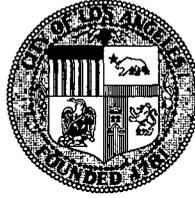


CITY OF LOS ANGELES  
CALIFORNIA

FRANK T. MARTINEZ  
City Clerk

KAREN E. KALFAYAN  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.



ANTONIO R. VILLARAIGOSA  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

CLAUDIA M. DUNN  
Chief, Council and Public Services Division  
[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)

02-2217

CD 5

August 15, 2006

Chief Legislative Analyst  
City Attorney  
Controller, Room 300  
Accounting Division, F&A  
Disbursement Division  
City Administrative Officer

Office of Finance  
Treasurer  
City Clerk, Admin. Services Division  
Attn: Holly Wolcott  
cc: Special Assessment Unit  
Councilmember Weiss

RE: RENEWAL OF THE ENCINO COMMONS PROPERTY AND BUSINESS IMPROVEMENT  
DISTRICT AND CONFIRMING THE ASSESSMENTS

At the meeting of the Council held July 26, 2006, the following  
action was taken:

Attached report adopted.....	_____
Attached motion adopted().....	_____
Attached resolution adopted.....	_____
Ordinance adopted.....	_____ X _____
Motion adopted to approve attached report.....	_____
Motion adopted to approve attached communication.....	_____
To the Mayor FORTHWITH.....	_____
Ordinance Number.....	_____ 177776 _____
Published date.....	_____ 8-16-06 _____
Effective date.....	_____ 9-16-06 _____
Mayor approved.....	_____ 8-07-06 _____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorical exemption approved.....	_____
Generally exempt.....	_____

*Frank T. Martinez*

City Clerk  
dng

PLACE IN FILES

AUG 25 2006

DERUTY

*[Handwritten initials]*  
*[Handwritten signature]*  
*8/25/06*



OFFICE OF THE MAYOR  
Mayor's Time Stamp

2006 JUL 28 PM 3:40

CITY OF LOS ANGELES

TIME LIMIT FILES  
ORDINANCES

RECEIVED  
CITY CLERK'S OFFICE  
City Clerk's Time Stamp

2006 JUL 28 PM 3:31

CITY CLERK

BY \_\_\_\_\_  
DEPUTY

COUNCIL FILE NUMBER 02-2217

COUNCIL DISTRICT 5

COUNCIL APPROVAL DATE July 26, 2006

LAST DAY FOR MAYOR TO ACT AUG 07 2006

ORDINANCE TYPE:  Ord of Intent  Zoning  Personnel  General  
 Improvement  LAMC  LAAC  CU or Var Appeals - CPC No \_\_\_\_\_

SUBJECT MATTER: ESTABLISHING THE ENCINO COMMONS PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (BID) AND CONFIRMING THE ASSESSMENTS TO BE LEVIED UPON PROPERTIES WITHIN THE BID, AS DESCRIBED IN THE MANAGEMENT DISTRICT PLAN

	APPROVED	DISAPPROVED
CITY CLERK	<u>X</u>	_____
DIRECTOR OF PLANNING	_____	_____
CITY ATTORNEY	<u>X</u>	_____
CITY ADMINISTRATIVE OFFICER	_____	_____
OTHER	_____	_____

RECEIVED  
CITY CLERK'S OFFICE  
2006 AUG - 7 PM 2:47  
BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

AUG 07 2006

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR \*VETO: \_\_\_\_\_  
\*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b)(c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR AUG 07 2006 ORDINANCE NO. 177776

DATE PUBLISHED AUG 16 2006 DATE POSTED \_\_\_\_\_ EFFECTIVE DATE SEP 16 2006

ORD OF INTENT: HEARING DATE \_\_\_\_\_ ASSESSMENT CONFIRMATION \_\_\_\_\_

ORDINANCE FOR DISTRIBUTION: Yes  No

AUG 14 2006

ORDINANCE NO. 177776

An Ordinance establishing the Encino Commons Property and Business Improvement District ("District") and levying assessments, pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

**WHEREAS**, the Property and Business Improvement District Law of 1994 authorizes cities to establish Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

**WHEREAS**, petitions were filed by property owners in the Encino Commons business community who would pay more than 50 percent of the total amount of assessments to be levied, requesting that the City Council establish the Encino Commons Business Improvement District; and

**WHEREAS**, the City Council, on May 24, 2006 adopted Ordinance No. 177580 declaring its intention to establish the Encino Commons Business Improvement District and levy assessments; and

**WHEREAS**, the City Clerk gave notice, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment that a public hearing would be held on July 25, 2006 concerning establishment of the District; and

**WHEREAS**, the City Council held a public hearing concerning establishment of the District shortly after 10:00 a.m. on July 25, 2006 in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California; and

**WHEREAS**, the City Council has heard all testimony and received all evidence concerning the establishment of the District and desires to establish the District.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. ESTABLISHMENT OF DISTRICT AND LEVY OF ASSESSMENTS. The City Council hereby establishes the Encino Commons Business Improvement District and levies an assessment on each property within the District for each fiscal year referred to in the Management District Plan.

Sec. 2. MAJORITY PROTEST. The City Council hereby finds that there was no majority protest against the establishment of the District and levy of assessments;

Sec. 3. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby reaffirms its adoption, approval, and confirmation of the

Engineer's Report and the Management District Plan included in Council File 02-2217 and by this reference incorporate them here as though fully set forth.

**Sec.4. PARCELS WITHIN THE DISTRICT.** The City Council hereby reaffirms its finding that all parcels which will have a special benefit conferred upon them and upon which an assessment is imposed are identified in the Management District Plan; and

**Sec. 5. PROPORTIONAL BENEFIT.** The City Council hereby reaffirms that the assessment imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel; and

**Sec. 6. SEPARATION OF GENERAL AND SPECIAL BENEFITS.** The City Council hereby reaffirms that it has separated the general benefits, if any, from the special benefits conferred on each parcel; and

**Sec. 7. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT.** The City Council hereby reaffirms that all assessments are supported by a detailed engineer's report prepared by a registered professional engineer certified by the state of California.

**Sec. 8. DISTRICT BOUNDARIES.** The City Council hereby reaffirms that the boundaries of the District are as detailed in the Management District Plan. A general description of the exterior boundaries of the District is as follows: properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east.

**Sec. 9. THE DISTRICT'S ASSESSMENT.** The City Council hereby reaffirms that the District's total annual assessment for the first year is estimated to be \$123,919.

**Sec. 10. IMPROVEMENTS AND ACTIVITIES.** The City Council hereby reaffirms that the District's activities and improvements are detailed in the Management District Plan and include but are not limited to, image enhancement, maintenance services, special projects, capital reserves, and administration. The District will not issue bonds.

**Sec. 11. FUNDING OF IMPROVEMENTS AND ACTIVITIES.** The City Council declares that the improvements and activities to be provided in the District will be funded by the levy of assessments on properties within the District. The revenue from the levy of assessments within the District shall not be used to provide improvements and activities outside the District or for any purpose other than the purposes specified in Ordinance No. 177580. The District will not issue bonds.

**Sec. 12. BENEFIT TO PROPERTIES WITHIN THE DISTRICT.** The City Council finds and declares that the properties within the District will be benefited by the improvements and activities funded by the assessments to be levied.

**Sec. 13.** The City Council declares that the properties within the District shall be subject to any amendments to the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

**Sec. 14. DISTRICT OPERATIONAL PERIOD.** The District's operational period shall begin on January 1, 2006 and end on December 31, 2015.

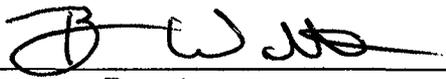
Sec. 15. PERIOD TO REQUEST DISESTABLISHMENT. There shall be a 30-day period in each year of the District's operation during which property owners may request disestablishment of the District. The first such period shall begin one year after the effective date of this Ordinance and shall continue for 30 days. The next such 30-day period shall begin two years after the effective date of this Ordinance and continue for 30 days. For each successive year of the District's operation, the 30-day period shall begin on the anniversary of the effective date of this Ordinance and continue for 30 days.

Sec 16. SPECIAL FUND ESTABLISHMENT. The revenue from the assessment shall be collected and placed in the Special Trust Fund to be established and to be known as the Encino Commons Business Improvement District Fund ("Fund"). All interest and other earnings attributable to assessments, contributions and other revenue deposited in the Special Fund shall be credited to the Fund.

Sec. 17. CERTIFICATION. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 26 2006.

FRANK T. MARTINEZ, City Clerk

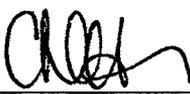
By   
Deputy

Approved on \_\_\_\_\_.

  
ANTONIO R. VILLARAIGOSA, Mayor

Date AUG 07 2006

Approved as to Form and Legality  
ROCKARD J. DELGADILLO, City Attorney

By   
~~Assistant~~ City Attorney  
Deputy

CHRISTY NUMANO-HIURA

Date 7-6-06

Council File No. 02-2217

FRANK T. MARTINEZ  
CITY CLERK

KAREN E. KALFAYAN  
EXECUTIVE OFFICER

**CITY OF LOS ANGELES**  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

OFFICE OF  
**CITY CLERK**  
**ADMINISTRATIVE SERVICES**

ROOM 224, 200 N. SPRING STREET  
LOS ANGELES, CALIFORNIA 90012

(213) 978-1099

FAX (213) 978-1107

TDD/TTY (213) 978-1132

HOLLY L. WOLCOTT  
DIVISION HEAD

July 26, 2006

Honorable Members of the City Council  
City Hall, Room 395  
200 North Spring Street  
Los Angeles, California 90012

Council District 5

**REGARDING: ESTABLISHMENT OF THE ENCINO COMMONS PROPERTY BASED  
BUSINESS IMPROVEMENT DISTRICT – BALLOT TABULATION  
RESULTS AND CONTRACT WITH OWNERS' ASSOCIATION**

Honorable Members:

Pursuant to Section 36600 et seq. of the California Streets and Highways Code ("State law") and Article XIII D of the California Constitution, our Office has received and tabulated ballots relative to the establishment of the Encino Commons Business Improvement District ("District") (CF 02-2217). The results of the weighted ballot tabulation are 74.38% of the property owners voted in favor of establishing the District and 25.62% of the property owners voted in opposition of establishing the District. The weighted ballots submitted in favor of establishing the District outweigh the weighted ballots submitted in opposition, thus a majority protest is not found to exist and City Council may proceed with the establishment of the District if it so desires. Attached for Council consideration is a detailed report of the ballot tabulation results (Attachment 1).

**CONTRACTING WITH OWNERS ASSOCIATION**

In addition, upon establishment of the District, State law requires that the City enter into an agreement with an Owners' Association for the administration of the District. City policy dictates that competitive bidding requirements are to be met when contracting. However, Charter section 371(e)(10) provides an exception to the competitive bidding requirements, and states, in relevant part, that the competitive bidding process does not apply to contracts "where the contracting authority finds that the use of competitive bidding would be undesirable, impractical or impossible or where the common law otherwise excuses compliance with competitive bidding requirements."

The Encino Property Business Improvement District is a non-profit corporation that was formed by and comprised of property and business owners in the proposed District area



and has served as the proponent group, assisting in the development of the District's Management District Plan, overseeing the BID formation's consultant and other activities related to the establishment of the District. The City Clerk finds that the Encino Property Business Improvement District possesses unique knowledge and expertise relative to the District, and has a vested interest in the success of the District, therefore it would be impractical to comply with the competitive bidding requirements or to select another entity to administer the District.

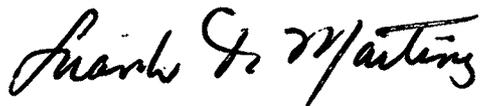
**FISCAL IMPACT**

A portion of City Clerk administrative expenses will be charged to the proposed District and will be recovered from assessments collected.

