

BOARD of SUPERVISORS



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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: November 20, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Kim on November 13, 2018:

File No. 181091

Resolution authorizing the Mayor or their designee(s) to cast an assessment ballot in the affirmative for the proposed formation of a property and business improvement district to be named the SoMa West 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: Ken Rich, Office of Economic and Workforce Development
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

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

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3 **Resolution authorizing the Mayor or their designee(s) to cast an assessment ballot in**
4 **the affirmative for the proposed formation of a property and business improvement**
5 **district to be named the SoMa West Community Benefit District, with respect to certain**
6 **parcels of real property owned by the City that would be subject to assessment in said**
7 **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 a Resolution on December 11, 2018, entitled "Resolution declaring
13 the intention of the Board of Supervisors to establish a property-based business improvement
14 district (community benefit district) known as the 'SoMa West Community Benefit District' and
15 levy a multi-year assessment on all parcels in the district; approving the management district
16 plan and engineer's report and proposed boundaries map for the district; ordering and setting
17 a time and place for a public hearing thereon; approving the form of the Notice of Public
18 Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental
19 findings; and directing the Clerk of the Board of Supervisors to give notice of the public
20 hearing and balloting as required by law" (the "Resolution of Intention," File No. 181090); and

21 WHEREAS, The Resolution of Intention for the SoMa West Community Benefit District
22 (the "SoMa West CBD" or "District"), among other things, approved the SoMa West
23 Community Benefit District Management District Plan (the "District Management Plan"), dated
24 October 2018, the SoMa West Community Benefit District Engineer's Report, dated October
25

1 2018, and the Notice of Public Hearing, that are all on file with Clerk of the Board of
2 Supervisors in File No. 181090; and

3 WHEREAS, If the proposed District is established, assessments would be levied and
4 collected against all parcels of real property in the proposed District for a period of 15 years,
5 commencing with fiscal year 2019-2020 through fiscal year 2033-2034; and

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

11 WHEREAS, The Board of Supervisors has jurisdiction over 18 parcels of real property
12 within the proposed assessment district that are owned by the City and County of San
13 Francisco, the details of which are set forth in the following chart, which shows for each parcel
14 the street address, Assessor's lot and block number, name/description, proposed assessment
15 amount, and the percent of the total proposed assessments for the District that parcel would
16 be assessed for the first year of the District (which is the corresponding weight to be afforded
17 the City's signature on the ballot to establish the SoMa West CBD):

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19 ADDRESS	20 LOT / BLOCK	21 NAME / DESCRIPTION OF BUILDING	22 EST. ASSESSMENT AMOUNT	23 % OF TOTAL CBD BUDGET
24 356 7 th Street	3755 010	Department of Public Health	\$759.88	0.02%
25 950 Bryant	3758 127	Office of Contract Administration (HOJ Gas Station)	\$3,159.64	0.08%

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930 Bryant	3758 128	Sheriff (HOJ)	\$2,685.04	0.07%
427 7 th Street	3759 042	Sheriff (HOJ)	\$112,403.94	2.95%
934 Brannan	3781 008	Arts Commission	\$7,462.41	0.20%
1129 Howard	3730 091	Recreation and Park Dept.	\$1,781.67	0.05%
1004 Folsom	3731 012	Recreation and Park Dept.	\$2,494.60	0.07%
190 9 th Street	3509 008A	SFCC – Public Library	\$9,087.92	0.24%
935 Folsom	3753 313	SFCC – Fire Department	\$3,888.90	0.10%
450 6 th Street	3759 043	SFCC – GSA, Real Estate Division	\$1,667.13	0.04%
555 7 th Street	3779 031	SFCC – GSA, Real Estate Division	\$1,192.81	0.03%
555 7 th Street	3779 032	SFCC – GSA, Real Estate Division	\$6,040.78	0.16%
555 7 th Street	3779 042	SFCC – GSA, Real Estate Division	\$356.37	0.01%
555 7 th Street	3779 043	SFCC – GSA, Real Estate Division	\$356.37	0.01%
555 7 th Street	3779 044	SFCC – GSA, Real Estate Division	\$356.37	0.01%
255 7 th Street	3731 240	MOHCD	\$1,513.36	0.04%
555 7 th Street	3779 141	SFCC	\$356.37	0.01%
55 Sherman Street	3754 016	Recreation and Park Dpt –	\$20,906.54	0.55%

		Victoria Manalo Draves Park		
	TOTAL		\$176,470.10	4.64%

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4 WHEREAS, The Board of Supervisors will hold a public hearing on February 5, 2019,
5 to consider public testimony on the proposed formation of the SoMa West Community Benefit
6 District, the levy of multi-year assessments on real property located in the proposed district,
7 and assessment ballot proceedings for affected property owners to approve or disapprove the
8 assessments; and

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

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

17 WHEREAS, At the February 5, 2019, public hearing the Board is likely to receive public
18 testimony both in favor of and against the levying of assessments, and the Department of
19 Elections will tabulate the assessment ballots submitted by the owners of affected properties
20 to determine if there is a majority protest; and

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

3 RESOLVED, That the Mayor or their designee(s) is hereby authorized to submit an
4 assessment ballot in the affirmative for the above-listed parcels of real property owned by the
5 City and County of San Francisco over which the Board has jurisdiction that would be subject
6 to assessment in the proposed property and business improvement district to be named the
7 SoMa West Community Benefit District; and, be it

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