

1 [Submission of Parcel Tax to voters.]

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3 **Motion ordering submitted to the voters an "Ordinance amending the Business and**
4 **Tax Regulations Code of the City and County by: (1) adding Article 18, Parcel Tax,**
5 **(2) amending Section 6.1-1 of Article 6, Common Administrative Provisions, to include**
6 **appropriate cross-reference to new Article 18, and (3) amending the Administrative**
7 **Code by adding Section 10.100-248 (Recreation and Parks Parcel Tax Fund)," at an**
8 **election to be held on November 3, 2009.**

9 MOVED, That the Board of Supervisors hereby submits the following ordinance to the
10 voters of the City and County of San Francisco, at an election to be held on November 3,
11 2009:

12 **Ordinance amending the Business and Tax Regulations Code of the City and**
13 **County by: (1) adding Article 18, Parcel Tax, (2) amending Section 6.1-1 of Article 6,**
14 **Common Administrative Provisions, to include appropriate cross-reference to new**
15 **Article 18, and (3) amending the Administrative Code by adding Section 10.100-248**
16 **(Recreation and Parks Parcel Tax Fund).**

17 Note: Additions are *single-underline italics Times New Roman*;
18 Deletions are ~~*strikethrough italics Times New Roman*~~.
19 Board amendment additions are double underlined;
Board amendment deletions are ~~strikethrough normal~~.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. The San Francisco Business and Tax Regulations Code is hereby
22 amended by adding Article 18 to read as follows:

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2 **ARTICLE 18: PARCEL TAX**

3 **SEC. 1800. DEFINITIONS.**

4 *When used in this Article, the following terms shall mean or include:*

5 *(a) "C-3 zoning" means the Downtown Commercial Districts—C-3-O (Downtown*
6 *Office), C-3-R (Downtown Retail), C-3-G (Downtown General Commercial) and C-3-S*
7 *(Downtown Support), as defined in Planning Code Section 210.3;*

8 *(b) "Commercial building" means a structure used in a trade or business; it includes*
9 *office buildings, hotels, theaters, and buildings used for retail sales of goods and services, but*
10 *does not include apartment buildings and other multi-family residential properties;*

11 *(c) "Industrial property" means a Parcel with improvements used to manufacture,*
12 *warehouse, and distribute goods; it includes self-storage facilities;*

13 *(d) "Multi-family residential" means a Parcel improved with more than one*
14 *residential dwelling unit;*

15 *(e) "Parcel" means any unit of real property in the City that receives a separate tax*
16 *bill for ad valorem property taxes from the Tax Collector. If more than one adjacent Parcel*
17 *that receives a separate tax bill is a single Parcel under the Subdivision Map Act (California*
18 *Government Code Section 66410 and following), or has been previously described and*
19 *conveyed in one or more deeds separating it from all adjoining property, then the Parcel will be*
20 *treated as a single Parcel for purposes of this tax, and the taxpayer may request a corrected tax*
21 *bill for a single parcel tax;*

22 *(f) "Residential" means any Parcel that is zoned for residential use; a Parcel with*
23 *mixed residential and commercial use is subject to this tax if more than 50% of the square*
24 *footage of the improvements on the Parcel is used for residential purposes;*

1 (g) "Single family residential" means a Parcel improved with one residential
2 dwelling unit;

3 (h) "Year" means the year commencing on January 1 and ending on December 31 of
4 the same calendar year.

5 **SEC. 1801. IMPOSITION AND RATE OF TAX.**

6 Commencing January 1, 2010, there is hereby imposed an annual tax on each Parcel in the City
7 and County of San Francisco at the following rates:

8 Parcels improved with single-family residences: \$175/parcel

9 Parcels improved with multi-family residences: \$150/unit

10 Parcels zoned C-3 and improved with commercial buildings: \$5,000/parcel

11 Other Parcels improved with commercial buildings: \$500/parcel

12 Industrial property: \$2,000/parcel

13 Vacant land: \$1,000/parcel

14 **SEC. 1802. EXEMPTIONS FROM THE TAX.**

15 Any improved Parcel that serves as the primary residence for a person over 65 years of age
16 who applies for an exemption shall be exempt from this tax.

