

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: Joaquin Torres, 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 10, 2020

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Peskin on June 2, 2020:

**File No. 200526**

**Resolution authorizing the Mayor or her designee to cast an assessment ballot in the affirmative for the proposed renewal and expansion of a property and business improvement district to be named the Fisherman's Wharf Landside Community Benefit District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said 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: J'Wel Vaughan, Office of Economic and Workforce Development  
Lisa Pagan, Office of Economic and Workforce Development  
Chris Corgas, Office of Economic and Workforce Development  
Cuong Quach, Department of Elections

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

2

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.**

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. \_\_\_\_\_ 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):

3

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%

4  
5  
6  
7  
8  
9  
10

11  
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.

## MEMORANDUM

TO: Aaron Peskin, District 3 Supervisor  
FROM: Chris Corgas, Senior Program Manager  
DATE: May 13, 2020  
RE: Fisherman's Wharf Landside Community Benefit District - Authorization of Mayor to Cast Assessment Ballots

---

Dear Supervisor Peskin,

Enclosed for your review and legislative submittal are the materials related to the proposed authorization for the Mayor or her designee to cast assessment ballots 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 Fisherman's Wharf Landside Community Benefit District, those materials include:

- Resolution of Authorization for the Mayor or her designees to cast assessment ballots in the affirmative (2 originals)

If you should have any questions regarding the materials enclosed or the formation process please do not hesitate to contact me. I look forward to the introduction of the Resolution on Tuesday May 19, 2020.



# Introduction Form

By a Member of the Board of Supervisors or Mayor

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. Topic 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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only