**RECOMMENDATION**

1. FIND that in accordance with Charter section 371(e)(10), the competitive bidding requirements do not apply to this case given that it would be impractical to comply with the competitive bidding requirements or to select another entity to administer the District.
2. APPROVE the Encino Property Business Improvement District to serve as the Owners' Association to administer the Encino Commons Business Improvement District.
3. DIRECT the City Clerk to prepare, execute, and administer a contract between the City of Los Angeles and the Encino Property Business Improvement District relative to the administration of the Encino Commons Business Improvement District.

Sincerely,



Frank T. Martinez  
City Clerk

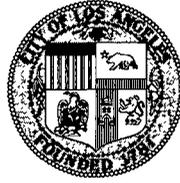
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Attachment

FRANK T. MARTINEZ  
CITY CLERK

KAREN E. KALFAYAN  
EXECUTIVE OFFICER

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

OFFICE OF  
CITY CLERK  
ADMINISTRATIVE SERVICES

ROOM 224, 200 N. SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 978-1099  
FAX (213) 978-1107  
TDD/TTY (213) 978-1132

HOLLY L. WOLCOTT  
DIVISION HEAD

**BALLOT TABULATION FOR THE ENCINO COMMONS PROPERTY AND BUSINESS  
IMPROVEMENT DISTRICT (CF 02-2217)**

**SECTION 1.** Results of the Proposition 218 ballot tabulation, pursuant to Article XIII D of the California Constitution, Section 36600 et seq. of the California Streets and Highways Code and Section 53753 of the California Government Code:

	Ballots Cast	Weighted Value	Percent of Ballots Cast
Supporting ("Yes") ballots:	20	\$56,975.00	74.38%
Opposing ("No") ballots:	8	\$19,625.54	25.62%

(NOTE: There were two (2) ballots cast that did not indicate a "Yes" or a "No" vote, therefore are not included in the overall ballot tabulation.)

The weighted value of the supporting ballots exceeds the weighted value of the opposing ballots.

**SECTION 2.** Protests received, pursuant to section 36625(b) of the California Streets and Highways Code:

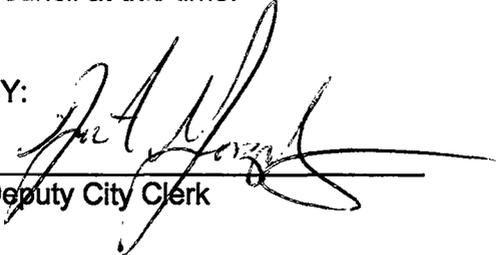
Number of valid protests received: 0

No substantial changes were made by City Council to the Management District Plan, therefore section 36625(b) is not applicable and protests received were not tabulated.

**CONCLUSION:**

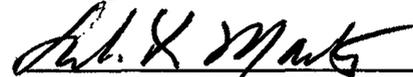
The tabulated value of the opposing ballots cast does not exceed the tabulated value of the supporting ballots cast. A majority protest, pursuant to Section 4(e) of Article XIII D of the California Constitution, Section 36623 of the California Streets and Highways Code and Section 53753(e)(2) of the Government Code, is NOT found to exist and the proposed assessment may be authorized by the City Council at this time.

BY:

  
Deputy City Clerk

July 26, 2006  
Date

APPROVED:

  
FRANK T. MARTINEZ  
City Clerk

7/26/06  
Date



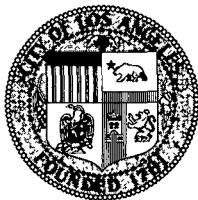
**(Encino Commons BID Blurb for Tuesday, July 25, 2006 Council Agenda)**

ITEM NO. ( ) - Motion Required

02-2217 HEARING OF PROTESTS relative to the establishment of the Encino Commons  
CD 5 Property and Business Improvement District (BID), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

(Pursuant to Council adoption of Ordinance No. 177580 on May 24, 2006. Public announcement of the tabulation of ballots is on Wednesday, July 26, 2006.)

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

FRANK T. MARTINEZ  
City Clerk

KAREN E. KALFAYAN  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1044  
General Information - (213) 978-1133  
Fax: (213) 978-1040

CLAUDIA M. DUNN  
Chief, Council and Public Services Division

02-2217

CD 5

June 7, 2006

Chief Legislative Analyst  
City Attorney (w/Blue sheet)  
Controller, Room 300  
Accounting Division, F & A  
Disbursement Division  
City Administrative Officer

Office of Finance  
Treasurer  
City Clerk, Admin. Services Div.  
Attn: Holly Wolcott  
cc: Special Assessment Unit  
Councilmember Weiss

RE: SETTING A HEARING DATE OF JULY 25, 2006 FOR RENEWAL OF THE ENCINO  
COMMONS BUSINESS IMPROVEMENT DISTRICT

At the meeting of the Council held MAY 24, 2006, the following  
action was taken:

Attached report adopted.....	<u>          X          </u>
Attached motion adopted ().....	<u>                          </u>
Attached resolution adopted .....	<u>                          </u>
FORTHWITH.....	<u>                          </u>
Ordinance of Intention adopted.....	<u>          X          </u>
To the Mayor FORTHWITH.....	<u>          X          </u>
Ordinance Number.....	<u>          177580          </u>
Publication date.....	<u>          6-6-06          </u>
Effective date.....	<u>          7-7-06          </u>
Mayor approved.....	<u>          5-25-06          </u>
Findings adopted.....	<u>          X          </u>
Set hearing date.....	<u>          7-25-06          </u>

*Frank T. Martinez*

City Clerk  
kw



OFFICE OF THE MAYOR  
RECEIVED  
Mayor's Time Stamp  
2006 MAY 25 AM 8:52  
CITY OF LOS ANGELES

TIME LIMIT FILES  
ORDINANCES

FORTHWITH

City Clerk's Time Stamp

RECEIVED  
CITY CLERK'S OFFICE  
2006 MAY 24 PM 3:53  
BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

COUNCIL FILE NUMBER 02-2217

COUNCIL DISTRICT 5

JUN 05 2006

COUNCIL APPROVAL DATE MAY 24, 2006

LAST DAY FOR MAYOR TO ACT \_\_\_\_\_

ORDINANCE TYPE:  Ord of Intent  Zoning  Personnel  General  
 Improvement  LAMC  LAAC  CU or Var Appeals - CPC No \_\_\_\_\_

SUBJECT MATTER: SETTING A HEARING DATE OF JULY 25, 2006 FOR RENEWAL OF THE ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT

RECOMMENDATIONS:	APPROVED	DISAPPROVED
PLANNING COMMISSION	_____	_____
DIRECTOR OF PLANNING	_____	_____
CITY ATTORNEY	<u>X</u>	_____
HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE	<u>X</u>	_____
CITY CLERK	<u>X</u>	_____

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CITY CLERK'S OFFICE  
2006 MAY 26 AM 10:37  
BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR \*VETO: MAY 25 2006  
\*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 29

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR MAY 26 2006 ORDINANCE NO. 177580

DATE PUBLISHED JUN 06 2006 DATE POSTED \_\_\_\_\_ EFFECTIVE DATE JUL 07 2006

ORD OF INTENT: HEARING DATE \_\_\_\_\_ ASSESSMENT CONFIRMATION \_\_\_\_\_

ORDINANCE FOR DISTRIBUTION: Yes  No

BIDS, NOT

JUN 2 2006

ORDINANCE NO. 177580

An Ordinance of Intention to renew a Property and Business Improvement District to be known as the "**Encino Commons Business Improvement District**" pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California) and to levy assessments.

**WHEREAS**, the Property and Business Improvement District Law of 1994 authorizes cities to renew Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

**WHEREAS**, after a public hearing the City Council on August 15, 2000 adopted an ordinance establishing the Encino Commons Business Improvement District pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California); and

**WHEREAS**, property owners in the Encino Commons business community who will pay more than 50 percent of the total amount of assessments to be levied, have filed written petitions requesting that the City Council renew such a district to be named the Encino Commons Business Improvement District; and

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. **DECLARATION.** Pursuant to the provisions of Property and Business Improvement District Law of 1994 (Section 36600 et seq. of the Streets and Highways Code) the City Council declares its intention to consider the renewal of a Property and Business Improvement District to be named the Encino Commons Business Improvement District ("District").

Sec. 2. **ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN.** The City Council hereby adopts, approves and confirms the Engineer's Report and the Management District Plan included in Council File No. 02-2217 and by this reference incorporates them here as though fully set forth.

Sec. 3. **PARCELS WITHIN THE DISTRICT.** The City Council hereby affirms its finding that all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed are identified in the Management District Plan.

**Sec. 4. PROPORTIONAL BENEFIT.** The City Council hereby reaffirms that the assessment proposed to be imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

**Sec. 5. SEPARATION OF GENERAL AND SPECIAL BENEFITS.** The City Council hereby affirms that it has separated the general benefits, if any, from the special benefits conferred on each parcel.

**Sec. 6. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT.** The City Council hereby affirms that all proposed assessments are supported by a detailed engineer's report prepared by a registered professional engineer certified by the state of California.

**Sec. 7. DISTRICT BOUNDARIES.** The City Council hereby declares that the boundaries of the proposed District are as detailed in the Management District Plan. A general description of the exterior boundaries of the proposed District is as follows: properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east.

**Sec. 8. IMPROVEMENTS AND ACTIVITIES.** The City Council hereby declares that the proposed activities and improvements to be funded by the levy of assessments on property within the District are detailed in the Management District Plan. The proposed activities and improvements include, but are not limited to, image enhancement, maintenance services, special projects, capital reserves, and administration. The District will not issue bonds.

**Sec. 9. ANNUAL ASSESSMENTS AND DURATION.** The District's total annual assessment for the first year is estimated to be \$123,919. It is proposed that the District be renewed for a ten-year period.

**Sec. 10. COLLECTION OF ASSESSMENTS.** The City Council hereby declares that to the extent possible, assessments shall be collected at the same time and in the same manner as county ad valorem property taxes and shall be subject to all laws providing for the collection and enforcement of assessments. For properties that do not appear on the county tax rolls or for assessments for any years in which the City is unable to transmit the assessment information to the county in sufficient time for the county to collect the assessments with the county ad valorem property taxes, the City Clerk may bill and collect the assessments by mailing assessment notices ("Statement of Assessment Due") to each property owner within the District at the address shown on City records. Assessments billed by the City Clerk are due forty-five (45) calendar days after the Statement of Assessment Due.

**Sec. 11. NOTICE, PROTESTS AND HEARING PROCEDURES.** The City Clerk shall follow the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).

Sec. 12. PUBLIC HEARING. The City Council will hold a public hearing to determine whether to renew the District and levy assessments on July 25, 2006 at 10:00 a.m., or as soon thereafter as City Council business permits, and on any hours and days for continued hearing as ordered by the City Council, in the John Ferraro City Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012. At the hearing, all interested persons will be permitted to present written or oral testimony, and the City Council will consider all objections or protests to the proposed assessment.

Sec. 13. NOTICE TO RECORD OWNERS. The City Clerk shall give notice of the public hearing, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment. The notice shall be given at least 45 days before the public hearing date and shall specify that the public hearing will be to determine whether the City Council will renew the District and levy assessments.

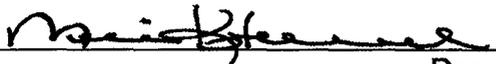
Sec. 14. TABULATION OF ASSESSMENT BALLOTS. At the conclusion of the public hearing, the City Clerk shall tabulate all assessment ballots that have been submitted and not withdrawn. To be included in the tabulation, assessment ballots must be received by the City Clerk either at the address indicated in the notice required by Government Code Section 53753 or at the site of the public hearing prior to the conclusion of the public hearing. The City Clerk will certify the results of the tabulation to the City Council during its meeting on July 26, 2006 at 10:00 a.m., or as soon thereafter as City Council business permits, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012.

