

Amendment of the Whole  
In Committee, Bearing Same Title  
5/26/11

FILE NO. 110600

RESOLUTION NO.

1 [Fillmore Jazz Community Benefit District Expansion and Renaming to Fillmore Community  
Benefit District]

2

3 **Resolution (1) declaring the intention of the Board of Supervisors to renew the**  
4 **property-based Fillmore Jazz Community Benefit District, to be expanded and**  
5 **renamed the "Fillmore Community Benefit District," and to 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.**

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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

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

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

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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; and

10 WHEREAS, on June 27, 2006, pursuant to the Property and Community Benefit Law of  
11 1994, California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as  
12 augmented by Article 15 of the San Francisco Business and Tax Regulations Code ("Article  
13 15"), the Board of Supervisors adopted Resolution No. 389-06 "Resolution of Intention to form  
14 the Fillmore Jazz Community Benefit District (BID)" ("Resolution of Intention"); and,

15 WHEREAS, on August 15, 2006 the Board of Supervisors adopted Resolution  
16 No. 462-06 "Resolution to Establish the Fillmore Jazz Community Benefit District" (Resolution  
17 to Establish) for a period of 5 years commencing with fiscal year 2006-2007, with services  
18 commencing January 1, 2007 (BOS File No. 061149); and,

19 WHEREAS, on May 1, 2007 the Board of Supervisors adopted Resolution No. 219-07  
20 "Contract with Owners' Association for Administration of Fillmore Jazz Community Benefit  
21 District" (BOS File No. 070465); and,

22 WHEREAS, The Board of Supervisors finds that the property-related services, activities  
23 and improvements to be funded with assessments on real property within the proposed  
24 renewed district will confer substantial special benefits on the assessed properties over and  
25 above the general benefits to the public at large from such services, activities and

1 improvements; and

2 WHEREAS, The property owners who will pay more than 30 percent of the total  
3 amount of assessments on properties within the proposed renewed district signed and  
4 submitted to the Clerk of the Board of Supervisors a petition (the "Petition") requesting that  
5 the Board of Supervisors renew the property-based business improvement district Fillmore  
6 Jazz Community Benefit District, to be expanded and re-named the "Fillmore Community  
7 Benefit District," and to levy assessments on properties located in the district to fund property-  
8 related services, activities and improvements within the district; and

9 WHEREAS, A Management District Plan entitled the "Fillmore Community Benefit  
10 District Management Plan" containing information about the proposed district and  
11 assessments required by Section 36622 of the Law as circulated with the Petition, including  
12 but not limited to maps showing all identified parcels located in the district, a description of the  
13 boundaries of the district, the name of the district, the amount of the proposed assessment for  
14 each identified parcel, the total annual amount chargeable to the entire district, the duration of  
15 the payments, the property-related services, activities and improvements to be funded by the  
16 assessments for each year and the maximum cost thereof, the method and basis upon which  
17 the assessments are calculated in sufficient detail to allow each property owner to calculate  
18 the amount of the assessment to be levied against his or her property, a statement that no  
19 bonds will be issued, the time and manner of collecting the assessments, and a list of the  
20 properties to be assessed (including assessor parcel numbers), dated April 2, 2011, has been  
21 submitted to the Clerk of the Board of Supervisors, which is hereby declared to be a part of  
22 this Resolution as if set forth fully herein; and

23 WHEREAS, An amended Management District Plan dated May 10, 2011 has been  
24 submitted to the Clerk of the Board of Supervisors to provide more clarification and  
25 explanation of the proposed renewal and expansion, and to incorporate requested changes as

1 received during the Petition process from certain proposed assesseses by lowering the level of  
2 services and concomitantly lowering assessments on their Parcels No. 707 001, 755 010, 755  
3 011, 755 013, which is hereby declared to be a part of this Resolution as if set forth fully  
4 herein; and

