

1 [Community Benefit Districts.]

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3 **Resolution authorizing the Mayor to cast assessment ballots on behalf of the City and**
4 **County of San Francisco as the owner of parcels of real property that are subject to**
5 **assessment, except for parcels under the exclusive jurisdiction of the Port**
6 **Commission or Municipal Transportation Agency, in the following proposed property**
7 **and business improvement districts: Fisherman's Wharf Community Benefit District,**
8 **North of Market/Tenderloin Community Benefit District, Noe Valley Community Benefit**
9 **District and Castro/Upper Market Community Benefit District.**

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11 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
12 California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), as augmented by
13 Article 15 of the San Francisco Business and Tax Regulations Code, the Board of Supervisors
14 adopted four resolutions on June 7, 2005 declaring the intention of the Board to establish four
15 property-based business improvement districts, to order the levy and collection of a multi-year
16 assessment in each such district, and setting a time and place for public hearings thereon, as
17 follows: Fisherman's Wharf Community Benefit District (Resolution No. 386-05), North of
18 Market/Tenderloin Community Benefit District (Resolution No. 422-05), Noe Valley
19 Community Benefit District (Resolution No. 420-05), and Castro/Upper Market Community
20 Benefit District (Resolution No. 421-05); and

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

1 WHEREAS, The City and County of San Francisco owns various parcels of real
2 property within the four proposed assessment districts with combined assessments of
3 \$128,548 for fiscal year 2005-2006, the details of which are set forth in a "Proposed
4 Assessments for City Owned Parcels in 2005 CBD Areas" on file with the Clerk of the Board
5 of Supervisors in File No. _____, which is hereby declared to be a part of this resolution as if
6 set forth fully herein; and,

7 WHEREAS, The City owns seven parcels in the proposed Castro/Upper Market CBD
8 with combined assessments of \$21,244 for fiscal year 2005-2006 out of a total of \$392,825 in
9 proposed assessments for all properties in the district, which represents approximately 5.4%
10 of the total assessments for the first year and is the corresponding weight to be afforded to the
11 City's vote to approve or disapprove the proposed assessments on properties in the proposed
12 Castro/Upper Market CBD; and,

13 WHEREAS, The City owns two parcels in the proposed Noe Valley CBD with combined
14 assessments of \$13,085 for fiscal year 2005-2006 out a total of \$218,622 in proposed
15 assessments for all properties in the district, which represents approximately 5.9% of the total
16 assessments for the first year and is the corresponding weight to be afforded to the City's vote
17 to approve or disapprove the proposed assessments on properties in the proposed Noe
18 Valley CBD; and,

19 WHEREAS, The City owns nineteen parcels in the proposed Tenderloin CBD with
20 combined assessments of \$46,279 for fiscal year 2005-2006 out a total of \$932,413 in
21 proposed assessments for all properties in the district, which represents approximately 5% of
22 the total assessments for the first year and is the corresponding weight to be afforded to the
23 City's vote to approve or disapprove the proposed assessments on properties in the proposed
24 Tenderloin CBD; and,

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1 WHEREAS, The City owns five parcels in the proposed Fisherman's Wharf CBD with
2 combined assessments of \$47,938 in fiscal year 2005-2006 out a total of \$591,485 in
3 proposed assessments for all properties in the district, which represents approximately 8.1%
4 of the total assessments for the first year and is the corresponding weight to be afforded to the
5 City's vote to approve or disapprove the proposed assessments on properties in the proposed
6 Noe Valley CBD; and,

7 WHEREAS, Within the proposed Fisherman's Wharf CBD, three of the five parcels of
8 real property owned by the City are under the exclusive jurisdiction of the Port of San
9 Francisco (APN Nos. 0015001, 0016001 and 0017002) and one parcel is under the exclusive
10 jurisdiction of the Municipal Transportation Agency ("MTA")(APN No. 0019001), for which the
11 Port Commission and MTA Board of Trustees, respectively, have decision-making authority
12 regarding the casting of ballots pursuant to Article XIID of California Constitution to approve
13 or disapprove the proposed assessments; and,

14 WHEREAS, The Board of Supervisors will hold public hearings on July 26, 2005 for
15 Fisherman's Wharf CBD, and on August 2, 2005 for North of Market/Tenderloin CBD, Noe
16 Valley CBD and Castro/Upper Market CBD, to consider public testimony on the proposed
17 formation of the districts, the levy of assessments on real property located in the proposed
18 districts, and assessment ballot proceedings for affected property owners to approve or
19 disapprove the assessments; and,

20 WHEREAS, The property owners or their authorized representatives may submit,
21 withdraw or change assessment ballots for their respective properties prior to the close of
22 public testimony at the public hearing for the relevant assessment district; and,

23 WHEREAS, Except for the four parcels within the proposed Fisherman's Wharf CBD
24 subject to the exclusive jurisdiction of the Port Commission or MTA Board, the Board of
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1 Supervisors may either cast the assessment ballots to approve or disapprove the proposed
2 assessments for the City-owned parcels that would be subject to assessment, or authorize a
3 representative to submit the assessment ballots for such City-owned parcels; and,

4 WHEREAS, At the July 26th and August 2nd public hearings the Board is likely to
5 receive public testimony both in favor of and against the levying of assessments, and the
6 Department of Elections will tabulate the ballots submitted by the owners of affected
7 properties to determine if there is a majority protest; and

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

14 RESOLVED, That, except for three parcels of real property located in the proposed
15 Fisherman's Wharf CBD that are under the exclusive jurisdiction of the Port of San Francisco
16 (APN Nos. 0015001, 0016001 and 0017002), and one parcel that is under the exclusive
17 jurisdiction of the MTA (APN No. 0019001), the Mayor is hereby authorized to submit prior to
18 the close of public testimony at the respective public hearing any and all assessment ballots
19 for parcels of real property owned by the City and County of San Francisco that would be
20 subject to assessments in the four proposed property and business improvement districts for
21 which the Board has adopted resolutions of intention: Fisherman's Wharf Community Benefit
22 District (Resolution No. 386-05), North of Market/Tenderloin Community Benefit District
23 (Resolution No. 422-05), Noe Valley Community Benefit District (Resolution No. 420-05), and
24 Castro/Upper Market Community Benefit District (Resolution No. 421-05); and, be it

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1 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
2 of this resolution to be delivered to the Mayor's Office of Economic and Workforce
3 Development and the Director of the Department of Elections, and placed in the four Board of
4 Supervisors' files on the resolutions to establish the four proposed districts: Fisherman's
5 Wharf Community Benefit District (File No. 051184), Noe Valley Community Benefit District
6 (File No. 051185), North of Market/Tenderloin Community Benefit District (File No. 051192),
7 and Castro/Upper Market Community Benefit District (File No. 051187).

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