110772

[ Resolution of Intention - West Portal Community Benefit District ]

Sponsor: Elsbernd

Resolution 1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "West Portal Community Benefit District" and to levy a multi-year assessment on identified parcels in the district; 2) approving the management district plan and engineer's report and proposed boundaries map for the district; 3) ordering and setting a time and place for a public hearing thereon; 4) approving the form of the Notice of Public Hearing and Assessment Ballots; and 5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

8/2/2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

8/3/2011 Mayor - APPROVED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK’S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

August 05, 2011

Date

Angela Calvillo
Clerk of the Board
Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "West Portal Community Benefit District" and to levy a multi-year assessment on identified parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballots; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

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

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

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

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

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

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

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

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

WHEREAS, A Management District Plan entitled the "West Portal Community Benefit District Management District Plan" containing information about the proposed district and assessments required by Section 36622 of the Law, including but not limited to maps showing all identified parcels located in the district, a description of the boundaries of the district, the name of the district, the amount of the proposed assessment for each identified parcel, the total annual amount chargeable to the entire district, the duration of the payments, the...
property-related services, activities and improvements to be funded by the assessments for
each year and the maximum cost thereof, the method and basis upon which the assessments
are calculated in sufficient detail to allow each property owner to calculate the amount of the
assessment to be levied against his or her property, a statement that no bonds will be issued,
the time and manner of collecting the assessments, and a list of the properties to be assessed
(including assessor parcel numbers), has been submitted to the Clerk of the Board of
Supervisors dated May 17, 2011, which is hereby declared to be a part of this Resolution as if
set forth fully herein; and

WHEREAS, A detailed engineer's report supporting the assessments within the
proposed district, prepared by Terrance E. Lowell, California Registered Professional
Engineer No. 13398 dated May 17, 2011, entitled "West Portal Community Benefit District,
Engineer's Report" has been submitted to the Clerk of the Board of Supervisors, which is
hereby declared to be a part of this Resolution as if set forth fully herein; and

WHEREAS, A Proposed Boundaries Map has been submitted to the Clerk of the Board
of Supervisors pursuant to California Streets and Highways Code §3110, which is hereby
declared to be a part of this Resolution as if set forth fully herein; now, therefore, be it
RESOLVED, That the Board of Supervisors declares as follows:
Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of
Supervisors declares its intention to form a property and business improvement district to be
designated as the "West Portal Community Benefit District" (the "District") for a period of
thirteen (13) years, and to levy and collect assessments against all identified parcels of real
property in the District for a period of thirteen (13) years, commencing with fiscal year 2011-
2012, subject to approval by a majority of the property owners in the District who cast
assessment ballots, which ballots shall be weighted according to the proportional financial
obligations of the affected properties. No bonds will be issued. District operations will
commence on or about January 1, 2012, following collection of the assessments for fiscal
year 2011-2012 and disbursement of the assessment proceeds to the nonprofit owners'
association that will administer the property-related services, activities and improvements in
the District pursuant to Section 36651 of the Law and a written agreement with the City.

Section 2. The Board of Supervisors hereby approves the Management District Plan
and District Assessment Engineer's Report each dated May 17, 2011, including the estimates
of the costs of the property-related services, activities and improvements set forth in the plan,
and the assessment of said costs on the properties that will specially benefit from such
services, activities and improvements. A copy of the Management District Plan and the
District Assessment Engineer's Report each dated May 17, 2011 are on file with the Clerk of
the Board of Supervisors in File No. 110772, which are hereby declared to be a part of this
Resolution as if set forth fully herein. The Clerk of the Board shall make the Management
District Plan, District Assessment Engineer's Report and other documents related to the
District and included in the record before the Board of Supervisors available to the public for
review during normal business hours, Monday through Friday 8:00 a.m. through 5:00 p.m.,
excluding legal holidays.

Section 3. The Board of Supervisors hereby approves the Proposed Boundaries
Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board
of Supervisors in File No.110772, which is hereby declared to be a part of this Resolution as if
set forth fully herein. The proposed District contains approximately 84 identified parcels in the
West Portal area. The exterior boundaries of the District include all parcels that front West
Portal Avenue between Ulloa Street and 15th Avenue; and in addition include the public
library, the Muni transfer station, and the parcels on both sides of Ulloa between West Portal
Avenue and Claremont Boulevard. The District is approximately three (3) linear blocks.

