Resolution establishing a property-based business improvement district to be known as the “Fisherman's Wharf Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, subject to conditions as specified, and making environmental findings.

WHEREAS, Pursuant to the Property and Business Improvement Law of 1994, California Streets and Highways Code Sections 36600 et seq. (the "Act"), as augmented by Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board of Supervisors adopted Resolution No. 386-05 on June 7, 2005, entitled "Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district to be known as the 'Fisherman's Wharf 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," (the "Resolution of Intention"); and,

WHEREAS, the Resolution of Intention for the Fisherman's Wharf Community Benefit District (the "Fisherman's Wharf CBD" or "District"), among other things, approved the Fisherman's Wharf Community Benefit District Management District Plan (the "District Management Plan"), the District Assessment Engineer's Report, the Assessment Ballots and the Notice of Public Hearing, that are on file with Clerk of the Board of Supervisors in File No. 050878; and,

WHEREAS, The Board of Supervisors caused notice of a public hearing concerning the proposed formation of the Fisherman's Wharf CBD, the proposed levy of assessments against property located within the District for a period of 15 years, commencing with fiscal...
year 2005-2006, beginning January 1, 2006 and ending December 31, 2020, if a new business-based business improvement district (BID) is established on or before December 31, 2006 that (i) includes business license holders on Port of San Francisco property in the Fisherman's Wharf area (between Pier 35 and the Aquatic Park), (ii) receives not less than $50,000 in annual assessments on businesses located therein, (iii) is formed to fund, at a minimum, District Identity and Streetscape Improvement services as outlined in the Management District Plan for the proposed Fisherman's Wharf Community Benefit District, and if the foregoing condition is not met, the District will expire on June 30, 2007, to be duly published and mailed as required by law, to the record owner of each parcel proposed to be assessed within the District; and,

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

WHEREAS, A public hearing concerning the proposed formation of the Fisherman's Wharf CBD and the proposed levy of assessments within such District was held on July 26, 2005, at 3 p.m., in the Board's Legislative Chambers, located on the Second Floor of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California; and,

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

WHEREAS, The Board of Supervisors heard and considered all objections or protests to the proposed assessments and the Director of the Department of Elections tabulated the assessment ballots submitted and not withdrawn, in support of or in opposition to the proposed assessments, and the Clerk of the Board determined that a majority of the ballots
property-based business improvement district designated as the "Fisherman's Wharf Community Benefit District" is hereby established.

WHEREAS, The public interest, convenience and necessity require the establishment of the proposed Fisherman's Wharf Community Benefit District; and,

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

RESOLVED, that the Board of Supervisors declares as follows:

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

Section 2. ESTABLISHMENT OF DISTRICT. Pursuant to the Act and Article 15, a property-based business improvement district designated as the "Fisherman's Wharf Community Benefit District" is hereby established.

Section 3. DESCRIPTION OF DISTRICT. The Fisherman's Wharf Community Benefit District shall include all parcels of real property within the district, the exterior boundaries of which are as follows:

Jefferson St.: from Hyde to Embarcadero (South side only)

Beach St.: from Van Ness to Embarcadero

North Point: from Van Ness to Embarcadero

Supervisor Peskin
BOARD OF SUPERVISORS
Section 4. FINDING OF BENEFIT. The Board of Supervisors hereby finds that the property within the District will be benefited by the improvements and activities funded by the assessments proposed to be levied.

Section 5. SYSTEM OF ASSESSMENTS. (a) An assessment will be levied annually to pay for the activities to be provided within the District, commencing with fiscal year 2005-2006, and continuing for fifteen years, ending with fiscal year 2020-2021, if a new business-based business improvement district (BID) is established on or before December 31, 2006 that (i) includes business license holders on Port of San Francisco property in the Fisherman's Wharf area (between Pier 35 and the Aquatic Park), (ii) receives not less than
$50,000 in annual assessments on businesses located therein, (iii) is formed to fund, at a
minimum, District Identity and Streetscape Improvement services as outlined in the Resolution
of Intention and the Management District Plan for the proposed Fisherman's Wharf
Community Benefit District on file with Clerk of the Board of Supervisors in File No. 050878,
and if the foregoing condition is not met, the District will expire on June 30, 2007 and the
assessments for fiscal year 2007-2008 shall be cancelled upon expiration of the District. For
purposes of levying and collecting assessments within the District, a fiscal year shall
commence on each July 1st and end on the following June 30th.

