

1 [Resolution of Intention to Form the Ocean Avenue Community Benefits District]

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3 **Resolution (1) declaring the intention of the Board of Supervisors to establish a**
4 **property-based business improvement district (community benefit district) to be**
5 **known as the "Ocean Avenue Community Benefits District" and levy a multi-year**
6 **assessment on identified parcels in the district, (2) approving the management**
7 **district plan and engineer's report and proposed boundaries map for the district,**
8 **(3) ordering and setting a time and place for a public hearing thereon, (4) approving**
9 **the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the**
10 **Clerk of the Board of Supervisors to give notice of the public hearing and balloting as**
11 **required by law.**

12
13 WHEREAS, The Property and Business Improvement District Law of 1994, Part 7 of
14 Division 18 of the California Streets and Highways Code, commencing with Section 36600
15 (the "Law"), authorizes cities to establish property and business improvement districts within
16 business districts to promote the economic revitalization and physical maintenance of such
17 business districts; and

18 WHEREAS, Section 36603 of the Law recognizes the authority of Charter cities to
19 adopt ordinances providing for different methods of levying assessments for similar or
20 additional purposes from those set forth in the Law; and

21 WHEREAS, Article 15 of the San Francisco Business and Tax Regulation Code
22 ("Article 15") augments certain procedural and substantive requirements relating to the
23 formation of property and business improvement districts and the assessments on real
24 property or businesses within such districts; and

25 WHEREAS, The Law and Article 15 authorize the City to levy and collect assessments

1 on real property within such districts for the purpose of providing improvements and promoting
2 activities and property-related services that specially benefit identified parcels of real property
3 located within such districts; and

4 WHEREAS, Article XIID of the California Constitution and Section 53753 of the
5 California Government Code impose certain procedural and substantive requirements relating
6 to assessments on real property; and

7 WHEREAS, The Law and Article 15 impose additional procedural and substantive
8 requirements relating to assessments on real property within a proposed property and
9 business improvement district, also known as a community benefit district ("CBD"); and

10 WHEREAS, The Board of Supervisors finds that the property-related services, activities
11 and improvements to be funded with assessments on real property within the proposed district
12 will confer substantial special benefits on the assessed properties over and above the general
13 benefits to the public at large from such services, activities and improvements; and

14 WHEREAS, The property owners who will pay more than 30 percent of the total
15 amount of assessments on properties within the proposed district signed and submitted to the
16 Clerk of the Board of Supervisors a petition (the "Petition") requesting that the Board of
17 Supervisors establish a property-based community benefit district to be named the "Ocean
18 Avenue Community Benefits District," and to levy assessments on properties located in the
19 proposed district to fund property-related services, activities and improvements within the
20 district; and

21 WHEREAS, A Management District Plan entitled the "Ocean Avenue Community
22 Benefits District Management District Plan" containing information about the proposed district
23 and assessments required by Section 36622 of the Law, including but not limited to maps
24 showing all identified parcels located in the district, a description of the boundaries of the
25 district, the name of the district, the amount of the proposed assessment for each identified

1 parcel, the total annual amount chargeable to the entire district, the duration of the payments,
2 the property-related services, activities and improvements to be funded by the assessments
3 for each year and the maximum cost thereof, the method and basis upon which the
4 assessments are calculated in sufficient detail to allow each property owner to calculate the
5 amount of the assessment to be levied against his or her property, a statement that no bonds
6 will be issued, the time and manner of collecting the assessments, and a list of the properties
7 to be assessed (including assessor parcel numbers), has been submitted to the Clerk of the
8 Board of Supervisors, with an amended plan submitted September 22, 2010; and

9 WHEREAS, A detailed engineer's report supporting the assessments within the
10 proposed district, prepared by K. Dennis Klingelhofer, California Registered Professional
11 Engineer No. C 50255, dated March 11, 2010, entitled "Ocean Avenue Community Benefits
12 District, Engineer's Report," has been submitted to the Clerk of the Board of Supervisors, with
13 an amended report submitted September 22, 2010; and

14 WHEREAS, A Proposed Boundaries Map has been submitted to the Clerk of the Board
15 of Supervisors pursuant to California Streets and Highways Code §3110;

16
17 Now, therefore, be it

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

19 Section 1. Pursuant to Section 36621(a) of the Law and Article 15, the Board of
20 Supervisors declares its intention to form a property and business improvement district to be
21 designated as the "Ocean Avenue Community Benefits District" (the "District") for a period of
22 fifteen (15) years, and to levy and collect assessments against all identified parcels of real
23 property in the District for a period of fifteen (15) years, commencing with fiscal year 2010-
24 2011, subject to approval by a majority of the property owners in the District who cast
25 assessment ballots, which ballots shall be weighted according to the proportional financial

1 obligations of the affected properties. No bonds will be issued. District operations will
2 commence on or about January 1, 2011, following collection of the assessments for fiscal
3 year 2010-2011 and disbursement of the assessment proceeds to the nonprofit owners'
4 association that will administer the property-related services, activities and improvements in
5 the District pursuant to Section 36651 of the Law and a written agreement with the City.

