

BOARD of SUPERVISORS



City Hall
r. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, November 17, 2020

Time: 3:00 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 200957.** Hearing of the Board of Supervisors sitting as a Committee of the Whole on November 17, 2020, at 3:00 p.m., to consider the disestablishment of a property-based business improvement district known as the Top of Broadway Community Benefit District, pursuant to the California Property and Business Improvement District Law of 1994 (Streets and Highways Code, Sections 36600 et seq.) and City and County of San Francisco Business and Tax Regulations Code, Article 15; scheduled pursuant to the Resolution contained in File No. 200956, adopted on September 29, 2020.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus-19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN

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VISIT: <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

The purpose of this notice is to provide you with information about a special assessment district disestablishment proceeding and public hearing being conducted by the Board of Supervisors and its effect on real property that you own. This notice is being sent to you in accordance with

Resolution No. 444-20, passed by the Board of Supervisors (a copy of which is enclosed), Streets and Highways Code, Section 36670.

Please be advised, the Board of Supervisors will hold a public hearing on the removal of the current assessment and disestablishment of the Property and Business Improvement District known as the Top of Broadway Community Benefit District, at 3:00 p.m. on November 17, 2020 or as soon thereafter as the matter may be heard, in the Board's Legislative Chamber, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102. At this hearing, the Board will hear testimony regarding the proposed disestablishment.

The reason for the proposed removal of assessments and disestablishment of the District is inactivity due to a lack of funds. The Owners' Association operating the District has indicated that it could not effectively operate and therefore the City has ceased collecting the assessments. After the public input portion of the above hearing, the Board of Supervisors will vote on the proposed disestablishment. A supermajority vote is required in order to disestablish the District. Should you have any questions, please call or write to: Mr. Chris Corgas, Office of Economic and Workforce Development, Room 448, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102. Telephone: (415) 554-6661. Email: christopher.corgas@sfgov.org

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In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, November 13, 2020.

For any questions about this hearing, please contact John Carroll, the Clerk of the Government Audit and Oversight Committee:

John Carroll (john.carroll@sfgov.org) ~ (415) 554-4445

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*


Angela Calvillo
Clerk of the Board
jec:ams

1 [Resolution of Intention - Disestablishment - Top of Broadway Community Benefit District -
2 Annual Report FY2018-2019]

3 **Resolution declaring the intention of the Board of Supervisors to receive and approve a**
4 **final annual report for the property-based business improvement district (community**
5 **benefit district) known as the “Top of Broadway Community Benefit District” for**
6 **FY2018-2019, to disestablish the District, and to remove a multi-year assessment on all**
7 **parcels in the District; ordering and setting a time and place for a public hearing of the**
8 **Board of Supervisors, sitting as a Committee of the Whole, on November 17, 2020,**
9 **at 3:00 p.m., on the proposed disestablishment; approving the form of the Notice of**
10 **Public Hearing; and directing environmental findings.**

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12 WHEREAS, Article XIID of the California Constitution, the Property and Business
13 Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600 et
14 seq., “1994 Act”), and Article 15 of the San Francisco Business and Tax Regulations Code
15 (“Article 15”) authorize cities to establish property-based improvement districts, funded
16 through the levy and collection of special assessments on real property within such districts,
17 for the purpose of providing improvements and promoting activities and property-related
18 services that specially benefit parcels of real property located within such districts; and

19 WHEREAS, Pursuant to the foregoing authorities, the Board of Supervisors in 2013
20 established a Community Benefit District known as the Top of Broadway Community Benefit
21 District (the “District”) which has a term of eight years commencing with FY2013-2014 (File
22 No. 130636); and

23 WHEREAS, The Board of Supervisors approved a contract with a nonprofit Owners’
24 Association for Administration/Management of the Top of Broadway Community Benefit
25

1 District, to administer the District, pursuant to the management plan for the district (File
2 No. 140100); and

3 WHEREAS, The Owners' Association operated the District with assessment revenues
4 and matching private funds, but eventually lost access to matching funds, and determined at
5 the end of FY2018-2019 that it could not operate the District effectively with assessment
6 revenue alone, and therefore asked the City to disestablish the District, as reflected in the
7 August 2019 letter on file with the Clerk of the Board of Supervisors in File
8 No. 200956; and

