

1 [Assessment Ballots for City Parcels - Downtown Community Benefit 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 formation of a property and business improvement district**
5 **to be named the Downtown Community Benefit District, with respect to certain parcels**
6 **of real property owned by the City that would be subject to assessment in said district.**
7

8 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
9 California Streets and Highways Code, Sections 36600 et seq. (the "Act"), as augmented by
10 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board
11 of Supervisors adopted Resolution No. 237-19 on May 14, 2019, entitled "Resolution
12 declaring the intention of the Board of Supervisors to establish a property-based business
13 improvement district known as the 'Downtown Community Benefit District' and levy a multi-
14 year assessment on all parcels in the district; approving the management district plan and
15 engineer's report and proposed boundaries map for the district; ordering and setting a time
16 and place for a public hearing thereon; approving the form of the Notice of Public Hearing and
17 Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and
18 directing the Clerk of the Board of Supervisors to give notice of the public hearing and
19 balloting as required by law" (the "Resolution of Intention," BOS File No.190426); and

20 WHEREAS, The Resolution of Intention for the Downtown Community Benefit District
21 (the "Downtown CBD" or "District"), among other things, approved the Downtown Community
22 Benefit District Management District Plan (the "District Management Plan"), dated April 2019,
23 the Downtown Community Benefit District Engineer's Report, dated April 2019, and the Notice
24 of Public Hearing, that are all on file with Clerk of the Board of Supervisors in File No.190426;
25 and

1 of Public Hearing, that are all on file with Clerk of the Board of Supervisors in File No.190426;
2 and

3 WHEREAS, If the proposed District is established, assessments would be levied and
4 collected against all parcels of real property in the proposed District for a period of 15 years,
5 commencing with FY2019-2020 through FY2033-2034; 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 two parcels of real property
12 within the proposed assessment district that are owned by the City and County of San
13 Francisco, the details of which are set forth in the following chart, which shows for each parcel
14 the street address, Assessor's lot and block number, name/description, proposed assessment
15 amount, and the percent of the total proposed assessments for the District that parcel would
16 be assessed for the first year of the District (which is the corresponding weight to be afforded
17 the City's signature on the ballot to establish the Downtown CBD):

| 19 ADDRESS | 20 LOT / BLOCK | 21 NAME / DESCRIPTION OF BUILDING | 22 EST. ASSESSMENT AMOUNT | 23 % OF TOTAL CBD BUDGET |
|----------------------|-------------------|---|---------------------------------|-----------------------------|
| 24 532 SANSOME ST | 0206 017 | CITY & COUNTY OF SAN FRANCISCO | \$1,500.00 | 0.04% |
| 25 STEVENSON | 3708 031 | CITY & COUNTY OF SAN FRANCISCO | \$4,644.00 | 0.12% |

| | | | | |
|-------|--|--|------------|-------|
| TOTAL | | | \$6,144.00 | 0.16% |
|-------|--|--|------------|-------|

WHEREAS, The Board of Supervisors will hold a public hearing on July 16, 2019, to consider public testimony on the proposed formation of the Downtown Community Benefit District, the levy of multi-year assessments on real property located in the proposed district, and assessment ballot proceedings for affected property owners to approve or disapprove the assessments; and

WHEREAS, The property owners or their authorized representatives may submit, withdraw or change assessment ballots for their respective properties prior to the close of public testimony at the public hearing; and

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

WHEREAS, At the July 16, 2019, public hearing the Board is likely to receive public testimony both in favor of and against the levying of assessments, and the Department of Elections will tabulate the assessment ballots submitted by the owners of affected properties to determine if there is a majority protest; and

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

1 RESOLVED, That the Mayor or their designee(s) is hereby authorized to submit an
2 assessment ballot in the affirmative for the above-listed parcels of real property owned by the
3 City and County of San Francisco over which the Board has jurisdiction that would be subject
4 to assessment in the proposed property and business improvement district to be named the
5 Downtown Community Benefit District; and, be it

6 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
7 of this Resolution to be delivered to the Office of Economic and Workforce Development, and
8 the Director of Elections, and placed in the Board of Supervisors file for the Resolution to
9 establish the proposed district.

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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: 190692

Date Passed: June 25, 2019

Resolution authorizing the Mayor or her designee(s) to cast an assessment ballot in the affirmative for the proposed formation of a property and business improvement district to be named the Downtown Community Benefit 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. 190692

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