[ Resolution of Intention - Top of Broadway Community Benefit District ]

Sponsor: Chiu

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 "Top of Broadway Community Benefit District" and levy a multi-year assessment on identified parcels in the district; approving the Management District Plan, 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; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

6/4/2013 Board of Supervisors - ADOPTED
Ayes: 11 - Ávalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

6/5/2013 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.

June 05, 2013
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 "Top of Broadway Community Benefit District" and levy a multi-year assessment on identified parcels in the district; approving the Management District Plan, 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; directing environmental findings; 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 (California Streets and Highways Code Sections 36600 et seq., "1994 Act" or the "Act"), 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 1994 Act 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 1994 Act; 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 1994 Act 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 XIXD 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 1994 Act 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 benefit on the assessed properties over and above the general
benefit to the public at large from such services, activities and improvements; and

WHEREAS, The property owners who will pay 30 percent or more 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 "Top of Broadway
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 "Top of Broadway Community
Benefit District Management District Plan" containing information about the proposed district
and assessments required by Section 36622 of the 1994 Act, 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

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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), is on file with the Clerk of the Board of
Supervisors in File No. 130419, 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 Edward V. Henning, California Registered Professional
Engineer No. 26549, titled “Top of Broadway Community Benefit District, District Assessment
Engineer’s Report,” is on file with the Clerk of the Board of Supervisors in File No. 130419,
which is hereby declared to be a part of this resolution as if set forth fully herein; and

WHEREAS, A Proposed Boundaries Map, submitted pursuant to California Streets and
Highways Code §3110, is on file with the Clerk of the Board of Supervisors in File No.
130419, 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 1994 Act and Article 15, the Board of
Supervisors declares its intention to form a property and business improvement district to be
designated as the “Top of Broadway Community Benefit District” (the “District”) for a period of
eight and one half (8 1/2) years, and to levy and collect assessments against all identified
parcels of real property in the District for a period of eight (8) years, commencing with fiscal
year 2013-2014, 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

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will commence on or about January 1, 2014, following collection of the assessments for fiscal
year 2013-2014 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 1994 Act 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, 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. 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. The proposed District contains approximately
39 identified parcels, located on approximately six whole or partial blocks near the intersection
of Columbus Avenue and Broadway Street and the intersection of Montgomery Street and
Broadway Street. The District is generally located at: (1) Columbus Avenue from the
intersection of Grant Avenue and Fresno Street running along the east side only of Columbus
Avenue down to Pacific Avenue; (2) Kearny Street on both sides of the street from Broadway
Street to Pacific Avenue; and (3) Broadway Street, from the northeastern corner of the
intersection of Columbus Avenue and Broadway Street running eastward on the north side of
the street up to west side of Montgomery Street and then from the southeastern corner of the
intersection of Columbus Avenue and Broadway Street on the south side running eastward on
the south side up to Montgomery Street, but also including the property at the southeastern
corner of the intersection of Montgomery Street and Broadway Street.

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 Top of Broadway 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 2013-2014 and continuing through fiscal
year 2020-2021, shall be conducted before the Board of Supervisors, sitting as a Committee
of the Whole, on July 23, 2013, 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. 130419; which are declared to be a part of this resolution as if set forth fully herein.

Section 6. The proposed property-related services, improvements or activities for the
District include District Identity, Sidewalk Operations, Beautification and Order, and
Administration, Organization, and Corporate Operations:

District Identity: District Identity includes, but is not limited to, use of a public relations firm to promote the business and activities in the District, development of a website, having special events for the District, preparation of signage, historical markers, banners and decorations, and other programs or activities to be determined by the nonprofit owners' association that will administer the property-related services, activities, and improvements for the District.

Sidewalk Operations, Beautification and Order: Sidewalk Operations, Beautification and Order includes, but is not limited to, cleaning sidewalks and gutters, graffiti removal, trimming trees, periodic steam cleaning, and cleaning tree wells.

Administration, Organization, and Corporate Operations: Administration, Organization, and Corporate Operations includes, but is not limited to, staffing to oversee and support the property-related services, activities and improvements for the District, acquiring office-related services and supplies, such as accounting, legal services and office supplies, acquiring insurance for the District, managing contractual relations with the City and others, financial reporting, and advocacy for the District.

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 total assessments proposed to be levied and collected for the first year of the District (fiscal year 2013-2014) is estimated to be $105,502. The amount of

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the total annual assessments to be levied and collected for years two through eight (fiscal
years 2014-2015 through 2020-2021) 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. Environmental Findings. Following the approval of this Resolution; the
Planning Department shall determine whether the actions contemplated in this Resolution are
in compliance with the California Environmental Quality Act (California Public Resources
Code Sections 21000 et seq.), and respond in writing to the Clerk of the Board of Supervisors.

Section 10. 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: 130419  Date Passed: June 04, 2013

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 "Top of Broadway Community Benefit District" and levy a multi-year assessment on identified parcels in the district; approving the Management District Plan, 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; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

May 23, 2013 Government Audit and Oversight Committee - RECOMMENDED

June 04, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130419

I hereby certify that the foregoing Resolution was ADOPTED on 6/4/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved