

1 [Assessment Ballots for City-Owned Parcels for the Proposed Renewal and Expansion of
2 Fillmore Jazz Community Benefit District to be Renamed Fillmore Community Benefit District]

3 **Resolution authorizing the Mayor to cast assessment ballots in the affirmative, on**
4 **behalf of the City and County of San Francisco, as the owner of five parcels over which**
5 **the Board of Supervisors has jurisdiction, where those five parcels would be subject to**
6 **assessment in the proposed renewed and expanded property and business**
7 **improvement district currently known as the Fillmore Jazz Community Benefit District,**
8 **to be renamed the Fillmore Community Benefit District.**

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10 WHEREAS, Pursuant to the Property and Business Improvement District Law of 1994
11 (California Streets and Highways Code Sections 36600 *et seq.*) as augmented by Article 15 of
12 the San Francisco Business and Tax Regulations Code, the Board of Supervisors adopted
13 Resolution No. 225-67 on June 7, 2011: (1) declaring the intention of the Board of Supervisors
14 to renew and expand the property-based business improvement district (community benefit
15 district) currently known as the "Fillmore Jazz Community Benefit District," to be renamed the
16 "Fillmore Community Benefit District," and order the levy and collection of a multi-year
17 assessment on identified parcels in the district, (2) approving the management district plan
18 and engineer's report for the district, (3) ordering and setting a time and place for a public
19 hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment
20 Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public
21 hearing as required by law; and,

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

3 WHEREAS, The Board of Supervisors has jurisdiction over five parcels of real property
4 that are owned by the City and County of San Francisco within the proposed assessment
5 district, the details of which are set forth in a spreadsheet entitled "Proposed Assessments for
6 City Owned Parcels in the Fillmore Community Benefit District – Fiscal Year 2011-2012" on
7 file with the Clerk of the Board of Supervisors in File No. 110774, which is hereby declared to
8 be a part of this Resolution as if set forth fully herein; and,

9 WHEREAS, The Board of Supervisors has jurisdiction over City-owned Assessor's
10 Parcel No. 0756-015, described as "OEWD (Muni Sub-Station)," which has a proposed
11 assessment of \$1,228.58 for fiscal year 2011-2012 out of \$366,159 in total proposed
12 assessments for all properties in the Fillmore CBD. This parcel's proposed assessment
13 represents approximately 0.34% of the total assessments for the first year of the District,
14 which is the corresponding weight to be afforded the City's vote on this parcel's ballot to
15 approve or disapprove the proposed assessments; and,

16 WHEREAS, The Board of Supervisors has jurisdiction over City-owned Assessor's
17 Parcel No. 0755-010 located at 1392 Golden Gate Avenue, described as "Recreation and
18 Park Department," which has a proposed assessment of \$824.12 for fiscal year 2011-2012
19 out of \$366,159 in total proposed assessments for all properties in the Fillmore CBD. This
20 parcel's proposed assessment represents approximately 0.23% of the total assessments for
21 the first year of the District, which is the corresponding weight to be afforded the City's vote on
22 this parcel's ballot to approve or disapprove the proposed assessments; and,

23 WHEREAS, The Board of Supervisors has jurisdiction over City-owned Assessor's
24 Parcel No. 0756-016, described as "Recreation and Park Department (Turk/Fillmore Mini
25 Park)," which has a proposed assessment of \$844.38 for fiscal year 2011-2012 out of \$

1 366,159 in total proposed assessments for all properties in the Fillmore CBD. This parcel's
2 proposed assessment represents approximately 0.23% of the total assessments for the first
3 year of the District, which is the corresponding weight to be afforded the City's vote on this
4 parcel's ballot to approve or disapprove the proposed assessments; and,

5 WHEREAS, The Board of Supervisors has jurisdiction over City-owned Assessor's
6 Parcel No. 0706-001, described as "Recreation and Park Department (Kimbell Park)," which
7 has a proposed assessment of \$4,484.72 for fiscal year 2011-2012 out of \$366,159 in total
8 proposed assessments for all properties in the Fillmore CBD. This parcel's proposed
9 assessment represents approximately 1.22% of the total assessments for the first year of the
10 District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot
11 to approve or disapprove the proposed assessments; and,

12 WHEREAS, The Board of Supervisors has jurisdiction over City-owned Assessor's
13 Parcel No. 0755-013 located at 1125 Fillmore Street, described as "SFPD Northern Police
14 Station," which has a proposed assessment of \$5,366.02 for fiscal year 2011-2012 out of
15 \$366,159 in total proposed assessments for all properties in the Fillmore CBD. This parcel's
16 proposed assessment represents approximately 1.47% of the total assessments for the first
17 year of the District, which is the corresponding weight to be afforded the City's vote on this
18 parcel's ballot to approve or disapprove the proposed assessments; and,

19 WHEREAS, the Management District Plan as amended June 7, 2011 (on file with the
20 Clerk of the Board of Supervisors in BOS File No. 110600) lists these City-owned parcels;
21 and,

22 WHEREAS, The Board of Supervisors will hold a public hearing on July 26, 2011 to
23 consider public testimony on the proposed renewal and expansion of the Fillmore Jazz
24 Community Benefit District, to be renamed the Fillmore Community Benefit District, the levy of
25 multi-year assessments on real property located in the proposed district, and assessment

1 ballot proceedings for affected property owners to approve or disapprove the assessments;
2 and,

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

6 WHEREAS, the Board of Supervisors may cast the assessment ballots for those
7 parcels and portion of a parcel over which it has jurisdiction to either approve or disapprove
8 the proposed assessments for those parcels and portion of a parcel that would be subject to
9 assessment, or authorize a representative to submit the assessment ballots for parcels over
10 which the Board has jurisdiction; and,

11 WHEREAS, At the July 26, 2011 public hearing the Board is likely to receive public
12 testimony both in favor of and against the levying of assessments, and the Department of
13 Elections will tabulate the assessment ballots submitted by the owners of affected properties
14 to determine if there is a majority protest; and,

15 WHEREAS, It is appropriate for the Board to authorize a representative to submit
16 assessment ballots for those parcels and portions of parcels over which it has jurisdiction that
17 are within the proposed district, in order to avoid confusion on the Board's dual role as both
18 the legislative body that may form the district and levy assessments (if there is no majority
19 protest by the affected property owners), and as the decision-making body for the City as the
20 owner of property subject to assessments; now, therefore, be it

21 RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public
22 testimony at the public hearing any and all assessment ballots in the affirmative for the five
23 parcels owned by the City and County of San Francisco over which the Board has jurisdiction,
24 that would be subject to assessment in the proposed property and business improvement
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1 district to be named the Fillmore Community Benefit District, specifically: Assessor's Parcels
2 No. 0756-015, 0755-010, 0756-016, 0706-001, and 0755-013; and, be it

3 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
4 of this Resolution to be delivered to the Office of Economic and Workforce Development and
5 the Director of the Department of Elections, and placed in the Board of Supervisors file for the
6 Resolution to establish the proposed district.

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