

FILE NO. 090855

RESOLUTION NO.

296-09

1 [Assessment Ballots for City Parcels, for the proposed renewed and expanded Greater Union  
2 Square Business Improvement District.]

3 **Resolution authorizing the Mayor to cast assessment ballots in the affirmative on**  
4 **behalf of the City and County of San Francisco, as the owner of three four parcels of**  
5 **real property that would be subject to assessment in the proposed renewed and**  
6 **expanded property and business improvement district to be named the Greater Union**  
7 **Square Business Improvement District.**

8  
9 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994  
10 (California Streets and Highways Code Sections 36600 *et seq.*) as augmented by Article 15 of  
11 the San Francisco Business and Tax Regulations Code, the Board of Supervisors adopted  
12 Resolution No. 208-09 on June 2, 2009: (1) declaring the intention of the Board of Supervisors  
13 to renew and expand the property-based business improvement district to be known as the  
14 "Greater Union Square Business Improvement District" and order the levy and collection of a  
15 multi-year assessment on identified parcels in the district, (2) approving the management  
16 district plan and engineer's report for the district, (3) ordering and setting a time and place for  
17 a public hearing thereon, (4) approving the form of the Notice of Public Hearing and  
18 Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of  
19 the public hearing as required by law; and,

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

1           WHEREAS, The City and County of San Francisco owns ~~three~~ four parcels of real  
2 property within the proposed assessment district, the details of which are set forth in a  
3 spreadsheet entitled "Proposed Assessments for City Owned Parcels in the Greater Union  
4 Square Business Improvement District – Fiscal Year 2009-2010" on file with the Clerk of the  
5 Board of Supervisors in File No. 090855, which is hereby declared to be a part of this  
6 Resolution as if set forth fully herein; and,

7           WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0287-015, commonly  
8 known as Harlan Place (at end of alley), has a proposed assessment of \$1,235.15 for fiscal  
9 year 2009-2010 out of \$3,040,061.36 in total proposed assessments for all properties in the  
10 Greater Union Square Business Improvement District. This parcel's proposed assessment  
11 represents approximately 0.04% of the total assessments for the first year of the District,  
12 which is the corresponding weight to be afforded the City's vote on this parcel's ballot to  
13 approve or disapprove the proposed assessments; and,

14           WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0341-013, part of  
15 what is commonly known as Hallidie Plaza, has a proposed assessment of \$31,648.25 for  
16 fiscal year 2009-2010 out of \$3,040,061.36 in total proposed assessments for all properties in  
17 the Greater Union Square Business Improvement District. This parcel's proposed  
18 assessment represents approximately 1.04% of the total assessments for the first year of the  
19 District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot  
20 to approve or disapprove the proposed assessments; and,

21           WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0341-014, also part of  
22 what is commonly known as Hallidie Plaza, has a proposed assessment of \$23,536.50 for  
23 fiscal year 2009-2010 out of \$3,040,061.36 in total proposed assessments for all properties in  
24 the Greater Union Square Business Improvement District. This parcel's proposed  
25 assessment represents approximately 0.77% of the total assessments for the first year of the

1 District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot  
2 to approve or disapprove the proposed assessments; and,

3 WHEREAS, The City-owned parcel that is Assessor's Parcel No. 0308-001, commonly  
4 known as Union Square Park/Plaza, has a proposed assessment of \$97,047.50 for fiscal year  
5 2009-2010 out of \$3,040,061.36 in total proposed assessments for all properties in the  
6 Greater Union Square Business Improvement District. This parcel's proposed assessment  
7 represents approximately 3.19% of the total assessments for the first year of the District,  
8 which is the corresponding weight to be afforded the City's vote on this parcel's ballot to  
9 approve or disapprove the proposed assessments; and,

10 WHEREAS, The Board of Supervisors will hold a public hearing on July 29 ~~28~~, 2009 to  
11 consider public testimony on the proposed formation of the Greater Union Square Business  
12 Improvement District, the levy of multi-year assessments on real property located in the  
13 proposed district, and assessment ballot proceedings for affected property owners to approve  
14 or disapprove the assessments; and,

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

18 WHEREAS, the Board of Supervisors may either cast the assessment ballots to  
19 approve or disapprove the proposed assessments for the City-owned parcels that would be  
20 subject to assessment, or authorize a representative to submit the assessment ballots for the  
21 City-owned parcels; and,

22 WHEREAS, At the July 29 ~~28~~, 2009 public hearing the Board is likely to receive public  
23 testimony both in favor of and against the levying of assessments, and the Department of  
24 Elections will tabulate the assessment ballots submitted by the owners of affected properties  
25 to determine if there is a majority protest; and,

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

7           RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public  
8 testimony at the public hearing any and all assessment ballots in the affirmative for the  
9 parcels of real property owned by the City and County of San Francisco that would be subject  
10 to assessment in the proposed renewed and expanded property and business improvement  
11 district to be named the Greater Union Square Business Improvement District; and, be it

12           FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies  
13 of this Resolution to be delivered to the Office of Economic and Workforce Development and  
14 the Director of the Department of Elections, and placed in the Board of Supervisors file for the  
15 Resolution to establish the proposed district.



# City and County of San Francisco

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

## Tails

### Resolution

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**File Number:** 090855

**Date Passed:**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of four parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

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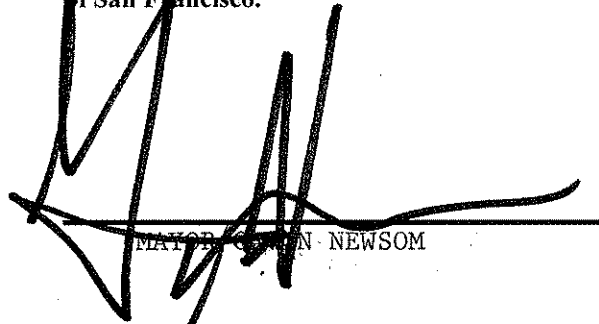
July 21, 2009 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar,  
Maxwell, Mirkarimi

Absent: 1 - Daly

File No. 090855

I hereby certify that the foregoing Resolution was ADOPTED on July 21, 2009 by the Board of Supervisors of the City and County of San Francisco.



MAYOR GAVIN NEWSOM

July 23, 2009

Date Approved



SIGNATURE CLERK