

1 [Resolution of Intention - Renew and Expand the Central Market Community Benefit District]

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3 **Resolution declaring the intention of the Board of Supervisors to renew and**
4 **expand the property-based business improvement district (community benefit district)**
5 **known as the “Central Market Community Benefit District” and levy a multi-year**
6 **assessment on all parcels in the district; approving the management district plan and**
7 **engineer’s report and proposed boundaries map for the district; ordering and setting a**
8 **time and place for a public hearing thereon; approving the form of the Notice of Public**
9 **Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing**
10 **environmental findings; and directing the Clerk of the Board of Supervisors to give**
11 **notice of the public hearing and balloting as required by law.**
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13 WHEREAS, The Property and Business Improvement District Law of 1994 (California
14 Streets and Highways Code Sections 36600 *et seq.*, “1994 Act”), authorizes cities to establish
15 property and business improvement districts within business districts to promote the economic
16 revitalization and physical maintenance of such business districts; and

17 WHEREAS, Section 36603 of the 1994 Act 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 1994 Act; and

20 WHEREAS, Article 15 of the San Francisco Business and Tax Regulations 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 1994 Act and Article 15 authorize the City to levy and collect
25 assessments on real property within such districts for the purpose of providing improvements

1 and promoting activities and property-related services that specially benefit parcels of real
2 property 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 1994 Act 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 special benefits on the assessed properties over and above the general benefit to
12 the public at large from such services, activities and improvements; and

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

19 WHEREAS, A Management District Plan entitled "Central Market CBD Management
20 Plan" ("Management District Plan") containing information about the proposed district and
21 assessments required by Section 36622 of the 1994 Act, including but not limited to a map
22 showing all parcels located in the district, a description of the boundaries of the district, the
23 name of the district, the amount of the proposed assessment for each parcel, the total annual
24 amount chargeable to the entire district, the duration of the payments, the property-related
25 services, activities and improvements to be funded by the assessments for each year and the

1 maximum cost thereof, the method and basis upon which the assessments are calculated in
2 sufficient detail to allow each property owner to calculate the amount of the assessment to be
3 levied against his or her property, a statement that no bonds will be issued, the time and
4 manner of collecting the assessments, and a list of the properties to be assessed (including
5 assessor parcel numbers), is on file with the Clerk of the Board of Supervisors in File No.
6 130470, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

7 WHEREAS, A detailed engineer's report supporting the assessments within the
8 proposed district, prepared by Brian K. Thomas, California Registered Professional Engineer
9 No. 60907, entitled "Central Market Community Benefit District Engineer's Report"
10 ("Engineer's Report") is on file with the Clerk of the Board of Supervisors in File No. 130470,
11 which is hereby declared to be a part of this Resolution as if set forth fully herein; and

12 WHEREAS, A Proposed Boundaries Map, submitted pursuant to California Streets and
13 Highways Code Section 3110, is on file with the Clerk of the Board of Supervisors in File No.
14 130470, which is hereby declared to be a part of this Resolution as if set forth fully herein;
15 now, therefore, be it

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

17 Section 1. Pursuant to Section 36621(a) of the 1994 Act and Article 15, the Board of
18 Supervisors declares its intention to renew and expand the property and business
19 improvement district known as the "Central Market Community Benefit District" ("District") for a
20 period of fifteen and one half (15 1/2) years, and to levy and collect assessments against all
21 parcels of real property in the District for fifteen (15) of those years, commencing with fiscal
22 year 2013-2014, subject to approval by a majority of the property owners in the District who
23 cast assessment ballots, which ballots shall be weighted according to the proportional
24 financial obligations of the affected properties. No bonds will be issued. District operations
25 are expected to commence on or about January 1, 2014, following collection of the

1 assessments for fiscal year 2013-2014 and disbursement of the assessment proceeds to the
2 nonprofit owners' association that will administer the property-related services, activities and
3 improvements in the District pursuant to Section 36651 of the 1994 Act and a written
4 agreement with the City.

5 Section 2. The Board of Supervisors hereby approves the Management District Plan
6 and Engineer's Report, including the estimates of the costs of the property-related services,
7 activities and improvements set forth in the plan, and the assessment of said costs on the
8 properties that will specially benefit from such services, activities and improvements, on file
9 with the Clerk of the Board of Supervisors in File No. 130470, which are hereby declared to be
10 a part of this Resolution as if set forth fully herein. The Clerk of the Board shall make the
11 Management District Plan, Engineer's Report and other documents related to the District and
12 included in the record before the Board of Supervisors available to the public for review during
13 normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal
14 holidays.

