

1 [Resolution to establish the Yerba Buena Community Benefit District.]

2
3 **Resolution establishing a property-based business improvement district to be known**
4 **as the "Yerba Buena 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 2008-2009, subject to conditions as specified, and making**
7 **environmental findings.**

8
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. 246-08 on June 10, 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 "Yerba Buena 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 Yerba Buena Community Benefit
18 District (the "Yerba Buena CBD" or "District"), among other things, approved the Yerba Buena
19 Community Benefit District Management District Plan (the "District Management Plan"), the
20 District Assessment Engineer's Report, the form of the Assessment Ballots and the Notice of
21 Public Hearing, that are on file with Clerk of the Board of Supervisors in File No. 080784; and,

22 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning
23 the proposed formation of the Yerba Buena CBD, and the proposed levy of assessments
24 against property located within the District for a period of seven years, for fiscal years 2008-
25 2009 through 2014-2015; 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 Yerba Buena
4 CBD and the proposed levy of assessments within such District was held on July 29, 2008, at
5 3 p.m., in the Board's Legislative Chambers, located on the Second Floor of City Hall, 1 Dr.
6 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 Yerba Buena 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 XIII D of
4 the California Constitution and Section 53753 of the California Government Code with respect
5 to the formation of Yerba Buena 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 "Yerba Buena Community
9 Benefit District" is hereby established.

10 **Section 3. DESCRIPTION OF DISTRICT.** The Yerba Buena Community Benefit
11 District shall include all parcels of real property within the district, the exterior boundaries of
12 which are as follows, including all parcels on both sides of the street unless otherwise noted:

13 NORTHERN BOUNDARY OF MARKET STREET AND JESSIE STREET AND
14 MISSION STREET:

15 Market Street -- All parcels between the Southwest corner of the intersection of Market
16 Street and 2nd Street, to the Southeast corner of the intersection of Market Street and 4th
17 Street, excluding parcel 3706-047 (that is part of the Union Square business improvement
18 district "BID");

19 Jessie Street East and Jessie Street West (Between 4th Street and 5th Street) --
20 Including all parcels on the North and South sides of Jessie Street East to and including the
21 Northwest and Southwest corners of its intersection with 4th Street, including all parcels on the
22 North and South sides of Jessie Street West to and including the Northeast and Southeast
23 corners of its intersection with 5th Street, and including parcel 3705z-003 that does not have
24 Jessie Street frontage, and excluding parcels 3705z-001, 3705z-002, 3705-037, 3705-042,
25 and 3705-049 (that are part of the Union Square business improvement district "BID");

1 Mission Street – Including parcels on the North and South sides of Mission Street from
2 the Northeast and Southeast corners of the intersection of Mission Street and 4th Street, to the
3 Northeast and Southwest corners of the intersection of Mission Street and 5th Street,
4 excluding parcel 3705-049 (that is part of the Union Square BID), and including air rights
5 parcels 3705-050 and 3705-052 located within the Westfield San Francisco Centre (in the
6 block between Market and Mission Streets, and 4th and 5th Streets) that do not have Mission
7 Street frontage;

8 SOUTHERN BOUNDARY OF HARRISON STREET: Harrison Street – Including parcels
9 on the North side of Harrison Street between the Northwest corner of the intersection of Harrison
10 Street and 2nd Street, and the Northwest corner of the intersection of Harrison and 5th Street.
11 Including parcels on the South side of Harrison Street between the Southwest corner of the
12 intersection of Harrison Street and 2nd Street to the Southeast corner of the intersection of
13 Harrison Street and 5th Street.

14 EASTERN BOUNDARY OF 2ND STREET: 2nd Street – Including parcels on the West
15 side of 2nd Street from the Southwest corner of the intersection of 2nd Street and Market Street,
16 to the Southwest corner of the intersection of 2nd Street and Harrison Street.

17 WESTERN BOUNDARY OF 5TH STREET: 5th Street – Including parcels on the East side
18 of 5th Street from the Northeast corner of the intersection of 5th Street and Jessie Street, to the
19 Southeast corner of the intersection of 5th Street and Harrison Street. Including parcels on the
20 West side of 5th Street from the Southwest corner of the intersection of 5th Street and Mission
21 Street, to the Northwest corner of the intersection of 5th Street and Harrison Street.

22 The Yerba Buena CBD boundaries do not include the following bordering parcels that
23 are part of the existing Union Square business improvement district (BID): 3705z-001, 3705z-
24 002, 3705-037, 3705-042, 3705-049, and 3706-047. A BID is another term used in San
25 Francisco to describe a community benefit district (CBD) or special assessment district

1 formed under California Streets and Highways Code Sections 36600 *et seq.*

2 Reference should be made to the detailed maps and the lists of parcels identified by
3 Assessor Parcel Number that are contained in the Management District Plan, in order to
4 determine which specific parcels are included in the Yerba Buena Community Benefit District.

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

8 **Section 5. SYSTEM OF ASSESSMENTS.** (a) Annual assessments will be levied to
9 pay for the activities to be provided within the District, commencing with fiscal year 2008-
10 2009, and continuing for seven years, ending with fiscal year 2014-2015. For purposes of
11 levying and collecting assessments within the District, a fiscal year shall commence on each
12 July 1st and end on the following June 30th.

