

21-11

FILE NO. 101527

RESOLUTION NO.

1 [Resolution to Establish the Civic Center Community Benefit District]

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3 **Resolution establishing a property-based business improvement district to be known**
4 **as the "Civic Center Community Benefit District," ordering the levy and collection of**
5 **assessments against property located in that district for ten years commencing with FY**
6 **2011-2012, subject to conditions as specified, and making environmental findings.**

7
8 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
9 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by
10 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board
11 of Supervisors adopted Resolution No. 514-10 on November 2, 2010, entitled "Resolution
12 declaring the intention of the Board of Supervisors to establish a property-based business
13 improvement district to be known as the "Civic Center Community Benefit District (CBD)," to
14 order the levy and collection of a multi-year assessment, and setting a time and place for a
15 public hearing thereon" (the "Resolution of Intention"); and,

16 WHEREAS, The Resolution of Intention for the Civic Center Community Benefit District
17 (the "Civic Center CBD" or "District"), among other things, approved the Civic Center
18 Community Benefit District Management District Plan (the "District Management Plan") as
19 amended October 27, 2010, the detailed District Assessment Engineer's Report as amended
20 October 27, 2010, the Boundaries Map, and the form of the Assessment Ballots and the
21 Notice of Public Hearing, that are all on file with Clerk of the Board of Supervisors in File No.
22 101318; and,

23 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning
24 the proposed formation of the Civic Center CBD, and the proposed levy of assessments
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1 against property located within the District for a period of ten years, for fiscal years 2011-2012
2 through 2020-2021; and,

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

5 WHEREAS, An amended Management District Plan dated December 14, 2010 was
6 filed with the Board on December 14, 2010, containing information about the proposed district
7 and assessments as required by California Streets and Highways Code §36622; and,

8 WHEREAS, An amended detailed Engineer's Report dated December 14, 2010 was
9 filed with the Clerk of the Board on December 14, 2010, as prepared by K. Dennis
10 Klingelhofer, California Registered Professional Engineer No. C 50255, titled "Civic Center
11 Community Benefit District Engineer's Report," supporting the assessments within the
12 proposed district; and,

13 WHEREAS, An amended Proposed Boundaries Map was submitted to the Clerk of the
14 Board of Supervisors pursuant to California Streets and Highways Code §3110, on December
15 14, 2010; and,

16 WHEREAS, the December 14, 2010 amended Management District Plan and amended
17 Engineer's Report and amended Proposed Boundaries Map filed with the Clerk of the Board
18 changed the October 27, 2010 versions of those documents that were previously approved by
19 the Board of Supervisors, by removing the residential parcels at 601 Van Ness Avenue
20 (commonly known as Opera Plaza) from the proposed District, and reducing the proposed
21 assessments and expenditures, reducing the description and list of covered Assessor's
22 parcels, and reducing the boundary of the map for the proposed District, accordingly.

23 WHEREAS, A public hearing concerning the proposed formation of the Civic Center
24 CBD and the proposed levy of assessments within such District was held on January 4, 2011
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1 at 3 p.m., in the Board's Legislative Chambers located on the Second Floor of City Hall, 1 Dr.
2 Carlton B. Goodlett Place, San Francisco, California; and,

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

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

15 WHEREAS, The public interest, convenience and necessity require the establishment
16 of the proposed Civic Center Community Benefit District; and,

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

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

23 **Section 1. MANAGEMENT DISTRICT PLAN, DISTRICT ASSESSMENT**
24 **ENGINEER'S REPORT, AND BOUNDARIES MAP.** The Board hereby approves the
25 Management District Plan and District Assessment Engineer's Report as each last amended

1 December 14, 2010, including the estimates of the costs of the property-related services,
2 activities and improvements set forth in the plan, and the assessment of said costs on the
3 properties that will specially benefit from such services, activities and improvements. The
4 Board also hereby approves the Boundaries Map as amended December 14, 2010, showing
5 the exterior boundaries of the District. A copy of the Management District Plan, the District
6 Assessment Engineer's Report, and the Boundaries Map, as each last amended December
7 14, 2010 are on file with the Clerk of the Board of Supervisors in File No. 101527, which is
8 hereby declared to be a part of this Resolution as if set forth fully herein.

9 **Section 2. FINDING OF NO MAJORITY PROTEST.** The Board of Supervisors
10 hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIII D of
11 the California Constitution and Section 53753 of the California Government Code with respect
12 to the formation of Civic Center Community Benefit District. All objections or protests both
13 written and oral, are hereby duly overruled.

14 **Section 3. ESTABLISHMENT OF DISTRICT.** Pursuant to the Act and Article 15, a
15 property-based business improvement district designated as the "Civic Center Community
16 Benefit District" is hereby established.