5 WHEREAS, A detailed engineer's report supporting the assessments within the  
6 proposed district, prepared by K. Dennis Klingelhofer, California Registered Professional  
7 Engineer No. C50255, NBS, dated May 10, 2011 entitled "Fillmore Community Benefit  
8 District, Engineer's Report" has been submitted to the Clerk of the Board of Supervisors,  
9 which is hereby declared to be a part of this Resolution as if set forth fully herein; and

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

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

14 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of  
15 Supervisors declares its intention to renew the Fillmore Jazz Community Benefit District, to be  
16 renamed as the "Fillmore Community Benefit District" (the "District"), for a period of seven (7)  
17 years, and to levy and collect assessments against all identified parcels of real property in the  
18 District for a period of seven (7) years, commencing with fiscal year 2011-2012 subject to  
19 approval by a majority of the property owners in the District who cast assessment ballots,  
20 which ballots shall be weighted according to the proportional financial obligations of the  
21 affected properties. No bonds will be issued.

22 Section 2. The Board of Supervisors hereby approves the Management District Plan  
23 and District Assessment Engineer's Report dated May 10, 2011, including the estimates of the  
24 costs of the property-related services, activities and improvements set forth in the plan, and  
25 the assessment of said costs on the properties that will specially benefit from such services,

1 activities and improvements. A copy of the May 10, 2011 Management District Plan and the  
2 District Assessment Engineer's Report are on file with the Clerk of the Board of Supervisors in  
3 File No. 110600, which are hereby declared to be a part of this Resolution as if set forth fully  
4 herein. The Clerk of the Board shall make the Management District Plan, District Assessment  
5 Engineer's Report and other documents related to the District and included in the record  
6 before the Board of Supervisors available to the public for review during normal business  
7 hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal holidays.

8 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries  
9 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board  
10 of Supervisors in File No. 110600 , which is hereby declared to be a part of this Resolution as  
11 if set forth fully herein.

12 The original Fillmore Jazz CBD area consists of an area of approximately 217 parcels  
13 centering on Fillmore Street, generally described as extending from Steiner to Webster and  
14 Geary to Golden Gate; in addition the half block from Geary to Post and Fillmore to Avery  
15 Street is also included. The expanded Fillmore Community Benefit District would extend  
16 these boundaries to include:

- 17 • The West side of Steiner between Geary and Ellis (the sidewalk adjoining  
18 Kimbell Park);
- 19 • The West side of Fillmore between Golden Gate and McAllister; and,
- 20 • Miscellaneous inholding parcels that were left out of the existing CBD  
21 (726 013, 726 014, 726 014A, 755 003, 755 005, and 755 006.

22 There are approximately ~~226~~7 identified parcels within the (expanded) exterior  
23 boundaries of the Fillmore CBD.

24 Reference should be made to the detailed maps and the lists of parcels identified by  
25 Assessor Parcel Number that are contained in the Management District Plan, in order to

1 determine which specific parcels are included in the Fillmore Community Benefit District.

2 Section 4. A public hearing on the establishment of the District, and the levy and  
3 collection of assessments starting with fiscal year 2011-2012 and continuing through fiscal  
4 year 2017-2018, shall be conducted before the Board of Supervisors on ~~June~~ July 26<sup>8</sup>, 2011  
5 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board’s Legislative  
6 Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco,  
7 California, 94102. At this public hearing, the Board of Supervisors will hear public testimony  
8 regarding the renewal of the District, assessments, boundaries of the District, including  
9 testimony from all interested persons for or against establishment of the District, the extent of  
10 the District, the levy of the assessments, the furnishing of specific types of property-related  
11 services, improvements and activities, and other matters related to the District. The Board of  
12 Supervisors may waive any irregularity in the form or content of any written protest, and at the  
13 public hearing may correct minor defects in the proceedings. All protests submitted by  
14 affected property owners and received prior to the conclusion of the public testimony portion  
15 of the public hearing shall be tabulated to determine whether a majority protest exists.

16 Section 5. The Board of Supervisors hereby approves the form of the Notice of Public  
17 Hearing and Assessment Ballot which are on file with the Clerk of the Board of Supervisors in  
18 File No. 110600.

