

1 [Assessment Ballots for City Parcels - Union Square Business Improvement District]

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3 **Resolution authorizing the Mayor or her designee(s) to cast an assessment ballot in the**
4 **affirmative for the proposed renewal and expansion of a property and business**
5 **improvement district to be named the Union Square Business Improvement District,**
6 **with respect to certain parcels of real property owned by the City that would be subject**
7 **to assessment in said district.**

8
9 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
10 California Streets and Highways Code, Sections 36600 et seq. (the "Act"), as augmented by
11 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board
12 of Supervisors adopted Resolution No. 221-19 on May 7, 2019, entitled "Resolution declaring
13 the intention of the Board of Supervisors to renew and expand a property-based business
14 improvement district known as the "Union Square Business Improvement District" and levy a
15 multi-year assessment on all parcels in the district; approving the management district plan
16 and engineer's report and proposed boundaries map for the district; ordering and setting a
17 time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the
18 Whole, on July 9, 2019, at 3:00 p.m.; approving the form of the Notice of Public Hearing and
19 Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and
20 directing the Clerk of the Board of Supervisors to give notice of the public hearing and
21 balloting, as required by law." (the "Resolution of Intention," BOS File No. 190427); and

22 WHEREAS, The Resolution of Intention for the Union Square Business Improvement
23 District (the "Union Square BID" or "District"), among other things, approved the Union Square
24 Business Improvement District Management District Plan (the "District Management Plan"),
25 dated January 2019, the Union Square Business Improvement District Engineer's Report,

1 dated January, 2019, and the Notice of Public Hearing, that are all on file with Clerk of the
2 Board of Supervisors in File No. 190427; and

3 WHEREAS, If the proposed District is renewed and expanded, assessments would be
4 levied and collected against all parcels of real property in the proposed District for a period of
5 ten years, commencing with FY2019-2020 through FY2028-2029; and

6 WHEREAS, Article XIID, Section 4 of the California Constitution provides that parcels
7 within an assessment district that are owned or used by any government agency, the State of
8 California or the United States shall not be exempt from assessment unless the agency can
9 demonstrate by clear and convincing evidence that those publicly owned parcels in fact
10 receive no special benefit; and

11 WHEREAS, The Board of Supervisors has jurisdiction over nine parcels of real
12 property within the proposed assessment district that are owned by the City and County of
13 San Francisco, the details of which are set forth in the following chart, which shows for each
14 parcel the street address, Assessor's lot and block number, name/description, proposed
15 assessment amount, and the percent of the total proposed assessments for the District that
16 parcel would be assessed for the first year of the District (which is the corresponding weight to
17 be afforded the City's signature on the ballot to renew and expand the Union Square BID):

18

19 ADDRESS	20 LOT / BLOCK	21 NAME / DESCRIPTION OF BUILDING	22 EST. ASSESSMENT AMOUNT	23 % OF TOTAL CBD BUDGET
24 585 Bush Street	0286-017	San Francisco Municipal Transportation Agency	\$18,409.50	0.305%
25 585 Bush St	0286-024	San Francisco Municipal Transportation Agency	\$48,090.95	0.797%

1	Harlan Alley East	0287-015	San Francisco Department of Public Works	\$1,049.06	0.017%
2					
3	Harlan Alley/Mark Lane Corner	0287-024	San Francisco Department of Public Works	\$1,005.51	0.017%
4					
5	333 Post Street	0308-001	San Francisco Recreation and Parks	\$126,118.13	2.089%
6					
7	121 O'Farrell St	0327-021	San Francisco Municipal Transportation Agency	\$30,398.59	0.504%
8					
9	Not Available	0327-024	San Francisco Municipal Transportation Agency	\$3,467.68	0.057%
10					
11	Hallidie Plaza	0341-013	San Francisco Department of Public Works	\$56,512.23	0.936%
12					
13	Hallidie Plaza	0341-014	San Francisco Department of Public Works	\$54,604.12	0.905%
14					
15	TOTAL			\$339,655.77	5.627%
16					

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18 WHEREAS, The Board of Supervisors will hold a public hearing on July 9, 2019, to

19 consider public testimony on the proposed renewal and expansion of the Union Square

20 Business Improvement District, the levy of multi-year assessments on real property located in

21 the proposed district, and assessment ballot proceedings for affected property owners to

22 approve or disapprove the assessments; and

23 WHEREAS, The property owners or their authorized representatives may submit,

24 withdraw or change assessment ballots for their respective properties prior to the close of

25 public testimony at the public hearing; and

1 WHEREAS, The Board of Supervisors may cast the assessment ballots for those
2 parcels over which it has jurisdiction, to either approve or disapprove the proposed
3 assessments for those parcels that would be subject to assessment; or the Board may
4 authorize a representative to submit the assessment ballots for parcels over which the Board
5 has jurisdiction; and

6 WHEREAS, At the July 9, 2019, public hearing the Board is likely to receive public
7 testimony both in favor of and against the levying of assessments, and the Department of
8 Elections will tabulate the assessment ballots submitted by the owners of affected properties
9 to determine if there is a majority protest; and

10 WHEREAS, It is appropriate for the Board of Supervisors to authorize a representative
11 to submit an assessment ballot for the City-owned parcels within the proposed district over
12 which the Board has jurisdiction to avoid confusion on the Board's dual role as both the
13 legislative body that may form the district and levy assessments if there is no majority protest
14 by the affected property owners, and as the decision-making body for the City as the owner of
15 property subject to assessments; now, therefore, be it

16 RESOLVED, That the Mayor or their designee(s) is hereby authorized to submit an
17 assessment ballot in the affirmative for the above-listed parcels of real property owned by the
18 City and County of San Francisco over which the Board has jurisdiction that would be subject
19 to assessment in the proposed property and business improvement district to be named the
20 Union Square Business Improvement District; and, be it

21 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
22 of this Resolution to be delivered to the Office of Economic and Workforce Development, and
23 the Director of Elections, and placed in the Board of Supervisors file for the Resolution to
24 renew and expand the proposed district.



City and County of San Francisco

Tails
Resolution

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

File Number: 190691

Date Passed: June 25, 2019

Resolution authorizing the Mayor or her designee(s) to cast an assessment ballot in the affirmative for the proposed renewal and expansion of a property and business improvement district to be named the Union Square Business Improvement District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said district.

June 20, 2019 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

June 25, 2019 Board of Supervisors - ADOPTED

Ayes: 10 - Brown, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee
Absent: 1 - Fewer

File No. 190691

I hereby certify that the foregoing Resolution was ADOPTED on 6/25/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved