

File No. 230513

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: May 18, 2023

Board of Supervisors Meeting:

Date: _____

Cmte Board

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OTHER

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Prepared by: Stephanie Cabrera

Date: May 11, 2023

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

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

2

3 **Resolution authorizing the Mayor or her designee to cast an assessment ballot in the**
4 **affirmative for the proposed formation of a property and business improvement district**
5 **to be named the Excelsior Community Benefit District, with respect to certain parcels**
6 **of real property owned by the City that would be subject to assessment in said 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. (the "Act"), as augmented by
10 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board
11 of Supervisors adopted Resolution No. 235-23 on May 2, 2023, entitled "Resolution declaring
12 the intention of the Board of Supervisors to establish a property-based business improvement
13 district known as the 'Excelsior Community Benefit District' and levy a multi-year assessment
14 on all parcels in the district; approving the management district plan and engineer's report and
15 proposed boundaries map for the district; ordering and setting a time and place for a public
16 hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballot
17 Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk
18 of the Board of Supervisors to give notice of the public hearing and balloting as required by
19 law" (the "Resolution of Intention," BOS File No. 230386); and

20 WHEREAS, The Resolution of Intention for the Excelsior Community Benefit District
21 (the "Excelsior CBD" or "District"), among other things, approved the Excelsior Community
22 Benefit District Management District Plan (the "District Management Plan"), dated March
23 2023, the Excelsior Community Benefit District Engineer's Report, dated March 2023, and the
24 Notice of Public Hearing, that are all on file with Clerk of the Board of Supervisors in File No.
25 230386; and

1 WHEREAS, If the proposed District is established, assessments would be levied and
 2 collected against all parcels of real property in the proposed District for a period of 10 1/2
 3 years, commencing with fiscal year 2023-2024 through fiscal year 2032-2033; and

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

9 WHEREAS, The Board of Supervisors has jurisdiction over three parcels of real
 10 property within the proposed assessment district that are owned by the City and County of
 11 San Francisco, the details of which are set forth in the following chart, which shows for each
 12 parcel the street address, Assessor's lot and block number, name/description, proposed
 13 assessment amount, and the percent of the total proposed assessments for the District that
 14 parcel would be assessed for the first year of the District (which is the corresponding weight to
 15 be afforded the City's signature on the ballot to establish the Excelsior CBD):

ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT	% OF TOTAL CBD BUDGET
4400 Mission Street	6796 -046	Excelsior Library	\$3,156.17	0.93%
45 Onondaga Ave	6959 -016	CCSF - DPH	\$1,782.30	0.52%
35 Onondaga Ave	6959 -017	CCSF - DPH	\$1,949.39	0.57%
TOTAL			\$6,887.86	2.02%

1 WHEREAS, The Board of Supervisors will hold a public hearing on July 11, 2023, to
2 consider public testimony on the proposed formation of the Excelsior 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 cast the assessment ballots for those
10 parcels over which it has jurisdiction, to either approve or disapprove the proposed
11 assessments for those parcels that would be subject to assessment; or the Board may
12 authorize a representative to submit the assessment ballots for parcels over which the Board
13 has jurisdiction; and

14 WHEREAS, At the July 11, 2023, public hearing the Board is likely to receive public
15 testimony both in favor of and against the levying of assessments, and the Department of
16 Elections will tabulate the assessment ballots submitted by the owners of affected properties
17 to determine if there is a majority protest; and

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

24 RESOLVED, That the Mayor or her designee is hereby authorized to submit an
25 assessment ballot in the affirmative for the above-listed parcels of real property owned by the

1 City and County of San Francisco over which the Board has jurisdiction that would be subject
2 to assessment in the proposed property and business improvement district to be named the
3 Excelsior Community Benefit District; and, be it

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

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MEMORANDUM

TO: Ahsha Safaí, District 11 Supervisor
FROM: Chris Corgas; Deputy Director, Community Economic Development Division
DATE: April 27, 2023
RE: Authorization of Mayor to Cast Assessment Ballots for Excelsior Community Benefit District

Dear Supervisor Safaí,

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 three parcels of real property over which the Board of Supervisors has jurisdiction that would be subject to assessment in the Excelsior 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 2, 2023.

