

1 [Assessment Ballots for City Parcels, for proposed Yerba Buena Community Benefit District.]

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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 nine parcels of real**  
5 **property that would be subject to assessment in the proposed property and business**  
6 **improvement district to be named the Yerba Buena Community Benefit District.**

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8 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994  
9 (California Streets and Highways Code Sections 36600 *et seq.*) as augmented by Article 15 of  
10 the San Francisco Business and Tax Regulations Code, the Board of Supervisors adopted  
11 Resolution No. 246-08 on June 10, 2008: (1) declaring the intention of the Board of  
12 Supervisors to establish a property-based business improvement district (community benefit  
13 district) to be known as the "Yerba Buena Community Benefit District" and order the levy and  
14 collection of a multi-year assessment on identified parcels in the district, (2) approving the  
15 management district plan and engineer's report for the district, (3) ordering and setting a time  
16 and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing  
17 and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice  
18 of the public hearing as required by law; and,

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

24 WHEREAS, The City and County of San Francisco owns nine parcels of real property  
25 within the proposed assessment district, the details of which are set forth in a spreadsheet

1 entitled "Proposed Assessments for City Owned Parcels in the Yerba Buena Community  
2 Benefit District – Fiscal Year 2008-2009" on file with the Clerk of the Board of Supervisors in  
3 File No. 080784, which is hereby declared to be a part of this Resolution as if set forth fully  
4 herein; and,

5 WHEREAS, The City-owned parcel at 676 Howard Street, Assessor's Parcel No. 3722  
6 028, has a proposed assessment of \$1,220 for fiscal year 2008-2009 out of \$2,384,045 in  
7 total proposed assessments for all properties in the Yerba Buena CBD. This parcel's  
8 proposed assessment represents approximately 0.05% of the total assessments for the first  
9 year of the District, which is the corresponding weight to be afforded the City's vote on this  
10 parcel's ballot to approve or disapprove the proposed assessments; and,

11 WHEREAS, The eight City-owned parcels comprising the property commonly known as  
12 the Moscone Center have a combined proposed assessment of \$73,728 for fiscal year 2008-  
13 2009 out of \$2,384,045 in total proposed assessments for all properties in the Yerba Buena  
14 CBD. The combined proposed assessments for these eight parcels represent approximately  
15 3.09% of the total assessments for the first year of the District, which is the corresponding  
16 weight to be afforded the City's vote on this ballot to approve or disapprove the proposed  
17 assessments, as follows:

<b>APN</b>	<b>Street Address</b>	<b>Annual Assessment</b>	<b>Percentage of Total District Assessments</b> <i>(rounded to two decimal places)</i>
3724-018	860 Howard Street	\$22,540.80	0.95%
3724-035	<i>(no #)</i> Minna Street	\$1,382.40	0.06%
3724-036	<i>(no #)</i> Minna Street	\$2,342.40	0.10%
3724-037	<i>(no #)</i> Minna Street	\$883.20	0.04%
3724-038	345 Minna Street	\$1,728.00	0.07%
3724-068	325 Minna Street	\$6,336.00	0.27%
3724-069	329 Minna Street	\$2,611.20	0.11%
3724-070	150 Fourth Street	\$35,904.00	1.51%

25 and,

1           WHEREAS, The Board of Supervisors will hold a public hearing on July 29, 2008 to  
2 consider public testimony on the proposed formation of the Yerba Buena Community Benefit  
3 District, the levy of multi-year assessments on real property located in the proposed district,  
4 and assessment ballot proceedings for affected property owners to approve or disapprove the  
5 assessments; and,

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

9           WHEREAS, the Board of Supervisors may either cast the assessment ballots to  
10 approve or disapprove the proposed assessments for the City-owned parcels that would be  
11 subject to assessment, or authorize a representative to submit the assessment ballots for the  
12 City-owned parcels; and,

13           WHEREAS, At the July 29, 2008 public hearing the Board is likely to receive public  
14 testimony both in favor of and against the levying of assessments, and the Department of  
15 Elections will tabulate the assessment ballots submitted by the owners of affected properties  
16 to determine if there is a majority protest; and,

17           WHEREAS, It is appropriate for the Board to authorize a representative to submit  
18 assessment ballots for the City-owned parcels within the proposed district to avoid confusion  
19 on the Board's dual role as both the legislative body that may form the district and levy  
20 assessments if there is no majority protest by the affected property owners, and as the  
21 decision-making body for the City as the owner of property subject to assessments; now,  
22 therefore, be it

23           RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public  
24 testimony at the public hearing any and all assessment ballots in the affirmative for the  
25 parcels of real property owned by the City and County of San Francisco that would be subject

1 to assessment in the proposed property and business improvement district to be named the  
2 Yerba Buena Community Benefit District; 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 Mayor's Office of Economic and Workforce  
5 Development and the Director of the Department of Elections, and placed in the Board of  
6 Supervisors file for the Resolution to establish the proposed district.

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