

1 [Resolution to Establish - Ocean Avenue Community Benefit District]

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3 **Resolution to establish the property-based business improvement district known as**  
4 **the “Ocean Avenue Community Benefit District (CBD),” by renewing and expanding the**  
5 **previously established Ocean Avenue CBD; approving the amended Management**  
6 **District Plan and Engineer’s Report and boundaries map; ordering the levy and**  
7 **collection of assessments against property located in the district for 15 years**  
8 **commencing with fiscal year 2025-2026, subject to conditions as specified; and making**  
9 **environmental findings.**

10  
11 WHEREAS, Pursuant to the Property and Business Improvement Law of 1994,  
12 California Streets and Highways Code Sections 36600 et seq. ("1994 Act"), as augmented by  
13 Article 15 of the San Francisco Business and Tax Regulations Code ("Article 15"), collectively,  
14 the “Business Assessment Law,” the Board of Supervisors adopted Resolution No. 208-25,  
15 entitled “Resolution declaring the intention of the Board of Supervisors to renew and expand a  
16 property-based business improvement district known as the ‘Ocean Avenue Community  
17 Benefit District’ and levy a multi-year assessment on all parcels in the district; approving the  
18 management district plan, engineer’s report, and proposed boundaries map for the district;  
19 ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting  
20 as a Committee of the Whole, on July 8, 2025 at 3:00 p.m.; approving the form of the Notice  
21 of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing  
22 environmental findings; and directing the Clerk of the Board of Supervisors to give notice of  
23 the public hearing and balloting as required by law” (the "Resolution of Intention," Board of  
24 Supervisors File No. 250368); and

1 WHEREAS, The Resolution of Intention to renew and expand the Ocean Avenue  
2 Community Benefit District (the "Ocean Avenue CBD" or "District"), among other things,  
3 approved the Ocean Avenue CBD Management District Plan (the "District Management  
4 Plan"), a detailed District Assessment Engineer's Report, a Boundaries Map, and the form of  
5 the Notice of Public Hearing and Assessment Ballot Proceeding, that are all on file with Clerk  
6 of the Board of Supervisors in File No. 250368; and

7 WHEREAS, The Board of Supervisors caused notice of a public hearing concerning  
8 the proposed renewal and expansion of the Ocean Avenue CBD, and the proposed levy of  
9 assessments against property located within the District for a period of 15 years, from fiscal  
10 years ("FYs") 2025-2026 through 2039-2040; and

11 WHEREAS, The Board of Supervisors has caused ballots to be mailed to the record  
12 owner of each parcel proposed to be assessed within the District, as required by law; and,

13 WHEREAS, The Board of Supervisors held a public hearing concerning the proposed  
14 renewal and expansion of the District and the proposed levy of assessments within such  
15 District pursuant to the notice on July 8, 2025 at 3 p.m., in the Board's Legislative Chambers  
16 located on the Second Floor of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco,  
17 California; and

18 WHEREAS, At the public hearing, the Board heard and considered the testimony of all  
19 interested persons for or against the proposed renewal and expansion of the District, the levy  
20 of assessments on property within the District, the extent of the District, and the furnishing of  
21 specified types of improvements, services and activities within the District, and a full, fair and  
22 complete meeting and hearing was held; and

23 WHEREAS, Among other things, the Board considered whether to modify the District  
24 boundary so as to exclude certain parcels that were originally proposed to be included in the  
25 expansion of the District, as described in the Amended District Management Plan which was

1 prepared under California Streets and Highways Code § 36622 and which was filed with the  
2 Board on July 8, 2025; and

3 WHEREAS, An Amended Engineer's Report that supports the Amended District  
4 Management Plan, prepared by John G. Egan, California Registered Professional Engineer  
5 No. 14853 and entitled "Ocean Avenue Community Benefit District Engineer's Report," was  
6 filed with the Board on July 8, 2025; and

7 WHEREAS, An Amended Boundaries Map corresponding to the Amended District  
8 Management Plan and Amended Engineer's Report was submitted to the Clerk of the Board  
9 of Supervisors pursuant to California Streets and Highways Code Section 3110 on July 8,  
10 2025; and

11 WHEREAS, After considering the evidence and testimony at the hearing, the Board of  
12 Supervisors approved the Amended Management District Plan and supporting documents,  
13 and modified the assessments consistent with those documents and pursuant to California  
14 Streets and Highways Code Section 36624, finding that the modifications were appropriate  
15 because they only excluded parcels from being newly added to the District and did not cause  
16 any parcel's assessment to increase or materially alter the improvements, services, and  
17 activities that the remaining parcels in the District would receive; and

18 WHEREAS, The Board of Supervisors heard and considered all objections or protests  
19 to the proposed assessments and the Director of the Department of Elections tabulated the  
20 assessment ballots submitted and not withdrawn, in support of or in opposition to the  
21 proposed assessments, and the Clerk of the Board determined that a majority of the ballots  
22 cast (weighted according to the proportional financial obligations of the property) by the  
23 owners of record of the property located within the proposed District did not oppose  
24 establishing the proposed District; and