Sec. 15. MAJORITY PROTEST. If there is a majority protest against the imposition of the assessment, the City Council will not impose the assessment. A majority protest will exist if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

Sec. 16. CERTIFICATION. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 24 2006.

FRANK T. MARTINEZ, City Clerk

By   
Deputy

Approved on \_\_\_\_\_.

  
ANTONIO R. VILLARAIGOSA, Mayor

Date MAY 25 2006

**Approved as to Form and Legality**  
ROCKARD J. DELGADILLO, City Attorney

By   
Assistant City Attorney  
Deputy

Date 5-2-06

Council File No. 02-2217

Your **HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT**  
COMMITTEE

reports as follows:

Public Comments Yes No  
XX —

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and  
ORDINANCE relative to the renewal of the Encino Commons Business Improvement District  
(BID).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that the petitions submitted on behalf of the proponents of the proposed Encino Commons BID are signed by property owners who will pay more than 50 percent of the assessments proposed to be levied.
2. ADOPT the Preliminary Report of the City Clerk.
3. ADOPT the Management District Plan (attached to the Council file).
4. ADOPT the Engineer's Report (attached to the Council file).
5. FIND that all parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the Management District Plan.
6. FIND that, in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report:
  - a. The assessment levied on each parcel within the proposed BID is proportionate to the special benefit derived from the improvements and activities that are to be provided.
  - b. There are no general benefits to be separated from the special benefits conferred on each parcel within the proposed BID.
  - c. No assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
7. FIND that the services provided by the Owners' Association are in the nature of professional, expert, technical, or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.

8. APPROVE Encino Property Business Improvement District, Inc. to serve as the Owners' Association to administer the Encino Commons BID, and AUTHORIZE the City Clerk to prepare and execute a contract with Encino Property Business Improvement District, Inc. if the BID is renewed, subject to the approval of the City Attorney as to form and legality.
9. PRESENT and ADOPT the accompanying ORDINANCE of Intention to renew the Encino Commons BID.
10. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).
11. REQUEST that the City Attorney, with the assistance of the City Clerk, to prepare an enabling ordinance renewing the Encino Commons BID for Council consideration at the conclusion of the required public hearing.

Fiscal Impact Statement: The City Clerk reports that its administrative expenses will be charged to the proposed BID and will be recovered from assessments collected. The amount of recoverable costs for the first year of the BID's operations is estimated to be \$3,718, representing 3% of the BID's estimated first-year assessment revenue. If BID assessments are not placed on the County's annual property tax rolls, an additional 1% for processing of direct billing by the City Clerk's office will apply.

Summary:

In a report to Council dated May 10, 2006 (attached to the Council file), the City Clerk recommends that Council approve the actions above relative to the renewal of the Encino Commons BID. The City Clerk has received materials relative to the renewal of the existing Encino Commons BID. The City Clerk report includes: a Management District Plan, which details the improvements and activities to be provided and serves as the framing document for the proposed BID; a detailed Engineer's Report prepared by a registered professional engineer certified by the state of California, which supports the assessment contained in the Management District Plan; and, a draft Ordinance of Intention, approved as to form and legality by the City Attorney's Office.

The City Clerk reports that the proposed BID's programs include image enhancement, maintenance services, special projects, capital reserves, and administration. The BID includes properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east. The BID is expected to expend \$123,919 during its first year of operation. There are no City assessable properties within the BID.

In order to proceed with the renewal process under the State Law, the proponent group needed to secure written support for the project in the form of petitions signed by property owners who will pay more than 50% of the assessments proposed to be levied. The City Clerk has received and verified a set of petitions that support the renewal of the District.

The City Clerk goes on to report that Encino Property Business Improvement District, Inc. has administered the Encino Commons BID since its establishment, overseeing expenditures, and managing and implementing the District's improvements and activities. Encino Property Business Improvement District, Inc. possesses the unique knowledge and expertise relative to the administration of the BID and has a vested interest in the success of the BID.

At its meeting held May 16, 2006, the Housing, Community, and Economic Development Committee recommended that Council approve the above recommendations relative to the renewal of the Encino Commons BID, as recommended by the City Clerk.

Respectfully submitted,

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE

*Theresa Lopez*  
*Earl P. Reyes*  
*E.G.*

MEMBER  
WESSON  
REYES  
CARDENAS  
GARCETTI  
PERRY

VOTE  
YES  
YES  
ABSENT  
YES  
ABSENT

JAW  
5/17/06  
CD 5

#022217d.wpd

*Rpt + ORD of Intent*  
**ADOPTED**

MAY 24 2006

**LOS ANGELES CITY COUNCIL  
TO THE MAYOR FORTHWITH**

**SET FOR HEARING** *July 25 2006*

*JUL 25 2006 - Public Hearing Held -  
Continued to July 26, 2006 for Ballot Results*

*ORD*  
**ADOPTED**  
**ESTABLISHING BID**  
JUL 26 2006

**LOS ANGELES CITY COUNCIL**

COUNCIL VOTE

May 24, 2006 10:23:26 AM, #1

Items for Which Public Hearings Have Been Held - Items 10-25  
Voting on Item(s): 10-23,25  
Roll Call

CARDENAS	Absent
*GREUEL	Yes
HAHN	<del>Absent</del> <b>yes</b>
HUIZAR	Yes
LABONGE	Yes
PADILLA	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
ROSENDAHL	Yes
SMITH	Yes
WEISS	Yes
WESSON	Yes
ZINE	Yes
GARCETTI	Absent

Present: ~~12~~, Yes: ~~12~~ No: 0  
**13** **13**

COUNCIL VOTE

Jul 26, 2006 10:14:05 AM, #1

ITEM(S)

Voting on Item(s): 2,3

Roll Call

CARDENAS	Absent
GREUEL	Yes
HAHN	Yes
HUIZAR	Yes
LABONGE	Yes
PADILLA	Absent
PARKS	Absent
PERRY	Yes
REYES	Absent
ROSENDAHL	Yes
SMITH	Yes
WEISS	Yes
WESSON	Absent
ZINE	Yes
*GARCETTI	Yes

Present: 10, Yes: 10 No: 0

ORD OVER ONE WEEK  
RECONSIDERED

COUNCIL VOTE

Jul 26, 2006 11:42:53 AM, #20

ITEM(S) 2, 3, 12-17, 51, 64

CARDENAS	Absent
GREUEL	Yes
HAHN	Yes
HUIZAR	Yes
LABONGE	Yes
PADILLA	Absent
PARKS	Absent
PERRY	Yes
REYES	Yes
ROSENDAHL	Yes
SMITH	Yes
WEISS	Yes
WESSON	Yes
ZINE	Yes
*GARCETTI	Yes

Present: 12, Yes: 12 No: 0

ADOPTED

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT  
COMMITTEE**

**NOTIFICATION OF COUNCIL ACTION**

Council File No. 02-2217

Council Member(s) 5

Interested Department \_\_\_\_\_

Mayor (with/without file) \_\_\_\_\_

Chief Legislative Analyst \_\_\_\_\_

City Administrative Officer \_\_\_\_\_

Controller \_\_\_\_\_

City Clerk \_\_\_\_\_

City Clerk, Chief Administrative Services \_\_\_\_\_

Treasurer \_\_\_\_\_

City Attorney (with blue sheet / without blue sheet) \_\_\_\_\_

General Services Department \_\_\_\_\_

Department of Transportation \_\_\_\_\_

Personnel Department \_\_\_\_\_

Los Angeles Housing Department \_\_\_\_\_

Community Development Department, General Manager, Clifford Graves \_\_\_\_\_

cc: Contact Person \_\_\_\_\_

Community Redevelopment Agency \_\_\_\_\_

Board of Public Works \_\_\_\_\_

Workforce Investment Board \_\_\_\_\_

Workforce Investment Board, Youth Council \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FRANK T. MARTINEZ  
CITY CLERK

KAREN E. KALFAYAN  
EXECUTIVE OFFICER

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

OFFICE OF  
CITY CLERK  
ADMINISTRATIVE SERVICES

ROOM 224, 200 N. SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 978-1099  
FAX (213) 978-1107  
TDD/TTY (213) 978-1132

HOLLY L. WOLCOTT  
DIVISION HEAD

May 10, 2006

Honorable Members of the City Council  
City Hall, Room 395  
200 North Spring Street  
Los Angeles, California 90012

Council District 5 ✓

REGARDING: ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT  
RENEWAL

Honorable Members:

The Office of the City Clerk has received materials relative to the renewal of the existing Encino Commons Business Improvement District ("District") (CF 02-2217). The District would be renewed pursuant to the provisions of the Property and Business Improvement District Law of 1994, as amended (Section 36600 et seq., Streets and Highways Code, State of California).

This report shall serve as the Preliminary Report of the City Clerk. Attached to this report are: 1) the Management District Plan, which details the improvements and activities to be provided and serves as the framing document for the proposed District; 2) a detailed Engineer's Report prepared by a registered professional engineer certified by the state of California, which supports the assessment contained in the Management District Plan; and 3) a draft Ordinance of Intention, approved as to form and legality by the City Attorney's Office.

BACKGROUND

The District is being renewed in accordance with the provisions of the Property and Business Improvement District Law of 1994, as amended (Section 36600 et seq., Streets and Highways Code, State of California)("State Law"), which allows for the renewal of a district in which operations would be supported by revenue collected from property owners in the district.

The proposed District's programs include, but are not limited to the following: image enhancement, maintenance services, special projects, capital reserves, and administration.

HOUSING, COMMUNITY &  
ECONOMIC DEVELOPMENT

05



RECEIVED  
CITY CLERK'S OFFICE

APR 12 AM 9:39

CITY CLERK  
BY                      DEPUTY

### PRELIMINARY PETITIONS

In order to proceed with the renewal process under the State Law, the proponent group needed to secure written support for the project in the form of petitions signed by property owners who will pay more than 50 percent of the assessments proposed to be levied. The consulting firm, Susan Levi and Associates, Inc., has presented to the Office of the City Clerk a set of petitions that support the renewal of the District. This Office has verified the validity of the petitions using various City and County of Los Angeles sources. In addition, this Office has verified the accuracy of the assessment calculations.

The petitions received indicate affirmative financial support of the project in an amount equivalent to \$62,479. This represents 50.42 percent of the proposed District's projected first year revenue of \$123,919. Because the greater than 50 percent threshold of preliminary support has been achieved, the formal business improvement district renewal process, including a public hearing before the City Council, may be initiated.

### PROPOSED DISTRICT BOUNDARIES

A general description of the proposed District is as follows: properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east.

The map included in the District's Management District Plan gives sufficient detail to locate each parcel of property within the proposed District.

### DISTRICT RENEWAL AND PROPOSITION 218 COMPLIANCE

Article XIII D of the California Constitution (Proposition 218) requires, among other things, that: 1) the City Council identify all parcels that will have a special benefit conferred upon them and upon which assessments will be imposed; 2) the City Council not impose an assessment on a parcel which exceeds the reasonable cost of the proportional benefit conferred on that parcel; 3) the City Council separate the general benefits from the special benefits conferred on a parcel; and 4) all assessments be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

The Engineer's Report included herewith supports the assessments contained in the Management District Plan and, in addition, includes facts that would support City Council findings relative to items 1 through 3 above.

Proposition 218 also includes certain notice, protest and hearing requirements. Those requirements are codified in the Proposition 218 Omnibus Implementation Act ("Act")(California Government Code Section 53750 et seq.). This report recommends that the City Council direct the City Clerk to comply with the Act. Renewal of the District is contingent upon the City's receipt of a weighted majority of financially supportive ballots, as submitted by the affected property owners. The City Clerk will tabulate the ballot returns and will report the results to the City Council.

