

1 [Resolution to establish the Central Market Community Benefit District.]

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3 **Resolution establishing a property-based business improvement district to be known**
4 **as the “Central Market Community Benefit District (CBD),” ordering the levy and**
5 **collection of assessments against property located in that district for seven years,**
6 **commencing with fiscal year 2006-2007, subject to conditions as specified, and making**
7 **environmental findings.**

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9 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
10 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by
11 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board
12 of Supervisors adopted Resolution No. 519-06 on September 12, 2006, entitled "Resolution
13 declaring the intention of the Board of Supervisors to establish a property-based business
14 improvement district to be known as the 'Central Market Community Benefit District (CBD),' to
15 order the levy and collection of a multi-year assessment, and setting a time and place for a
16 public hearing thereon" (the "Resolution of Intention"); and,

17 WHEREAS, The Resolution of Intention for the Central Market Community Benefit
18 District (the "Central Market CBD" or "District"), among other things, approved the Central
19 Market Community Benefit District Management District Plan (the "District Management
20 Plan"), the District Assessment Engineer's Report, the Assessment Ballots and the Notice of
21 Public Hearing, that are on file with Clerk of the Board of Supervisors in File No. 060860; and,

22 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning
23 the proposed formation of the Central Market CBD, and the proposed levy of assessments
24 against property located within the District for a period of seven years, commencing with fiscal
25 year 2006-2007, beginning January 1, 2007 and ending December 31, 2013; and,

1 WHEREAS, The Board of Supervisors has caused ballots to be mailed to the record
2 owner of each parcel proposed to be assessed within the District, as required by law; and,

3 WHEREAS, A public hearing concerning the proposed formation of the Central Market
4 CBD and the proposed levy of assessments within such District was held on October 31,
5 2006, at 3 p.m., in the Board's Legislative Chambers, located on the Second Floor of City
6 Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California; and,

7 WHEREAS, At the public hearing, the testimony of all interested persons for or against
8 the proposed formation of the District, the levy of assessments on property within the District,
9 the extent of the District, and the furnishing of specified types of improvements, services and
10 activities within the District, was heard and considered, and a full, fair and complete meeting
11 and hearing was held; and,

12 WHEREAS, The Board of Supervisors heard and considered all objections or protests
13 to the proposed assessments and the Director of the Department of Elections tabulated the
14 assessment ballots submitted and not withdrawn, in support of or in opposition to the
15 proposed assessments, and the Clerk of the Board determined that a majority of the ballots
16 cast (weighted according to the proportional financial obligations of the property) by the
17 owners of record of the property located within the proposed District did not oppose
18 establishing the proposed district; and,

19 WHEREAS, The public interest, convenience and necessity require the establishment
20 of the proposed Central Market Community Benefit District; and,

21 WHEREAS, In the opinion of the Board of Supervisors, the property within the District
22 will be specially benefited by the improvements, services and activities funded by the
23 assessments, and no assessment has been imposed on any parcel which exceeds the
24 reasonable cost of the proportional special benefit conferred on that parcel; now therefore be
25 it

1 RESOLVED, that the Board of Supervisors declares as follows:

2 **Section 1. FINDING OF NO MAJORITY PROTEST.** The Board of Supervisors
3 hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIID of
4 the California Constitution and Section 53753 of the California Government Code with respect
5 to the formation of Central Market Community Benefit District. All objections or protests both
6 written and oral, are hereby duly overruled.

7 **Section 2. ESTABLISHMENT OF DISTRICT.** Pursuant to the Act and Article 15, a
8 property-based business improvement district designated as the "Central Market Community
9 Benefit District" is hereby established.

10 **Section 3. DESCRIPTION OF DISTRICT.** The Central Market Community Benefit
11 District shall include all parcels of real property within the district, the exterior boundaries of
12 which are as follows:

13 The exterior boundaries of the District are as set forth in the map contained in the
14 Management District Plan dated October 31, 2006, on file with the Clerk of the Board of
15 Supervisors in File No. 060860, and incorporated herein by reference. The District contains
16 141 identified parcels in the Central Market area. The exterior boundaries of the District
17 include all parcels on both sides of the street unless otherwise noted, as follows:

18 5th Street from Market Street to Mission Street (West side only);

19 6th Street from Market Street to Jessie Street (East and West sides);

20 7th Street from Market Street to Stevenson Street (East and West sides);

21 8th Street on the East side of the street from Market Street to approximately 185 feet
22 from the Southeast corner of Market Street and 8th Street - in which the lot line is drawn to a
23 point equidistant with the balance of the depth of the parcels on that block between 7th Street
24 and 8th Street (as if there was a continuation of Stevenson Street to 8th Street); also on the
25 West side of 8th Street running Southward from the Southwest corner of 8th Street and Market

1 Street, including Parcels No. 3701-050, 3701-059, 3701-005, and 3701-060, but not including
2 Parcel No. 3701-053 (PG&E parcel) at the corner of 8th Street and Mission Street;
3 9th Street just including the parcel at the Southeast corner of the Market Street and 9th
4 Street intersection;

5 Market Street from 5th Street to 9th Street (South side);

6 Market Street from Cyril Magnin Street to Mason Street and then from Hyde Street to
7 Larkin Street (North side);

8 Mission Street from 5th Street running West (North side only) including the Old Mint and
9 four parcels (Parcels No. 3704-012, 3704-013, 3704-015, and 3704-017) directly West of Mint
10 Street;

11 Jessie Street from 5th Street to 6th Street (North side only), and Jessie Street running
12 West from 6th Street including six parcels (Parcels No. 3703-006, 3703-007, 3703-010, 3703-
13 011, 3703-012, and 3703-086) to the West of 6th Street (North side only); and,

14 Mint Street from Jessie Street to Mission Street

15 Reference should be made to the detailed map and the list of parcels identified by
16 Assessor Parcel Number contained in the Management District Plan in order to determine
17 which specific parcels are included in the District.

