

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: Todd Rufo, Director, Office of Economic and Workforce Development
Ben Rosenfield, City Controller, Office of the Controller

FROM: Erica Major, Assistant Clerk, Government Audit and Oversight Committee,
Board of Supervisors

DATE: August 10, 2016

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Kim on August 2, 2016:

File No. 160900

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of five parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to the proposed modifications to the Management District Plan and Engineer's Report for the business improvement district known as the Central Market 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.

cc:

Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
Todd Rydstrom, Office of the Controller

1 [Assessment Ballots for City-Owned Parcels - Central Market Community Benefit District -
2 Modify the Management Plan and Engineer's Report]

3 **Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City**
4 **and County of San Francisco as owner of five parcels of real property over which the**
5 **Board of Supervisors has jurisdiction, where those parcels would be subject to the**
6 **proposed modifications to the Management District Plan and Engineer's Report for the**
7 **business improvement district known as the Central Market Community Benefit**
8 **District.**

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10 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,
11 California Streets and Highways Code, Sections 36600 *et seq.* (the "Act"), as augmented by
12 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), the Board
13 of Supervisors adopted Resolution No. 288-16 on July 26, 2016, entitled "Resolution declaring
14 the intention of the Board of Supervisors to modify the management district plan and
15 engineer's report for the property-based business improvement district (community benefit
16 district) known as the "Central Market Community Benefit District"; ordering and setting a time
17 and place for a public hearing thereon; approving the form of the Notice of Public Hearing and
18 Assessment Ballot Proceeding and Assessment Ballot; and directing the Clerk of the Board of
19 Supervisors to give notice of the public hearing and balloting as required by law" ("Resolution
20 of Intention," File No. 160793); and

21 WHEREAS, The proposed modifications to the Management District Plan and
22 Engineer's Report for the Central Market Community Benefit District Management District (the
23 "District"), and the Assessment Ballots and the Notice of Public Hearing for those proposed
24 modifications, which were approved as to form, are all on file with Clerk of the Board of
25 Supervisors in File No. 160793; and

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

6 WHEREAS, The Board of Supervisors has jurisdiction over five (5) parcels of real
 7 property within the District that are owned by the City and County of San Francisco; and

8 WHEREAS, The City-owned parcels over which the Board of Supervisors has
 9 jurisdiction are listed in the following chart, which shows the street address, Assessor's lot and
 10 block number, name/description of building/use, and proposed assessment amount in
 11 FY2016-2017 for each parcel, and the percent of the total proposed assessments for the
 12 District that each parcel would be assessed in FY2016-2017 (which is the corresponding
 13 weight to be afforded the City's signature on the ballot to renew and expand the Central
 14 Market CBD):

City and County of San Francisco (CCSF)-Owned Parcels					
APN	Ownership - Jurisdiction	Situs	Use	First Year (\$) Assessment	% of Total Assessments
3508 -053	CCSF - Mayor's Office of Housing	1390 Mission St.	Affordable Housing	\$ 9,662.62	0.6871%
3704 -011	CCSF - Office of Real Estate	88 5th St.	Old Mint, leased to San Francisco Museum and Historical Society	\$ 15,076.56	1.072%
3731 -010	CCSF - Recreation and Park Department	270 Sixth Street	Gene Friend Rec Center	\$ 1,294.72	0.0921%
3731 -011	CCSF - Recreation and Park Department	286V - 298 Sixth St.	Gene Friend Rec Center	\$ 1,272.34	0.0905%
3731 -111	CCSF - Recreation and Park Department	248 - 270 Sixth St.	Gene Friend Rec Center	\$ 3,193.40	0.2271%
Total Annual Assessments of CCSF-Owned Parcels				\$30,499.64	

1 WHEREAS, The Board of Supervisors will hold a public hearing on September 20,
2 2016, to consider public testimony on the proposed modifications to the Management District
3 Plan and Engineer's Report, which would clarify that the limit on Consumer Price Index
4 increases does not prohibit the City from updating the assessments under the previously-
5 approved assessment formula to reflect changes to parcels after they were first assessed in
6 2013, and to conduct assessment ballot proceedings for affected property owners to approve
7 or disapprove the modifications; and

8 WHEREAS, At the September 20, 2016, public hearing the Board may receive public
9 testimony both in favor of and against the proposed modifications, and the Department of
10 Elections will tabulate the assessment ballots submitted by the owners of affected properties
11 to determine if there is a majority protest; and

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

15 WHEREAS, The Board of Supervisors is authorized to cast assessment ballots for
16 those parcels owned by the City, to either approve or disapprove the proposed modifications,
17 and may authorize a representative to submit the assessment ballots for those parcels on the
18 City's behalf; and

19 WHEREAS, It is appropriate for the Board of Supervisors to authorize a representative
20 to submit assessment ballots for the City-owned parcels within the District on the City's behalf,
21 to avoid confusion on the Board's dual role as both the legislative body that may approve the
22 proposed modifications, and as the decision-making body for the City as the owner of property
23 subject to assessments; now, therefore, be it

24 RESOLVED, That the Mayor is hereby authorized to submit any and all assessment
25 ballots in the affirmative for the above-listed parcels of real property in the District, which are

1 all owned by the City and County of San Francisco and which are subject to assessment; and,
2 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, the
5 Director of Elections, and the Central Market Community Benefit District owners association,
6 and placed in the Board of Supervisors file for the Resolution to modify the Management
7 District Plan and Engineer’s Report for the District.

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