

1 [Assessment Ballots for City-Owned Parcels for Proposed Ocean Avenue Community
2 Benefits 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 two parcels and part of**
5 **a third parcel of real property over which the Board of Supervisors has jurisdiction,**
6 **where those two parcels and the partial parcel would be subject to assessment in the**
7 **proposed property and business improvement district to be named the Ocean Avenue**
8 **Community Benefits 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. 437-10 on September 28, 2010: (1) declaring the intention of the Board of
14 Supervisors to establish a property-based business improvement district (community benefit
15 district) to be known as the "Ocean Avenue Community Benefits District" and order the levy
16 and collection of a multi-year assessment on identified parcels in the district, (2) approving the
17 management district plan and engineer's report for the district, (3) ordering and setting a time
18 and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing
19 and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice
20 of the public hearing as required by law; and,

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

1 WHEREAS, The Board of Supervisors has jurisdiction over two parcels of real property
2 that are owned by the City and County of San Francisco within the proposed assessment
3 district, and partial jurisdiction over a third such parcel, the details of which are set forth in a
4 spreadsheet entitled "Proposed Assessments for City Owned Parcels in the Ocean Avenue
5 Community Benefits District – Fiscal Year 2010-2011" on file with the Clerk of the Board of
6 Supervisors in File No. _____, which is hereby declared to be a part of this Resolution as
7 if set forth fully herein; and,

8 WHEREAS, The Board of Supervisors has jurisdiction over the City-owned parcel used
9 by the Public Library at 1298 Ocean Avenue, Assessor's Parcel No. 3199-017, which has a
10 proposed assessment of \$4,005.63 for fiscal year 2010-2011 out of \$239,578.00 in total
11 proposed assessments for all properties in the Ocean Avenue CBD. This parcel's proposed
12 assessment represents approximately 1.67% of the total assessments for the first year of the
13 District, which is the corresponding weight to be afforded the City's vote on this parcel's ballot
14 to approve or disapprove the proposed assessments; and,

15 WHEREAS, The Board of Supervisors has jurisdiction over the City-owned parcel
16 identified as Assessor's Parcel No. 6946-061, that has a proposed assessment of \$3,610.66
17 for fiscal year 2010-2011 out of \$239,578.00 in total proposed assessments for all properties
18 in the Ocean Avenue CBD. This parcel's proposed assessment represents approximately
19 1.51% of the total assessments for the first year of the District, which is the corresponding
20 weight to be afforded the City's vote on this parcel's ballot to approve or disapprove the
21 proposed assessments; and,

22 WHEREAS, The parcel at 11 Phelan Avenue, Assessor's Parcel No. 3180-001
23 (sometimes referred to as the "Phelan Loop Parcel"), is currently held in a form of shared
24 jurisdiction among several entities; jurisdiction over the initially assessable portion of the
25 parcel is shared by the City Public Utilities Commission (which will cast a ballot for its portion),

1 the City's Municipal Transportation Agency (which will cast a ballot for its portion), and the
2 Board of Supervisors (which may cast a ballot for its portion, which is in use as a city fire
3 station). The City fire station portion of the parcel has a proposed assessment of \$3,679.20
4 for fiscal year 2010-2011 out of \$239,578.00 in total proposed assessments for all properties
5 in the Ocean Avenue CBD; this fire station assessment represents approximately 1.54% of
6 the total assessments for the first year of the District, which is the corresponding weight to be
7 afforded the City's vote on this (partial) parcel ballot to approve or disapprove the proposed
8 assessments; and,

9 WHEREAS, the Management District Plan as amended September 22, 2010 (on file
10 with the Clerk of the Board of Supervisors in BOS File No. 100991), at pages 17-18, describes
11 the Phelan Loop Parcel and anticipated future development plans as follows, including
12 description of an exempted use (emergency water storage):

13 "Zone 1 Phelan Loop Parcel"

14 The Phelan Loop Parcel number 3180-001 is undergoing a major re-
15 development and is expected to be subdivided into various parcels in the near future.
16 The project under development consists of a new public plaza and the reconfiguration
17 of a multi-line MUNI bus transit turn-around, a new mixed-use housing and retail
18 development, an expanded City College campus, upgrades to the existing fire station,
19 an expansion of Lee Avenue, a reconfigured emergency water reservoir area and
20 possibly new reservoir facilities and new open recreation fields. The new plaza,
21 featuring improved pedestrian and public amenities and space for public events, will
22 provide a public open space to connect thousands of pedestrians and transit riders to
23 the multi-line bus turnaround, to the planned new housing development, to the planned
24 City College new expanded campus, and to the Ocean Avenue neighborhood
25 commercial district.

1 Currently, parcel number 3180-001 is used for multiple purposes, including the
2 Municipal Transportation Agency bus turnaround and waiting area, parking lots, a fire
3 station, open space/landscaped areas, Public Utility Commission empty water
4 reservoirs, and City College. All of the sidewalks fronting the Phelan Loop Parcel and
5 Phelan Loop reconfigured parcels along Ocean Avenue and the sidewalk area
6 wrapping around to Phelan Avenue in front of the corner landscaped garden area and
7 in front of the proposed Bus turnaround's Phelan Avenue edge will receive cleaning
8 and maintenance services, and will be assessed on the length of the linear frontage of
9 the fronting sidewalk. The sidewalks fronting the proposed expanded City College
10 Campus area along Phelan Avenue will not receive Ocean Avenue CBD services and
11 will not be assessed on their linear frontage.

