

1 [Resolution of Intention to form the Noe Valley Community Benefit District (CBD)

2
3 **Resolution declaring the intention of the Board of Supervisors to establish a property-**
4 **based business improvement district to be known as the "Noe Valley Community**
5 **Benefit District (CBD)," to order the levy and collection of a multi-year assessment, and**
6 **setting a time and place for a public hearing thereon.**

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8 WHEREAS, The Property and Business Improvement District Law of 1994, Part 7 of
9 Division 18 of the California Streets and Highways Code, commencing with Section 36600
10 (the "Law") authorizes cities to establish property and business improvement districts within
11 business districts to promote the economic revitalization and physical maintenance of such
12 business districts; and

13 WHEREAS, Section 36603 of the Law recognizes the authority of Charter cities to
14 adopt ordinances providing for different methods of levying assessments for similar or
15 additional purposes from those set forth in the Law; and

16 WHEREAS, Article 15 of the San Francisco Business and Tax Regulation Code
17 ("Article 15") augments certain procedural and substantive requirements relating to the
18 formation of property and business improvement districts and assessments on real property or
19 businesses within such districts; and

20 WHEREAS, The Law and Article 15 authorize the City to levy and collect assessments
21 on real property within such districts for the purpose of providing improvements and promoting
22 activities and property-related services that specially benefit real property located within such
23 districts; and

1 WHEREAS, Article XIID of the California Constitution and Section 53753 of the
2 California Government Code impose certain procedural and substantive requirements relating
3 to assessments on real property; and

4 WHEREAS, The Law and Article 15 impose additional procedural and substantive
5 requirements relating to assessments on real property within a proposed property and
6 business improvement district, also known as a community benefit district ("CBD"); and

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

11 WHEREAS, The property owners who will pay more than 30 percent of the total
12 amount of assessments on properties within the proposed district signed and submitted to the
13 Clerk of the Board of Supervisors a petition (the "Petition") requesting that the Board of
14 Supervisors establish a property-based community benefit district to be named the "Noe
15 Valley Community Benefit District (CBD)," and to levy assessments on properties located in
16 the proposed district to fund property-related services, activities and improvements within the
17 district; and

18 WHEREAS, A Management District Plan entitled the "Noe Valley Community Benefit
19 District Management District Plan" containing information about the proposed district and
20 assessments required by Section 36622 of the Law, including but not limited to a map
21 showing all identified parcels located in the district, a description of the boundaries of the
22 district, the name of the district, the amount of the proposed assessment for each identified
23 parcel, the total annual amount chargeable to the entire district, the duration of the payments,
24 the property-related services, activities and improvements to be funded by the assessments
25 for each year and the maximum cost thereof, the method and basis upon which the

1 assessments are calculated in sufficient detail to allow each property owner to calculate the
2 amount of the assessment to be levied against his or her property, a statement that no bonds
3 will be issued, the time and manner of collecting the assessments, and a list of the properties
4 to be assessed (including assessor parcel numbers), has been submitted to the Clerk of the
5 Board of Supervisors; and

6 WHEREAS, A detailed engineer's report entitled "District Assessment Engineer's
7 Report" supporting the assessments within the proposed district has been submitted to the
8 Clerk of the Board of Supervisors; now, therefore, be it

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

10 Section 1. Pursuant to section 36621(a) of the Law and Article 15, the Board of
11 Supervisors declares its intention to form the property and business improvement district to be
12 designated as the "Noe Valley Community Benefit District" (the "District"), and to levy and
13 collect assessments against all parcels of real property in the district for a period of 15 years,
14 commencing with fiscal year 2005-2006, beginning January 1, 2006 and ending December
15 31, 2020, subject to approval by a majority of the property owners in the District whose ballots
16 shall be weighted according to the proportional financial obligations of their affected
17 properties. No bonds will be issued.

18 Section 2. The Board of Supervisors hereby approves the Management District Plan
19 and District Assessment Engineer's Report, including the estimates of the costs of the
20 property-related services, activities and improvements set forth in the plan and the
21 assessment of said costs on the properties that specially benefit from such services, activities
22 and improvements. A copy of the Management District Plan and the District Assessment
23 Engineer's Report are on file with the Clerk of the Board of Supervisors in File No. 050923.
24 The Clerk of the Board shall make the Management District Plan, District Assessment
25 Engineer's Report and other documents related to the District available to the public for review

1 during normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m., excluding
2 legal holidays.

