

1 [Assessment Ballots for City Parcels - Lower Polk Community Benefit District]

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3 **Resolution authorizing the Mayor or his designees to cast assessment ballots in the**  
4 **affirmative on behalf of the City and County of San Francisco, as the owner of three**  
5 **parcels of real property over which the Board of Supervisors has jurisdiction, that**  
6 **would be subject to assessment in the proposed property and business improvement**  
7 **district to be the Lower Polk Community Benefit District for an election to be held on**  
8 **July 29, 2014.**

9  
10 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,  
11 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by  
12 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board of  
13 Supervisors adopted Resolution No. 177-14 on June 3, 2014, entitled "Resolution declaring the  
14 intention of the Board of Supervisors to establish a property-based business improvement  
15 district (community benefit district) known as the "Lower Polk Community Benefit District" and  
16 levy a multi-year assessment on all parcels in the district; approving the management district  
17 plan and engineer's report and proposed boundaries map for the district; ordering and setting a  
18 time and place for a public hearing thereon; approving the form of the Notice of Public Hearing  
19 and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings;  
20 and 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. 140512); and

22 WHEREAS, The Resolution of Intention for the Lower Polk Community Benefit District  
23 (the "Lower Polk CBD" or "District"), among other things, approved the Lower Polk Community  
24 Benefit District Management District Plan (the "District Management Plan"), the Lower Polk  
25

1 Community Benefit District Engineer's Report, dated May 2014, and the Notice of Public  
2 Hearing, that are all on file with Clerk of the Board of Supervisors in File No. 140512; and

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

8 WHEREAS, The Board of Supervisors has jurisdiction over three parcels of real  
9 property within the proposed assessment district that are owned by the City and County of  
10 San Francisco, the details of which are set forth in a chart below (on page 3 of this  
11 Resolution); and

12 WHEREAS, The City and County of San Francisco owns additional real property within  
13 the proposed assessment district that is subject to the exclusive jurisdiction and control of  
14 certain City departments, such as the San Francisco Public Utilities Commission, the War  
15 Memorial Board of Trustees, and the Asian Art Museum Commission (the "Other Property");  
16 and

17 WHEREAS, The City-owned parcels over which the Board of Supervisors has  
18 jurisdiction (not including the Other Property) are listed in the following chart, showing the  
19 street address for each, Assessor's lot and block number, name/description of building,  
20 proposed assessment amount for each, and the percent of the total proposed assessments  
21 for the District that each parcel would be assessed (which is the corresponding weight to be  
22 afforded the City's signature on the ballot to establish the Lower Polk CBD):

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ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT FOR FIRST YEAR	% OF TOTAL CBD BUDGET
1067 Post Street	0693-018	City Property – FIRE	\$465.11	0.0582%
1001 Geary Street	0694-004	City Property – HUMAN SERVICES	\$ 2,262.33	0.2831%
N/A	0716-002	Recreation and Park Department	\$1,471.06	0.1841%
Subtotal for City-Owned Parcels under Board of Supervisors Jurisdiction, for Year One (Fiscal Year 2014-2015) of Lower Polk CBD, to be Established for a 15-Year Term			\$4198.50	0.5254%

11 WHEREAS, The Board of Supervisors will hold a public hearing on July 29, 2014, to  
12 consider public testimony on the proposed formation of the Lower Polk Community Benefit  
13 District, the levy of multi-year assessments on real property located in the proposed district,  
14 and assessment ballot proceedings for affected property owners to approve or disapprove the  
15 assessments; and

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

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

24 WHEREAS, At the July 29, 2014, public hearing the Board is likely to receive public  
25 testimony both in favor of and against the levying of assessments, and the Department of

1 Elections will tabulate the assessment ballots submitted by the owners of affected properties  
2 to determine if there is a majority protest; and

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

9 RESOLVED, That the Mayor or his designees is hereby authorized to submit any and  
10 all assessment ballots in the affirmative for the above-listed parcels of real property owned by  
11 the City and County of San Francisco over which the Board has jurisdiction (which list does  
12 not include the Other Property) that would be subject to assessment in the proposed property  
13 and business improvement district to be named the Lower Polk Community Benefit District;  
14 and, be it

15 FURTHER RESOLVED, That the Board encourages any City department that has  
16 exclusive jurisdiction over the Other Property to submit any and all assessment ballots in the  
17 affirmative; and, be it

18 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies  
19 of this Resolution to be delivered to the Office of Economic and Workforce Development, the  
20 Director of Elections, and the City departments with jurisdiction over the Other Property, and  
21 placed in the Board of Supervisors file for the Resolution to 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:** 140734

**Date Passed:** July 22, 2014

Resolution authorizing the Mayor, or his designees, to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of three parcels of real property over which the Board of Supervisors has jurisdiction, that would be subject to assessment in the proposed property and business improvement district to be the Lower Polk Community Benefit District for an election to be held on July 29, 2014.

July 10, 2014 Government Audit and Oversight Committee - RECOMMENDED

July 22, 2014 Board of Supervisors - ADOPTED

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

Excused: 1 - Avalos

File No. 140734

I hereby certify that the foregoing  
Resolution was ADOPTED on 7/22/2014 by  
the Board of Supervisors of the City and  
County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor

Date Approved