12 The MUNI bus turnaround will receive cleaning and landscaping services from
13 the Ocean Avenue CBD and will be charged for the square footage internal to the site
14 that will receive maintenance and cleaning services from the Ocean Avenue CBD.

15 The corner landscaped garden area of the Phelan Loop Parcel at Ocean
16 Avenue will receive gardening and maintenance services from the Ocean Avenue CBD
17 and its square footage will be subject to an additional assessment to pay for this
18 additional level of service.

19 The Phelan Plaza will link the existing commercial district to persons working
20 and studying at the expanded City College campus and living in the 250 units of new
21 housing which are under development. Due to these developments which are
22 underway, thousands of new people will be coming to the Ocean Avenue commercial
23 district. The Ocean Avenue CBD will host and manage special events at the Phelan
24 Loop public plaza which is under development. The Ocean Avenue CBD marketing and
25 promotion services will make sure new visitors, employees, students and residents

1 know where to shop and eat and will help them enjoy their experience along Ocean
2 Avenue and at the public plaza. City College, the adjacent housing development and
3 ground floor retail fronting the plaza will benefit from an activated, safe and maintained
4 plaza at the entrance to their properties therefore their lot size will be assessed to help
5 fund the plaza activation and management services. Commercial building square
6 footage and lot square footage will be assessed to fund the marketing, special event
7 and promotion services within the entire Ocean Avenue CBD area including special
8 events at the Phelan Plaza as well. The Ocean Avenue CBD will work with City
9 College and the housing owner's property management company and City
10 departments to ensure the plaza is safe, regularly maintained and cleaned.

11 Exempted Uses within the Phelan Loop Parcel

12 The land dedicated for use by the Public Utilities Commission for future
13 Emergency Water Storage will be exempt from assessment within the Ocean Avenue
14 CBD as it will not benefit from Ocean Avenue CBD services and does not have fronting
15 sidewalk along Ocean Avenue or near the corner of Ocean Avenue and Phelan
16 Avenue.

17 The current assessable portion of the Phelan Loop Parcel Linear Street
18 Frontage is 405.00 linear feet. The current assessable portion of the Phelan Loop
19 Parcel Lot Square Footage is 7,632 square feet.

20 When Assessor's Parcel 3180-001 rennumbers, consolidates, and subdivides
21 that parcel shall be identified with subsequent Assessor's Parcel number(s) assigned to
22 their respective portions of land. When the Phelan Loop Parcel developments are
23 constructed the new reconfigured Assessor's Parcels will be assessed according to
24 their updated land use. An increase in the annual assessment, if any due to the
25 reconfigured parcels and new construction and development projects, will not be

1 considered an assessment increase per the 1994 Act and Proposition 218. During
2 construction, any portion of the Phelan Loop Parcel under construction will only be
3 charged for linear frontage during construction that will receive cleaning services from
4 the Ocean Avenue CBD during construction. Phelan Loop parcels under construction
5 and not in active use will not be charged for building square footage or lot square
6 footage assessments until construction of the new development is completed."

7 WHEREAS, The Board of Supervisors will hold a public hearing on November 16, 2010
8 to consider public testimony on the proposed formation of the Ocean Avenue Community
9 Benefits District, the levy of multi-year assessments on real property located in the proposed
10 district, and assessment ballot proceedings for affected property owners to approve or
11 disapprove the assessments; and,

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

15 WHEREAS, the Board of Supervisors may cast the assessment ballots for those
16 parcels and portion of a parcel over which it has jurisdiction to either approve or disapprove
17 the proposed assessments for those parcels and portion of a parcel that would be subject to
18 assessment, or authorize a representative to submit the assessment ballots for parcels over
19 which the Board has jurisdiction; and,

20 WHEREAS, At the November 16, 2010 public hearing the Board is likely to receive
21 public testimony both in favor of and against the levying of assessments, and the Department
22 of Elections will tabulate the assessment ballots submitted by the owners of affected
23 properties to determine if there is a majority protest; and,

24 WHEREAS, It is appropriate for the Board to authorize a representative to submit
25 assessment ballots for those parcels and portions of parcels over which it has jurisdiction that

1 are within the proposed district, in order to avoid confusion on the Board's dual role as both
2 the legislative body that may form the district and levy assessments (if there is no majority
3 protest by the affected property owners), and as the decision-making body for the City as the
4 owner of property subject to assessments; now, therefore, be it

5 RESOLVED, That the Mayor is hereby authorized to submit prior to the close of public
6 testimony at the public hearing any and all assessment ballots in the affirmative for the two
7 parcels and portion of a third parcel of real property owned by the City and County of San
8 Francisco over which the Board has jurisdiction, that would be subject to assessment in the
9 proposed property and business improvement district to be named the Ocean Avenue
10 Community Benefits District, specifically: Assessor's Parcel No. 3199-017, Assessor's Parcel
11 No. 6946-061, and the proportional ballot for Assessor's Parcel No. 3180-001; 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 the Department of Elections, and placed in the Board of Supervisors file for the
15 Resolution to establish the proposed district.