

File No. 101250

Committee Item No. \_\_\_\_\_  
Board Item No. 25

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date 10/05/10

#### Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |



#### OTHER (Use back side if additional space is needed)

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Management District Plan/District Assessment Engineer's Report (File 100967)</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____   |
| <input type="checkbox"/> | <input type="checkbox"/> | _____   |

Completed by Joy Lamug

Date 9/30/10

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.



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1 [Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement  
2 District, to Now be Known as the Mission Miracle Mile Business Improvement District]

3 **Resolution establishing a property-based Business Improvement District to now be**  
4 **known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing**  
5 **the previously established 2500 Block of Mission Street Business Improvement District**  
6 **for a period of five years and six months; (2) approving the management district plan**  
7 **and engineer's report and boundaries map; (3) ordering the levy and collection of**  
8 **assessments against the property located in the Mission Miracle Mile Business**  
9 **Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY**  
10 **begins on July 1 and ends the following June 30), subject to conditions as specified;**  
11 **(4) approving services, improvements, and activities to be provided through December**  
12 **31, 2015; (5) and making environmental findings.**

13  
14 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,  
15 California Streets and Highways Code Sections 36600 *et seq.* (the "1994 Act"), as augmented  
16 by Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the  
17 Board of Supervisors adopted Resolution No. 350-10 on August 3, 2010, entitled "Resolution  
18 of Intention to renew the 2500 Block of Mission Street Business Improvement District, to be  
19 known as the Mission Miracle Mile Business Improvement District, to order the levy and  
20 collection of a multi-year assessment, and setting a time and place for a public hearing  
21 thereon" (BOS File No. 100967, the "Resolution of Intention"); and,

22 WHEREAS, The Resolution of Intention for the 2500 Block of Mission Street Business  
23 Improvement District to be known as the Mission Miracle Mile Business Improvement District  
24 (the "Mission Miracle Mile BID" or "District"), among other things, approved the Mission  
25

1 Miracle Mile Business Improvement District Management District Plan (the "District  
2 Management Plan") and the District Assessment Engineer's Report, the form of the  
3 Assessment Ballots and the Notice of Public Hearing, that are on file with Clerk of the Board  
4 of Supervisors in File No. 100967; and,

5 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning  
6 the proposed renewal and formation of the Mission Miracle Mile BID, and the proposed levy of  
7 assessments against property located within the District for a period of five years, for fiscal  
8 years 2010-2011 through 2014-2015; and,

9 WHEREAS, The Board of Supervisors has caused ballots to be mailed to the record  
10 owner of each parcel proposed to be assessed within the District, as required by law; and,

11 WHEREAS, A public hearing concerning the proposed renewal and formation of the  
12 Mission Miracle Mile BID and the proposed levy of assessments within such District was held  
13 on October 5, 2010, 2008, at 3 p.m., in the Board's Legislative Chambers, located on the  
14 Second Floor of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California; and,

15 WHEREAS, A Management District Plan entitled the "Mission Miracle Mile Business  
16 Improvement District Management District Plan" containing information about the proposed  
17 district and assessments required by Section 36622 of the Law, has been submitted to the  
18 Clerk of the Board of Supervisors; and,

19 WHEREAS, A detailed engineer's report supporting the assessments within the  
20 proposed district, prepared by K. Dennis Klingelhofer, California Registered Professional  
21 Engineer No. C50255, NBS, dated July 16, 2010 entitled "Mission Miracle Mile Business  
22 Improvement District, Engineer's Report" has been submitted to the Clerk of the Board of  
23 Supervisors; and

24 WHEREAS, A proposed Boundaries Map has been submitted to the Clerk of the Board  
25 of Supervisors pursuant to California Streets and Highways Code §3110;

1           WHEREAS, At the public hearing, the testimony of all interested persons for or against  
2 the proposed formation of the District, the levy of assessments on property within the District,  
3 the extent of the District, and the furnishing of specified types of improvements, services and  
4 activities within the District, was heard and considered, and a full, fair and complete meeting  
5 and hearing was held; and,

6           WHEREAS, The Board of Supervisors heard and considered all objections or protests  
7 to the proposed assessments and the Director of the Department of Elections tabulated the  
8 assessment ballots submitted and not withdrawn, in support of or in opposition to the  
9 proposed assessments, and the Clerk of the Board determined that a majority of the ballots  
10 cast (weighted according to the proportional financial obligations of the property) by the  
11 owners of record of the property located within the proposed District did not oppose  
12 establishing the proposed District; and,