17 **Section 4. DESCRIPTION OF DISTRICT.** The Civic Center Community Benefit
18 District shall include all parcels of real property within the district. The proposed District
19 contains approximately 203 identified parcels, located on approximately 35 whole or partial
20 blocks in the City Hall and Civic Center Plaza Street area, including the adjacent portion of
21 Market Street. The District is generally bounded: on the North by Turk Street; on the East by
22 a varying boundary along Hyde, Larkin and Ninth Streets; on the South by and including the
23 South side of Market Street; and on the West by the West side of Franklin Street. It also
24 includes both sides of Grove, Ivy and Hayes Streets westward to Gough Street.

25 Within the Civic Center CBD there are three separate benefit zones, established to

1 reflect different levels of service provided.

2 Zone 1 generally encompasses: from the North side of McAllister Street to the South
3 side of Golden Gate between Larkin and Polk Streets; the South side of Turk Street from Polk
4 Street to Van Ness Avenue; from Larkin Street on the East (where it adjoins the Tenderloin
5 Community Benefit District), to the properties on the West side of Franklin Street, extending
6 South to include Parcel No. 792-031 (commonly known as "the Ballet Building") midway in the
7 block between Fulton and Grove Streets, and extending North to Elm Street.

8 Zone 2 generally encompasses the Civic Center Plaza, the Asian Art Museum, the
9 Main Library, Bill Graham Auditorium, Symphony Hall, the Opera House, the War Memorial
10 Building, the Performing Arts Garage, plus properties along Grove, Ivy and Hayes Streets
11 West to Gough Street, and properties on both sides of Van Ness Avenue extending South to
12 Market Street.

13 Zone 3 generally encompasses the areas along Polk Street South of Lech Walesa
14 Street, Fox Plaza, Fell Street, Hickory Street, Oak Street West to Franklin Street, and both
15 sides of Market Street from Ninth Street to Franklin Street.

16 Reference should be made to the detailed maps and the lists of parcels identified by
17 Assessor Parcel Number that are contained in the Management District Plan, in order to
18 determine which specific parcels are included in the Civic Center Community Benefit District.

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

22 **Section 6. SYSTEM OF ASSESSMENTS.** (a) Annual assessments will be levied to
23 pay for the activities to be provided within the District, commencing with fiscal year 2011-
24 2012, and continuing for ten (10) years, ending with fiscal year 2020-2021. For purposes of
25 levying and collecting assessments within the District, a fiscal year shall commence on each

1 July 1st and end on the following June 30th.

2 (b) The total amount of the proposed assessments to be levied and collected for
3 fiscal year 2011-2012 shall be \$685,044 (as shown in the Management District Plan and
4 Engineer's Report, each dated December 14, 2010). The amount of assessments to be
5 levied and collected in fiscal years two (2) through ten (10) may be increased annually by the
6 Board of Directors of the District by an amount not to exceed the change in the Consumer
7 Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Consolidated
8 Metropolitan Statistical Area, or three percent (3%), whichever is less.

9 (c) The method and basis of levying and collecting the assessment shall be as set
10 forth in the Management District Plan. The levy of the assessments shall commence with
11 fiscal year 2011-2012. Each year the assessment shall be due and payable in two equal
12 installments. The first installment shall be due on November 1 of each fiscal year during the
13 life of the District, and shall become delinquent on December 10 of that fiscal year. The
14 second installment shall be due on February 1 of each fiscal year during the life of the District,
15 and shall become delinquent on April 10 of that fiscal year. Nonpayment of the assessment
16 shall have the same lien priority and delinquent payment penalties and be subject to the same
17 enforcement procedures and remedies as the ad valorem property tax.

18 **Section 7. USE OF REVENUES.** The proposed property-related services,
19 improvements or activities for the District include several programs. Programs will be refined
20 by the CBD management corporation board based on evaluation of need and effectiveness,
21 and availability of additional resources.

22 **I. Programs common to all three Zones are as follows:**

23 A. Safety Program -- Daytime Community Service Ambassadors: Four uniformed
24 Community Service Ambassadors (CSAs) will serve throughout all three Zones five
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1 days per week during daytime, with overlapping shifts. The CSAs are currently
2 scheduled to operate from 7:30 a.m. to 7:30 p.m.

3 B. Advocacy: For all three Zones, multi-faceted Advocacy will be provided by the
4 Executive Director. The Executive Director will coordinate a process for regular
5 exchange of information among Civic Center stakeholders, develop a website, and
6 produce a regular newsletter directed towards District merchants, organizations,
7 property owners, and members of the media. Advocacy will also include participating
8 in community meetings, coordinating information between City agencies and Civic
9 Center stakeholders related to events and issues affecting the area, speaking at
10 hearings, and raising additional resources and investments.

11 C. Beautification: For all three Zones, capital improvements such as wayfinding
12 signage, sidewalk lighting and other streetscape improvements will be provided.
13 Flower baskets/other greening throughout the District will be provided, using both
14 assessment and non-assessment funds.

15 D. Daily Cleaning and Maintenance: For all three Zones, Daily Cleaning and
16 Maintenance will be provided by on call maintenance services for graffiti removal,
17 washing down sidewalks, and similar services, for a total of 20 hours per week.

