Market/Tenderloin
19 Community Benefits District (CBD)" containing information about the proposed district and
20 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, the name of the district, the amount of the proposed assessment for each identified
23 parcel, the total annual amount chargeable to the entire district, the duration of the payments,
24 the property-related services, activities and improvements to be funded by the assessments
25 for each year and the maximum cost thereof, the method and basis upon which the

1 assessments are calculated in sufficient detail to allow each property owner to calculate the
2 amount of the assessment to be levied against his or her property, a statement that no bonds
3 will be issued, the time and manner of collecting the assessments, and a list of the properties
4 to be assessed (including assessor parcel numbers), has been submitted to the Clerk of the
5 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~~ 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 "North of Market/Tenderloin Community Benefits District (CBD) " (the
13 "District"), and to levy and collect assessments against all parcels of real property in the
14 district for a period of 15 years, commencing with fiscal year 2005-2006, beginning January 1,
15 2006 and ending December 31, 2020, subject to approval by a majority of the property owners
16 in the District whose ballots shall be weighted according to the proportional financial
17 obligations of their affected properties. No bonds will be issued.

18 Section 2. The Board of Supervisors hereby approves the Management District Plan
19 and District Assessment Engineer's Report, including the estimates of the costs of the
20 property-related services, activities and improvements set forth in the plan and the
21 assessment of said costs on the properties that specially benefit from such services, activities
22 and improvements. A copy of the Management District Plan and the District Assessment
23 Engineer's Report are on file with the Clerk of the Board of Supervisors in File No. 050877.
24 The Clerk of the Board shall make the Management District Plan, District Assessment
25 Engineer's Report and other documents related to the District available to the public for review

1 during normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding
2 legal holidays.

3 Section 3. The exterior boundaries of the District are as set forth in the map
4 contained in the Management District Plan on file with the Clerk of the Board of Supervisors in
5 File No. 050877, and incorporated herein by reference. The District contains ~~497~~ 605 parcels
6 in the North of Market/Tenderloin area, the exterior boundaries of which are as follows:

7 O'Farrell, North side/Jones to Taylor, South side/Larkin to Mason

8 Ellis, Larkin to Mason;

9 Eddy, Larkin to Mason;

10 Larkin, O'Farrell to Turk (both sides)

11 Turk, Larkin to Mason

12 Golden Gate Ave., Larkin to Taylor;

13 McAllister, Larkin to Jones

14 United Nations Plaza, Hyde to Leavenworth;

15 Grove Street, Hyde to Market;

16 Market Street, Mason to Hyde (North side only)

17 Hyde, O'Farrell to McAllister;

18 Leavenworth, O'Farrell, - ~~McAllister~~ Market St.;

19 Jones, O'Farrell - ~~McAllister~~ Market St.;

20 Taylor, O'Farrell - ~~Golden Gate~~ Market St.;

21 Mason, O'Farrell - Market St. (West side only)

22 Reference should be made to the detailed map and the list of parcels identified by
23 Assessor Parcel Number contained in the Management District Plan in order to determine
24 which specific parcels are included in the District.

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1 Section 4. A public hearing on the establishment of the District, and the levy and
2 collection of assessments starting with fiscal year 2005-2006 and continuing through the first
3 half of fiscal year 2020-2021, shall be conducted before the Board of Supervisors on August
4 2, 2005 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's
5 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San
6 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public
7 testimony regarding the proposed formation of the District, assessments, boundaries of the
8 District, including testimony from all interested persons for or against establishment of the
9 District, the extent of the District, and the furnishing of specific types of property-related
10 services, improvements or activities. The Board of Supervisors may waive any irregularity in
11 the form or content of any written protest, and at the public hearing may correct minor defects
12 in the proceedings. All protests submitted by affected property owners and received prior to
13 the conclusion of the public testimony portion of the public hearing shall be tabulated to
14 determine whether a majority protest exists.

15 Section 5. The Board of Supervisors hereby approves the form of the Notice of
16 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
17 Supervisors in File No. 050877.

18 Section 6. The proposed property-related services, improvements or activities for
19 the District include a Public Rights of Way and Sidewalk Operations component, consisting of
20 regular sidewalk and gutter sweeping, periodic sidewalk steam cleaning, spot steam cleaning
21 as necessary, safe passage programs for visitors and employees, minor security services,
22 beautification, decorations; enhanced trash emptying in the public rights of way, removal of
23 bulky items, graffiti removal within 24 hours, installation and maintenance of banners and/or
24 decorations, tree and plant maintenance and planting; equipment, supplies, tools, vehicle
25 maintenance and insurance, maintenance personnel and supervisor costs; a District Identity

1 and Streetscape Improvements component, consisting of special events, web site, pedestrian
2 kiosks and wayfinding signage system, enhanced beautification, flower pots on street lights,
3 marketing and promotions, advertising, walking map, public space development, historical
4 markers and public art; an Administrative and Corporate Operations component, consisting of
5 staff and administrative costs, insurance, office related expenses, financial reporting,
6 developing parking strategies with the City, communications, and repayment of district
7 formation costs; and a Contingency and Reserve component for delinquencies, a reserve and
8 repayment of district formation costs.

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

16 Section 8. The assessment proposed to be levied and collected for fiscal year 2005-
17 2006 is \$932,413. The amount to be levied and collected for subsequent years up through
18 the first half of fiscal year 2020-2021 may be increased annually by an amount not to exceed
19 the change in the Consumer Price Index for All Urban Consumers in the San Francisco-
20 Oakland-San Jose Consolidated Metropolitan Statistical Area, not to exceed 5 percent.

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

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