13           WHEREAS, The public interest, convenience and necessity require the establishment  
14 of the proposed Mission Miracle Mile Business Improvement District; and,

15           WHEREAS, In the opinion of the Board of Supervisors, the property within the District  
16 will be specially benefited by the improvements, services and activities funded by the  
17 assessments, and no assessment has been imposed on any parcel which exceeds the  
18 reasonable cost of the proportional special benefit conferred on that parcel; now therefore be  
19 it

20           RESOLVED, that the Board of Supervisors declares as follows:

21           **Section 1. FINDING OF NO MAJORITY PROTEST.** The Board of Supervisors  
22 hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIID of  
23 the California Constitution and Section 53753 of the California Government Code with respect  
24 to the formation of the Mission Miracle Mile Business Improvement District. All objections or  
25 protests both written and oral, are hereby duly overruled.

1           **Section 2. ESTABLISHMENT OF DISTRICT.** Pursuant to the Act and Article 15, a  
2 property-based business improvement district designated as the " Mission Miracle Mile  
3 Business Improvement District" is hereby established, for a period of five (5) years and six (6)  
4 months.

5           **Section 3. MANAGEMENT DISTRICT PLAN AND DISTRICT ASSESSMENT**  
6 **ENGINEER'S REPORT.** The Board hereby approves the Management District Plan and  
7 District Assessment Engineer's Report including the estimates of the costs of the property-  
8 related services, activities and improvements set forth in the plan, and the assessment of said  
9 costs on the properties that will specially benefit from such services, activities and  
10 improvements. A copy of the Management District Plan and the District Assessment  
11 Engineer's Report are on file with the Clerk of the Board of Supervisors in File No. 100967.

12           **Section 4. DESCRIPTION OF DISTRICT, BOUNDARIES MAP.** The Board hereby  
13 approves the boundaries map dated showing the exterior boundaries of the district, which is  
14 on file with the Clerk of the Board of Supervisors in File No. 100967 and incorporated  
15 herein by reference. The Mission Miracle Mile Business Improvement District shall include all  
16 parcels of real property within the district, including all parcels on both sides of the street  
17 unless otherwise noted.

18           The Mission Miracle Mile BID area consists of the 2500 Block of Mission Street, both  
19 sides of the street, as bounded by 21st Street and 22nd Street. There are approximately 20  
20 identified parcels within the exterior boundaries. The exterior boundaries of the District  
21 include all parcels on both sides of the street, including the linear street footage of the two  
22 corner parcels that each extend around the corner on 21st Street, and the linear street  
23 footage of the two corner parcels that each extend around the corner on 22nd Street.  
24 Reference should be made to the detailed maps and the lists of parcels identified by Assessor  
25

1 Parcel Number that are contained in the Management District Plan, in order to determine  
2 which specific parcels are included in the Mission Miracle Mile Business Improvement District.

3 **Section 5. FINDING OF BENEFIT.** The Board of Supervisors hereby finds that the  
4 property within the District will be benefited by the improvements and activities funded by the  
5 assessments proposed to be levied.

6 **Section 6. SYSTEM OF ASSESSMENTS.**

7 (a) Annual assessments will be levied to pay for the activities to be provided within the  
8 District, commencing with fiscal year 2010-2011, and continuing for five years, ending with  
9 fiscal year 2014-2015. For purposes of levying and collecting assessments within the District,  
10 a fiscal year shall commence on each July 1st and end on the following June 30th.

11 Assessments collected may be expended through December 31, 2015, in order to complete  
12 the planned provision of services, improvements and activities. The total term of the renewed  
13 District, will be five (5) years and six (6) months.

14 (b) The total amount of the proposed assessments to be levied and collected for  
15 fiscal year 2010-2011 is estimated to be \$85,002. The amount of assessments to be levied  
16 and collected in years two through five (fiscal years 2011-2012 through 2014-2015) may be  
17 increased annually by the Board of Directors of the District by an amount not to exceed the  
18 change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-  
19 San Jose Consolidated Metropolitan Statistical Area, or three percent (3%), whichever is  
20 lower.

21 (c) The method and basis of levying and collecting the assessment shall be as set  
22 forth in the District Management Plan. The levy of the assessments shall commence with  
23 fiscal year 2010-2011. Each year the assessment shall be due and payable in two equal  
24 installments. The first installment shall be due on November 1 of each fiscal year during the  
25 life of the District, and shall become delinquent on December 10 of that fiscal year. The

1 second installment shall be due on February 1 of each fiscal year during the life of the District,  
2 and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment  
3 shall have the same lien priority and delinquent payment penalties and be subject to the same  
4 enforcement procedures and remedies as the ad valorem property tax. Except that, for fiscal  
5 year 2010-2011 only, the City will send a separate direct bill to each property owner, for  
6 payment of the assessed amount.

