

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

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

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

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

25 WHEREAS, The Law and Article 15 authorize the City to levy and collect assessments

1 on real property within such districts for the purpose of providing improvements and promoting
2 activities and property-related services that specially benefit identified parcels of real property
3 located within such districts; and

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

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

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

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

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

1 total annual amount chargeable to the entire district, the duration of the payments, the
2 property-related services, activities and improvements to be funded by the assessments for
3 each year and the maximum cost thereof, the method and basis upon which the assessments
4 are calculated in sufficient detail to allow each property owner to calculate the amount of the
5 assessment to be levied against his or her property, a statement that no bonds will be issued,
6 the time and manner of collecting the assessments, and a list of the properties to be assessed
7 (including assessor parcel numbers), has been submitted to the Clerk of the Board of
8 Supervisors; and

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

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

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16 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 "Civic Center Community Benefit District" (the "District") for a period of ten
21 (10) years, and to levy and collect assessments against all identified parcels of real property
22 in the District for a period of ten (10) years, commencing with fiscal year 2011-2012, subject to
23 approval by a majority of the property owners in the District who cast assessment ballots,
24 which ballots shall be weighted according to the proportional financial obligations of the
25 affected properties. No bonds will be issued. District operations will commence on or about

1 July 1, 2011, following collection of the assessments for fiscal year 2011-2012 and
2 disbursement of the assessment proceeds to the nonprofit owners' association that will
3 administer the property-related services, activities and improvements in the District pursuant
4 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, including the estimates of the costs of the
7 property-related services, activities and improvements set forth in the plan, and the
8 assessment of said costs on the properties that will specially benefit from such services,
9 activities and improvements. A copy of the Management District Plan and the District
10 Assessment Engineer's Report, are on file with the Clerk of the Board of Supervisors in File
11 No. _____. The Clerk of the Board shall make the Management District Plan,
12 District Assessment Engineer's Report and other documents related to the District and
13 included in the record before the Board of Supervisors available to the public for review during
14 normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal
15 holidays.

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

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

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

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

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

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

19 Section 4. A public hearing on the establishment of the District, and the levy and
20 collection of assessments starting with fiscal year 2011-2012 and continuing through fiscal
21 year 2020-2021, shall be conducted before the Board of Supervisors on December 14, 2010
22 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's Legislative
23 Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco,
24 California, 94102. At this public hearing, the Board of Supervisors will hear public testimony
25 regarding the proposed formation of the District, assessments, boundaries of the District,

1 including testimony from all interested persons for or against establishment of the District, the
2 extent of the District, the levy of the assessments, the furnishing of specific types of property-
3 related services, improvements and activities, and other matters related to the District. The
4 Board of Supervisors may waive any irregularity in the form or content of any written protest,
5 and at the public hearing may correct minor defects in the proceedings. All protests submitted
6 by affected property owners and received prior to the conclusion of the public testimony
7 portion of the public hearing shall be tabulated to determine whether a majority protest exists.

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

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

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

16 A. Safety Program -- Daytime Community Service Ambassadors:

17 Four uniformed Community Service Ambassadors (CSAs) will serve throughout
18 all three Zones five days per week during daytime, with overlapping shifts. The
19 CSAs are currently scheduled to operate from 7:30 a.m. to 7:30 p.m.

20 B. Advocacy:

21 For all three Zones, multi-faceted Advocacy will be provided by the Executive
22 Director. The Executive Director will coordinate a process for regular exchange
23 of information among Civic Center stakeholders, develop a website, and
24 produce a regular newsletter directed towards District merchants, organizations,
25 property owners, and members of the media. Advocacy will also include

1 participating in community meetings, coordinating information between City
2 agencies and Civic Center stakeholders related to events and issues affecting
3 the area, speaking at hearings, and raising additional resources and
4 investments.

5 C. Beautification:

6 For all three Zones, capital improvements such as wayfinding signage, sidewalk
7 lighting and other streetscape improvements will be provided. Flower
8 baskets/other greening throughout the District will be provided, using both
9 assessment and non-assessment funds.

10 D. Daily Cleaning and Maintenance:

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

14 E. Administration:

15 The District will have an Executive Director, and provide dispatch and related
16 administrative functions.

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

18 F. Safety Program -- Evening Community Service Ambassadors:

19 Four uniformed Community Service Ambassadors will serve Zone 2 during
20 evening hours, for 200 evenings per year or an equivalent. The evening CSA
21 shifts are currently scheduled for 6:30 p.m. – 11:30 p.m.

22 G. Public Space and Sidewalk Activation:

23 Public Space and Sidewalk Activation will be provided in Civic Center Plaza,
24 Fulton Mall, and on sidewalks throughout Zone 2, through activities such as free
25 music performances or performing arts.

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

2 **H. Daily Cleaning and Maintenance:**

3 Daily Cleaning and Maintenance will be provided by one maintenance worker to
4 sweep sidewalks and remove graffiti; the shift is currently scheduled for
5 7:30 a.m. – 4:00 p.m. daily. (This is in addition to the 20 hours per week on call
6 maintenance services for tasks such as graffiti removal and washing down
7 sidewalks, provided throughout the three Zones.)

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

15 Section 8. The annual assessment proposed to be levied and collected for the first
16 year of the District (fiscal year 2011-2012) is estimated to be \$736,530. The amount of the
17 annual assessment to be levied and collected for years two through ten (fiscal years 2012-
18 2013 through 2020-2021) may be increased from one year to the next by a percentage that
19 does not exceed either the change in the Consumer Price Index for All Urban Consumers in
20 the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three
21 percent (3%), whichever is less.

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