

1 [Assessment Ballots for City-Owned Parcels - Yerba Buena Community Benefit District]

2

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 eight**
5 **parcels of real property over which the Board of Supervisors has jurisdiction that**
6 **would be subject to assessment in the proposed renewed and expanded property and**
7 **business improvement district to be the Yerba Buena Community Benefit 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. 197-15 on June 2, 2015, entitled "Resolution
13 declaring the intention of the Board of Supervisors to renew and expand a property-based
14 business improvement district (community benefit district) known as the 'Yerba Buena
15 Community Benefit District' and levy a multi-year assessment on all parcels in the district;
16 approving the management district plan and engineer's report and proposed boundaries map
17 for the district; ordering and setting a time and place for a public hearing thereon; approving
18 the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment
19 Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to
20 give notice of the public hearing and balloting as required by law" (the "Resolution of
21 Intention," BOS File No. 150499); and

22 WHEREAS, The Resolution of Intention for the Yerba Buena Community Benefit
23 District (the "Yerba Buena CBD" or "District"), among other things, approved the Yerba Buena
24 Community Benefit District Management District Plan (the "District Management Plan"), dated
25 March 2015, the Yerba Buena Community Benefit District Engineer's Report, dated March

1 2015, and the Notice of Public Hearing, that are all on file with Clerk of the Board of
2 Supervisors in File No. 150499; 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 eight 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 Municipal Transportation Agency (the
15 "Other Property"); and

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

22 //

23 //

24 //

25

| ADDRESS | LOT/BLOCK | NAME/DESCRIPTION OF BUILDING | EST. ASSESSMENT AMOUNT FOR FIRST YEAR | % OF TOTAL CBD BUDGET |
|--|---------------|---------------------------------|---------------------------------------|-----------------------|
| 3724 -018 | 860 HOWARD ST | General Services Administration | \$28,414.37 | 0.9498% |
| 3724 -035 | 860 HOWARD ST | General Services Administration | \$1,731.95 | 0.0579% |
| 3724 -036 | 860 HOWARD ST | General Services Administration | \$3,036.79 | 0.1015% |
| 3724 -037 | 860 HOWARD ST | General Services Administration | \$1,169.57 | 0.0391% |
| 3724 -038 | 345 MINNA ST | General Services Administration | \$2,216.03 | 0.0741% |
| 3724 -068 | 325 MINNA ST | General Services Administration | \$11,268.24 | 0.3766% |
| 3724 -069 | 329 MINNA ST | General Services Administration | \$3,373.28 | 0.1128% |
| 3724 -070 | 150 4TH ST | General Services Administration | \$51,175.90 | 1.7106% |
| Subtotal for City-Owned Parcels under Board of Supervisors Jurisdiction, for Year One (Fiscal Year 2015-2016) of Yerba Buena CBD, to be Renewed for a 15-Year Term | | | \$102,386.13 | 3.42% |

WHEREAS, The Board of Supervisors will hold a public hearing on July 28, 2015, to consider public testimony on the proposed formation of the Yerba Buena 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

1 authorize a representative to submit the assessment ballots for parcels over which the Board
2 has jurisdiction; and

3 WHEREAS, At the July 28, 2015, public hearing the Board is likely to receive public
4 testimony both in favor of and against the levying of assessments, and the Department of
5 Elections will tabulate the assessment ballots submitted by the owners of affected properties
6 to determine if there is a majority protest; and

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

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

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

22 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
23 of this Resolution to be delivered to the Office of Economic and Workforce Development, the
24 Director of Elections, and the City departments with jurisdiction over the Other Property, and
25 placed in the Board of Supervisors file for the Resolution to renew the proposed district.