6 Section 2. The Board of Supervisors hereby approves the Management District Plan
7 and District Assessment Engineer's Report as each amended September 22, 2010, including
8 the estimates of the costs of the property-related services, activities and improvements set
9 forth in the plan, and the assessment of said costs on the properties that will specially benefit
10 from such services, activities and improvements. A copy of the Management District Plan and
11 the District Assessment Engineer's Report, as each amended September 22, 2010, are on file
12 with the Clerk of the Board of Supervisors in File No. 100991. The Clerk of the Board
13 shall make the Management District Plan, District Assessment Engineer's Report and other
14 documents related to the District and included in the record before the Board of Supervisors
15 available to the public for review during normal business hours, Monday through Friday 8:00
16 a.m. through 5:00 p.m., excluding legal holidays.

17 Section 3. The Board of Supervisors hereby approves the Proposed Boundaries
18 Map showing the exterior boundaries of the District, which is on file with the Clerk of the Board
19 of Supervisors in File No. 100991 and incorporated herein by reference. The
20 proposed District contains approximately 148 identified parcels in the Ocean Avenue area.
21 The exterior boundaries of the District include all parcels on both sides of the street unless
22 otherwise noted, as follows: those properties that front Ocean Avenue from Manor Drive on
23 the west, running along Ocean Avenue to Interstate 280.

1 Within the Ocean Avenue CBD, there are two separate benefit zones established in
2 order to reflect the different levels of service provided:

3 Zone 1 includes properties fronting the northern side of Ocean Avenue from Manor
4 Drive on the west to Phelan Avenue on the east. Zone 1 also includes the properties fronting
5 the south side of Ocean Avenue from Victoria Street on the west to Geneva Avenue on the
6 east. There are currently 145 properties located within Zone 1. The properties consist of a
7 variety of different land use types such as commercial, non-profit, religious, public, and
8 residential.

9 Zone 2 includes three properties located east of Geneva Avenue and Phelan Drive to
10 Interstate 280; designated as Assessor's Parcels 3179 -010, 6946 -061, and 6948 -023. The
11 three properties in Zone 2 include the portion of the San Francisco City College Ocean
12 Avenue campus and Lick Wilmerding High School that front Ocean Avenue, and a City owned
13 median, landscaped property located at the intersection of Ocean Avenue and Geneva
14 Avenue. Zone 2 does not include any of the Assessor's Parcels within Assessor's Block
15 6947. In comparison to Zone 1, Zone 2 receives a reduced level of improvements, services,
16 and activities.

17 Reference should be made to the detailed maps and the lists of parcels identified by
18 Assessor Parcel Number that are contained in the Management District Plan, in order to
19 determine which specific parcels are included in the Ocean Avenue Community Benefits
20 District.

21 Section 4. A public hearing on the establishment of the District, and the levy and
22 collection of assessments starting with fiscal year 2010-2011 and continuing through fiscal
23 year 2024-2025, shall be conducted before the Board of Supervisors on November 16, 2010
24 at 3:00 p.m., or as soon thereafter as the matter may be heard, in the Board's Legislative
25 Chambers, Second Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco,

1 California, 94102. At this public hearing, the Board of Supervisors will hear public testimony
2 regarding the proposed formation of the District, assessments, boundaries of the District,
3 including testimony from all interested persons for or against establishment of the District, the
4 extent of the District, the levy of the assessments, the furnishing of specific types of property-
5 related services, improvements and activities, and other matters related to the District. The
6 Board of Supervisors may waive any irregularity in the form or content of any written protest,
7 and at the public hearing may correct minor defects in the proceedings. All protests submitted
8 by affected property owners and received prior to the conclusion of the public testimony
9 portion of the public hearing shall be tabulated to determine whether a majority protest exists.

10 Section 5. The Board of Supervisors hereby approves the form of the Notice of
11 Public Hearing and Assessment Ballot which are on file with the Clerk of the Board of
12 Supervisors in File No. 100991.

13 Section 6. The proposed property-related services, improvements or activities for
14 the District include two principal programs: a Cleaning, Maintenance, and Safety program;
15 and a Marketing, Streetscape, and Beautification program. In addition, there will be a
16 Management and Operations component.

