

1 [Assessment Ballots for City Parcels - Fisherman's Wharf Landside Community Benefit
2 District]

3 **Resolution authorizing the Mayor or her designee to cast an assessment ballot in the**
4 **affirmative for the proposed renewal and expansion of a property and business**
5 **improvement district to be named the Fisherman's Wharf Landside Community Benefit**
6 **District, with respect to certain parcels of real property owned by the City that would be**
7 **subject to assessment in said district.**

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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. 216-20 on May 19, 2020, entitled "Resolution
13 declaring the intention of the Board of Supervisors to renew and expand a property-based
14 business improvement district known as the "Fisherman's Wharf Landside Community Benefit
15 District" and levy a multi-year assessment on all parcels in the district; approving the
16 management district plan and engineer's report and proposed boundaries map for the district;
17 ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting
18 as a Committee of the Whole, on July 14, 2020, at 3:00 p.m.; approving the form of the
19 Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing
20 environmental findings; and directing the Clerk of the Board of Supervisors to give
21 notice of the public hearing and balloting, as required by law." (the "Resolution of Intention,"
22 Board of Supervisor File No. 200380); and

23 WHEREAS, The Resolution of Intention for the Fisherman's Wharf Landside
24 Community Benefit District (the "Fisherman's Wharf Landside CBD" or "District"), among other
25 things, approved the Fisherman's Wharf Landside Community Benefit District Management

1 District Plan (the "District Management Plan"), dated February 2020, the Fisherman's Wharf
2 Landside Community Benefit District Engineer's Report, dated February 2020, and the Notice
3 of Public Hearing, that are all on file with Clerk of the Board of Supervisors in File No. 200380;
4 and

5 WHEREAS, If the proposed District is renewed and expanded, assessments would be
6 levied and collected against all parcels of real property in the proposed District for a period of
7 15 years, commencing with FYs 2020-2021 through 2034-2035; and

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

13 WHEREAS, The Board of Supervisors has jurisdiction over one parcel of real property
14 within the proposed assessment district that are owned by the City and County of San
15 Francisco, the details of which are set forth in a chart below (on page 3 of this Resolution);
16 and

17 WHEREAS, The City and County of San Francisco owns additional real property within
18 the proposed assessment district that is subject to the exclusive jurisdiction and control of
19 certain City departments, such as the San Francisco Municipal Transportation Agency (the
20 "Other Property"); and

21 WHEREAS, The City-owned parcels over which the Board of Supervisors has
22 jurisdiction (not including the Other Property) are listed in the following chart, showing the
23 street address for each, Assessor's lot and block number, name/description of building,
24 proposed assessment amount for each, and the percent of the total proposed assessments
25 for the District that each parcel would be assessed (which is the corresponding weight to be

1 afforded the City's signature on the ballot to renew and expand the Fisherman's Wharf
2 Landside CBD):

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ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT	% OF TOTAL CBD BUDGET
601 Beach Street	0024 - 001	Joseph Conrad Park (REC)	\$5,868.67	0.48%
Subtotal for City-Owned Parcels under Board of Supervisors Jurisdiction, for Year One (Fiscal Year 2020-2021) of Fisherman's Wharf Landside CBD, to be Renewed for a 15-Year Term			\$5,868.67	0.48%

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12 WHEREAS, The Board of Supervisors will hold a public hearing on July 14, 2020, to
13 consider public testimony on the proposed renewal and expansion of the Fisherman's Wharf
14 Landside Community Benefit District, the levy of multi-year assessments on real property
15 located in the proposed district, and assessment ballot proceedings for affected property
16 owners to approve or disapprove the assessments; and

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

20 WHEREAS, The Board of Supervisors may cast the assessment ballots for those
21 parcels over which it has jurisdiction, to either approve or disapprove the proposed
22 assessments for those parcels that would be subject to assessment; or the Board may
23 authorize a representative to submit the assessment ballots for parcels over which the Board
24 has jurisdiction; and

1 WHEREAS, At the July 14, 2020, public hearing the Board is likely to receive public
2 testimony both in favor of and against the levying of assessments, and the Department of
3 Elections will tabulate the assessment ballots submitted by the owners of affected properties
4 to determine if there is a majority protest; and

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

11 RESOLVED, That the Mayor or her designee is hereby authorized to submit an
12 assessment ballot in the affirmative for the above-listed parcels of real property owned by the
13 City and County of San Francisco over which the Board has jurisdiction that would be subject
14 to assessment in the proposed property and business improvement district to be named the
15 Fisherman's Wharf Landside Community Benefit District; and, be it

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

19 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies
20 of this Resolution to be delivered to the Office of Economic and Workforce Development, and
21 the Director of Elections, and placed in the Board of Supervisors file for the Resolution to
22 renew and expand the proposed district.