17 **SEC. 1803. USE OF TAX PROCEEDS.**

18 The proceeds of this parcel tax may only be used to pay for salaries and other operating and
19 maintenance costs, and capital improvement projects of the Recreation and Park Department.

20 **SEC. 1804. ACCOUNTABILITY MEASURES.**

21 The Controller shall deposit all of the proceeds of this parcel tax into the Recreation and Parks
22 Fund Account, a special account. The Controller shall disburse funds from the account only to the
23 Recreation and Park Department and the Department may use those funds only for the purposes of
24 programs or facilities authorized by this Article. The Controller shall file an annual report with the
25 Board of Supervisors which shall reflect the total amount of parcel taxes collected and which programs

1 or facilities were funded with tax proceeds. The Controller shall file the first report for the 2010 tax
2 year no later than March 31, 2011, and shall file subsequent reports no later than March 31 of each
3 subsequent year.

4 **SEC. 1805. LEVY AND COLLECTION.**

5 The Tax Collector shall send a bill for the 2010 parcel tax by January 15, 2010. The tax shall
6 be payable in two equal installments. The first installment will be delinquent if not paid by March 1,
7 2010 and the second installment will be delinquent if not paid by June 30, 2010. The Tax Collector
8 shall collect delinquent 2010 parcel taxes according to the procedures specified in Article 6 of this
9 Code. The Tax Collector shall include 2011 and subsequent years' taxes in the parcel owner's real
10 property tax bill for payment at the same time and in the same manner as the owner's real property
11 taxes and shall collect any delinquent parcel taxes in the same manner as defaulted ad valorem real
12 estate taxes.

13 **SEC. 1806. SUNSET PROVISION.**

14 This parcel tax will be levied through and including the 2029 tax year.

15 Section 2. The San Francisco Business and Tax Regulations Code is hereby
16 amended by amending Section 6.1-1 of Article 6 (Common Administrative Provisions) thereof,
17 to read as follows:

18 SEC. 6.1-1. COMMON ADMINISTRATIVE PROVISIONS.

19 (a) Except where the specific language of the Business and Tax Regulations
20 Code or context otherwise requires, these common administrative provisions shall apply to
21 Articles 6, 7, 9, 10, 10B, 11, 12, 12-A, ~~and~~ 12-B, and 18 of such Code. Any provision of this
22 Article 6 that references or applies to Article 10 shall be deemed to reference or apply to
23 Article 10B.

1 (b) Unless expressly provided otherwise, all statutory references in this Article and the
2 Articles set forth in Subsection (a) shall refer to such statutes as amended from time to time
3 and shall include successor provisions.

4 (c) For purposes of this Article, a domestic partnership established pursuant to
5 Chapter 62 of the San Francisco Administrative Code shall be treated the same as a married
6 couple.

7 Section 3. The San Francisco Administrative Code is hereby amended by adding
8 Section 10.100-248 to read as follows:

9 **SEC. 10.100-248. RECREATION AND PARKS PARCEL TAX FUND.**

10 (a) Establishment of Fund. The Recreation and Parks Parcel Tax Fund, a special
11 revenue fund, is hereby established as a category-four fund to receive any and all collections of
12 the Parcel Tax imposed by Business and Tax Regulations Code, Article 18.

13 (b) Use of Fund. Monies in the Recreation and Parks Parcel Tax Fund shall be used
14 solely to pay salaries and other operating and maintenance costs, and to pay for capital
15 improvement projects of the Recreation and Park Department.

16 (c) Oversight of Fund. All expenditures from the Fund are subject to approval of the
17 Recreation and Park Commission and shall be subject to the budget and fiscal provisions of the
18 City's charter. The Recreation and Park Department shall annually present a report of all
19 parcel taxes collected and expenses paid out of the Fund to the Commission at a public hearing.
20 The Controller shall maintain the Fund and shall record all receipts and expenditures.

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22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: _____
25 Julie Van Nostern
Deputy City Attorney