15 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries Map
16 showing the boundaries of the District. The proposed expanded District contains
17 approximately 806 identified parcels located on approximately 42 whole or partial blocks.

18 Specifically, current exterior District boundaries are:

- 19 • 5th St. from Market St. to Mission St. (West Side only)
- 20 • 6th St. from Market St. to Jessie St. (East and West Sides)
- 21 • 7th St. from Market St. to Stevenson St; (East and West Sides)
- 22 • 8th St. on the east side of the street from Market St. to approximately 185 feet
23 from the southeast corner of Market St. and 8th St. - in which the lot line is
24 drawn to a point equidistant with the balance of the depth of the parcels on that
25 block between 7th St. and 8th St. (as if there was a continuation of
Stevenson St. to 8th St.); also on the west side of 8th St. running southward
from the southwest corner of 8th St. and Market St., including Parcels No.
3701-050, 3701-059, 3701-005, 3701-060, but *not including* Parcel No.
3701-053 at the corner of 8th St. and Mission St. (owned by PG&E)

- 9th St. just including the parcel at the southeast corner of the Market St. and 9th St. intersection
- Market St. from 5th St. to 9th St. (South Side)
- Market St., from Cyril Magnin St. to Mason St. and then from Hyde St. to Larkin St. (North Side)
- Mason St. from Eddy St. to Market St. (East Side)
- Eddy St. from Parcel No. 0341-18 to Mason St. (South Side)
- Mission St. from 5th St. running west (North Side only) including the Old Mint and four parcels (3704-012, 3704-013, 3704-015, 3704-017) directly west of Mint St.
- Jessie St. from 5th St. to 6th St. (North Side only), and Jessie St. running west from 6th St. including 6 parcels (3703-006, 3703-007, 3703-010, 3703-011, 3703-012, 3703-086) to the west of 6th St. (North Side only)
- Mint St. from Jessie St. to Mission St. (East and West Sides)
- Mint Plaza from 5th St. to Mint St. (North and South Sides)

Specifically, the proposed exterior boundaries of the expanded district are:

- 5th St. from Market St. to Mission St. (West Side only)
- 6th St. from Market St. to Folsom St. (East and West Sides)
- 7th St. from Market St. to Stevenson St. (East and West Sides)
- 8th St. from Market St. to Mission St. (East and West Sides)
- Laskie St. from Parcel No. 3701-60 and Parcel No. 3701-66 to Mission St. (East and West Sides)
- 9th St. from Market St. to Mission St. (East Side) and from Jessie St. to Mission St. (West Side)
- 10th St. from Stevenson St. to Mission St (East Side) and from Jessie St. to Mission St. (West Side)
- Market St. from 5th St. to 9th St. (South Side)
- Market St. from Cyril Magnin St. to Mason St. (North Side)
- Mason St. from Eddy St. to Market St. (East Side)
- Eddy St. from Parcel No. 0341-18 to Mason St. (South Side)
- Market St. from Hyde St. to Larkin St. (North Side)
- Grove St. from Hyde St. to Larkin St. (South Side)

- Stevenson St. from Parcel No. 3703-085 to Fifth St. (South Side), and from Parcel No. 3702-054 to Fifth St. (North Side)
- Jessie St. From Parcel No. 3703-086 (North Side) to Mint St.
- Jessie St. from Parcel No. 3703-080 (South Side) to Mint St.
- Mint St. from Jessie St. to Mission St. (East and West Sides)
- Mint Plaza from 5th St. to Mint St. (North and South Sides)
- Mission St. from 5th St. to South Van Ness Ave. (North Side), excluding parcels owned by the federal government in the area of 7th St. and Mission St. (parcel numbers listed below), and excluding Parcel No. 3507-040 which is located to the west next to Parcel No. 3507-042 (within the adjacent Civic Center CBD boundaries)
- Mission St. starting from Parcel No. 3725-088 to Lafayette St. (South Side)
- Minna St. starting from Parcel No. 3725-075 to Sixth St. (South Side)
- Natoma St. starting from Parcel No. 3725-048 and Parcels No. 3725-033 and 3725-035 to Sixth St. (North and South Sides)
- Howard St. starting from Parcel No. 3725-014 and Parcel No. 3732-146 to Sixth St. (North and South Sides)
- Tehama St. starting from Parcel No. 3732-099 and Parcel No. 3732-097 to Sixth St. (North and South Sides)
- Clementina St. starting from Parcel No. 3732-062 and Parcel No. 3732-048 to Sixth St. (North and South Sides)