3 Section 3. The boundaries of the District are along 24th Street from Douglas St. to
4 Church St., and along Castro Street from Elizabeth St. to 25th St., as set forth in the map
5 contained in the Management District Plan on file with the Clerk of the Board of Supervisors in
6 File No. 050923 and incorporated herein by reference. The properties on both sides of the
7 24th Street and Castro Street are within the boundaries of the District, except for the
8 residential properties on both sides of 24th Street between Douglas St. and Diamond St.,
9 which are not within the District. The District contains 168 parcels in the Noe Valley area, and
10 include the following properties:

<i>Street</i>	<i>Address Series</i>
24th Street	3782 – 4316
Castro Street	1233 – 1420
Church Street	1185 – 1211
Diamond Street	729 – 824
Vicksburg Street	250 - 300

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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. A public hearing on the establishment of the District, and the levy and
19 collection of assessments starting with fiscal year 2005-2006 and continuing through the first
20 half of fiscal year 2020-2021, shall be conducted before the Board of Supervisors on August
21 2, 2005 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's
22 Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San
23 Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public
24 testimony regarding the proposed formation of the district, assessments, boundaries of the
25 district, including testimony from all interested persons for or against establishment of the

1 District, the extent of the District, and the furnishing of specific types of property-related
2 services, improvements or activities. The Board of Supervisors may waive any irregularity in
3 the form or content of any written protest, and at the public hearing may correct minor defects
4 in the proceedings. All protests submitted by affected property owners and received prior to
5 the conclusion of the public testimony portion of the public hearing shall be tabulated to
6 determine whether a majority protest exists.

7 Section 5. The Board of Supervisors hereby approves the form of the Notice of
8 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
9 Supervisors in File No. 050923.

10 Section 6. The proposed property-related services, improvements or activities for
11 the District include a Public Rights of Way and Sidewalk Operations component, consisting of
12 regular sidewalk and gutter sweeping, periodic sidewalk steam cleaning, spot steam cleaning
13 as necessary, safe passage programs for visitors and employees, minor security services,
14 beautification, decorations; enhanced trash emptying in the public rights of way, removal of
15 bulky items, graffiti removal within 24 hours, installation and maintenance of banners and/or
16 decorations, tree and plant maintenance and planting; equipment, supplies, tools, vehicle
17 maintenance and insurance, maintenance personnel and supervisor costs; a District Identity
18 and Streetscape Improvements component, consisting of special events, web site, pedestrian
19 kiosks and wayfinding signage system, enhanced beautification, flower pots on street lights,
20 marketing and promotions, advertising, walking map, public space development, historical
21 markers and public art; an Administrative and Corporate Operations component, consisting of
22 staff and administrative costs, insurance, office related expenses, financial reporting,
23 developing parking strategies with the City, communications, and repayment of district
24 formation costs; and a Contingency and Reserve component for delinquencies, a reserve and
25 repayment of district formation costs.

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

8 Section 8. The assessment proposed to be levied and collected for fiscal year 2005-
9 2006 is \$218,622. The amount to be levied and collected for subsequent years up through
10 the first half of fiscal year 2020-2021 may be increased annually by an amount not to exceed
11 the change in the Consumer Price Index for All Urban Consumers in the San Francisco-
12 Oakland-San Jose Consolidated Metropolitan Statistical Area, not to exceed 5 percent.

13 Section 9. The Clerk of the Board is directed to give notice of the public hearing as
14 provided in Section 53753 of the Government Code, Section 4 of Article XIID of the California
15 Constitution, Section 16.112 of the San Francisco Charter and Section 67.7-1 of the San
16 Francisco Administrative Code.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 050923

Date Passed:

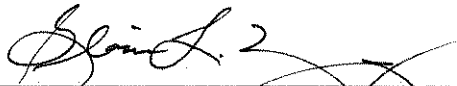
Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district to be known as the "Noe Valley Community Benefit District (CBD)," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

June 7, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

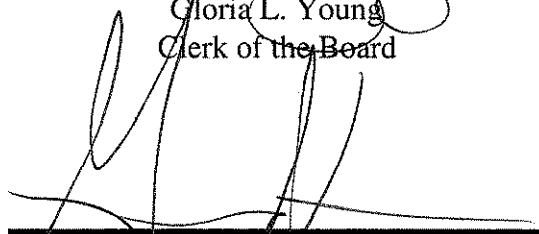
File No. 050923

I hereby certify that the foregoing Resolution was ADOPTED on June 7, 2005 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

06.07.05

Date Approved


Mayor Gavin Newsom