

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

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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 Noe Valley 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. 496-19 on November 19, 2019, entitled "Resolution
12 declaring the intention of the Board of Supervisors to renew a property-based business
13 improvement district (community benefit district) known as the 'Noe Valley Community Benefit
14 District' and levy a multi-year assessment on all parcels in the district; approving the
15 management district plan and engineer's report and proposed boundaries map for the district;
16 ordering and setting a time and place for a public hearing thereon; approving the form of the
17 Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing
18 environmental findings; and directing the Clerk of the Board of Supervisors to give notice of
19 the public hearing and balloting as required by law" (the "Resolution of Intention," Board of
20 Supervisors File No. 191024); and

21 WHEREAS, The Resolution of Intention for the Noe Valley Community Benefit District
22 (the "Noe Valley CBD" or "District"), among other things, approved the Noe Valley Community
23 Benefit District Management District Plan (the "District Management Plan"), dated
24 August 2019, the Noe Valley Community Benefit District Engineer's Report, dated

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1 August 2019, and the Notice of Public Hearing, that are all on file with Clerk of the Board of
2 Supervisors in File No. 191024; 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 FY2020-2021 through FY2034-2035; and

6 WHEREAS, Article XIID, 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 two 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 Noe Valley CBD):

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ADDRESS	LOT / BLOCK	NAME / DESCRIPTION OF BUILDING	EST. ASSESSMENT AMOUNT	% OF TOTAL CBD BUDGET
3861 24 th Street	6509 -040	City and County of San Francisco	\$3,669.60	1.49%
4055 24 th Street	6507 -023	City and County of San Francisco	\$1,891.99	0.767%
TOTAL			\$5,561.59	2.257%

WHEREAS, The Board of Supervisors will hold a public hearing on January 28, 2020, to consider public testimony on the proposed formation of the Noe Valley 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

WHEREAS, At the January 28, 2020, public hearing the Board is likely to receive public testimony both in favor of and against the levying of assessments, and the Department of

1 Elections will tabulate the assessment ballots submitted by the owners of affected properties
2 to determine if there is a majority protest; and

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

9 RESOLVED, That the Mayor or her designee is hereby authorized to submit an
10 assessment ballot in the affirmative for the above-listed parcels of real property owned by the
11 City and County of San Francisco over which the Board has jurisdiction that would be subject
12 to assessment in the proposed property and business improvement district to be named the
13 Noe Valley Community Benefit District; and, be it

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

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