### PROPOSED IMPROVEMENTS AND PROGRAMS

The District is expected to expend \$123,919 during its first year of operation. The District's Management District Plan includes proposed annual budget increases during the ten-year operating life of the District with a maximum annual budget \$161,685 in year ten. The revenue will be utilized to fund the proposed District's improvements and activities that include, but are not limited to: image enhancement, maintenance services, special projects, capital reserves, and administration.

There will be no additional assessment levied for 2006. The 2006 budget will be funded from assessment revenue rolled over from the prior year. The collection of assessments will begin for the year 2007, which is the second year of the BID term.

### ASSESSMENT FORMULA AND DISBURSEMENTS

The District's proposed assessment formula is based upon an allocation of program costs and a calculation of assessable land, building square footage, and linear frontage, as described in the attached Management District Plan.

The City Clerk will arrange to have the proposed District's assessments included as a line item on the property tax bills prepared and distributed by the County of Los Angeles. If necessary, this Office will directly bill property owners or entities that do not appear on the tax roll. The County will subsequently transfer assessment revenue to the City. Assessment revenue will be held in trust by the City and will be disbursed through installments to the District to support authorized District improvements and activities.

### CONTRACTING WITH OWNERS' ASSOCIATION

Upon the renewal of the District, State law requires that the City enter into an agreement with an Owners' Association for the administration of the District. City policy dictates that competitive bidding requirements are to be met when contracting. However, Charter section 371(e)(10) provides an exception to the competitive bidding requirements, and states, in relevant part, that the competitive bidding process does not apply to contracts "where the contracting authority finds that the use of competitive bidding would be undesirable, impractical or impossible or where the common law otherwise excuses compliance with competitive bidding requirements."

Encino Property Business Improvement District, Inc. has administered the Encino Commons Business Improvement District since the District was originally established, overseeing expenditures, and managing and implementing the District's improvements and activities. Encino Property Business Improvement District, Inc. possesses the unique knowledge and expertise relative to the administration of the District and has a vested interest in the success of the District. Therefore, it would be impractical, not advantageous and undesirable to comply with the competitive bidding requirements or to select another entity to administer the District, if the District is renewed.

**ASSESSABLE CITY PROPERTY**

There are no City assessable properties within the District.

**FISCAL IMPACT**

City Clerk administrative expenses will be charged to the proposed District and will be recovered from assessments collected. The amount of recoverable costs for the first year of the District's operations is estimated to be \$3,718, representing three percent (3%) of the District's estimated first-year assessment revenue. If the District's assessments are not placed on the County's annual property tax rolls, an additional one percent (1%) for processing of direct billing by the City Clerk's office will apply.

**RECOMMENDATIONS**

1. FIND that the petitions submitted on behalf of the proponents of the proposed Encino Commons Business Improvement District are signed by property owners who will pay more than fifty (50) percent of the assessments proposed to be levied.
2. ADOPT the Preliminary Report of the City Clerk.
3. ADOPT the attached Management District Plan.
4. ADOPT the attached Engineer's Report.
5. FIND that all parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the Management District Plan.
6. FIND that in accordance with Article XIII D of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, the assessment levied on each parcel within the proposed District is proportionate to the special benefit derived from the improvements and activities that are to be provided.
7. FIND that in accordance with Article XIII D of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, there are no general benefits to be separated from the special benefits conferred on each parcel within the proposed District.
8. FIND that in accordance with Article XIII D of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

9. FIND that the services provided by the Owners' Association are in the nature of professional, expert, technical or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.
10. APPROVE Encino Property Business Improvement District, Inc. to serve as the Owners' Association to administer the Encino Commons Business Improvement District and authorize the City Clerk to execute a contract with Encino Property Business Improvement District, Inc., if the District is renewed.
11. ADOPT the attached Ordinance of Intention to renew the Encino Commons Business Improvement District.
12. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).
13. REQUEST the City Attorney, with the assistance of the City Clerk, to prepare an enabling Ordinance renewing the Encino Commons Business Improvement District for Council consideration at the conclusion of the required public hearing.

Sincerely,



Frank T. Martinez  
City Clerk

FTM:KEK:HLW:MCP:RMH:qg

**Attachments:**

Management District Plan  
Engineer's Report  
Ordinance of Intention

**THE ENCINO COMMONS  
PROPERTY BUSINESS IMPROVEMENT DISTRICT  
MANAGEMENT DISTRICT PLAN**

*Formed Under California Streets and Highways Code Section 36600 et seq.  
Property Business Improvement District Act of 1994  
(Hereinafter "State Law")*

***FINAL PLAN***

***PRESENTED BY:***

**SUSAN LEVI AND ASSOCIATES, INC.  
13029-A VICTORY BOULEVARD, #319  
VALLEY GLEN, CA 91606  
818 780-9100 PHONE  
818 780-9104 FAX**

**OCTOBER 2005**

**THE ENCINO COMMONS  
PROPERTY BUSINESS IMPROVEMENT DISTRICT (BID)  
MANAGEMENT DISTRICT PLAN  
FINAL PLAN – OCTOBER 2005**

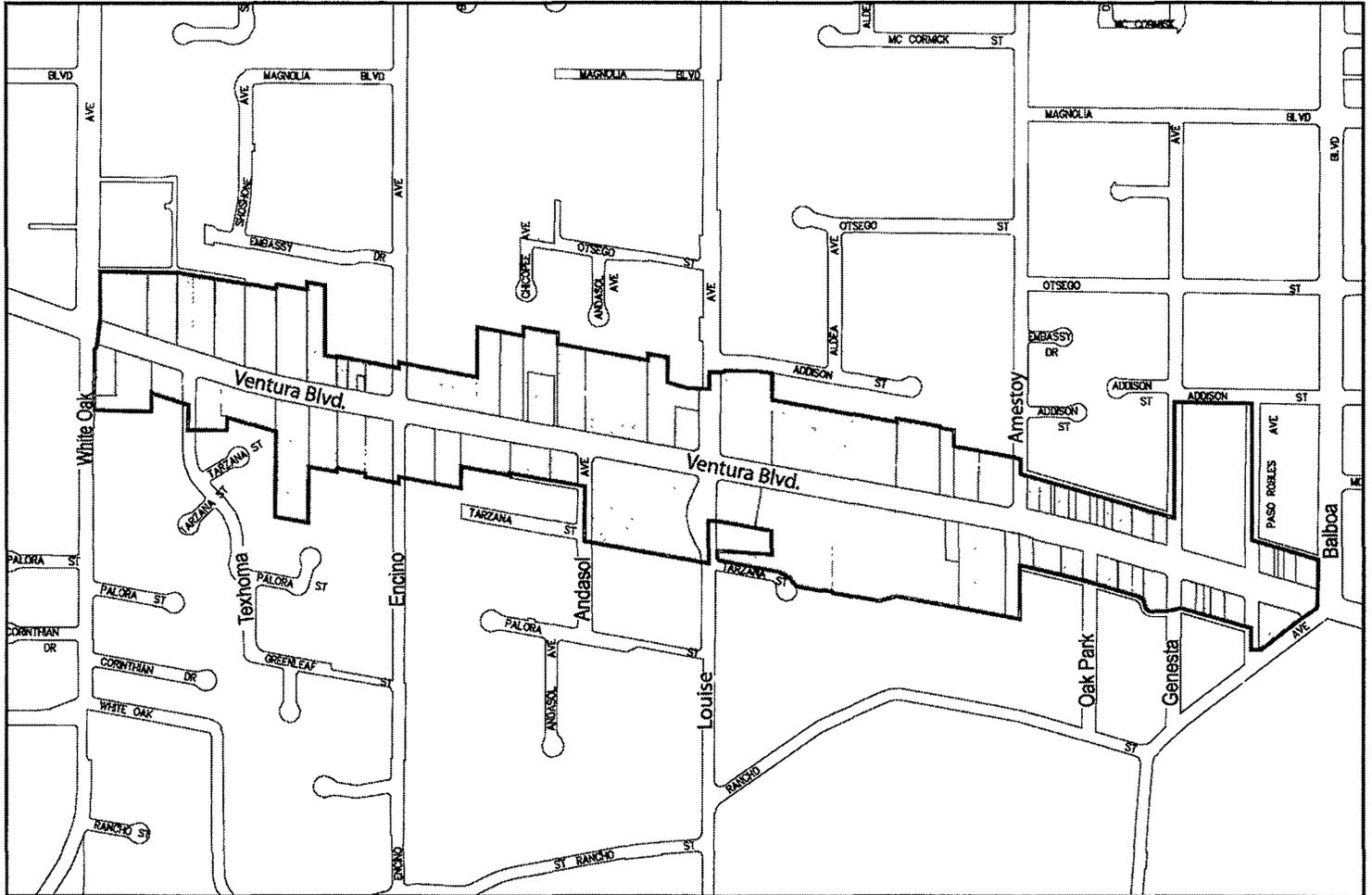
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**APPENDIX B - ENGINEER'S REPORT**

# A. MAP OF THE DISTRICT AND PARCELS AFFECTED



B.I.D. PROPERTIES (PROPERTY BASED)  
 B.I.D. BOUNDARY

**ENCINO COMMONS**

PROPERTY BUSINESS IMPROVEMENT DISTRICT

**B. NAME OF DISTRICT**

The name of the renewed district shall be The Encino Commons Property Business Improvement District (BID).

**C. DESCRIPTION OF BOUNDARIES AND BENEFIT ZONES**

The boundaries of the renewed Encino Commons BID are from Balboa to White Oak on Ventura Boulevard. The address series is 16900 Ventura Boulevard through 17661 Ventura Boulevard. Only commercial parcels shall be assessed to fund special benefit services as outlined in this plan.

There is only one benefit zone in the proposed district. The district includes a total of 74 parcels represented by 61 individual property owners.

**D. LIST OF IMPROVEMENTS AND ACTIVITIES PROPOSED FOR EACH YEAR OF OPERATION AND MAXIMUM COSTS**

The first year annual budget is estimated to be \$123,919. Interest accrued or delinquent payments may be expended in any budget category.

The Board of Directors of the Management Corporation has proposed a *significantly reduced renewal budget*. Over the past five years a substantial amount of assessment funds have been used for streetscape improvements. Having achieved their goals, the BID now seeks to generate sufficient revenue to maintain the improvements and provide other services as needed.

The BID may reserve funds in 2005, which will be rolled over into the renewal budget to complete major streetscape improvements along Ventura Boulevard should they encounter delays in implementation. The BID is currently working on the installation of two gateway signs, spanning Ventura Boulevard, and pedestrian lights complete with hanging, flowering baskets pending the outcome of a Proposition 218 election. These two projects require a great deal of coordination and approval from various City Departments, and the BID hopes to complete both by the end of 2005. If this is not the case, the BID will reserve the remaining 2005 Image Enhancement funds and roll them into the renewal budget within the same category. Any funds remaining after the tenth year of operations will be rolled over into the renewal budget or returned to stakeholders. Also, if funds are available in the ninth or tenth year of operations, costs for renewal may be expended. The Owners' Association shall have the right to shift allocations within the budget categories up to 10% of the total budget upon completion of programs and services outlined in the ten-year budget. For example, if all special projects were completed by year 4, the Board may reallocate 10% or \$1,232.00 to image enhancement. This ability to reallocate funding will apply to all of the programs outlined in the Plan.

**A DESCRIPTION OF IMPROVEMENTS ARE AS FOLLOWS:**

**1. IMAGE ENHANCEMENT**

Having successfully completed numerous Image Enhancement projects that have helped transform the district, this budget has been considerably reduced. Image Enhancement will now include quarterly newsletters to inform stakeholders of the BID's progress and maintenance of the district's website, [www.encinocommons.com](http://www.encinocommons.com), a valuable promotional tool for both property and business owners.

