

1 [Resolution of Intention to form the Castro/Upper Market 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 “Castro/Upper Market**
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 XIII D 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 "Castro/Upper Market 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 "Castro/Upper Market Community
19 Benefit 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, 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

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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

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

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

11 Section 1. Pursuant to section 36621(a) of the law and Article 15, the Board of
12 Supervisors declares its intention to form the property and business improvement district to be
13 designated as the "Castro/Upper Market Community Benefit District" (the "District"), and to
14 levy and collect assessments against all parcels of real property in the district for a period of
15 15 years, commencing with fiscal year 2005-2006, beginning January 1, 2006 and ending
16 December 31, 2020, subject to approval by a majority of the property owners in the District
17 whose ballots shall be weighted according to the proportional financial obligations of their
18 affected properties. No bonds will be issued.

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

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1 _____ . The Clerk of the Board shall make the Management District Plan, District
2 Assessment Engineer's Report and other documents related to the District available to the
3 public for review during normal business hours, Monday through Friday 8:00 a.m. through
4 5:00 p.m., excluding legal holidays.

5 Section 3. The exterior boundaries of the District are as set forth in the map
6 contained in the Management District Plan on file with the Clerk of the Board of Supervisors in
7 File No. _____, and incorporated herein by reference. The District contains 285
8 parcels in the Castro/Upper Market area, the exterior boundaries of which are as follows::

9 *Market Street* from Octavia to Castro;

10 *Castro* from Market to 19th;

11 *Church Street* from Market to Duboce;

12 *Duboce* from Buchanan to Guerrero;

13 *18th Street* from Collingwood to Noe Street;

14 *17th Street* from Castro to Prosper;

15 *16th Street* from Market to Prosper;

16 *Noe Street* from 17th Street to Beaver.

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

20 Section 4. A public hearing on the establishment of the District, and the levy and
21 collection of assessments starting with fiscal year 2005-2006 and continuing through the first
22 half of fiscal year 2020-2021, shall be conducted before the Board of Supervisors on August
23 2, 2005 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's
24 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San
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1 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public
2 testimony regarding the proposed formation of the district, assessments, boundaries of the
3 district, including testimony from all interested persons for or against establishment of the
4 District, the extent of the District, and the furnishing of specific types of property-related
5 services, improvements or activities. The Board of Supervisors may waive any irregularity in
6 the form or content of any written protest, and at the public hearing may correct minor defects
7 in the proceedings. All protests submitted by affected property owners and received prior to
8 the conclusion of the public testimony portion of the public hearing shall be tabulated to
9 determine whether a majority protest exists.

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

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

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

12 Section 8. The assessment proposed to be levied and collected for fiscal year 2005-
13 2006 is \$395,216. The amount to be levied and collected for subsequent years up through
14 the first half of fiscal year 2020-2021 may be increased annually by an amount not to exceed
15 the change in the Consumer Price Index for All Urban Consumers in the San Francisco-
16 Oakland-San Jose Consolidated Metropolitan Statistical Area, not to exceed 5 percent.

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

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