7 **Section 7. USE OF REVENUES.** The proposed property-related services,  
8 improvements or activities for the District include:

- 9 • **Beautification, Cleaning and Maintenance:** Litter and general cleaning of  
10 sidewalks, gutters, doorways, and public right of way; graffiti abatement; removal of  
11 posters, foreign attachments and bulky items; sidewalk weed removal and tree and  
12 plant maintenance; steam cleaning/power washing of all sidewalks every week and  
13 as needed. Beautification, cleaning and maintenance services will be provided  
14 three hours per day.
- 15 • **Public Safety:** Community Ambassadors with cell phones to support police and  
16 property owners in crime prevention and provide street population with social  
17 services information, three hours per day. Seven surveillance camera operating  
18 24/7 to record street activities.
- 19 • **Greening:** Twenty hanging floral baskets with new flowers every six months, cared  
20 for daily.

21 The above improvements, services and activities will be funded by the levy of the  
22 assessments. The revenue from the levy of the assessments within the District shall not be  
23 used to provide improvements, services or activities outside the District or for any purpose  
24 other than the purposes specified in this Board of Supervisors Resolution. Assessments  
25 collected may be expended through December 31, 2015, in order to complete the planned



1 provision of services, improvements and activities.

2       **Section 8. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract  
3 with a separate private entity to administer the improvements, services and activities set forth  
4 in Section 7. Any such entity shall hold the funds it receives from the City and County of San  
5 Francisco ("City") in trust for the improvements, services and activities set forth in Section 7 of  
6 this Resolution. Any such entity that holds funds in trust for purposes related to the contract  
7 shall deliver, at no expense to the City, a balance sheet and the related statement of income  
8 and cash flows for each fiscal year, all in reasonable detail acceptable to City, reviewed by a  
9 Certified Public Accountant (CPA); this review shall include a statement of negative assurance  
10 from the CPA. In addition, or alternatively, the Controller or the Office of Economic and  
11 Workforce Development may in their discretion require the private entity to deliver, at no  
12 expense to the City, an annual independent audit report by a Certified Public Accountant of all  
13 such funds. The CPA review and/or audit may be funded from assessment proceeds as part  
14 of the general administration of the District. At all times the Board of Supervisors shall  
15 reserve full rights of accounting of these funds. The Office of Economic and Workforce  
16 Development shall be the City agency responsible for coordination between the City and the  
17 District.

18       **Section 9. AMENDMENTS.** The properties in the District established by this  
19 Resolution shall be subject to any amendments to the 1994 Act and Article 15.

20       **Section 10. RECORDATION OF NOTICE AND DIAGRAM.** The County Clerk is  
21 hereby authorized and directed to record a notice and an assessment diagram pursuant to  
22 Section 36627 of the California Streets and Highways Code, following adoption of this  
23 Resolution.

24       **Section 11. LEVY OF ASSESSMENT.** The adoption of this Resolution and  
25 recordation of the notice and assessment diagram pursuant to Section 36627 of the California

1 Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years  
2 referred to in the District Management Plan. Each year, the Assessor shall enter on the  
3 County Assessment Roll opposite each lot or parcel of land the amount of the assessment  
4 and such assessment shall be collected in the same manner as the County property taxes are  
5 collected. Except that, for fiscal year 2010-2011 only, the City will send a separate direct bill  
6 to each property owner, for payment of the assessed amount.

7 **Section 12. BASELINE SERVICES.** To ensure that assessment revenues from the  
8 District are used to enhance the current level of services provided by the City within the  
9 District, the establishment of the District will not affect the City's policy to continue to provide  
10 the same level of service to the areas encompassed by the District as it provides to other  
11 similar areas of the City for the duration of the District, provided, however, that in the event of  
12 a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of  
13 municipal services citywide, including within the District.

14 **Section 13. ENVIRONMENTAL FINDINGS.** The Planning Department has  
15 determined that the actions contemplated in this Resolution are in compliance with the  
16 California Environmental Quality Act (California Public Resources Code Sections 21000 *et*  
17 *seq.*). Said determination is on file with the Clerk of the Board of Supervisors in File No.  
18 \_\_\_\_\_ and is incorporated herein by reference.