

BOARD of SUPERVISORS



City Hall  
1 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: Ken Rich, Acting Co-Director, Office of Economic and Workforce Development  
Joaquin Torres, Acting Co-Director, Office of Economic and Workforce Development  
John Arntz, Director, Department of Elections

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: June 12, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Peskin on June 5, 2018:

**File No. 180619**

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 Discover Polk Community Benefit District.

If you have any 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: Lisa Pagan, Office of Economic and Workforce Development  
Chris Corgas, Office of Economic and Workforce Development  
J'Wel Vaughan, Office of Economic and Workforce Development

1 [Assessment Ballots for City Parcels - Discover Polk Community Benefit District]

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3 **Resolution authorizing the Mayor or his designees to cast an assessment ballot in the**  
4 **affirmative on behalf of the City and County of San Francisco, as the owner of one**  
5 **parcel of real property over which the Board of Supervisors has jurisdiction that would**  
6 **be subject to assessment in the proposed property and business improvement district**  
7 **to be named the Discover Polk 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. 171-18 on May 22, 2018, entitled "Resolution  
13 declaring the intention of the Board of Supervisors to establish a property-based business  
14 improvement district (community benefit district) known as the 'Discover Polk Community  
15 Benefit 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 thereon; approving the form of the  
18 Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing  
19 environmental findings; and directing the Clerk of the Board of Supervisors to give notice of  
20 the public hearing and balloting as required by law" (the "Resolution of Intention," BOS File  
21 No. 180467); and

22 WHEREAS, The Resolution of Intention for the Discover Polk Community Benefit  
23 District (the "Discover Polk CBD" or "District"), among other things, approved the Discover  
24 Polk Community Benefit District Management District Plan (the "District Management Plan"),  
25 dated April 2018, the Discover Polk Community Benefit District Engineer's Report, dated May

1 2017, and the Notice of Public Hearing, that are all on file with Clerk of the Board of  
2 Supervisors in File No. 180467; 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 assessments would be levied and collected against all parcels of real  
9 property in the proposed District for a period of 11 years, commencing with FY2018-2019  
10 through FY2028-2029; and

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

15 WHEREAS, The City-owned parcel over which the Board of Supervisors has  
16 jurisdiction is listed in the following chart, showing the street address, Assessor's lot and block  
17 number, name/description of building, proposed assessment amount, and the percent of the  
18 total proposed assessments for the District that the parcel would be assessed for the first year  
19 of the District (which is the corresponding weight to be afforded the City's signature on the  
20 ballot to establish the Discover Polk CBD):

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22 //

23 //

24 //

25

ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT FOR FIRST YEAR	% OF TOTAL CBD BUDGET
SF City Hall, Room 200	0573-001	Helen Willis Park – Recreation and Parks Department	\$4,326.34	0.72%
<b>Total</b>			<b>\$4,326.34</b>	<b>0.72%</b>

WHEREAS, The Board of Supervisors will hold a public hearing on July 24, 2018, to consider public testimony on the proposed formation of the Discover Polk 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 authorize a representative to submit the assessment ballots for parcels over which the Board has jurisdiction; and

WHEREAS, At the July 24, 2018, public hearing the Board is likely to receive public testimony both in favor of and against the levying of assessments, and the Department of Elections will tabulate the assessment ballots submitted by the owners of affected properties to determine if there is a majority protest; and

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

7           RESOLVED, That the Mayor or his designees is hereby authorized to submit an  
8 assessment ballot in the affirmative for the above-listed parcel of real property owned by the  
9 City and County of San Francisco over which the Board has jurisdiction that would be subject  
10 to assessment in the proposed property and business improvement district to be named the  
11 Discover Polk Community Benefit District; and, be it

12           FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause copies  
13 of this Resolution to be delivered to the Office of Economic and Workforce Development, and  
14 the Director of Elections, and placed in the Board of Supervisors file for the Resolution to  
15 establish the proposed district.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 JUN -5 PM 4:26

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 [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached 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 the Imperative Form.**

Sponsor(s):

Peskin

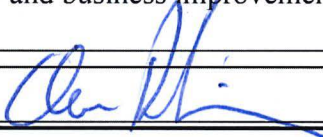
Subject:

[Assessment Ballots for City Parcels - Discover Polk Community Benefit District]

The text is listed:

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 Discovery Polk Community Benefit District.

Signature of Sponsoring Supervisor:



For Clerk's Use Only