18 E. Administration: The District will have an Executive Director, and provide
19 dispatch and related administrative functions.

20 **II. Programs for Zone 2, in addition to those listed under 6.I. above, are:**

21 F. Safety Program -- Evening Community Service Ambassadors:

22 Four uniformed Community Service Ambassadors will serve Zone 2 during evening
23 hours, for 200 evenings per year or an equivalent. The evening CSA shifts are
24 currently scheduled for 6:30 p.m. – 11:30 p.m.
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1 G. Public Space and Sidewalk Activation:

2 Public Space and Sidewalk Activation will be provided in Civic Center Plaza, Fulton
3 Mall, and on sidewalks throughout Zone 2, through activities such as free music
4 performances or performing arts.

5 III. Programs for Zone 3, in addition to those listed under 6.I. above, are:

6 H. Daily Cleaning and Maintenance:

7 Daily Cleaning and Maintenance will be provided by one maintenance worker to
8 sweep sidewalks and remove graffiti; the shift is currently scheduled for
9 7:30 a.m. – 4:00 p.m. daily. (This is in addition to the 20 hours per week on call
10 maintenance services for tasks such as graffiti removal and washing down sidewalks,
11 provided throughout the three Zones.)

12 **Section 8. AUTHORITY TO CONTRACT.** The Board of Supervisors may contract
13 with a separate private entity to administer the improvements, services and activities set forth
14 in Section 7, as provided in California Streets and Highways Code §36614.5 and §36650.
15 Any such entity shall hold the funds it receives from the City and County of San Francisco
16 ("City") in trust for the improvements, services and activities set forth in Section 7. Any such
17 entity that holds funds in trust for purposes related to the contract shall deliver, at no expense
18 to the City, a balance sheet and the related statement of income and cash flows for each
19 fiscal year, all in reasonable detail acceptable to City, reviewed by a Certified Public
20 Accountant (CPA); this review shall include a statement of negative assurance from the CPA.
21 In addition, or alternatively, the Controller or the Office of Economic and Workforce
22 Development may in their discretion require the private entity to deliver, at no expense to the
23 City, an annual independent audit report by a Certified Public Accountant of all such funds.
24 The CPA review and/or audit may be funded from assessment proceeds as part of the
25 general administration of the District. At all times the Board of Supervisors shall reserve full

1 rights of accounting of these funds. The Office of Economic and Workforce Development
2 shall be the City agency responsible for coordination between the City and the District.

3 **Section 9. AMENDMENTS.** The properties in the District established by this
4 Resolution shall be subject to any amendments to the Act and Article 15.

5 **Section 10. RECORDATION OF NOTICE AND DIAGRAM.** The County Clerk is
6 hereby authorized and directed to record a notice and an assessment diagram pursuant to
7 Section 36627 of the California Streets and Highways Code, following adoption of this
8 Resolution.

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

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

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1 **Section 13. ENVIRONMENTAL FINDINGS.** The Planning Department has
2 determined that the actions contemplated in this Resolution are in compliance with the
3 California Environmental Quality Act (California Public Resources Code sections 21000 *et*
4 *seq.*). Said determination is on file with the Clerk of the Board of Supervisors in File No.
5 101318, which is hereby declared to be a part of this Resolution as if set forth fully herein.

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City and County of San Francisco
Tails
Resolution

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

File Number: 101527

Date Passed: January 04, 2011

Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings.

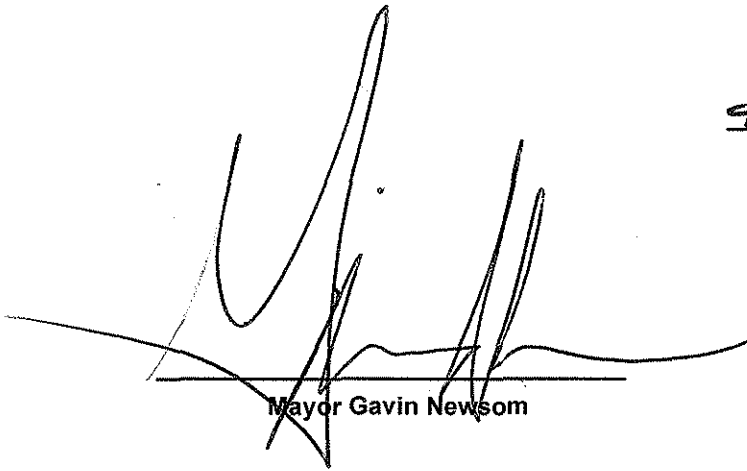
January 04, 2011 Board of Supervisors - ADOPTED

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd and Maxwell


Noes: 5 - Avalos, Campos, Daly, Mar and Mirkarimi

File No. 101527

I hereby certify that the foregoing
Resolution was ADOPTED on 1/4/2011 by
the Board of Supervisors of the City and
County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

January 7, 2011

Date Approved