1 WHEREAS, The public interest, convenience and necessity require the establishment  
2 of the renewed and expanded Ocean Avenue Community Benefit District; and

3 WHEREAS, In the opinion of the Board of Supervisors, the property within the District  
4 will be specially benefited by the improvements, services and activities funded by the  
5 assessments; and no assessment has been imposed on any parcel which exceeds the  
6 reasonable cost of the proportional special benefit conferred on that parcel; now, therefore be  
7 it

8 RESOLVED, That the Board of Supervisors declares as follows:

9 **Section 1. MANAGEMENT DISTRICT PLAN, DISTRICT ASSESSMENT**

10 **ENGINEER'S REPORT, AND BOUNDARIES MAP.** The Board hereby approves the July  
11 2025 Amended Management District Plan and Amended District Assessment Engineer's  
12 Report, including the estimates of the costs of the property-related services, activities and  
13 improvements set forth in the plan, and the assessment of said costs on the properties that  
14 will specially benefit from such services, activities and improvements. The Board also hereby  
15 approves the July 2025 Amended Boundaries, showing the exterior boundaries of the District,  
16 and ratifies and approves the Assessment Ballot and the City's use of such ballot, which  
17 Assessment Ballot is on file with the Clerk of the Board of Supervisors in File No. 250369 and  
18 is hereby declared to be a part of the Resolution as if set forth fully herein. Copies of the July  
19 Amended 2025 Management District Plan, Amended District Assessment Engineer's Report,  
20 and Amended Boundaries Map are on file with the Clerk of the Board of Supervisors in File  
21 No. 250370 and are hereby declared to be a part of this Resolution as if set forth fully herein.

22 **Section 2. FINDING OF NO MAJORITY PROTEST.** The Board of Supervisors  
23 hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIID of  
24 the California Constitution and Section 53753 of the California Government Code with respect  
25

1 to the formation of the Ocean Avenue Community Benefit District. All objections or protests  
2 both written and oral, are hereby duly overruled.

3 **Section 3. ESTABLISHMENT OF DISTRICT.** Pursuant to the 1994 Act and Article  
4 15, the property-based business improvement district designated as the "Ocean Avenue  
5 Community Benefit District" is hereby established.

6 **Section 4. DESCRIPTION OF DISTRICT.** The Ocean Avenue Community Benefit  
7 District shall include all parcels of real property within the district. The proposed District  
8 contains approximately **285** identified parcels located on approximately **26** whole or partial  
9 blocks.

10 The Ocean Avenue CBD generally comprises those properties along Ocean Avenue  
11 from:

- 12 • 19<sup>th</sup> Avenue to the west and,
- 13 • Junipero Serra Boulevard to the east.

14 Ocean Avenue from:

- 15 • Manor Drive in the west and,
- 16 • I-280 in the east.

17 North side of Geneva Avenue from:

- 18 • Ocean Avenue in the west and,
- 19 • I-280 in the east.

20 Reference should be made to the detailed maps and the lists of parcels identified by  
21 Assessor Parcel Number that are contained in the Amended Management District Plan, in  
22 order to determine which specific parcels are included in the Ocean Avenue Community  
23 Benefit District.

1           **Section 5. FINDING OF BENEFIT.** The Board of Supervisors hereby finds that the  
2 property within the District will be benefited by the improvements and activities funded by the  
3 assessments proposed to be levied.

4           **Section 6. SYSTEM OF ASSESSMENTS.** (a) Annual assessments will be levied to  
5 pay for the activities to be provided within the District, commencing with FY 2025-2026, and  
6 continuing for 15 years, ending with FY 2039-2040. For purposes of levying and collecting  
7 assessments within the District, a fiscal year shall commence on each July 1st and end on the  
8 following June 30th.

9           (b) The amount of the proposed assessments to be levied and collected for fiscal  
10 year 2025-2026 shall be a maximum of 435,089.36 (as shown in the Amended Management  
11 District Plan dated July 2025 and Amended Engineer's Report dated July 2025). The amount  
12 of assessments to be levied and collected in fiscal years two through 15 may be increased  
13 annually by the Ocean Avenue Community Benefit District corporation Board of Directors by  
14 the amount not to exceed that year's increase in the San Francisco, Oakland, and San Jose  
15 area Consumer Price Index with approval of the Owners' Association Board of Directors.  
16 Assessments may also increase over time if changes to the parcels result in the parcels being  
17 assigned additional benefit points.

18           (c) The method and basis of levying and collecting the assessment shall be as set  
19 forth in the Amended District Management Plan.

20           (1) The levy of the assessments shall commence with fiscal year 2025-2026. Each  
21 year the assessment shall be due and payable in two equal installments. The first installment  
22 shall be due on November 1 of each fiscal year during the life of the District, and shall become  
23 delinquent on December 10 of that fiscal year. The second installment shall be due on  
24 February 1 of each fiscal year during the life of the District, and shall become delinquent on  
25 April 10 of that fiscal year.

