

BOARD of SUPERVISORS



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October 14, 2014

File No. 141041

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On October 7, 2014, Supervisor Chiu introduced the following legislation:

File No. 141041

Resolution receiving and approving annual reports for the Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District for FYs 2009-2013, submitted as required by the Property and Business Improvement District Law of 1994, Section 36650 (California Streets and Highways Code, Sections 36600, *et seq.*), and the Districts' management contracts with the City.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Government Audit and Oversight Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

1 [Fisherman's Wharf and Fisherman's Wharf Portside Community Benefit Districts - Annual
2 Reports to the City - FYs 2009-2013]

3 **Resolution receiving and approving annual reports for the Fisherman's Wharf**
4 **Community Benefit District and Fisherman's Wharf Portside Community Benefit**
5 **District for FYs 2009-2013, submitted as required by the Property and Business**
6 **Improvement District Law of 1994, Section 36650 (California Streets and**
7 **Highways Code, Sections 36600, et seq.), and the Districts' management**
8 **contracts with the City.**

9
10 WHEREAS, The Fisherman's Wharf Community Benefit District (CBD) was
11 established by the Board of Supervisors in 2005, and the Fisherman's Wharf Portside
12 Community Benefit District (CBD) was established by the Board of Supervisors in 2006,
13 as described below; and

14 WHEREAS, Both the Fisherman's Wharf CBD and the Fisherman's Wharf
15 Portside CBD are administered by the same owners' non-profit association, known as
16 the Fisherman's Wharf Association, as described below; and

17 WHEREAS, On June 7, 2005, in accordance with the Property and Business
18 Improvement District Law of 1994, California Streets and Highways Code, Sections
19 36600 et seq. (the "Act"), as augmented by Article 15 of the San Francisco Business
20 and Tax Regulations Code ("Article 15"), the Board of Supervisors adopted Resolution
21 No. 386-05, "Resolution of Intention to Form the Fisherman's Wharf Community Benefit
22 District," expressing the City's intent to form the Fisherman's Wharf CBD; and

23 WHEREAS, On July 26, 2005, the Board of Supervisors adopted Resolution
24 No. 540-05, "Resolution to Establish the Fisherman's Wharf Community Benefit District,"
25

1 establishing the CBD for a period of 15 years commencing with FY2005-2006; and

2 WHEREAS, On January 10, 2006, the Board of Supervisors adopted Resolution
3 No. 16-06, "Contract with Owners' Association for Administration of Fisherman's Wharf
4 Community Benefit District," with the Fisherman's Wharf Association, approving a
5 contract with the Fisherman's Wharf Association for the management and
6 administration of the CBD (the Fisherman's Wharf Management Contract") which is on
7 file with the Clerk of the Board of Supervisors in File No. 052026; and

8 WHEREAS, In 2007 the Board of Supervisors approved the Fisherman's Wharf
9 CBD's annual report for 2005-2006 in Resolution No. 345-07; and

10 WHEREAS, On October 24, 2006, in accordance with the Act, as augmented by
11 Article 15, the Board of Supervisors adopted Resolution No. 586-06, "Resolution of
12 Intention to Form the Fisherman's Wharf Portside Community Benefit District,"
13 expressing the City's intent to form the Fisherman's Wharf Portside CBD; and

14 WHEREAS, On December 12, 2006, the Board of Supervisors adopted
15 Resolution No. 696-06, "Resolution to Establish the Fisherman's Wharf Portside
16 Community Benefit District," establishing the CBD for a period of 14 years commencing
17 with FY2005-2006; and

18 WHEREAS, On June 19, 2007, the Board of Supervisors adopted Resolution
19 No. 312-07, "Contract with Owners' Association for Administration of Fisherman's Wharf
20 Portside Community Benefit District," with the Fisherman's Wharf Association,
21 approving a contract with the Fisherman's Wharf Association for the management and
22 administration of the CBD (the "Fisherman's Wharf Portside Management Contract")
23 which is on file with the Clerk of the Board of Supervisors in File No. 070838; and

24 WHEREAS, In 2011 the Board of Supervisors approved the Fisherman's Wharf
25 CBD's and the Fisherman's Wharf Portside CBD's annual reports for FYs 2006-2007,

1 2007-2008, and 2008-2009 in Resolution No. 15-11; and

2 WHEREAS, The Fisherman’s Wharf Association has submitted for the Board’s
3 receipt and approval annual reports for Fisherman's Wharf CBD and Fisherman's Wharf
4 Portside CBD for FYs 2009-2010, 2010-2011, 2011-2012, and 2012-2013 (collectively,
5 the “Annual Reports”) as required by Section 36650 of the Act and Section 3.4 of the
6 Fisherman’s Wharf Management Contract and the Fisherman’s Wharf Portside
7 Management Contract; and

8 WHEREAS, The Annual Reports are on file with the Clerk of the Board of
9 Supervisors in File No. _____, and are incorporated herein by reference as
10 though fully set forth; and

11 WHEREAS, Supporting documents, including, but not limited to, a transmittal
12 letter and memorandum report from the City's Office of Economic and Workforce
13 Development, dated October 3, 2014, and documentation from the Fisherman's Wharf
14 Association for the Annual Reports are on file with the Clerk of the Board of Supervisors
15 in File No. _____; and

16 WHEREAS, The Planning Department has determined that the actions contemplated in
17 this Resolution comply with the California Environmental Quality Act (California Public
18 Resources Code, Sections 21000 *et seq.*); said determination is on file with the Clerk of the
19 Board of Supervisors in File No. _____, and is incorporated herein by reference;
20 now, therefore, be it

21 RESOLVED, That the Board of Supervisors hereby receives and approves the
22 annual reports for the Fisherman's Wharf Community Benefit District and Fisherman's
23 Wharf Portside Community Benefit District for FYs 2009-2010, 2010-2011, 2011-2012,
24 and 2012-2013.