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

Section 4. A public hearing on the establishment of the District, and the levy and
collection of assessments starting with fiscal year 2011-2012 and continuing through fiscal
year 2023-2024, with services and programs to be provided January 1, 2012 through
December 31, 2024, shall be conducted before the Board of Supervisors on September 27,
2011 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board’s
Legislative Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San
Francisco, California, 94102. At this public hearing, the Board of Supervisors will hear public
testimony regarding the proposed formation of the District, assessments, boundaries of the
District, including testimony from all interested persons for or against establishment of the
District, the extent of the District, the levy of the assessments, the furnishing of specific types
of property-related services, improvements and activities, and other matters related to the
District. The Board of Supervisors may waive any irregularity in the form or content of any
written protest, and at the public hearing may correct minor defects in the proceedings. All
protests submitted by affected property owners and received prior to the conclusion of the
public testimony portion of the public hearing shall be tabulated to determine whether a
majority protest exists.

Section 5. The Board of Supervisors hereby approves the form of the Notice of
Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
Supervisors in File No.110772, which are hereby declared to be a part of this Resolution as if
set forth fully herein; and
Section 6. The proposed property-related services, improvements or activities for the District include two principal programs: Maintenance and Streetscape Improvements, and Economic Development. There will also be an Advocacy and Administration component.

A. Maintenance and Streetscape Improvements:

The Maintenance and Streetscape Improvements Program will provide a cleaner and more aesthetically appealing environment for businesses, employees and pedestrians. CBD maintenance teams will provide enhanced cleaning services, including sidewalk sweeping and litter removal, power washing and scrubbing of sidewalks, removal of illegal signs/posters/stickers, and graffiti removal.

In addition, the CBD will undertake efforts to beautify the public right-of-way streetscape and provide maintenance, which may include such items as seasonal banners, flower baskets, tree installation, and other beautification efforts.

B. Economic Development:

The Economic Development program will provide activities to support the growth and vitality of existing businesses, attract new businesses, and enhance the image of West Portal as a destination for consumer and investment revenues.

CBD funds will be used for market and demographic research, to identify what is needed to attract future development and investment. This program will identify the types of businesses and activities that are missing and needed in the West Portal business corridor. A variety of options will be developed, that may include:

- Design and dissemination of investor marketing materials to assist real estate brokers, developers and property owners in business recruitment efforts.
- Creation and maintenance of a database with a variety of market and real estate information.
• Provision of counseling, financing referrals and business support to start locally owned independent businesses.

• Provision of trouble-shooting and liaison services between property and business owners and the City, in an effort to entice investment and business operations in West Portal.

C. Advocacy and Administration:

The District will support a professional staff that delivers programs and advocates on behalf of the District.

The CBD advocacy services will provide direction on policies and issues that affect the central business district.

Administrative services will include an Executive Director, and a part-time administrative assistant if needed, for the day to day operations of the CBD. The administrative services budget will also include office expenses such as rent, bookkeeping, annual reporting expenses, insurance, and related expenses.

Section 7. Within the area encompassed by the proposed District, the City currently provides services at the same level provided to other similar areas of the City. It is the intent of the Board of Supervisors to continue to provide the area encompassed by the District with the same level of services provided to these other similar areas of the City. 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 during the duration of the District.

Section 8. The annual assessment proposed to be levied and collected for the first year of the District (fiscal year 2011-2012) is estimated to be $198,000. The amount of the annual assessment to be levied and collected for years two through thirteen (fiscal years 2012-2013 through 2023-2024) may be increased from one year to the next by a percentage
that does not exceed either the change in the Consumer Price Index for All Urban Consumers
in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three
percent (3%), whichever is less.

Section 9. The Clerk of the Board is directed to give notice of the public hearing as
provided in California Streets and Highways Code Section 36623, California Government
Code Section 53753, California Constitution Article XIIID Section 4, San Francisco Charter
Section 16.112, and San Francisco Administrative Code Section 67.7-1.
File Number: 110772  Date Passed: August 02, 2011

Resolution 1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "West Portal Community Benefit District" and to levy a multi-year assessment on identified parcels in the district; 2) approving the management district plan and engineer's report and proposed boundaries map for the district; 3) ordering and setting a time and place for a public hearing thereon; 4) approving the form of the Notice of Public Hearing and Assessment Ballots; and 5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

July 14, 2011 Government Audit and Oversight Committee - CONTINUED TO CALL OF THE CHAIR

July 28, 2011 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

August 02, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110772

I hereby certify that the foregoing Resolution was ADOPTED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved 8/3/11