19 Section 6. The proposed property-related services, improvements or activities for  
20 the District include Cleaning and Maintenance, Beautification, Marketing, Advocacy, and  
21 Public Safety:

22 **Cleaning and Maintenance Program:** The Cleaning and Maintenance program  
23 utilizes uniformed maintenance workers on a daily or other regular basis to provide services  
24 that include: area sidewalk sweeping; area curb cleaning; refuse and trash removal (building  
25 edges to gutter); removal of litter from tree basins and grates; remove and disinfect bodily

1 wastes as required; remove debris from plants, trees and greenery; remove leaves in the  
2 entire coverage area; remove trash found around and flowing out of City refuse cans; cleaning  
3 of trash cans, surrounding areas, newsracks, light poles etc.; remove unauthorized and  
4 expired postings; spot clean spills with hose or mop; report City maintenance issues to the  
5 City's 311 Customer Service Center; and report crime / safety issues to SFPD. Other  
6 services are performed periodically, including: area sidewalk steam cleaning; and weeding of  
7 tree basins and sidewalk cracks. In addition, there is on-call graffiti removal within 24 hours.

8 **Beautification:** The Fillmore CBD has previously installed decorative street tree  
9 lighting, which needs refurbishment. It has also advocated for resources and provided direct  
10 investment via grants raised towards much needed capital streetscape enhancements,  
11 plantings, trees, pedestrian lights, banners and other improvements. Within the annual  
12 budgeted assessment funds such things as wayfinding signage, additional greening, redoing  
13 tree wells, hanging flower baskets at key intersections, public art, seasonal decorations, and  
14 other enhancements, will be considered, in addition to promoting the locations of cultural  
15 facilities, eating and drinking establishments and other area amenities.

16 **Marketing:** The reauthorized CBD will continue the marketing and district promotional  
17 programs that began in 2009. The plan includes print and web based promotion and  
18 advertising and news article placements in neighborhood, city-wide and tourist publications.  
19 In addition, the CBD will continue to maintain a Facebook site and a Twitter site. Other  
20 promotional activities sponsoring local businesses and special events such as coupon books,  
21 web based small business information, and district wide special events with local businesses  
22 and organizational promotion will continue and be enhanced. The District will continue to  
23 monitor results, and adjust accordingly, as outlined in the marketing plan.

24 **Advocacy.** The purpose of advocacy is to promote the Fillmore neighborhood as a  
25 beautiful, clean, safe, and vibrant music and entertainment filled residential and small

1 business district. This goes well beyond marketing programs that create image and visibility.  
2 The larger purpose is to advocate for services and resources that increase the area's  
3 perception as a friendly, clean, and exciting place for attending performances, dining,  
4 shopping, and investing in business opportunities and properties. It is intended to support  
5 patronage growth, business growth and wellbeing for residents, workers and visitors.

6 The Executive Director of the CBD will have a key role in participating in community  
7 meetings, coordinating information between City agencies and Fillmore stakeholders related  
8 to events and issues affecting the neighborhood, speaking at hearings, and raising additional  
9 resources and investment for the district from decision makers and funders. The Executive  
10 Director will coordinate a process for regular exchange of information among Fillmore  
11 stakeholders.

12 **Public Safety.** A new element not previously provided, will be the creation of Fillmore  
13 Community Benefit District Ambassadors. Some of the cleaners will be cross-trained as  
14 Ambassadors, to be eyes and ears on the street. They will be trained in observation and  
15 reporting protocols and receive cellular telephones to interface with the SFPD and other City  
16 Agencies. Their role is one of deterrence not enforcement.

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

24 Section 8. The annual assessment proposed to be levied and collected for the first  
25 year of the renewed District (fiscal year 2011-2012) is estimated to be \$366,159. The amount

1 of the annual assessment to be levied and collected for years two through seven (fiscal years  
2 2012-2013 through 2017-2018 may be increased from one year to the next by a percentage  
3 that does not exceed either the change in the Consumer Price Index for All Urban Consumers  
4 in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three  
5 percent (3%), whichever is less.

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

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