(b) The total amount of the proposed assessments to be levied and collected for
fiscal year 2005-2006 shall be $591,485. The amount of assessments to be levied and
collected in subsequent fiscal years through the first half of fiscal year 2020-2021 may be
increased annually by the Board of Directors of the District by an amount not to exceed the
change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-
San Jose Consolidated Metropolitan Statistical Area, or 5 percent, whichever is lower.

(c) The method and basis of levying and collecting the assessment shall be as set
forth in the District Management Plan. The levy of the assessments shall commence with
fiscal year 2005-2006. Each year the assessment shall be due and payable in two equal
installments. The first installment shall be due on November 1 of each fiscal year during the
life of the District, and shall become delinquent on December 10 of that fiscal year. The
second installment shall be due on February 1 of each fiscal year during the life of the District,
and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment
shall have the same lien priority and delinquent payment penalties and be subject to the same
enforcement procedures and remedies as the ad valorem property tax.
Section 6. USE OF REVENUES. The property-related services, improvements or activities for the District include a Public Rights of Way and Sidewalk Operations component, consisting of regular sidewalk and gutter sweeping, periodic sidewalk steam cleaning, spot steam cleaning as necessary, safe passage programs for visitors and employees, minor security services, beautification, decorations; enhanced trash emptying in the public rights of way, removal of bulky items, graffiti removal within 24 hours, installation and maintenance of banners and/or decorations, tree and plant maintenance and planting; equipment, supplies, tools, vehicle maintenance and insurance, maintenance personnel and supervisor costs; a District Identity and Streetscape Improvements component, consisting of special events, website, pedestrian kiosks and wayfinding signage system, enhanced beautification, flower pots on street lights, marketing and promotions, advertising, walking map, public space development, historical markers and public art; an Administrative and Corporate Operations component, consisting of staff and administrative costs, insurance, office related expenses, financial reporting, developing parking strategies with the City, communications, and repayment of district formation costs; and a Contingency and Reserve component for delinquencies, a reserve and repayment of district formation costs.

The above improvements, services and activities will be funded by the levy of the assessments. The revenue from the levy of the assessments within the District shall not be used to provide improvements, services or activities outside the District or for any purpose other than the purposes specified in Board of Supervisors Resolution No. 386-05.

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

Section 8. AMENDMENTS. The properties in the District established by this
resolution shall be subject to any amendments to the Act and Article 15.

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

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

Section 11. BASELINE SERVICES. To ensure that assessment revenues from the
District are used to enhance the current level of services provided by the City within the
District, the establishment of the District will not affect the City’s policy to continue to provide
the same level of service to the areas encompassed by the District as it provides to other
similar areas of the City for the duration of the District, provided, however, that in the event of
a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of
municipal services citywide, including within the District.
Section 12. ENVIRONMENTAL FINDINGS. The Planning Department has
determined that the actions contemplated in this Resolution are in compliance with the
California Environmental Quality Act (California Public Resources Code sections 21000 et
seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.
and is incorporated herein by reference.
Resolution establishing a property-based business improvement district to be known as the “Fisherman’s Wharf Community Benefit District (CBD),” ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, subject to conditions as specified, and making environmental findings.

July 26, 2005 Board of Supervisors — ADOPTED
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick
File No. 051184

I hereby certify that the foregoing Resolution was ADOPTED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Luffenga
Clerk of the Board

JUL 28 2005
Date Approved

Mayor Gavin Newsom