

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 adding Article 18, Parcel Tax, and**
5 **amending Article 6, Common Administrative Provisions, to include appropriate cross-**
6 **reference to new Article 18," at an election to be held on November 3, 2009.**

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

10 **Ordinance amending the Business and Tax Regulations Code of the City and**
11 **County by adding Article 18, Parcel Tax, and amending Article 6, Common**
12 **Administrative Provisions, to include appropriate cross-reference to new Article 18.**

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

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

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

19 **ARTICLE 18: PARCEL TAX.**

20 Sec. 1800. Definitions.

21 Sec. 1801. Imposition and rate of tax.

22 Sec. 1802. Exemptions from the tax.

23 Sec. 1803. Use of tax proceeds.

24 Sec. 1804. Accountability measures.

25 Sec. 1805. Levy and collection.

1 Sec. 1806. Sunset provision.

2 **SEC. 1800. DEFINITIONS.**

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

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

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

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

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

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

21 (f) "Residential" means any Parcel that is zoned for residential use; a parcel with
22 mixed residential and commercial use is subject to this tax if more than 50% of the square
23 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 City's Tax Year, commencing on January 1 of each calendar
4 year and ending on December 31 of 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, which 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 Parks Department.

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

21 The Controller shall deposit all of the proceeds of this parcel tax into the Parks and Recreation
22 Fund Account, a special account. The Controller shall disburse funds from the account only to the
23 Parks and Recreation Department and the Department may only use those funds 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 be
6 payable in two equal installments. The first installment will be delinquent if not paid by February 28,
7 2010 the second installment will be delinquent if not paid by June 30, 2010. The Tax Collector shall
8 collect delinquent 2010 parcel taxes with the procedures specified in Article 6 of this Code. The Tax
9 Collector shall include 2011 and subsequent years' taxes in the parcel owner's real property tax bill for
10 payment at the same time and in the same manner as the owner's real property taxes and shall collect
11 any delinquent parcel taxes in the same manner as defaulted ad valorem real estate taxes.

12 **SEC. 1806 SUNSET PROVISION.**

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

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

17 SEC. 6.1-1. COMMON ADMINISTRATIVE PROVISIONS.

18 (a) Except where the specific language of the Business and Tax Regulations
19 Code or context otherwise requires, these common administrative provisions shall apply to
20 Articles 6, 7, 9, 10, 10A, 11, 12, 12-A and 12-B, and 18 of such Code.

21 (b) Unless expressly provided otherwise, all statutory references in this Article and the
22 Articles set forth in Subsection (a) shall refer to such statutes as amended from time to time
23 and shall include successor provisions. For purposes of collecting the Emergency Response
24 Fee under Article 10A, any reference to a "tax" in this Article shall include the Emergency
25 Response Fee where appropriate.

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

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 Michael Slattery
9 Deputy City Attorney