

1 [Intention to renew the 2500 Block of Mission Street Business Improvement District - Mission
2 Miracle Mile Business Improvement District]

3 **Resolution declaring the intention of the Board of Supervisors to renew the property-**
4 **based 2500 Block of Mission Street business improvement district, to be known as**
5 **the "Mission Miracle Mile Business Improvement District" and to levy a multi-year**
6 **assessment on identified parcels in the district; approving the management district**
7 **plan and engineer's report and proposed boundaries map for the district; ordering**
8 **and setting a time and place for a public hearing thereon; approving the form of the**
9 **Notice of Public Hearing and Assessment Ballots; and directing the Clerk of the**
10 **Board of Supervisors to give notice of the public hearing and balloting as required by**
11 **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

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

14 WHEREAS, The property owners who will pay more than 50 percent of the total
15 amount of assessments on properties within the proposed renewed district signed and
16 submitted to the Clerk of the Board of Supervisors a petition (the "Petition") requesting that
17 the Board of Supervisors renew the property-based business improvement district 2500 Block
18 of Mission Street, to be named the "Mission Miracle Mile Business Improvement District," and
19 to levy assessments on properties located in the district to fund property-related services,
20 activities and improvements within the district; and

21 WHEREAS, A Management District Plan entitled the "Mission Miracle Mile Business
22 Improvement District Management District Plan" containing information about the proposed
23 district and assessments required by Section 36622 of the Law, including but not limited to
24 maps showing all identified parcels located in the district, a description of the boundaries of
25 the district, the name of the district, the amount of the proposed assessment for each

1 identified parcel, the total annual amount chargeable to the entire district, the duration of the
2 payments, the property-related services, activities and improvements to be funded by the
3 assessments for each year and the maximum cost thereof, the method and basis upon which
4 the assessments are calculated in sufficient detail to allow each property owner to calculate
5 the amount of the assessment to be levied against his or her property, a statement that no
6 bonds will be issued, the time and manner of collecting the assessments, and a list of the
7 properties to be assessed (including assessor parcel numbers), has been submitted to the
8 Clerk of the Board of Supervisors; and

9 WHEREAS, A detailed engineer's report supporting the assessments within the
10 proposed district, prepared by K. Dennis Klingelhofer, California Registered Professional
11 Engineer No. C50255, NBS, dated July 16, 2010 entitled "Mission Miracle Mile Business
12 Improvement District, Engineer's Report" has been submitted to the Clerk of the Board of
13 Supervisors; and

14 WHEREAS, A Proposed Boundaries Map has been submitted to the Clerk of the Board
15 of Supervisors pursuant to California Streets and Highways Code §3110;

16
17 Now, therefore, be it

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

19 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of
20 Supervisors declares its intention to renew the 2500 Block of Mission Street property and
21 business improvement district, to be designated as the "Mission Miracle Mile Business
22 Improvement District" (the "District"), for a period of five (5) years and six months, and to levy
23 and collect assessments against all identified parcels of real property in the District for a
24 period of five (5) years, commencing with fiscal year 2010-2011 subject to approval by a
25 majority of the property owners in the District who cast assessment ballots, which ballots shall

1 be weighted according to the proportional financial obligations of the affected properties. No
2 bonds will be issued. Mission Miracle Mile BID operations for the renewed BID will
3 commence on or about January 1, 2011, following collection of the assessments for fiscal
4 year 2010-2011 and disbursement of the assessment proceeds to the nonprofit owners'
5 association that will administer the property-related services, activities and improvements in
6 the District pursuant to Section 36651 of the Law and a written agreement with the City.

7 Section 2. The Board of Supervisors hereby approves the Management District Plan
8 and District Assessment Engineer's Report, including the estimates of the costs of the
9 property-related services, activities and improvements set forth in the plan, and the
10 assessment of said costs on the properties that will specially benefit from such services,
11 activities and improvements. A copy of the Management District Plan and the District
12 Assessment Engineer's Report are on file with the Clerk of the Board of Supervisors in File
13 No. 100967. The Clerk of the Board shall make the Management District Plan, District
14 Assessment Engineer's Report and other documents related to the District and included in the
15 record before the Board of Supervisors available to the public for review during normal
16 business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding legal holidays.