17 **A. Cleaning, Maintenance, and Safety Program:**

18 The Cleaning, Maintenance, and Safety Program includes continuous sidewalk
19 sweeping, refuse removal, regularly scheduled steam cleaning, pressure washing, graffiti
20 removal, tree pruning and watering, tree well weeding with crushed granite replenishment,
21 and a variety of safety services efforts. A team of maintenance and safety workers will carry
22 out these tasks for each benefit zone, summarized as follows:

23 Benefit Zone 1 District services, improvements, and activities will include, but are not
24 limited to:

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- Regular sidewalk cleaning including but not limited to steam cleanings, sweeping, hot water scrubbing and cleaning of the Municipal Railway boarding islands as needed, and the Phelan Loop Bus Turn-Around Pedestrian layover areas.
- Graffiti removal.
- Paint over major graffiti attacks, approximately 6 times per year (ground or second floor).
- Sidewalk, gutter, and tree well sweeping and trash removal (daily).
- Utility pole/box flyer and mastic tape removal and graffiti removal as required.
- Tree well weeding (quarterly) and crushed granite replenishing as needed.
- Small tree pruning – approximately 20 to 36 times per year, prune for shape and for air circulation.
- Large tree pruning - approximately 6 to 12 times per year, prune for shape and air circulation.
- Tree watering, every 3 weeks during the dry season.
- Tree trunk graffiti removal using soapy water and wire brushes, as needed.
- Gardening and maintenance of Phelan Loop corner landscaped public garden, including trash removal (weekly).
- Landscape maintenance of Phelan Bus turnaround.
- Corridor safety, to include way-finding, assistance to visitors, ambassadors/guides/security that promote citizen efforts through assistance in crime prevention, provide street population/homeless with social services information; and continued collaboration with SFPD on crime prevention and pedestrian safety.

1 Benefit Zone 2 services, improvements and activities will include, but are not limited to:

- 2 • Regular sidewalk cleanings, at approximately a 50% reduced frequency of
- 3 Zone 1, including but not limited to steam cleanings, sweeping, hot water
- 4 scrubbing and cleaning of the Municipal Railway boarding islands as needed,
- 5 and the Phelan Loop Bus Turn-Around Pedestrian layover areas.
- 6 • Sidewalk, gutter, and tree well sweeping and trash removal (3 days per week).
- 7 • Utility pole/box flyer and mastic tape removal and graffiti removal as required.
- 8 • Weed removal within 10 feet of sidewalk, tree well weeding (quarterly) and
- 9 crushed granite replenishing as needed.
- 10 • Small tree pruning – approximately 10 to 18 times per year, prune for shape and
- 11 for air circulation.
- 12 • Large tree pruning - approximately 3 to 6 times per year, prune for shape and air
- 13 circulation.
- 14 • Corridor safety, to include way-finding, assistance to visitors,
- 15 ambassadors/guides/security that promote citizen efforts through assistance in
- 16 crime prevention, provide street population/homeless with social services
- 17 information; and continued collaboration with SFPD on crime prevention and
- 18 pedestrian safety.

19 **B. Marketing, Streetscape Improvements, and Beautification Program:**

20 Marketing, Streetscape, and Beautification program services and activities can include,
21 but are not limited to:

- 22 • Advocacy.
- 23 • Beautification.
- 24 • Capital improvements.
- 25 • Business retention activities.

- 1 • Newsletters, advertisements, brochures, and website.
- 2 • Holiday decorations.
- 3 • Concerts, street festivals and other special events.
- 4 • Banners and other public art.

5 **C. Management and Operations**

6 The Management and Operations component will focus on community relationships,
7 involvement, and support. Regular activities and initiatives that will support this task include:

- 8 • A dedicated Ocean Avenue part-time executive director who will serve as a focal
9 point person and advocate for Ocean Avenue
- 10 • Office expenses including accounting, rent, utilities, office supplies, insurance,
11 legal, and other professional services
- 12 • Grant applications and facilitation, including safety related efforts.

13 Section 7. Within the area encompassed by the proposed District, the City currently
14 provides services at the same level provided to other similar areas of the City. It is the intent
15 of the Board of Supervisors to continue to provide the area encompassed by the District with
16 the same level of services provided to these other similar areas of the City. The
17 establishment of the District will not affect the City's policy to continue to provide the same
18 level of service to the areas encompassed by the District as it provides to other similar areas
19 of the City during the duration of the District.

20 Section 8. The annual assessment proposed to be levied and collected for the first
21 year of the District (fiscal year 2010-2011) is estimated to be \$239,578. The amount of the
22 annual assessment to be levied and collected for years four through fifteen (fiscal years 2011-
23 2012 through 2024-2025) may be increased from one year to the next by a percentage that
24 does not exceed either the change in the Consumer Price Index for All Urban Consumers in
25 the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, or three

1 percent (3%), whichever is less.

2 Section 9. The Clerk of the Board is directed to give notice of the public hearing as
3 provided in California Streets and Highways Code Section 36623, California Government
4 Code Section 53753, California Constitution Article XIID Section 4, San Francisco Charter
5 Section 16.112, and San Francisco Administrative Code Section 67.7-1.

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City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100991

Date Passed: September 28, 2010

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Ocean Avenue Community Benefits District," and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

September 28, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar and Maxwell

Excused: 1 - Mirkarimi

File No. 100991

I hereby certify that the foregoing Resolution was ADOPTED on 9/28/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

September 28, 2010

Date Approved