**2. MAINTENANCE**

Maintenance will be the primary focus of the renewed BID. In the past five years over 200 trees have been planted, 3 center islands and 39 decorative pots installed and landscaped, as well as street furniture, inlaid brick work and trash receptacles. As mentioned above, in 2005, the BID plans to install two gateway signs and pedestrian lighting. The renewed BID will continue to maintain all of these improvements.

Landscape maintenance will be done on a monthly basis. All planters will be kept clear of trash and debris and weeded weekly. Flowers, shrubs and ground covers will be pruned or trimmed to maintain their size in respect to safety, species, size of planter or relative surroundings. Trees will be kept trimmed and shaped throughout the year to maintain pedestrian clearance. Sprinkler systems will be continually checked and serviced, while planters without automatic irrigation will be hand watered. Curbs, parking and paved areas will be kept clean and trash receptacles will be emptied, wiped down and kept graffiti free. Additionally, all bus stops within the district will be pressure washed monthly and the entire district will be pressure washed quarterly. Business and commercial properties within the BID will benefit from the bus stop cleanings because they rely on the bus system for patrons and workers. The sidewalk cleanings will likewise benefit the businesses and commercial properties within the BID as clean sidewalks will attract pedestrian patronage.

**3. ADMINISTRATION**

Included in the Administration component are the costs for a part-time Executive Director, bookkeeping, office expenses, legal fees, accounting fees, bank charges, annual report and Directors & Officers and General Liability insurance.

**4. SPECIAL PROJECTS/CONTINGENCY**

The Special Projects/Contingency budget includes City/County collection fees, and additional projects the Owners' Association (BID) deems appropriate.

There will be no additional assessment levied for 2006. The 2006 budget will be funded from assessment revenue rolled over from the prior year. The collection of assessments will begin for the year 2007, which is the second year of the BID term.

**The list of improvements and activities proposed for each year of operation, and their maximum costs are as follows (includes maximum 3 percent increase per year):**

<u>IMPROVEMENTS</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>	<u>YEAR 4</u>	<u>YEAR 5</u>
IMAGE ENHANCEMENT	\$500	\$515	\$530	\$546	\$562
MAINTENANCE	\$82,920	\$85,408	\$87,970	\$90,609	\$93,327
ADMINISTRATION	\$31,000	\$31,930	\$32,888	\$33,875	\$34,891
SPECIAL PROJECTS/ CONTINGENCY	\$9,499	\$9,783	\$10,077	\$10,379	\$10,691
<b>TOTAL</b>	<b>\$123,919</b>	<b>\$127,636</b>	<b>\$131,465</b>	<b>\$135,409</b>	<b>\$139,471</b>

<u>IMPROVEMENTS</u>	<u>YEAR 6</u>	<u>YEAR 7</u>	<u>YEAR 8</u>	<u>YEAR 9</u>	<u>YEAR 10</u>
IMAGE ENHANCEMENT	\$579	\$596	\$614	\$632	\$651
MAINTENANCE	\$96,127	\$99,011	\$101,981	\$105,040	\$108,191
ADMINISTRATION	\$35,938	\$37,016	\$38,127	\$39,271	\$40,449
SPECIAL PROJECTS/ CONTINGENCY	\$11,011	\$11,342	\$11,682	\$12,033	\$12,394
<b>TOTAL</b>	<b>\$143,655</b>	<b>\$147,965</b>	<b>\$152,404</b>	<b>\$156,976</b>	<b>\$161,685</b>

Note: Interest accrued or delinquent payments may be expended in any of the above categories.

**E. TOTAL ANNUAL AMOUNT PROPOSED FOR IMPROVEMENTS, MAINTENANCE AND OPERATIONS FOR EACH YEAR OF OPERATION**

Annual increases assume a three (3) percentage maximum increase in overall assessment revenues collected per year. This is the maximum allowable increase based upon the Management District Plan and assessment methodology of the property variables. This increase may be imposed at the discretion of the Owners' Association.

The Owners' Association shall make a notification to the City annually as to whether or not any adjustments to the current year's assessment rates will be made.

**F. PROPOSED SOURCE OF FINANCING, LEVYING OF ASSESSMENT IN SUFFICIENT DETAIL TO ALLOW EACH PROPERTY OWNER TO CALCULATE THE AMOUNT OF THE ASSESSMENT AGAINST THEIR PROPERTY**

This method of financing the special services is based upon the levy of assessments on real property that benefit from proposed improvements and activities. This represents a "benefit assessment district" as defined in the State Law.

The assessments for the BID are based upon three variables, which have been endorsed by the property owners as the most fair and equitable for apportionment of assessments to participating parcels. **Building square footage** and **Lot size** will be assessed based upon the data submitted to the City. **Linear frontage** will be assessed only on the side fronting Ventura Boulevard.

**The BID Property Variables:**

<i>Property Variables</i>	<i>Total in District</i>
<b>Building Square Footage</b>	<b>1,236,199 square feet</b>
<b>Lot Size</b>	<b>2,335,839 gross square feet</b>
<b>Linear Frontage</b>	<b>9,535.85 linear feet</b>

**The First Year Annual BID Rates:**

<i>Property Variable</i>	<i>Total in District</i>	<i>1<sup>st</sup> Year Annual Costs</i>	<i>Revenue Generated by Variable, First Year</i>
<b>Bldg. Sq. ft.</b>	1,263,199 square feet	\$0.049 per sq. foot	<b>\$60,573.75</b>
<b>Lot Size</b>	2,335,839 square feet	\$ 0.0135 per sq. foot	<b>\$31,533.83</b>
<b>Linear</b>	9,535.85 linear feet	\$3.336 per linear foot	<b>\$31,811.60</b>
<b>Total</b>			<b>\$123,919.18</b>

**Assessment Formula:**

(Lot size x rate per square foot) + (linear frontage x rate per linear foot) + (bldg. square footage x rate per square foot) = assessment. For example, (1000 square feet x \$0.0135 = \$13.50) + (50 linear feet x \$3.336 = \$166.80) + (800 square feet x \$0.049 = \$39.20) = \$219.50.

**G. TIME AND MANNER OF COLLECTING ASSESSMENTS**

As provided by State Law, the BID assessment will appear as a separate line item on the annual property tax bills prepared by the County of Los Angeles. Property tax bills are generally distributed to property owners in the fall, and payment is expected by lump sum or in two installments. The County of Los Angeles shall distribute the assessments to the City, which will in turn forward the assessments to the Owners' Association pursuant to the authorization of this plan. Existing laws for enforcement of property taxes apply to the District's assessments.

The assessments shall be collected at the same time and in the same manner as for any ad valorem tax paid to the County of Los Angeles. These assessments shall provide for the same lien priority and penalties for delinquent payment as is provided for the ad valorem tax. However, assessments will be billed by the City of Los Angeles for the first fiscal year of operation and then by the County for all subsequent years.

The "property owner" means any person shown as the owner/taxpayer on the last equalized assessment roll or otherwise known to be the owner/taxpayer by the City.

**Publicly Owned Parcels and Government Assessments:**

According to the California Constitution, Article XIII D, Section 4, parcels within the district that are owned or used by a public agency shall not be exempt from the assessment unless City Council finds, by clear and convincing evidence, that the publicly owned parcels in fact receive no benefit.

There is one publicly owned parcel in the proposed BID boundaries, parcel number 2258-017-900. This parcel is a public park owned by the City of Los Angeles. The park fronts Ventura Boulevard between Paso Robles and Genesta. The BID does not provide any services to this block or the interior of the park. The BID will not direct any special projects that include the park, the BID will not feature the park in the quarterly newsletters or website, and the BID will not maintain the grassy sidewalks of the park or its interior. Thus, the park will not benefit from the special project, image enhancement, maintenance or streetscape programs the BID administers and will not require the administration services of the BID. Therefore, the park will not require or receive any special benefit from the administration services provided by the BID.

The City's Department of Recreation and Parks provides all of the aforementioned services for the park. For these reasons, the public park will not be assessed.

**H. TYPE OF BID (NEW V. RENEWAL), TERM**

The proposed BID is a renewal district. Pursuant to State Law, the BID will have a duration of ten years, commencing on January 1, 2006 and terminating on December 31, 2015.

**I. PROPOSED TIME FOR IMPLEMENTATION AND COMPLETION OF MANAGEMENT DISTRICT PLAN**

<i>Task to be Completed</i>	<i>Estimated Date of Completion</i>
<b>Completion and approval of Management District Plan by the Owners' Association</b>	<b>April 2005</b>
<b>Send complete Management District Plan to Assessment Engineer</b>	<b>June 2005</b>
<b>Complete petition drive reflecting support of property owners in the proposed district who will pay more than fifty (50) percent of the assessment proposed to be levied</b>	<b>October 2005</b>
<b>Submit completed petitions to City Clerk</b>	<b>October 2005</b>
<b>Submit ballots to City Clerk</b>	<b>October 2005</b>
<b>Ordinance by City Council triggering assessment ballot proceeding</b>	<b>November 2005</b>
<b>Public Hearing/Counting of returned ballots, consideration of ordinance by Los Angeles City Council establishing the district</b>	<b>January 2006</b>

**J. PROPOSED RULES AND REGULATIONS TO BE APPLIED TO THE DISTRICT**

All proposed rules and regulations applied to the BID are contained within this Management District Plan.

**K. LIST OF ASSESSED PROPERTIES**

See appendix "A"

**L. OTHER ITEMS**

There are no other items relevant to the adoption of this Management District Plan.

**M. MANAGEMENT DISTRICT PLAN AUTHOR**

The management district plan's author is Susan Levi and was produced by Susan Levi & Associates, Inc.

**APPENDIX A  
LIST OF PARCELS INCLUDED IN THE DISTRICT**

APN	1 <sup>ST</sup> YEAR ASSESSMENTS	APN	1 <sup>ST</sup> YEAR ASSESSMENTS
2257 008 001	\$1,129.82	2258 018 018	\$649.79
2257 008 002	\$543.28	2289 001 016	\$1,031.74
2257 008 005	\$354.59	2289 002 001	\$658.99
2257 008 015	\$340.78	2289 002 002	\$315.46
2257 008 026	\$1,083.30	2289 002 003	\$285.39
2257 008 027	\$1,692.34	2289 002 004	\$520.89
2257 008 040	\$2,087.48	2289 002 020	\$757.85
2257 008 045	\$3,319.30	2289 003 004	\$309.62
2257 008 046	\$3,006.76	2289 003 022	\$2,413.68
2257 008 048	\$2,779.59	2289 003 023	\$248.88
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2257 016 001	\$1,006.65	2289 003 027	\$840.83
2257 016 053	\$5,860.14	2289 004 001	\$501.94
2257 016 054	\$2,539.53	2289 004 023	\$745.74
2257 016 056	\$2,548.18	2289 004 029	\$784.61
2257 016 057	\$10,678.17	2289 005 002	\$2,403.35
2258 012 008	\$443.38	2289 005 010	\$636.10
2258 012 013	\$2,250.43	2289 005 012	\$1,075.75
2258 012 014	\$665.78	2289 005 020	\$1,352.88
2258 012 022	\$7,378.07	2289 005 026	\$241.63
2258 012 025	\$3,499.50	2289 005 058	\$731.72
2258 012 026	\$3,992.59	2289 005 059	\$13,458.06
2258 013 001	\$929.61	2290 001 002	\$5,596.55
2258 013 002	\$827.93	2290 004 001	\$1,447.15
2258 013 008	\$217.70	2290 004 024	\$1,169.60
2258 013 011	\$151.29	2290 004 025	\$1,430.45
2258 013 012	\$634.43	2290 004 035	\$1,401.70
2258 013 014	\$856.63	2290 004 038	\$1,332.60
2258 013 019	\$526.71	2290 007 001	\$1,120.29
2258 013 020	\$857.31	2290 007 002	\$1,420.95
2258 013 021	\$595.75	2290 007 007	\$2,297.06
2258 013 022	\$653.19	2290 007 008	\$1,685.52
2258 013 023	\$611.77	2290 008 019	\$1,222.91
2258 018 001	\$720.81	2290 008 020	\$1,777.45
2258 018 002	\$159.53	2290 009 014	\$1,086.41
2258 018 003	\$251.97	2290 010 002	\$1,034.43
2258 018 004	\$445.02	2290 010 012	\$1,561.63
		<b>TOTAL</b>	<b>\$123,919.18</b>