18 **Section 4. FINDING OF BENEFIT.** The Board of Supervisors hereby finds that the
19 property within the District will be benefited by the improvements and activities funded by the
20 assessments proposed to be levied.

21 **Section 5. SYSTEM OF ASSESSMENTS.** (a) Annual assessments will be levied to
22 pay for the activities to be provided within the District, commencing with fiscal year 2006-
23 2007, and continuing for seven years, ending with fiscal year 2012-2013. For purposes of
24 levying and collecting assessments within the District, a fiscal year shall commence on each
25 July 1st and end on the following June 30th.

1 (b) The total amount of the proposed assessments to be levied and collected for
2 fiscal year 2006-2007 shall be \$535,299. The amount of assessments to be levied and
3 collected in subsequent fiscal years through the first half of fiscal year 2012-2013 may be
4 increased annually by the Board of Directors of the District by an amount not to exceed the
5 change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-
6 San Jose Consolidated Metropolitan Statistical Area, or 5 percent, whichever is lower.

7 (c) The method and basis of levying and collecting the assessment shall be as set
8 forth in the District Management Plan. The levy of the assessments shall commence with
9 fiscal year 2006-2007. Each year the assessment shall be due and payable in two equal
10 installments. The first installment shall be due on November 1 of each fiscal year during the
11 life of the District, and shall become delinquent on December 10 of that fiscal year. The
12 second installment shall be due on February 1 of each fiscal year during the life of the District,
13 and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment
14 shall have the same lien priority and delinquent payment penalties and be subject to the same
15 enforcement procedures and remedies as the ad valorem property tax.

16 **Section 6. USE OF REVENUES.** The property-related services, improvements or
17 activities for the District include a Public Space, Beautification and Safety component,
18 consisting of regular sidewalk and gutter sweeping (at least five times per week), quarterly
19 sidewalk steam cleaning, spot steam cleaning as necessary, public right of way beautification,
20 maintenance of pedestrian public spaces in addition to sidewalks, banners and decorations,
21 enhanced trash emptying in the public rights of way, removal of bulky items, graffiti removal,
22 tree and vegetation maintenance and planting, equipment, supplies, tools, vehicle
23 maintenance and insurance, maintenance personnel and supervisor/oversight costs,
24 improved public safety services (over and above those services currently provided by the
25 City), repayment of district formation costs; a District Identity and Streetscape

1 Improvements/Marketing and Promotions component, consisting of special events, marketing
2 and promotions strategies, personnel related to marketing and promotions, logo development
3 and web site, pedestrian kiosks and way-finding signage system, public space planning and
4 implementation, farmer's market, walking map, advertising, markers and public art highlighting
5 the District's history and resident population, and repayment of district formation costs; an
6 Administrative, Organization and Corporate Operations component, consisting of staff and
7 administrative costs, insurance, office related expenses, financial reporting, communications
8 and repayment of district formation costs; and a Contingency and Reserve component for
9 delinquencies, reserves, long term capital improvement projects, hardship repayments and
10 repayment of district formation costs.

11 The above improvements, services and activities will be funded by the levy of the
12 assessments. The revenue from the levy of the assessments within the District shall not be
13 used to provide improvements, services or activities outside the District or for any purpose
14 other than the purposes specified in Board of Supervisors Resolution No. 519-06.

15 **Section 7. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract
16 with a separate private entity to administer the improvements, services and activities set forth
17 in Section 6. Any such entity shall hold the funds it receives from the City and County of San
18 Francisco ("City") in trust for the improvements, services and activities set forth in Section 6.
19 Any entity that holds funds in trust for purposes related to the contract shall, at no expense to
20 the City, provide an annual independent audit report by a Certified Public Accountant of all
21 such funds. The audit may be funded from assessment proceeds as part of the general
22 administration of the District. At all times the Board of Supervisors shall reserve full rights of
23 accounting of these funds. The Mayor's Office of Economic and Workforce Development
24 shall be the City agency responsible for coordination between the City and the District.

25 **Section 8. AMENDMENTS.** The properties in the District established by this

1 resolution shall be subject to any amendments to the Act and Article 15.

2 **Section 9. RECORDATION OF NOTICE AND DIAGRAM.** The County Clerk is
3 hereby authorized and directed to record a notice and an assessment diagram pursuant to
4 Section 36627 of the California Streets and Highways Code following adoption of this
5 Resolution.

6 **Section 10. LEVY OF ASSESSMENT.** The adoption of this Resolution and
7 recordation of the notice and assessment diagram pursuant to Section 36627 of the California
8 Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years
9 referred to in the District Management Plan. Each year, the Assessor shall enter on the
10 County Assessment Roll opposite each lot or parcel of land the amount of the assessment
11 and such assessment shall be collected in the same manner as the County property taxes are
12 collected.

13 **Section 11. BASELINE SERVICES.** To ensure that assessment revenues from the
14 District are used to enhance the current level of services provided by the City within the
15 District, the establishment of the District will not affect the City's policy to continue to provide
16 the same level of service to the areas encompassed by the District as it provides to other
17 similar areas of the City for the duration of the District, provided, however, that in the event of
18 a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of
19 municipal services citywide, including within the District.

20 **Section 12. ENVIRONMENTAL FINDINGS.** The Planning Department has
21 determined that the actions contemplated in this Resolution are in compliance with the
22 California Environmental Quality Act (California Public Resources Code sections 21000 et
23 seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.
24 060860 and is incorporated herein by reference.

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