

File No. 150685

Committee Item No. 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 29, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date June 25, 2015

Completed by: _____ Date _____

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.

* CALIFORNIA CONSTITUTION - CONS



ARTICLE XIII D [ASSESSMENT AND PROPERTY-RELATED FEE REFORM] [SECTION 1 - SEC. 6] (*Article 13D added Nov. 5, 1996, by Prop. 218. Initiative measure.*)

Procedures and Requirements for All Assessments. (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

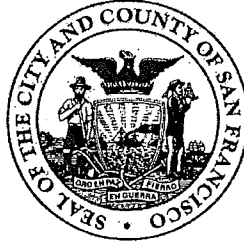
(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-

thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

(Sec. 4 added Nov. 5, 1996, by Prop. 218. Initiative measure.)

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Todd Rufo, Director, Office of Economic and Workforce Development
John Arntz, Director, Department of Elections
John Rahaim, Director, Planning Department
Naomi Kelly, City Administrator, Office of the City Administrator

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,
Board of Supervisors

DATE: June 25, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Kim on June 23, 2015:

File No. 150685

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 eight parcels of real property over which the Board of Supervisors has jurisdiction that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be the Yerba Buena Community Benefit District.

File No. 150686

Resolution authorizing the Mayor or his designees to cast an assessment ballot in the affirmative on behalf of the City and County of San Francisco as the owner of one parcel 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 named the Greater Rincon Hill Community Benefit District.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

- Ken Rich, Director of Development
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Acting Environmental Review Officer,
- AnMarie Rodgers, Senior Policy Advisor
- Aaron Starr, Acting Manager of Legislative Affairs
- Joy Navarrete, Environmental Planning
- Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: June 25, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150685

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 eight parcels of real property over which the Board of Supervisors has jurisdiction that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be the Yerba Buena Community Benefit District.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

Ausberry, Andrea

From: Poole, Brian (ECN)
Sent: Thursday, June 25, 2015 3:44 PM
To: Ausberry, Andrea; Dick-Endrizzi, Regina (ECN)
Subject: RE: BOS File Nos. 150653, 150685 and 150686 - Small Business Commission

Hi Andrea,

Thank you for the referrals, but after consulting with Regina, the Commission does not typically make recommendations on ballots/voting issues in regards to CBDs.

Please let me know if you have any questions.

Best,

Brian Poole
Office of Small Business/Small Business Commission

From: Ausberry, Andrea
Sent: Thursday, June 25, 2015 2:49 PM
To: Dick-Endrizzi, Regina (ECN)
Cc: Poole, Brian (ECN)
Subject: BOS File Nos. 150653, 150685 and 150686 - Small Business Commission

Good Afternoon,

Attached is a referral for BOS File Nos. 150653, 150685 and 150686, which is being referred to the Small Business Commission for comment and recommendation. Please forward the Commission's response as soon as it is available.

Best,

Andrea S. Ausberry
Assistant Clerk
Land Use and Transportation Committee
San Francisco Board of Supervisors
Office 415.554.4442
Website | <http://www.sfbos.org/>
Follow Us! | [Twitter](#)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

JUN 23 PM 11:12

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

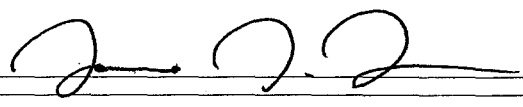
Supervisor Kim

Subject:

Authorization of Mayor to Cast Assessment Ballots for Yerba Buena Community Benefit District

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

150685