**APPENDIX B**

**ENGINEER'S REPORT**

**ENCINO COMMONS  
PROPERTY BUSINESS IMPROVEMENT  
DISTRICT**

**DISTRICT  
ASSESSMENT ENGINEER'S  
REPORT**

*Prepared by  
Edward V. Henning,  
California Registered Professional Engineer # 26549  
Edward Henning & Associates*

*November 2005*

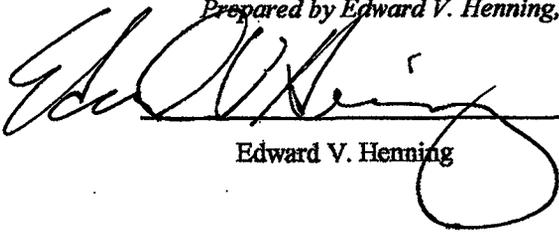
**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**  
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**DISTRICT ASSESSMENT ENGINEER'S REPORT**

To Whom It May Concern:

I hereby certify to the best of my professional knowledge and experience that each of the identified benefiting properties located within the proposed Encino Commons Property Business Improvement District ("Encino Commons PBID") will receive a special benefit over and above the benefits conferred on the public at large and that the amount of the proposed assessment is proportional to, and no greater than the benefits conferred on each respective property.

*Prepared by Edward V. Henning, California Registered Professional Engineer # 26549*



RPE #26549

November 18, 2005

Edward V. Henning

Date

*(NOT VALID WITHOUT EMBOSSED CERTIFICATION SEAL AND SIGNATURE HERE)*

**Introduction**

This report serves as the "detailed engineer's report" required by Section 4(b) of Article XIII D of the California Constitution (Proposition 218) to support the benefit property assessments proposed to be levied within the Encino Commons PBID in the City of Los Angeles, California being re-established for a ten year period. The discussion and analysis contained within constitutes the required "nexus" of rationale between assessment amounts levied and special benefits derived by properties within the Encino Commons PBID.

**NOTE: The terminology "identified benefiting parcel" or "property" is used throughout this report pursuant to SB 919 - "Proposition 218 Omnibus Implementation Act" which clarified portions of Prop 218. It provides the Engineer and District Consultant with the ability to actually identify individual parcels which will benefit directly either in whole or in part from the proposed District funded programs and improvements and does not imply that all parcels receive assessable benefits.**

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**  
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**Background**

The Encino Commons PBID is a property-based benefit assessment type district being re-established as a Property Business Improvement District (PBID) pursuant to Section 36600 et seq. of the California Streets and Highways Code, also known as the Property and Business Improvement District Law of 1994 (the "Act"). Due to the benefit assessment nature of assessments levied within a PBID, district program costs are to be distributed amongst all identified benefiting properties based on the proportional amount of program benefit each property is expected to derive from the assessments collected. Within the Act, frequent references are made to the concept of relative "benefit" received from PBID programs and activities versus amount of assessment paid. Only those properties expected to derive special benefits from PBID funded programs and activities may be assessed and only in an amount proportional to the relative benefits expected to be received.

The method used to determine benefits derived by each identified property within a PBID begins with the selection of a suitable and tangible basic benefit unit. For property related services, such as those proposed in the Encino Commons PBID, the benefit unit may be measured in linear feet of primary street frontage or parcel size in square feet or building size in square feet or number of building floors or proximity to major corridors in average linear feet, or any combination of these factors. Quantity takeoffs for each parcel are then measured or otherwise ascertained. From these figures, the amount of benefit units to be assigned to each property can be calculated. Special circumstances such as unique geography, land uses, development constraints etc. are carefully reviewed relative to specific programs and improvements to be funded by the PBID in order to determine any levels of diminished benefit which may apply on a parcel by parcel or categorical basis.

Based on the factors described above such as geography and nature of programs and activities proposed, an assessment formula is developed which is derived from a singular or composite basic benefit unit factor or factors. Within the assessment formula, different factors may be assigned different "weights" or percentage of values based on their relationship to programs/services to be funded.

Next, all program and activity costs, including incidental costs, district administration and ancillary program costs, are estimated. It is noted, as stipulated in Proposition 218, and now required of all property based assessment districts, indirect or general benefits may not be incorporated into the assessment formula and levied on the District properties; only direct or "special" benefits and costs may be considered. Indirect or general benefit costs, if any, must be identified and, if quantifiable, calculated and factored out of the assessment cost basis to produce a "net" cost figure. In addition, Proposition 218 no longer automatically exempts government owned property from being assessed and if special benefit is determined to be conferred upon such properties, they must be assessed in proportion to benefits conferred in a manner similar to privately owned property assessments.

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**  
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From this, the value of a basic benefit unit or “basic net unit cost” can be computed by dividing the total amount of estimated net program costs by the total number of benefit units. The amount of assessment for each parcel can be computed at this time by multiplying the Net Unit Cost times the number of Basic Benefit Units per parcel. This is known as “spreading the assessment” or the “assessment spread” in that all costs are allocated proportionally or “spread” amongst all properties within the PBID.

The method and basis of spreading program costs varies from one PBID to another based on local geographic conditions, types of programs and activities proposed, and size and development complexity of the District. PBIDs may require secondary benefit zones to be identified to allow for a tiered assessment formula for variable or “stepped-down” benefits derived.

**Supplemental Proposition 218 Procedures and Requirements**

Proposition 218, approved by the voters of California in November of 1996, adds a supplemental array of procedures and requirements to be carried out prior to levying a property-based assessment like the Encino Commons PBID. These requirements are in addition to requirements imposed by State and local assessment enabling laws. These requirements were “chaptered” into law as Article XIII D of the California Constitution.

Since Prop 218 provisions will affect all subsequent calculations to be made in the final assessment formula for the Encino Commons PBID, Prop 218 requirements will be taken into account first. The key provisions of Prop 218 along with a description of how the Encino Commons PBID complies with each of these provisions are delineated below.

(Note: All section references below pertain to Article XIII of the California Constitution):

**Finding 1. From Section 4(a): “Identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed”**

There are 74 “identified” individual parcels within the Encino Commons PBID which will derive special benefit from the proposed District programs and activities. The benefits are special and unique only to the identified properties within the proposed District because programs and services (i.e. image enhancement, maintenance, administration, and special projects) will only be provided directly for the identified properties. These identified benefiting parcels are shown on the Boundary Map within the Management District Plan and are listed as an attachment to the Plan and

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**

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this report - identified by assessor parcel number. One benefit zone has been identified within the District which include all properties within the subject Ventura Boulevard corridor from Balboa to White Oak. The address series is 16900 through 17661 Ventura Boulevard. Only commercial parcels shall be assessed to fund special benefit services as outlined in the Management Plan which will benefit proportionately to the proposed programs and services based on the proposed levels of service and the corresponding cost estimates. It is noted that there are no parcels zoned solely for residential or agricultural use within the proposed District.

**Finding 2. From Section 4(a): “Separate general benefits (if any) from the special benefits conferred on parcel(s). Only special benefits are assessable. “**

As stipulated by Prop 218, assessment district programs and activities may confer a combination of general and special benefits to properties, but the only program benefits which can be funded through assessments are those attributed to special property related benefits. For the purposes of this analysis, a “general benefit” is hereby defined as: “A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied”. From this, the definition of “special benefit” would thereby be: “A benefit unique and special to identified properties resulting from the improvement, activity, or service to be provided by the assessment levied”.

In the case of the proposed PBID, the very nature of the purpose of this district is to fund supplemental programs, improvements and services above and beyond what is being currently funded either via normal tax supported methods or other funding sources. Specifically they include:

**1. IMAGE ENHANCEMENT**

Having successfully completed numerous Image Enhancement projects that have helped transform the district, this budget has been considerably reduced. Image Enhancement will now include quarterly newsletters to inform stakeholders of the BID’s progress and maintenance of the district’s website, [www.encinocommons.com](http://www.encinocommons.com), a valuable promotional tool for both property and business owners.

**2. MAINTENANCE**

Maintenance will be the primary focus of the renewed BID. In the past five years over 200 trees have been planted, 3 center islands and 39 decorative pots installed and landscaped as well as street furniture including inlaid brick pavers, benches and trash receptacles established. As mentioned above, in 2005, the BID plans to install two gateway signs and pedestrian lighting. The renewed BID will continue to maintain all of these improvements.

Landscape maintenance will be done on a monthly basis. All planters will be kept clear of trash and debris and weeded weekly. Flowers, shrubs and ground covers will be pruned or trimmed to maintain their size in respect to

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**

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safety, species, size of planter or relative surroundings. Trees will be kept trimmed throughout the year to maintain pedestrian clearance. Sprinkler systems will be continually checked and serviced, while planters without automatic irrigation will be hand watered. Curbs, parking and paved areas will be kept clean and trash receptacles will be emptied, wiped down and kept graffiti free. Additionally, all bus stops within the district will be pressure washed monthly and the entire district will be pressure washed quarterly. Commercial properties, and in turn their tenants, within the BID will benefit from the bus stop cleanings because they rely on the bus system for patrons and workers. The sidewalk cleanings will likewise benefit the commercial properties and their tenants within the BID as clean sidewalks will attract pedestrian patronage.

**3. ADMINISTRATION**

Included in the Administration component are the costs for a part-time Executive Director, bookkeeping, office expenses, legal fees, accounting fees, bank charges, annual report and Directors & Officers and General Liability insurance.

**4. SPECIAL PROJECTS/CONTINGENCY**

The Special Projects/Contingency budget includes City/County collection fees, and additional projects the Owners' Association (BID) deems appropriate.

The proposed programs/services/improvements delineated above will only be provided within the proposed District boundaries and only for the direct special benefit for properties within the District. The fact that the proposed PBID assessments will only be levied on properties within its District boundaries and, in turn, assessment revenues can only be spent on programs, improvements and services that provide direct or special benefit to properties within the PBID boundaries, it is hereby determined that there are no quantifiable, measurable or tangible general benefits in the PBID area and to the surrounding community or the public in general. Hence, 100% of the benefits are deemed "special" and none are deemed "general".

**Finding 3. From Section 4(a): "(Determine) the proportionate special benefit derived by each parcel in relationship to the entirety of the.....cost of public improvement(s) or the maintenance and operation expenses.....or the cost of the property related service being provided.**

The proportionate special benefit cost for each parcel is listed in Appendix A attached hereto. The individual percentages (i.e. proportionate relationship to the total special benefit related program and activity costs) would be computed by dividing the individual parcel assessment by the total special benefit program costs.

There is one benefit zone in the proposed district. The assessment revenue will be based 50% on building areas and 25% each on lot sizes and street frontage.

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**Finding 4. From Section 4(a): “No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”**

Not only are the proposed program costs reasonable due to the benefit of group purchasing and contracting which would be possible through the Encino Commons PBID, they are also considerably less than other options considered by the Encino Commons PBID formation steering committee. The actual assessment rates for each parcel within the PBID directly relate to the level of service to be provided within the benefit zones and the respective numerics for each parcel (i.e. lot size, building size and street frontage).