17 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries
18 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board
19 of Supervisors in File No. 100967 and incorporated herein by reference. The Mission Miracle
20 Mile BID area consists of the 2500 Block of Mission Street, both sides of the street, as
21 bounded by 21st Street and 22nd Street. There are approximately 20 identified parcels within
22 the exterior boundaries. The exterior boundaries of the District include all parcels on both
23 sides of the street, including the linear street footage of the two corner parcels that each
24 extend around the corner on 21st Street, and the linear street footage of the two corner
25 parcels that each extend around the corner on 22nd Street.

1 Reference should be made to the detailed maps and the lists of parcels identified by
2 Assessor Parcel Number that are contained in the Management District Plan, in order to
3 determine which specific parcels are included in the Mission Miracle Mile Business
4 Improvement District.

5 Section 4. A public hearing on the establishment of the District, and the levy and
6 collection of assessments starting with fiscal year 2010-2011 and continuing through fiscal
7 year 2014-2015, shall be conducted before the Board of Supervisors on October 5, 2010 at
8 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's Legislative
9 Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco,
10 California, 94102. At this public hearing, the Board of Supervisors will hear public testimony
11 regarding the renewal of the District, assessments, boundaries of the District, including
12 testimony from all interested persons for or against establishment of the District, the extent of
13 the District, the levy of the assessments, the furnishing of specific types of property-related
14 services, improvements and activities, and other matters related to the District. The Board of
15 Supervisors may waive any irregularity in the form or content of any written protest, and at the
16 public hearing may correct minor defects in the proceedings. All protests submitted by
17 affected property owners and received prior to the conclusion of the public testimony portion
18 of the public hearing shall be tabulated to determine whether a majority protest exists.

19 Section 5. The Board of Supervisors hereby approves the form of the Notice of
20 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
21 Supervisors in File No. _____.

22 Section 6. The proposed property-related services, improvements or activities for
23 the District include:

- 24 • **Beautification, Cleaning and Maintenance:** Litter and general cleaning of
25 sidewalks, gutters, doorways, and public right of way; graffiti abatement; removal of

1 posters, foreign attachments and bulky items; sidewalk weed removal and tree and
2 plant maintenance; steam cleaning/power washing of all sidewalks every week and
3 as needed. Beautification, cleaning and maintenance services will be provided
4 three hours per day.

- 5 • **Public Safety:** Community Ambassadors with cell phones to support police and
6 property owners in crime prevention and provide street population with social
7 services information, three hours per day. Seven surveillance camera operating
8 24/7 to record street activities.
- 9 • **Greening:** Twenty hanging floral baskets with new flowers every six months, cared
10 for daily.

11 Section 7. Within the area encompassed by the proposed District, the City currently
12 provides services at the same level provided to other similar areas of the City. It is the intent
13 of the Board of Supervisors to continue to provide the area encompassed by the District with
14 the same level of services provided to these other similar areas of the City. The
15 establishment of the District will not affect the City's policy to continue to provide the same
16 level of service to the areas encompassed by the District as it provides to other similar areas
17 of the City during the duration of the District.

18 Section 8. The annual assessment proposed to be levied and collected for the first
19 year of the renewed District (fiscal year 2010-2011) is estimated to be \$85,002. The amount
20 of the annual assessment to be levied and collected for years two through ten (fiscal years
21 2011-2012 through 2014-2015 may be increased from one year to the next by a percentage
22 that does not exceed either the change in the Consumer Price Index for All Urban Consumers
23 in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three
24 percent (3%), whichever is less.

25 Section 9. The Clerk of the Board is directed to give notice of the public hearing as

1 provided in California Streets and Highways Code Section 36623, California Government
2 Code Section 53753, California Constitution Article XIID Section 4, San Francisco Charter
3 Section 16.112, and San Francisco Administrative Code Section 67.7-1.
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