

1 [Assessment Ballot for a City-Owned Parcel - Japantown Community Benefit District]

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3 **Resolution authorizing the Mayor, or his designee, to cast an assessment ballot in the**
4 **affirmative on behalf of the City and County of San Francisco, as the owner of one**
5 **parcel of real property over which the Board of Supervisors has jurisdiction that would**
6 **be subject to assessment in the proposed property and business improvement district**
7 **to be named the Japantown Community Benefit District.**

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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. 198-17 on May 23, 2017, entitled "Resolution
13 declaring the intention of the Board of Supervisors to establish a property-based business
14 improvement district (community benefit district) known as the 'Japantown 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 thereon; approving the form of the
18 Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing
19 environmental findings; and directing the Clerk of the Board of Supervisors to give notice of
20 the public hearing and balloting as required by law" (the "Resolution of Intention," BOS File
21 No. 170565); and

22 WHEREAS, The Resolution of Intention for the Japantown Community Benefit District
23 (the "Japantown CBD" or "District"), among other things, approved the Japantown Community
24 Benefit District Management District Plan (the "District Management Plan"), dated April 2017,
25 the Japantown Community Benefit District Engineer's Report, dated April, and the Notice of

1 Public Hearing, that are all on file with Clerk of the Board of Supervisors in File No. 170565;
2 and

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

8 WHEREAS, The assessments would be levied and collected against all parcels of real
9 property in the proposed District for a period of 10 years, commencing with FY2017-2018
10 through FY2026-2027; and

11 WHEREAS, The Board of Supervisors has jurisdiction over one parcel of real property
12 within the proposed assessment district that is owned by the City and County of San
13 Francisco, the details of which are set forth in a chart below (on page 3 of this Resolution);
14 and

15 WHEREAS, The City-owned parcel over which the Board of Supervisors has
16 jurisdiction is listed in the following chart, showing the street address, Assessor's lot and block
17 number, name/description of building, proposed assessment amount, and the percent of the
18 total proposed assessments for the District that the parcel would be assessed for the first year
19 of the District (which is the corresponding weight to be afforded the City's signature on the
20 ballot to establish the Japantown CBD):

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ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT FOR FIRST YEAR	% OF TOTAL CBD BUDGET
25 S. Van Ness #400	0700-022	Peace Plaza – Recreation and Parks Department	\$15,839.13	4.02%
25 S. Van Ness #400	0700-023	Peace Plaza – Recreation and Parks Department	\$960.28	.24%
25 S. Van Ness #400	0700-035	Parking Garage – MTA	\$52,017.36	13.21%
Total			\$68,816.76	17.48%

WHEREAS, The Board of Supervisors will hold a public hearing on July 25, 2017, to consider public testimony on the proposed formation of the Japantown Community Benefit District, the levy of multi-year assessments on real property located in the proposed district, and assessment ballot proceedings for affected property owners to approve or disapprove the assessments; and

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

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

1 WHEREAS, At the July 25, 2017, 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 parcel 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 his designees is hereby authorized to submit an
12 assessment ballot in the affirmative for the above-listed parcel 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 Japantown Community Benefit District; and, be it

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