**Finding 5. From Section 4(a): “Parcels.....that are owned or used by any (public) agency shall not be exempt from assessment.....”**

There is one publicly owned property currently within the proposed District. This parcel is a public park owned by the City of Los Angeles. The park fronts Ventura Boulevard between Paso Robles and Genesta. The BID does not provide any services to this block or the interior of the park. The BID will not direct any special projects that include the park, the BID will not feature the park in the quarterly newsletters or website, and the BID will not maintain the grassy sidewalks of the park or its interior. The City’s Department of Recreation and Parks provides maintenance services to the park. Therefore, the park will not benefit from the special project, image enhancement, maintenance or streetscape programs the BID administers and will not require the administration services of the BID. There is conclusive evidence that this parcel would receive no special benefit from the programs, services and improvements proposed to be funded via District assessments. The City’s Department of Recreation and Parks provides all of the aforementioned services for the park. Therefore this parcel will not be assessed at this time.

**Finding 6. From Section 4(b): “All assessments must be supported by a detailed engineer’s report prepared by a registered professional engineer certified by the State of California”.**

This report serves as the “detailed engineer’s report” to support the benefit property assessments proposed to be levied within the Encino Commons PBID.

**Finding 7. From Section 4(c): “The amount of the proposed assessment for each parcel shall be calculated (along with) the total amount thereof chargeable to the entire district, the duration of such payments, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated.”**

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The individual and total parcel assessments attributable to special property benefits are shown on Appendix A attached hereto. The District and resultant assessment payments will continue for ten years and may be renewed again at that time. The reasons (purposes) for the proposed assessments are outlined in Finding 2 above as well as in the Management District Plan. The calculation basis of the proposed assessment is 50% attributed to the specific amount of building square footage and 25% each for land square footage and linear feet of street frontage. There is one (1) Benefit Zone identified.

**Assessment Formula Methodology**

**Step 1. Select “Basic Benefit Unit(s)”**

PBID assessment formulas typically are based on either property street frontage or parcel and building size or location, all which relate to the amount of special benefit conferred on a particular parcel and the proportionate assessment to be paid. The formula may base assessments on a single factor or a combination of factors.

Based on the specific nature of the program activities to be funded by the Encino Commons PBID (i.e. image enhancement, maintenance, administration, and special projects) which relate directly to the proportionate amount of real estate (i.e. land) held in ownership, building area, and property street frontage it has been determined that the assessments will be based on parcel size, building size and amount of street frontage.

The “Basic Benefit Unit” will be expressed as a function of land square footage (Basic Benefit “A” Units), building square footage (Basic Benefit “B” Units), and street frontage (Basic Benefit “C” Units). Based on the shape of the Encino Commons PBID, as well as the nature of the District program elements, it is determined that all properties benefit to the same extent, and will gain a direct and proportionate degree of benefit based on the respective amount of parcel size, building size and amount of street frontage.

**Step 2. Quantify Total Basic Benefit Units**

Taking into account all identified benefiting properties and their respective assessable benefit units, there are 2,335,839 square feet of assessable parcel land area, 1,236,199 square feet of assessable building area and 9,535.85 linear feet of street frontage.

**Step 3. Calculate Benefit Units for Each Property.**

The number of Benefit Units for each identified benefiting parcel within the Encino Commons PBID was computed from data extracted from City of Los Angeles City Clerk land records as well as County of Los Angeles Assessor records and maps. These data sources delineate current land uses, property areas and dimensions of record for each tax parcel. While it is understood that this data does not represent legal field survey measurements or detailed title

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**  
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search of recorded land subdivision maps or building records, it does provide an acceptable basis for the purpose of calculating property based assessments. All respective property data being used for assessment computations has been provided to each property owner in the PBID for their review. All known or reported discrepancies, errors or misinformation have been corrected.

**Step 4. Determine Assessment Formula**

All identified properties within the proposed District are commercial land uses such as retail, service, office or parking. Thus all properties will be assessed in a similar proportionate manner using the same formula. The Encino Commons PBID assessment is to be based on three Basic Benefit Unit factor; parcel size (Benefit “A” Unit), building square footage (Basic Benefit “B” Units), and street frontage (Basic Benefit “C” Units) within one (1) Benefit Zones. It has been determined that the assessment should be based approximately 50% (48.8% actual) on parcel size and approximately 25% each on building size and amount of street frontage (25.4% and 25.7% actual) as follows:

**Assessment Formula Factors:**

- Property Size Factor (Benefit Unit “A”) =  $\$123,919.18 \times 48.8\% / 2,335,839 \text{ SF} = \$0.0135/\text{SF Property}$ , plus
- Building Size Factor (Benefit Unit “B”) =  $(\$123,919.18 \times 25.4\%) / 1,236,199 \text{ SF} = \$0.049/\text{SF Property}$ , plus
- Street Frontage Factor (Benefit Unit “C”) =  $(\$123,919.18 \times 25.7\%) / 9,535.85 \text{ LF} = \$3.336/\text{LF Property}$

**Step 5. Estimate Total District Costs**

The total District costs are shown below in Table 1.

**TABLE 1**  
**Total Year 1 District Costs**

<b>Cost Description</b>	<b>Year 1</b>
Image Enhancement	\$500.00
Maintenance	\$82,920.00
Administration/Corporate Operations	\$31,000.00
Special Projects/Contingency	\$9,499.00
<b>TOTAL DISTRICT COSTS</b>	<b>\$123,919.18</b>

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**  
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**Step 6. Separate General Benefits from Special Benefits and Related Costs (Prop 218)**

All general benefits (if any) are intangible and unquantifiable. All benefits derived from the assessments outlined in the District Management Plan are for services directly benefiting the property owners within this specialized Zone and support increased commerce and all the other goals and objectives of the PBID. All maintenance, image enhancement activities, special projects, and administration activities are provided solely to properties within the district to increase patronage to the and commercial properties and their tenants within the BID. No services are delivered outside the boundaries. Any potential spill over effect is unquantifiable. Total District revenues are shown below in Table 2.

**TABLE 2**

**Total Year 1 District Revenues**

<b>Funding Source</b>	<b>Subtotal Revenue</b>	<b>% of Total</b>
PBID Assessments	\$123,919.18	100.00%
<b>TOTAL DISTRICT REVENUE</b>	<b>\$123,919.18</b>	<b>100.00%</b>

**Step 7. Calculate “Basic Unit Cost”**

With a Year 1 budget of \$123,919.18 (special benefit only), the Basic Unit Costs (“A”, “B” and “C”) are shown in the District Plan. Since the PBID is planned for a ten year term, maximum assessments for future years (Years 2 through 10) must be set at the inception of the PBID. An annual flat rate increase of up to 3% may be imposed for Years 2-10, subject to approval by the PBID Property Owner’s Association.

There will be no additional assessment levied for 2006. The 2006 budget will be funded from assessment revenue rolled over from the prior year. The collection of assessments will begin for the year 2007, which is the second year of the BID term.

**Step 8. Spread the Assessments**

The resultant assessment spread calculations for each parcel within the PBID are shown in Appendix A attached hereto and were determined by applying the District assessment formula to each identified benefiting property.

**ENCINO COMMONS PROPERTY BUSINESS IMPROVEMENT DISTRICT**

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APPENDIX A LIST OF PARCELS INCLUDED IN THE DISTRICT

APN	1 <sup>ST</sup> YEAR ASSESSMENTS	APN	1 <sup>ST</sup> YEAR ASSESSMENTS
2257 008 001	\$1,129.82	2258 018 018	\$649.79
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2257 008 005	\$354.59	2289 002 001	\$658.99
2257 008 015	\$340.78	2289 002 002	\$315.46
2257 008 026	\$1,083.30	2289 002 003	\$285.39
2257 008 027	\$1,692.34	2289 002 004	\$520.89
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2257 008 046	\$3,006.76	2289 003 022	\$2,413.68
2257 008 048	\$2,779.59	2289 003 023	\$248.88
2257 008 049	\$2,710.18	2289 003 026	\$20.09
2257 016 001	\$1,006.65	2289 003 027	\$840.83
2257 016 053	\$5,860.14	2289 004 001	\$501.94
2257 016 054	\$2,539.53	2289 004 023	\$745.74
2257 016 056	\$2,548.18	2289 004 029	\$784.61
2257 016 057	\$10,678.17	2289 005 002	\$2,403.35
2258 012 008	\$443.38	2289 005 010	\$636.10
2258 012 013	\$2,250.43	2289 005 012	\$1,075.75
2258 012 014	\$665.78	2289 005 020	\$1,352.88
2258 012 022	\$7,378.07	2289 005 026	\$241.63
2258 012 025	\$3,499.50	2289 005 058	\$731.72
2258 012 026	\$3,992.59	2289 005 059	\$13,458.06
2258 013 001	\$929.61	2290 001 002	\$5,596.55
2258 013 002	\$827.93	2290 004 001	\$1,447.15
2258 013 008	\$217.70	2290 004 024	\$1,169.60
2258 013 011	\$151.29	2290 004 025	\$1,430.45
2258 013 012	\$634.43	2290 004 035	\$1,401.70
2258 013 014	\$856.63	2290 004 038	\$1,332.60
2258 013 019	\$526.71	2290 007 001	\$1,120.29
2258 013 020	\$857.31	2290 007 002	\$1,420.95
2258 013 021	\$595.75	2290 007 007	\$2,297.06
2258 013 022	\$653.19	2290 007 008	\$1,685.52
2258 013 023	\$611.77	2290 008 019	\$1,222.91
2258 018 001	\$720.81	2290 008 020	\$1,777.45
2258 018 002	\$159.53	2290 009 014	\$1,086.41
2258 018 003	\$251.97	2290 010 002	\$1,034.43
2258 018 004	\$445.02	2290 010 012	\$1,561.63
		<b>TOTAL</b>	<b>\$123,919.18</b>

ORDINANCE NO. \_\_\_\_\_

An Ordinance of Intention to renew a Property and Business Improvement District to be known as the "**Encino Commons Business Improvement District**" pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California) and to levy assessments.

**WHEREAS**, the Property and Business Improvement District Law of 1994 authorizes cities to renew Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

**WHEREAS**, after a public hearing the City Council on August 15, 2000 adopted an ordinance establishing the Encino Commons Business Improvement District pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California); and

**WHEREAS**, property owners in the Encino Commons business community who will pay more than 50 percent of the total amount of assessments to be levied, have filed written petitions requesting that the City Council renew such a district to be named the Encino Commons Business Improvement District; and

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. DECLARATION. Pursuant to the provisions of Property and Business Improvement District Law of 1994 (Section 36600 et seq. of the Streets and Highways Code) the City Council declares its intention to consider the renewal of a Property and Business Improvement District to be named the Encino Commons Business Improvement District ("District").

Sec. 2. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby adopts, approves and confirms the Engineer's Report and the Management District Plan included in Council File No. 02-2217 and by this reference incorporates them here as though fully set forth.

Sec. 3. PARCELS WITHIN THE DISTRICT. The City Council hereby affirms its finding that all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed are identified in the Management District Plan.

**Sec. 4. PROPORTIONAL BENEFIT.** The City Council hereby reaffirms that the assessment proposed to be imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

**Sec. 5. SEPARATION OF GENERAL AND SPECIAL BENEFITS.** The City Council hereby affirms that it has separated the general benefits, if any, from the special benefits conferred on each parcel.

**Sec. 6. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT.** The City Council hereby affirms that all proposed assessments are supported by a detailed engineer's report prepared by a registered professional engineer certified by the state of California.

**Sec. 7. DISTRICT BOUNDARIES.** The City Council hereby declares that the boundaries of the proposed District are as detailed in the Management District Plan. A general description of the exterior boundaries of the proposed District is as follows: properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east.

**Sec. 8. IMPROVEMENTS AND ACTIVITIES.** The City Council hereby declares that the proposed activities and improvements to be funded by the levy of assessments on property within the District are detailed in the Management District Plan. The proposed activities and improvements include, but are not limited to, image enhancement, maintenance services, special projects, capital reserves, and administration. The District will not issue bonds.