9 WHEREAS, Based on the August 2019 letter, the City stopped collecting assessment
10 revenue starting with FY2019-2020, and instead allowed the Owners' Association to expend
11 its remaining assessment funds as set forth in the District management plan, and to then
12 cease operating; and

13 WHEREAS, The Owners' Association circulated a petition to the owners and
14 representatives of real property in the District, and received signatures in favor of the
15 disestablishment from owners and representatives representing 47.29 percent of the total
16 assessments levied, and based on the petition results remains in favor of disestablishing the
17 District; and

18 WHEREAS, The Owners' Association asks the City to disestablish the District under
19 Business and Tax Regulations Code, Section 15.11(e), which provides that the Board of
20 Supervisors may, by a supermajority vote of eight or more members, initiate proceedings to
21 disestablish for any reason, by adopting a resolution of intention to disestablish, and by then
22 mailing a notice to the property owners of a public hearing, which shall occur not less than 30
23 days after mailing the notice and not more than 60 days after the adoption a resolution of
24 intention, as set forth in California Streets and Highways Code, Section 36670(b); and

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1 WHEREAS, The Owners' Association has submitted for the Board's receipt and
2 approval an annual report, for FY2018-2019 ("the Annual Report"), as required by
3 Section 36650 of the Act and Section 3.4 of the Management Contract, as well as supporting
4 documents, including a transmittal letter and memorandum report from the City's Office of
5 Economic and Workforce Development, dated August 13, 2020, all of which are on file with
6 the Clerk of the Board of Supervisors in File No. 200956; and

7 WHEREAS, The Annual Report and supporting documents show that the Owners'
8 Association has ceased operating, and that it does not have any assessment funds remaining,
9 or any assets that it acquired with assessment revenues; now therefore, be it

10 RESOLVED, The Annual Report for FY2018-2019 is received and approved; and

11 FURTHER RESOLVED, Pursuant to Section 36670 of the Act, the Board of
12 Supervisors declares its intention to disestablish the property and business improvement
13 district known as the "Top of Broadway Community Benefit District" ("District") and to remove
14 assessments against all parcels of real property in the District, commencing with fiscal year
15 ("FY") 2019-2020, for the reasons stated herein; and, be it

16 FURTHER RESOLVED, The Clerk of the Board of Supervisors is hereby directed to
17 give notice by mail to each property owner subject to the assessment, as provided by law, that
18 a hearing on the proposed disestablishment shall take place remotely at the Board of
19 Supervisors' meeting, on November 17, 2020, or as soon thereafter as the matter may be
20 heard, to hear public testimony regarding the proposed disestablishment of the District and
21 removal of assessments on properties within the District; and, be it

22 FURTHER RESOLVED, The Board of Supervisors hereby approves the form of the
23 Notice of Public Hearing on file with the Clerk of the Board of Supervisors in File No. 200956,
24 which is hereby declared to be a part of this Resolution as if set forth fully herein; and, be it

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1 FURTHER RESOLVED, The Planning Department shall determine whether the actions
2 contemplated in this resolution are in compliance with the California Environmental Quality Act
3 (California Public Resources Code, Sections 21000 et seq.), and respond in writing to the
4 Clerk of the Board of Supervisors prior to the Board’s public hearing on the disestablishment
5 of the District as set forth above.

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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: 200956

Date Passed: September 29, 2020

Resolution declaring the intention of the Board of Supervisors to receive and approve a final annual report for the property-based business improvement district (community benefit district) known as the "Top of Broadway Community Benefit District" for Fiscal Year 2018-2019, to disestablish the District, and to remove a multi-year assessment on all parcels in the District; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on November 17, 2020, at 3:00 p.m., on the proposed disestablishment; approving the form of the Notice of Public Hearing; and directing environmental findings.

September 17, 2020 Government Audit and Oversight Committee - RECOMMENDED

September 29, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200956

I hereby certify that the foregoing Resolution was ADOPTED on 9/29/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/9/20

Date Approved