

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor David Campos, Chair
Government Audit and Oversight Committee

FROM: Alisa Somera, Committee Clerk

DATE: July 15, 2011

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 19, 2011

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 19, 2011. This item was acted upon at the Committee Meeting on July 14, 2011 at 10:00 a.m., by the votes indicated.

Item No. 49 File No. 110774

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

RECOMMENDED AS COMMITTEE REPORT

Vote: Supervisor David Campos - Aye
Supervisor Mark Farrell - Aye
Supervisor David Chiu - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Deputy Legislative Clerk
Cheryl Adams, Deputy City Attorney

File No. 110774

Committee Item No. 2

Board Item No. 49

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date July 14, 2011

Board of Supervisors Meeting Date July 19, 2011

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Ballot on Assessment
- Proposed Assessment FY2011-2012
-
-
-
-
-
-

Completed by: Andrea Ausberry Date July 8, 2011

Completed by: Alisa Somera Date July 18, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

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.**

9
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 XIIIID, 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
25

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
25

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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Proposed Assessments for City Owned Parcels in the Fillmore Community Benefit District – Fiscal Year 2011-2012

APN	Department/Description	Site Address	2011/12 Assessment	% of Assessment
0756-015	OEWD (Muni Sub-Station)		1228.58	0.34
0755-010	RECREATION AND PARK DEPARTMENT	1392 GOLDEN GATE AVE	824.12	0.23
0756-016	RECREATION AND PARK DEPARTMENT - (Fillmore/Turk Mini Park)		844.38	0.23
0706-001	RECREATION AND PARK DEPARTMENT (Kimbell Park)		4484.72	1.22
0755-013	SFPD (Northern Police Station)	1125 FILLMORE ST	5366.02	1.47

Total FY 2011/2012

\$ 12,747.82



**Ballot on Assessment for the renewal and expansion of a
property-based business improvement district to be known as the
"Fillmore Community Benefit District"**



Assessor's Parcel Number: 0756-015 Address of Parcel: 1125

Property Owner's Name: CITY & COUNTY OF SAN FRANCISCO - OEWD (Muni Sub-Station)

Property Owner's Address: Real Estate Division General Services Agency
25 Van Ness Avenue, Suite 400 SAN FRANCISCO, CA 94102

Proposed Assessment for this Parcel Beginning 2011-2012 Fiscal Year: \$1,228.58 (0.34%) of District total: \$366,159.20

Proposed Range of Inflation Adjustment Formula: Year 2 through 7 assessments may be subject to annual adjustments based upon changes in the Bay Area Consumer Price Index (CPI) for all urban consumers, not to exceed 3% increase per year.

Instructions for Completing and Delivering this Ballot

*To express your view on the proposed assessment and the proposed range of inflation adjustment, check above the line before the word "YES" or "NO" below, then sign and date the ballot.

_____ Yes, I approve the proposed annual assessment described above on the parcel identified in this ballot, and I understand that my assessment could be subject to the inflation adjustment formula described above.

_____ No, I do not approve the proposed annual assessment, on the parcel identified in this ballot, nor the inflation adjustment formula described above.

I hereby declare by penalty of perjury that I am a record owner or authorized agent for the record owner of the parcel listed above.

Signature of Record Owner or Authorized Agent

Date

Print Name of Record of Owner. If Agent of Owner, Print Name and State Authorization

***After completing your ballot, please mail to:**

Department of Elections

Attn: Cuong Quach

P.O. Box 421792

San Francisco, CA 94142-1792

To hand deliver, please use the following address:

Department of Elections

Attn: Cuong Quach

1 Dr. Carlton B. Goodlett Place, Room 48

San Francisco, CA 94102

Ballots may also be delivered to the Director at the Public Hearing prior to the close of public testimony.

*Ballots may be sent or delivered to the Director at any time, but MUST be received in the mail not later than 12 P.M. (noontime) on the day of the public hearing or in person before the conclusion of the public testimony portion of the public hearing on the proposed assessment and assessment range. That hearing is set for 3:00 p.m. on July 26, 2011. Ballots received after that time will only be counted if the Board elects to continue public comment until a later date.



**Ballot on Assessment for the renewal and expansion of a
property-based business improvement district to be known as the
"Fillmore Community Benefit District"**



Assessor's Parcel Number: 0755-010 Address of Parcel: 1392 GOLDEN GATE AVE

Property Owner's Name: CITY & COUNTY OF SAN FRANCISCO - RECREATION AND PARK DEPARTMENT

Property Owner's Address: Real Estate Division General Services Agency
25 Van Ness Avenue, Suite 400 SAN FRANCISCO, CA 94102

Proposed Assessment for this Parcel Beginning 2011-2012 Fiscal Year: \$824.12 (0.23%) of District total: \$366,159.20

Proposed Range of Inflation Adjustment Formula: Year 2 through 7 assessments may be subject to annual adjustments based upon changes in the Bay Area Consumer Price Index (CPI) for all urban consumers, not to exceed 3% increase per year.

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**Ballot on Assessment for the renewal and expansion of a
property-based business improvement district to be known as the
"Fillmore Community Benefit District"**



Assessor's Parcel Number: 0756-016 Address of Parcel: 1125

Property Owner's Name: CITY & COUNTY OF SAN FRANCISCO –
RECREATION AND PARK DEPARTMENT - (Mini Park)

Property Owner's Address: Real Estate Division General Services Agency
25 Van Ness Avenue, Suite 400 SAN FRANCISCO, CA 94102

Proposed Assessment for this Parcel Beginning 2011-2012 Fiscal Year: \$844.38 (0.23%) of District total: \$366,159.20

Proposed Range of Inflation Adjustment Formula: Year 2 through 7 assessments may be subject to annual adjustments based upon changes in the Bay Area Consumer Price Index (CPI) for all urban consumers, not to exceed 3% increase per year.

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**Ballot on Assessment for the renewal and expansion of a
property-based business improvement district to be known as the
"Fillmore Community Benefit District"**



Assessor's Parcel Number: 0706-001 Address of Parcel: 1125

Property Owner's Name: CITY & COUNTY OF SAN FRANCISCO –
RECREATION AND PARK DEPARTMENT (Kimbell Park)

Property Owner's Address: Real Estate Division General Services Agency
25 Van Ness Avenue, Suite 400 SAN FRANCISCO, CA 94102

Proposed Assessment for this Parcel Beginning 2011-2012 Fiscal Year: \$4,484.72 (1.22%) of District total: \$366,159.20

Proposed Range of Inflation Adjustment Formula: Year 2 through 7 assessments may be subject to annual adjustments based upon changes in the Bay Area Consumer Price Index (CPI) for all urban consumers, not to exceed 3% increase per year.

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**Ballot on Assessment for the renewal and expansion of a
property-based business improvement district to be known as the
"Fillmore Community Benefit District"**



Assessor's Parcel Number: 0755-013 Address of Parcel: 1125 FILLMORE ST

Property Owner's Name: CITY & COUNTY OF SAN FRANCISCO - SFPD (Northern Police Station)

Property Owner's Address: Real Estate Division General Services Agency
25 Van Ness Avenue, Suite 400 SAN FRANCISCO, CA 94102

Proposed Assessment for this Parcel Beginning 2011-2012 Fiscal Year: \$5,366.02 (1.47%) of District total: \$366,159.20

Proposed Range of Inflation Adjustment Formula: Year 2 through 7 assessments may be subject to annual adjustments based upon changes in the Bay Area Consumer Price Index (CPI) for all urban consumers, not to exceed 3% increase per year.

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