[ Resolution of Intention - Renewal - Noe Valley Community Benefit District ]

Sponsor: Mandelman

Resolution declaring the intention of the Board of Supervisors to renew a property-based business improvement district known as the "Noe Valley Community Benefit District" and levy a multi-year assessment on all 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 of the Board of Supervisors, sitting as a Committee of the Whole, on January 28, 2020; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; 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.

11/19/2019 Board of Supervisors - ADOPTED

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

11/27/2019 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.

December 06, 2019

Date

Angela Calvillo

Clerk of the Board
[Resolution of Intention - Renewal - Noe Valley Community Benefit District]

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WHEREAS, The Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600 et seq., “1994 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 Regulations 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 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 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 special benefits 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% 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 ("Petition") requesting that the Board of Supervisors renew the property-based community benefit district known as the "Noe Valley Community Benefit District," and 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 "Noe Valley Community Benefit District Management Plan" ("Management District Plan") containing information about the proposed district and assessments required by Section 36622 of the 1994 Act, including but not limited to a map showing all 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
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), is on file with the Clerk of the Board of Supervisors in File No. 191024, 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, entitled “Noe Valley Community Benefit District Engineer’s Report” ("Engineer’s Report") is on file with the Clerk of the Board of Supervisors in File No. 191024, 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, Section 3110, is on file with the Clerk of the Board of Supervisors in File No. 191024, 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 renew the property and business improvement district known as the “Noe Valley Benefit District” (“District”) for a period of fifteen and one half (15 1/2) years, and to levy and collect assessments against all parcels of real property in the District for fifteen of those years, commencing with fiscal year (“FY”) 2020-2021, 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 are expected to commence
on or about January 1, 2021, following collection of the assessments for FY2020-2021 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. Nonpayment of assessments will have the same lien priority and delinquent
payment penalties and be subject to the same enforcement procedures and remedies as the
ad valorem property tax. All delinquent payment of assessments will be subject to interest
and penalties. The City Treasurer and Tax Collector will enforce imposition of interest and
penalties and collection of assessments pursuant to the 1994 Act, Article 15 and the San
Francisco Business and Tax Regulation Code Article 6, as each may be amended from time
to time.

Section 3. The Board of Supervisors hereby approves the Management District Plan
and 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, 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 4. The Board of Supervisors hereby approves the Proposed Boundaries Map
showing the boundaries of the District. The proposed District contains approximately 218
identified parcels located on approximately 10 whole or partial blocks.
Specifically, The Noe Valley CBD includes all parcels facing on both sides of 24th Street between:

- Diamond Street (both sides) on the west
- Church Street (both sides) on the east
- Castro Street (both sides) between 24th Street and mid-way between Jersey Street and 25th Street

Assessor Parcel Number that are contained in the Management District Plan, in order to determine which specific parcels are included in the Noe Valley Community Benefit District.

Section 5. A public hearing on the renewal of the District, and the levy and collection of assessments starting with FY2020-2021 and continuing through FY2034-2035, shall be conducted before the Board of Supervisors sitting as a Committee of the Whole on January 28, 2020 at 3:00 p.m., 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 public hearing, the Board of Supervisors will hear public testimony regarding the proposed formation of the District, assessments, and boundaries of the District, including testimony from all interested persons for or against renewal 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 6. The Board of Supervisors hereby approves the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot, which are on file with the
Clerk of the Board of Supervisors in File No. 191024; which are hereby declared to be a part of this Resolution as if set forth fully herein.

Section 7. The proposed property-related services, improvements and activities for the District include a Clean and Safe program, a Marketing and Economic Development program, a Branding, Administration, and Contingency and Reserve.

Clean and Green: Clean and Green program includes, but is not limited to, sidewalk and gutter sweeping, sidewalk pressure washing, trash removal, graffiti and handbill removal, greenscape management, and public space activation.

Promotion of District: Promotion of District programs includes, but is not limited to, events, media relations, website maintenance, and district stakeholder outreach.

Administration: Administration includes, but is not limited to, a professional staff to properly manage programs, communicate with stakeholders, to provide leadership, and represent the community with one clear voice.

Contingency/Reserve/City Fees: Contingency/reserve/city fees include, but is not limited to, a contingency reverse fund, and city fee collection fund that will allow the administration staff to allocate assessment revenues to activities that may cost overruns or to cover unforeseen expenses.

Section 8. 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 other similar areas of the City; formation 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 term of the District.
Section 9. The annual total assessments proposed to be levied and collected for the first year of the District (FY2020-2021) is estimated to be $246,750.00. The amount of the total annual assessments to be levied and collected for years two through fifteen (FYs 2021-2022 through 2034-2035) may be increased from one year to the next due to changes to the consumer price index (CPI). Assessments may also increase based on development in the District. The determination of annual adjustments in assessment rates will be subject to the approval of the Noe Valley Community Benefit District Owners’ Association. Assessment rates may not increase more than that year’s increase in the San Francisco, Oakland, and San Jose area Consumer Price Index (CPI) or 5%, whichever is less.

Section 10. 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 prior to the Board’s public hearing on the renewal of the District on January 28, 2020 at 3:00 p.m.

Section 11. 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 XIIIID, Section 4. San Francisco Charter, Section 16.112, and San Francisco Administrative Code, Section 67.7-1.
Resolution declaring the intention of the Board of Supervisors to renew a property-based business improvement district known as the "Noe Valley Community Benefit District" and levy a multi-year assessment on all 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 of the Board of Supervisors, sitting as a Committee of the Whole, on January 28, 2020; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; 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.

November 07, 2019 Government Audit and Oversight Committee - RECOMMENDED

November 19, 2019 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 11/19/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

11/27/19
Date Approved