

1 [Resolution of Intention - West Portal Community Benefit District]

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3 **Resolution declaring the intention of the Board of Supervisors to establish a property-**  
4 **based business improvement district (community benefit district) to be known as the**  
5 **“West Portal Community Benefit District” and to levy a multi-year assessment on**  
6 **identified parcels in the district; approving the management district plan and**  
7 **engineer's report and proposed boundaries map for the district; ordering and setting**  
8 **a time and place for a public hearing thereon; approving the form of the Notice of**  
9 **Public Hearing and Assessment Ballots; and directing the Clerk of the Board of**  
10 **Supervisors to give notice of the public hearing and balloting as required by law.**

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

17 WHEREAS, Section 36603 of the Law 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 Law; 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 Law and Article 15 authorize the City to levy and collect assessments  
25 on real property within such districts for the purpose of providing improvements and promoting

1 activities and property-related services that specially benefit identified parcels of real property  
2 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 Law 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 benefits on the assessed properties over and above the general  
12 benefits to the public at large from such services, activities and improvements; and

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

20 WHEREAS, A Management District Plan entitled the "West Portal Community Benefit  
21 District Management District Plan" containing information about the proposed district and  
22 assessments required by Section 36622 of the Law, including but not limited to maps showing  
23 all identified parcels located in the district, a description of the boundaries of the district, the  
24 name of the district, the amount of the proposed assessment for each identified parcel, the  
25 total annual amount chargeable to the entire district, the duration of the payments, the

1 property-related services, activities and improvements to be funded by the assessments for  
2 each year and the maximum cost thereof, the method and basis upon which the assessments  
3 are calculated in sufficient detail to allow each property owner to calculate the amount of the  
4 assessment to be levied against his or her property, a statement that no bonds will be issued,  
5 the time and manner of collecting the assessments, and a list of the properties to be assessed  
6 (including assessor parcel numbers), has been submitted to the Clerk of the Board of  
7 Supervisors dated May 17, 2011, which is hereby declared to be a part of this Resolution as if  
8 set forth fully herein; and

9 WHEREAS, A detailed engineer's report supporting the assessments within the  
10 proposed district, prepared by Terrance E. Lowell, California Registered Professional  
11 Engineer No. 13398 dated May 17, 2011, entitled "West Portal Community Benefit District,  
12 Engineer's Report" has been submitted to the Clerk of the Board of Supervisors, which is  
13 hereby declared to be a part of this Resolution as if set forth fully herein; and

14 WHEREAS, A Proposed Boundaries Map has been submitted to the Clerk of the Board  
15 of Supervisors pursuant to California Streets and Highways Code §3110, which is hereby  
16 declared to be a part of this Resolution as if set forth fully herein; now, therefore, be it

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

18 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of  
19 Supervisors declares its intention to form a property and business improvement district to be  
20 designated as the "West Portal Community Benefit District" (the "District") for a period of  
21 thirteen (13) years, and to levy and collect assessments against all identified parcels of real  
22 property in the District for a period of thirteen (13) years, commencing with fiscal year 2011-  
23 2012, subject to approval by a majority of the property owners in the District who cast  
24 assessment ballots, which ballots shall be weighted according to the proportional financial  
25 obligations of the affected properties. No bonds will be issued. District operations will

1 commence on or about January 1, 2012, following collection of the assessments for fiscal  
2 year 2011-2012 and disbursement of the assessment proceeds to the nonprofit owners'  
3 association that will administer the property-related services, activities and improvements in  
4 the District pursuant to Section 36651 of the Law and a written agreement with the City.

5 Section 2. The Board of Supervisors hereby approves the Management District Plan  
6 and District Assessment Engineer's Report each dated May 17, 2011, including the estimates  
7 of the costs of the property-related services, activities and improvements set forth in the plan,  
8 and the assessment of said costs on the properties that will specially benefit from such  
9 services, activities and improvements. A copy of the Management District Plan and the  
10 District Assessment Engineer's Report each dated May 17, 2011 are on file with the Clerk of  
11 the Board of Supervisors in File No. \_\_\_\_\_, which are hereby declared to be a part  
12 of this Resolution as if set forth fully herein. The Clerk of the Board shall make the  
13 Management District Plan, District Assessment Engineer's Report and other documents  
14 related to the District and included in the record before the Board of Supervisors available to  
15 the public for review during normal business hours, Monday through Friday 8:00 a.m. through  
16 5:00 p.m., excluding legal holidays.

17 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries  
18 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board  
19 of Supervisors in File No. \_\_\_\_\_, which is hereby declared to be a part of this  
20 Resolution as if set forth fully herein. The proposed District contains approximately 84  
21 identified parcels in the West Portal area. The exterior boundaries of the District include all  
22 parcels that front West Portal Avenue between Ulloa Street and 15th Avenue; and in addition  
23 include the public library, the Muni transfer station, and the parcels on both sides of Ulloa  
24 between West Portal Avenue and Claremont Boulevard. The District is approximately three  
25 (3) linear blocks.

1 Reference should be made to the detailed maps and the lists of parcels identified by  
2 Assessor Parcel Number that are contained in the Management District Plan, in order to  
3 determine which specific parcels are included in the West Portal Community Benefit District.

4 Section 4. A public hearing on the establishment of the District, and the levy and  
5 collection of assessments starting with fiscal year 2011-2012 and continuing through fiscal  
6 year 2023-2024, with services and programs to be provided January 1, 2012 through  
7 December 31, 2024, shall be conducted before the Board of Supervisors on September 27,  
8 2011 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's  
9 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San  
10 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public  
11 testimony regarding the proposed formation of the District, assessments, boundaries of the  
12 District, including testimony from all interested persons for or against establishment of the  
13 District, the extent of the District, the levy of the assessments, the furnishing of specific types  
14 of property-related services, improvements and activities, and other matters related to the  
15 District. The Board of Supervisors may waive any irregularity in the form or content of any  
16 written protest, and at the public hearing may correct minor defects in the proceedings. All  
17 protests submitted by affected property owners and received prior to the conclusion of the  
18 public testimony portion of the public hearing shall be tabulated to determine whether a  
19 majority protest exists.

20 Section 5. The Board of Supervisors hereby approves the form of the Notice of  
21 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_\_\_, which are hereby declared to be a part of this  
23 Resolution as if set forth fully herein; and  
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1 Section 6. The proposed property-related services, improvements or activities for  
2 the District include two principal programs: Maintenance and Streetscape Improvements, and  
3 Economic Development. There will also be an Advocacy and Administration component.

4 A. Maintenance and Streetscape Improvements:

5 The Maintenance and Streetscape Improvements Program will provide a cleaner and  
6 more aesthetically appealing environment for businesses, employees and pedestrians.

7 CBD maintenance teams will provide enhanced cleaning services, including sidewalk  
8 sweeping and litter removal, power washing and scrubbing of sidewalks, removal of illegal  
9 signs/posters/stickers, and graffiti removal.

10 In addition, the CBD will undertake efforts to beautify the public right-of-way  
11 streetscape and provide maintenance, which may include such items as seasonal banners,  
12 flower baskets, tree installation, and other beautification efforts.

13 B. Economic Development:

14 The Economic Development program will provide activities to support the growth and  
15 vitality of existing businesses, attract new businesses, and enhance the image of West Portal  
16 as a destination for consumer and investment revenues.

17 CBD funds will be used for market and demographic research, to identify what is  
18 needed to attract future development and investment. This program will identify the types of  
19 businesses and activities that are missing and needed in the West Portal business corridor. A  
20 variety of options will be developed, that may include:

- 21 • Design and dissemination of investor marketing materials to assist real estate  
22 brokers, developers and property owners in business recruitment efforts.
- 23 • Creation and maintenance of a database with a variety of market and real estate  
24 information.

- 1 • Provision of counseling, financing referrals and business support to start locally  
2 owned independent businesses.
- 3 • Provision of trouble-shooting and liaison services between property and business  
4 owners and the City, in an effort to entice investment and business operations in  
5 West Portal.

6 C. Advocacy and Administration:

7 The District will support a professional staff that delivers programs and advocates on  
8 behalf of the District.

9 The CBD advocacy services will provide direction on policies and issues that affect the  
10 central business district.

11 Administrative services will include an Executive Director, and a part-time  
12 administrative assistant if needed, for the day to day operations of the CBD. The  
13 administrative services budget will also include office expenses such as rent, bookkeeping,  
14 annual reporting expenses, insurance, and related expenses.

15 Section 7. Within the area encompassed by the proposed District, the City currently  
16 provides services at the same level provided to other similar areas of the City. It is the intent  
17 of the Board of Supervisors to continue to provide the area encompassed by the District with  
18 the same level of services provided to these other similar areas of the City. The  
19 establishment of the District will not affect the City's policy to continue to provide the same  
20 level of service to the areas encompassed by the District as it provides to other similar areas  
21 of the City during the duration of the District.

22 Section 8. The annual assessment proposed to be levied and collected for the first  
23 year of the District (fiscal year 2011-2012) is estimated to be \$198,000. The amount of the  
24 annual assessment to be levied and collected for years two through thirteen (fiscal years  
25 2012-2013 through 2023-2024) may be increased from one year to the next by a percentage

1 that does not exceed either the change in the Consumer Price Index for All Urban Consumers  
2 in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three  
3 percent (3%), whichever is less.

4 Section 9. The Clerk of the Board is directed to give notice of the public hearing as  
5 provided in California Streets and Highways Code Section 36623, California Government  
6 Code Section 53753, California Constitution Article XIID Section 4, San Francisco Charter  
7 Section 16.112, and San Francisco Administrative Code Section 67.7-1.

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