1           (2)     Nonpayment of the assessment shall have the same lien priority and delinquent  
2 payment penalties and be subject to the same enforcement procedures and remedies as the  
3 ad valorem property tax. All delinquent payment of assessments shall be subject to interest  
4 and penalties. The City Treasurer and Tax Collector will enforce imposition of interest and  
5 penalties and collection of delinquent assessments pursuant to the Business Assessment Law  
6 and City Business and Tax Regulations Code Article 6, as each may be amended from time to  
7 time.

8           **Section 7.     USE OF REVENUES.** The proposed property-related services,  
9 improvements and activities for the District include:

10           **Cleaning and Maintenance:** Cleaning and Maintenance program includes, but is not  
11 limited to, sidewalk and gutter sweeping, sidewalk pressure washing, trash removal, and graffiti  
12 and handbill removal.

13           **Streetscape Improvements and Beautification:** Streetscape Improvements and  
14 Beautification programs includes, but is not limited to, maintaining plants and trees,  
15 implementation of placemaking, and beautification including establishing public art, murals,  
16 sculptures, lighting and decorative landscaping.

17           **Marketing & Economic Development:** Marketing & Economic Development  
18 includes, but is not limited to, retaining and attracting new tenants, promoting commerce and  
19 economic activities within the CBD, providing one-on-one assistance with business owners in  
20 lease negotiation, compliance and permitting.

21           **Management & Operations:** Management and Operations include, but is not limited  
22 to, daily oversight and operations of the CBD, adherence to the Management District Plan,  
23 compliance with audit/reporting requirements, as well as fundraising, building and managing  
24 relationships with the neighborhood association/groups, city agencies/departments and  
25 elected officials.

1           **Section 8.    AUTHORITY TO CONTRACT.** The City and County of San Francisco  
2 ("City") may contract with a separate private entity to administer the improvements, services  
3 and activities set forth in Section 7, as provided in California Streets and Highways Code  
4 Sections 36612 and 36650. Any such entity shall hold the funds it receives from the City in  
5 trust for the improvements, services and activities set forth in Section 7. Any such entity that  
6 holds funds in trust for purposes related to the contract shall deliver, at no expense to the City,  
7 a balance sheet and the related statement of income and cash flows for each fiscal year, all in  
8 reasonable detail acceptable to City, reviewed by a Certified Public Accountant (CPA); this  
9 review shall include a statement of negative assurance from the CPA. In addition, or  
10 alternatively, the Controller in his or her discretion or the Office of Economic and Workforce  
11 Development in its discretion, may require the private entity to deliver, at no expense to the  
12 City, an annual independent audit report by a Certified Public Accountant of all such funds.  
13 The CPA review and/or audit may be funded from assessment proceeds as part of the  
14 general administration of the District. At all times the City shall reserve full rights of  
15 accounting of these funds. The Office of Economic and Workforce Development shall be the  
16 City agency responsible for coordination between the City and the District.

17           **Section 9.    AMENDMENTS.** The properties in the District established by this  
18 Resolution shall be subject to any amendments to the 1994 Act, and City Business and Tax  
19 Regulations Code Article 6 and Article 15.

20           **Section 10. RECORDATION OF NOTICE AND DIAGRAM.** The County Clerk is  
21 hereby authorized and directed to record a notice and an assessment diagram pursuant to  
22 Section 36627 of the California Streets and Highways Code, following adoption of this  
23 Resolution.

24           **Section 11. LEVY OF ASSESSMENT.** The adoption of this Resolution and  
25 recordation of the notice and assessment diagram pursuant to Section 36627 of the California



1 Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years  
2 referred to in the Amended District Management Plan. Each year, the Assessor shall enter on  
3 the County Assessment Roll opposite each lot or parcel of land the amount of the assessment  
4 and such assessment shall be collected in the same manner as the County property taxes are  
5 collected.

6 **Section 12. BASELINE SERVICES.** To ensure that assessment revenues from the  
7 District are used to enhance the current level of services provided by the City within the  
8 District, the establishment of the District will not affect the City's policy to continue to provide  
9 the same level of service to the areas encompassed by the District as it provides to other  
10 similar areas of the City for the duration of the District, provided, however, that in the event of  
11 a significant downturn in citywide revenues, the Board of Supervisors may reduce the level of  
12 municipal services citywide, including within the District.

13 **Section 13. ENVIRONMENTAL FINDINGS.** The Planning Department has  
14 determined that the actions contemplated in this Resolution are in compliance with the  
15 California Environmental Quality Act (California Public Resources Code sections 21000 *et*  
16 *seq.*). Said determination is on file with the Clerk of the Board of Supervisors in File No.  
17 250370, which is hereby declared to be a part of this Resolution as if set forth fully herein.