13 (b) The total amount of the proposed assessments to be levied and collected for
14 fiscal year 2008-2009 shall be \$2,384,045. The amount of assessments to be levied and
15 collected in subsequent fiscal years through the first half of fiscal year 2014-2015 may be
16 increased annually by the Board of Directors of the District by an amount not to exceed the
17 change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-
18 San Jose Consolidated Metropolitan Statistical Area, or 5 percent, whichever is lower.

19 (c) The method and basis of levying and collecting the assessment shall be as set
20 forth in the District Management Plan. The levy of the assessments shall commence with
21 fiscal year 2008-2009. Each year the assessment shall be due and payable in two equal
22 installments. The first installment shall be due on November 1 of each fiscal year during the
23 life of the District, and shall become delinquent on December 10 of that fiscal year. The
24 second installment shall be due on February 1 of each fiscal year during the life of the District,
25 and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment

1 shall have the same lien priority and delinquent payment penalties and be subject to the same
2 enforcement procedures and remedies as the ad valorem property tax.

3 **Section 6. USE OF REVENUES.** The proposed property-related services,
4 improvements or activities for the District include:

5 A Sidewalk Operations, Beautification and Order (SOBO) component, to include street-
6 level staff as Ambassadors/Community Guides, hiring dedicated police officers from the San
7 Francisco Police Department under San Francisco CCSF Administrative Code Chapter 10B,
8 sidewalk and gutter sweeping, sidewalk steam cleaning and power washing, enhanced trash
9 emptying in public rights of way including removal of bulky trash items, removal of graffiti, tree
10 and hanging flower basket planting and maintenance, equipment/tools and supplies, vehicle
11 insurance and maintenance, personnel and supervisor/oversight costs to implement SOBO,
12 banners and decorations, public right of way beautification, maintenance of pedestrian public
13 spaces in addition to sidewalks, and distribution of small annual grants to community
14 organizations providing services in the district that support the SOBO improvements and
15 activities of the CBD;

16 A District Identity and Streetscape Improvements (DISI) component, to include
17 development of neighborhood brand/identity, district-wide special events, district web site and
18 newsletter, marketing and promotions strategies, personnel costs to implement DISI, public
19 space development and planning, district map and brochure, advertising, communications,
20 markers and public art highlighting the district's history and residents, and distribution of small
21 annual grants to community organizations providing services in the district that support the
22 DISI improvements and activities of the CBD;

23 An Administrative, Organization and Corporate Operations component, to include
24 personnel and administrative costs for this component, corporate operations insurance, office
25 related expenses, relations with City, public relations, and financial reporting; and

1 A Contingency and Reserve component to implement SOBO and DISI, to include
2 reserves, late or non-paid assessments, long term capital improvement projects, and
3 repayment of district formation costs.

4 The above improvements, services and activities will be funded by the levy of the
5 assessments. The revenue from the levy of the assessments within the District shall not be
6 used to provide improvements, services or activities outside the District or for any purpose
7 other than the purposes specified in Board of Supervisors Resolution No. 246-08.

8 **Section 7. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract
9 with a separate private entity to administer the improvements, services and activities set forth
10 in Section 6. Any such entity shall hold the funds it receives from the City and County of San
11 Francisco ("City") in trust for the improvements, services and activities set forth in Section 6.
12 Any such entity that holds funds in trust for purposes related to the contract shall deliver, at no
13 expense to the City, a balance sheet and the related statement of income and cash flows for
14 each fiscal year, all in reasonable detail acceptable to City, reviewed by a Certified Public
15 Accountant (CPA); this review shall include a statement of negative assurance from the CPA.
16 In addition, or alternatively, the Controller or the Mayor's Office of Economic and Workforce
17 Development may in their discretion require the private entity to deliver, at no expense to the
18 City, an annual independent audit report by a Certified Public Accountant of all such funds.
19 The CPA review and/or audit may be funded from assessment proceeds as part of the
20 general administration of the District. At all times the Board of Supervisors shall reserve full
21 rights of accounting of these funds. The Mayor's Office of Economic and Workforce
22 Development shall be the City agency responsible for coordination between the City and the
23 District.

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

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

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

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

19 **Section 12. ENVIRONMENTAL FINDINGS.** The Planning Department has
20 determined that the actions contemplated in this Resolution are in compliance with the
21 California Environmental Quality Act (California Public Resources Code sections 21000 et
22 seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.
23 080784 and is incorporated herein by reference.
24
25



City and County of San Francisco

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

Tails

Resolution

File Number: 080917

Date Passed:

Resolution establishing a property-based business improvement district to be known as the "Yerba Buena Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

July 29, 2008 Board of Supervisors — ADOPTED

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi,
Sandoval

Noes: 3 - Daly, Elsbernd, Peskin

File No. 080917

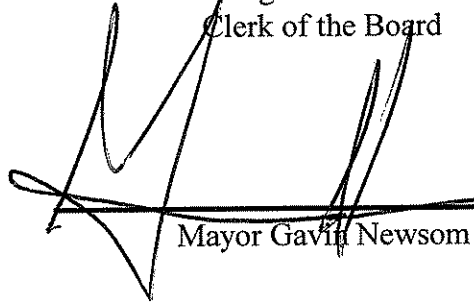
I hereby certify that the foregoing Resolution was ADOPTED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

8.1.08

Date Approved



Mayor Gavin Newsom