

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

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 district**
7 **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 the**
9 **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; and

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

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

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

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

1 above the general benefits to the public at large from such services, activities and
2 improvements; and

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

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

24 WHEREAS, An amended Management District Plan dated May 10, 2011 has been
25 submitted to the Clerk of the Board of Supervisors to provide more clarification and

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

6 WHEREAS, An amended Management District Plan dated June 7, 2011 has been
7 submitted to the Clerk of the Board of Supervisors to better insure diversity among property
8 owners and business owners and other members of the community who sit on the nonprofit
9 board of directors that manages and administers this Community Benefit District, by modifying
10 certain qualifications for membership on that board, which is hereby declared to be a part of
11 this Resolution as if set forth fully herein; and

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

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

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

21 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of
22 Supervisors declares its intention to renew the Fillmore Jazz Community Benefit District, to be
23 renamed as the "Fillmore Community Benefit District" (the "District"), for a period of seven (7)
24 years, and to levy and collect assessments against all identified parcels of real property in the
25 District for a period of seven (7) years, commencing with fiscal year 2011-2012 subject to

1 approval by a majority of the property owners in the District who cast assessment ballots,
2 which ballots shall be weighted according to the proportional financial obligations of the
3 affected properties. No bonds will be issued.

4 Section 2. The Board of Supervisors hereby approves the Management District Plan
5 as amended June 7, 2011 and District Assessment Engineer's Report dated May 10, 2011,
6 including the estimates of the costs of the property-related services, activities and
7 improvements set forth in the plan, and the assessment of said costs on the properties that
8 will specially benefit from such services, activities and improvements. A copy of the ~~May 10~~
9 June 7, 2011 Management District Plan and the May 10, 2011 District Assessment Engineer's
10 Report are on file with the Clerk of the Board of Supervisors in File No. 110600, which are
11 hereby declared to be a part of this Resolution as if set forth fully herein. The Clerk of the
12 Board shall make the Management District Plan, District Assessment Engineer's Report and
13 other documents related to the District and included in the record before the Board of
14 Supervisors available to the public for review during normal business hours, Monday through
15 Friday 8:00 a.m. through 5:00 p.m., excluding legal 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. 110600, which is hereby declared to be a part of this Resolution as
19 if set forth fully herein.

20 The original Fillmore Jazz ~~BID~~ CBD area consists of an area of approximately 217
21 parcels centering on Fillmore Street, generally described as extending from Steiner to
22 Webster and Geary to Golden Gate; in addition the half block from Geary to Post and Fillmore
23 to Avery Street is also included. The expanded Fillmore Community Benefit District would
24 extend these boundaries to include:
25

- 1 • The West side of Steiner between Geary and Ellis (the sidewalk adjoining
- 2 Kimbell Park);
- 3 • The West side of Fillmore between Golden Gate and McAllister; and,
- 4 • Miscellaneous inholding parcels that were left out of the existing CBD
- 5 (726 013, 726 014, 726 014A, 755 003, 755 005, and 755 006.

6 There are approximately ~~226~~ 227 identified parcels within the (expanded) exterior

7 boundaries of the Fillmore CBD.

8 Reference should be made to the detailed maps and the lists of parcels identified by

9 Assessor Parcel Number that are contained in the Management District Plan, in order to

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

11 Section 4. A public hearing on the establishment of the District, and the levy and

12 collection of assessments starting with fiscal year 2011-2012 and continuing through fiscal

13 year 2017-2018, shall be conducted before the Board of Supervisors on ~~June 28~~ July 26,

14 2011 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's

15 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San

16 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public

17 testimony regarding the renewal of the District, assessments, boundaries of the District,

18 including testimony from all interested persons for or against establishment of the District, the

19 extent of the District, the levy of the assessments, the furnishing of specific types of property-

20 related services, improvements and activities, and other matters related to the District. The

21 Board of Supervisors may waive any irregularity in the form or content of any written protest,

22 and at the public hearing may correct minor defects in the proceedings. All protests submitted

23 by affected property owners and received prior to the conclusion of the public testimony

24 portion of the public hearing shall be tabulated to determine whether a majority protest exists.

25 Section 5. The Board of Supervisors hereby approves the form of the Notice of Public

1 Hearing and Assessment Ballot which are on file with the Clerk of the Board of Supervisors in
2 File No. 110600.

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

6 **Cleaning and Maintenance Program:** The Cleaning and Maintenance program
7 utilizes uniformed maintenance workers on a daily or other regular basis to provide services
8 that include: area sidewalk sweeping; area curb cleaning; refuse and trash removal (building
9 edges to gutter); removal of litter from tree basins and grates; remove and disinfect bodily
10 wastes as required; remove debris from plants, trees and greenery; remove leaves in the
11 entire coverage area; remove trash found around and flowing out of City refuse cans; cleaning
12 of trash cans, surrounding areas, newsracks, light poles etc.; remove unauthorized and
13 expired postings; spot clean spills with hose or mop; report City maintenance issues to the
14 City's 311 Customer Service Center; and report crime / safety issues to SFPD. Other
15 services are performed periodically, including: area sidewalk steam cleaning; and weeding of
16 tree basins and sidewalk cracks. In addition, there is on-call graffiti removal within 24 hours.

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

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

9 **Advocacy.** The purpose of advocacy is to promote the Fillmore neighborhood as a
10 beautiful, clean, safe, and vibrant music and entertainment filled residential and small
11 business district. This goes well beyond marketing programs that create image and visibility.
12 The larger purpose is to advocate for services and resources that increase the area's
13 perception as a friendly, clean, and exciting place for attending performances, dining,
14 shopping, and investing in business opportunities and properties. It is intended to support
15 patronage growth, business growth and wellbeing for residents, workers and visitors.

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

22 **Public Safety.** A new element not previously provided, will be the creation of Fillmore
23 Community Benefit District Ambassadors. Some of the cleaners will be cross-trained as
24 Ambassadors, to be eyes and ears on the street. They will be trained in observation and
25

1 reporting protocols and receive cellular telephones to interface with the SFPD and other City
2 Agencies. Their role is one of deterrence not enforcement.

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

10 Section 8. The annual assessment proposed to be levied and collected for the first
11 year of the renewed District (fiscal year 2011-2012) is estimated to be \$366,159. The amount
12 of the annual assessment to be levied and collected for years two through seven (fiscal years
13 2012-2013 through 2017-2018 may be increased from one year to the next by a percentage
14 that does not exceed either the change in the Consumer Price Index for All Urban Consumers
15 in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three
16 percent (3%), whichever is less.

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