Parcel No. 3507-040 is excluded from this District (within the adjacent Civic Center CBD boundaries, on Mission St. near 11th St., next to Parcel No. 3507-042). Parcels owned by the federal government are also excluded from the District (near 7th St. and Mission St., the Federal Building and United States Court of Appeals): Parcels No. 3702-015, 3702-016, 3702-029, 3702-031, 3702-032, 3702-033, 3702-034, 3702-035, 3702-036, 3702-055, 3703-040, 3703-041, and 3703-084.

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

1 Section 4. A public hearing on the renewal and expansion of the District, and the levy
2 and collection of assessments starting with fiscal year 2013-2014 and continuing through
3 fiscal year 2027-2028, shall be conducted before the Board of Supervisors sitting as a
4 Committee of the Whole on July 23, 2013 at 3:00 p.m., or as soon thereafter as the matter
5 may be heard in the Board's Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B.
6 Goodlett Place, San Francisco, California, 94102. At this public hearing, the Board of
7 Supervisors will hear public testimony regarding the proposed renewal and expansion of the
8 District, assessments, and boundaries of the District, including testimony from all interested
9 persons for or against renewal and expansion of the District, the extent of the District, the levy
10 of the assessments, the furnishing of specific types of property-related services,
11 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 Proceeding, and Assessment Ballot, which are on file with the
18 Clerk of the Board of Supervisors in File No. 130470; which are hereby declared to be a part
19 of this Resolution as if set forth fully herein.

20 Section 6. The proposed property-related services, improvements and activities for the
21 renewed and expanded District include Public Safety/Community Guides, Cleaning and
22 Maintenance, Economic Development, and Management.

23 **Public Safety/Community Guides:** Community Guides functions are oriented
24 towards crime prevention and providing information, and include but are not limited to
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1 monitoring street conditions, social service outreach, pedestrian directions and information,
2 and merchant outreach. Other resources are drawn on as needed.

3 **Cleaning and Maintenance:** Cleaning and Maintenance includes but is not limited to
4 garbage and graffiti removal, weeding, sweeping, and quarterly steam cleaning in the public
5 right-of-way.

6 **Economic Development:** Economic Development includes but is not limited to district
7 marketing, retail attraction, retention and expansion, and technical support.

8 **Management:** Management includes but is not limited to handling of day-to-day
9 operations, advocacy, grant writing, financials, and all administrative tasks.

10 Section 7. Within the area encompassed by the proposed renewed and expanded
11 District, the City currently provides services at the same level provided to other similar areas
12 of the City. It is the intent of the Board of Supervisors to continue to provide the area
13 encompassed by the District with the same level of services provided to other similar areas of
14 the City; renewal and expansion of the District will not affect the City's policy to continue to
15 provide the same level of service to the areas encompassed by the District as it provides to
16 other similar areas of the City during the term of the District.

17 Section 8. The annual total assessments proposed to be levied and collected for the
18 first year of the District (fiscal year 2013-2014) is estimated to be \$1,180,337.63. The amount
19 of the total annual assessments to be levied and collected for years two through fifteen (fiscal
20 years 2014-2015 through 2027-2028) may be increased from one year to the next by a
21 percentage that does not exceed either the change in the Consumer Price Index for All Urban
22 Consumers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical
23 Area, or three percent (3%), whichever is less.

1 Section 9. Environmental Findings. Following the approval of this Resolution, the
2 Planning Department shall determine whether the actions contemplated in this Resolution are
3 in compliance with the California Environmental Quality Act (California Public Resources
4 Code Sections 21000 *et seq.*), and respond in writing to the Clerk of the Board of Supervisors
5 prior to the Board's public hearing on the renewal and expansion of the District on July 23,
6 2013 at 3:00 p.m.

7 Section 10. The Clerk of the Board is directed to give notice of the public hearing as
8 provided in California Streets and Highways Code Section 36623, California Government
9 Code Section 53753, California Constitution Article XIID Section 4, San Francisco Charter
10 Section 16.112, and San Francisco Administrative Code Section 67.7-1.