**Sec. 9. ANNUAL ASSESSMENTS AND DURATION.** The District's total annual assessment for the first year is estimated to be \$123,919. It is proposed that the District be renewed for a ten-year period.

**Sec. 10. COLLECTION OF ASSESSMENTS.** The City Council hereby declares that to the extent possible, assessments shall be collected at the same time and in the same manner as county ad valorem property taxes and shall be subject to all laws providing for the collection and enforcement of assessments. For properties that do not appear on the county tax rolls or for assessments for any years in which the City is unable to transmit the assessment information to the county in sufficient time for the county to collect the assessments with the county ad valorem property taxes, the City Clerk may bill and collect the assessments by mailing assessment notices ("Statement of Assessment Due") to each property owner within the District at the address shown on City records. Assessments billed by the City Clerk are due forty-five (45) calendar days after the Statement of Assessment Due.

**Sec. 11. NOTICE, PROTESTS AND HEARING PROCEDURES.** The City Clerk shall follow the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).

Sec. 12. PUBLIC HEARING. The City Council will hold a public hearing to determine whether to renew the District and levy assessments on \_\_\_\_\_ at 10:00 a.m., or as soon thereafter as City Council business permits, and on any hours and days for continued hearing as ordered by the City Council, in the John Ferraro City Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012. At the hearing, all interested persons will be permitted to present written or oral testimony, and the City Council will consider all objections or protests to the proposed assessment.

Sec. 13. NOTICE TO RECORD OWNERS. The City Clerk shall give notice of the public hearing, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment. The notice shall be given at least 45 days before the public hearing date and shall specify that the public hearing will be to determine whether the City Council will renew the District and levy assessments.

Sec. 14. TABULATION OF ASSESSMENT BALLOTS. At the conclusion of the public hearing, the City Clerk shall tabulate all assessment ballots that have been submitted and not withdrawn. To be included in the tabulation, assessment ballots must be received by the City Clerk either at the address indicated in the notice required by Government Code Section 53753 or at the site of the public hearing prior to the conclusion of the public hearing. The City Clerk will certify the results of the tabulation to the City Council during its meeting on \_\_\_\_\_, 2006 at 10:00 a.m., or as soon thereafter as City Council business permits, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012.

Sec. 15. MAJORITY PROTEST. If there is a majority protest against the imposition of the assessment, the City Council will not impose the assessment. A majority protest will exist if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

Sec. 16. CERTIFICATION. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

Approved on \_\_\_\_\_.

\_\_\_\_\_  
ANTONIO R. VILLARAIGOSA, Mayor

Date \_\_\_\_\_

**Approved as to Form and Legality**  
ROCKARD J. DELGADILLO, City Attorney

By   
Assistant City Attorney  
Deputy

Date 5-2-06

Council File No. 02-2217

FRANK T. MARTINEZ  
City Clerk

KAREN E. KALFAYAN  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

02-2217

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

CD 5

April 28, 2005

PLACE IN FILES

MAY 02 2005

DEPUTY *W*

City Clerk, Executive Office  
cc: Chief Administrative Services  
cc: Special Assessments

City Administrative Officer  
Councilmember Weiss  
Chief Legislative Analyst

RE: ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT'S FISCAL YEAR 2005 ANNUAL  
PLANNING REPORT

At the meeting of the Council held April 27, 2005, the following  
action was taken:

Attached report adopted.....	_____ X _____
Attached motion adopted().....	_____
Attached resolution adopted().....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve attached communication.....	_____
To the Mayor FORTHWITH.....	_____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorically exempt.....	_____
Generally exempt.....	_____
EIR certified.....	_____

*Frank T. Martinez*

City Clerk  
dng

*[Signature]* 4/29/05



TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

File No. 02-2217

Your HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE

reports as follows:

Public Comments Yes No  
XX —

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Encino Commons Business Improvement District's (BID) 2005 Fiscal Year Annual Planning Report.

Recommendations for Council action:

1. FIND that the Encino Commons BID 2005 Fiscal Year Annual Planning Report (attached to the Council file) complies with the requirements of the State Law.
2. ADOPT the accompanying Annual Planning Report for the Encino Commons BID's 2005 Fiscal Year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that this action will not impact the General Fund.

Summary:

In an April 6, 2005 report to Council (attached to the Council file), the City Clerk recommends approval of the Encino Commons BID 2005 Fiscal Year Annual Planning Report. In accordance with California Streets and Highways Code Section 36600, an annual report for the BID must be submitted for approval by Council. Said report includes any proposed BID boundary change, program improvements and activities and their costs, the method and basis of levying the assessment, surplus or deficit revenues from a previous fiscal year, and income from sources other than assessments. The City Clerk reports that the Encino Commons BID 2005 Fiscal Year Annual Planning Report complies with the requirements of the State Law. Programs will continue as outlined in the Management District Plan adopted by BID property owners. The BID Advisory Board has requested to reallocate \$4,000 from the Marketing line-item of the budget to the Streetscape / Maintenance line-item due to the increase in costs related to their streetscape and maintenance programs. This shift in funds is consistent with the goals of the BID's Management District Plan.

At its meeting held April 20, 2005, the Housing, Community, and Economic Development Committee recommended that Council approve the Encino Commons BID 2005 Fiscal Year Annual Planning Report.

Respectfully submitted,

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
GARCETTI	ABSENT
LUDLOW	YES
REYES	YES
PADILLA	YES
PARKS	YES

JAW  
4/21/05  
CD 5  
#022217c.wpd

Rept  
**ADOPTED**  
APR 27 2005

**LOS ANGELES CITY COUNCIL**

COUNCIL VOTE

Apr 27, 2005 10:23:31 AM, #2

Items for Which Public Hearings Have Been Held - Items 16-46

Voting on Item(s): 16-25,27,29-34,36-46

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Absent
LUDLOW	Absent
MISCIKOWSKI	Yes
PARKS	Absent
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Absent
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 10, Yes: 10 No: 0

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT  
COMMITTEE**

**NOTIFICATION OF COUNCIL ACTION**

Council File No. 02-2217

- Council Member(s) S
- Interested Department \_\_\_\_\_
- Mayor (with/without file) \_\_\_\_\_
- Chief Legislative Analyst \_\_\_\_\_
- City Administrative Officer \_\_\_\_\_
- Controller \_\_\_\_\_
- City Clerk \_\_\_\_\_
- City Clerk, Chief Administrative Services \_\_\_\_\_
- Treasurer \_\_\_\_\_
- City Attorney (with blue sheet / without blue sheet) \_\_\_\_\_
- General Services Department \_\_\_\_\_
- Department of Transportation \_\_\_\_\_
- Personnel Department \_\_\_\_\_
- Los Angeles Housing Department \_\_\_\_\_
- Community Development Department, General Manager, Clifford Graves \_\_\_\_\_
- cc: Contact Person \_\_\_\_\_
- Community Redevelopment Agency \_\_\_\_\_
- Board of Public Works \_\_\_\_\_
- Workforce Investment Board \_\_\_\_\_
- Workforce Investment Board, Youth Council \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

FRANK T. MARTINEZ  
CITY CLERK

KAREN E. KALFAYAN  
EXECUTIVE OFFICER

**CITY OF LOS ANGELES**  
CALIFORNIA



JAMES K. HAHN  
MAYOR

OFFICE OF  
CITY CLERK  
ADMINISTRATIVE SERVICES

ROOM 224, 200 N. SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 978-1100  
FAX (213) 978-1107  
TDD/TTY (213) 978-1132

HOLLY L. WOLCOTT  
DIVISION HEAD

**April 6, 2005**

*CD5*  
Honorable Members of the City Council  
City Hall, Room 395  
200 North Spring Street  
Los Angeles, California 90012

**REGARDING: APPROVAL OF THE ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT'S 2005 FISCAL YEAR ANNUAL PLANNING REPORT**

Honorable Members:

This Office has received the 2005 fiscal year Annual Planning Report for the Encino Commons Business Improvement District's ("District") 2005 fiscal year (CF 02-2217). The Advisory Board of the District has caused to be prepared and submitted the Annual Planning Report for City Council approval. In accordance with Section 36600 et seq of the California Streets and Highways Code ("State Law"), an annual report for the District must be submitted for approval by the City Council. The District Annual Planning Report for the 2005 fiscal year is presented with this Report for Council consideration as "Attachment 1."

**BACKGROUND**

The District was established on August 15, 2000 by and through the City Council's adoption of Ordinance No. 173,482, which confirmed the assessments to be levied upon properties within the District, as described in the District's management district plan. The City Council established the District pursuant to State Law.

**BUDGET REALLOCATION**

The Advisory Board has requested to reallocate \$4,000 from the Contingency/ Reserve line-item of the budget to the Streetscape/ Maintenance line-tem due to the increase in costs related to their streetscape and maintenance programs. This shift in funds does not appear to be significant and agrees with the goals of the Districts' Management District Plan.

Housing, Community and Economic Development



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

APR - 7 2005



RECEIVED  
CITY CLERK'S OFFICE

2005 APR -7 AM 8:21

CITY CLERK

BY  DEPUTY

**ANNUAL REPORT REQUIREMENTS**

The State Law states that the District's Advisory Board shall cause to be prepared, for City Council approval, an annual report for each fiscal year for which assessments are to be levied and collected to pay for the costs of the improvements and activities described in the report.

The report shall be filed with the City Clerk and shall refer to the district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following: any proposed changes in the boundaries of the district or in any benefit zones within the district; the improvements and activities to be provided for that fiscal year; an estimate of the cost of providing the improvements and the activities for that fiscal year; the method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year; the amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and the amount of any contributions to be made from sources other than assessments levied.

The attached Annual Planning Report complies with the requirements of the State Law and reports that programs will continue as outlined in the Management District Plan adopted by the District property owners. The City Council may approve the Annual Planning Report as filed by the Advisory Board or may modify any particular contained in the Annual Planning Report and approve it as modified.

**FISCAL IMPACT**

There is no impact to the General Fund associated with this action.

**RECOMMENDATIONS**

1. FIND that the attached Annual Planning Report complies with the requirements of the State Law.
2. ADOPT the attached Annual Planning Report for the District's 2005 fiscal year, pursuant to the State Law.

Sincerely,



FRANK T. MARTINEZ  
City Clerk

FTM:KEK:HLW:pyl

Attachment: District Annual Planning Report

**ENCINO COMMONS**  
*The Valley's Miracle Mile*

**The Encino Commons Property  
Business Improvement District**

**2005 Planning Report**

Presented By:

The Encino Property Business Improvement  
17547 Ventura Boulevard, #106  
Encino, CA 91316

Prepared By:

Susan Levi & Associates, Inc.  
13029-A Victory Boulevard, #319  
North Hollywood, CA 91606  
818 780-9100 Phone  
818 780-9104 Fax

**RECEIVED**

MAR 07 2005

FRANK T. MARTINEZ

**Encino Property Business Improvement District**

**Board of Directors and Officers**

J. Richard Leyner  
*President*

Philip Nazarian  
*Vice President*

Rickey M. Gelb  
*Chief Financial Officer*

Michael Greenhut  
*Director*

Tom Pashaie  
*Director*

Eric Sahn  
*Director*

Encino Commons PBID  
2005 Planning Report



February 11, 2005

Frank Martinez  
City Clerk, City of Los Angeles  
200 North Spring Street, Suite 395  
Los Angeles, CA 90012

**SUBJECT: The Encino PBID 2005 Planning Report**

Dear Mr. Martinez:

As required by the Property and Business Improvement District Law of 1994, California Street and Highways Code Section 36650, the Board of Directors of the Encino Property Business Improvement District has caused this Planning Report to be prepared.

This report covers activities from January 2005 through December 2005. The Board met on February 10, 2005 and approved the 2005 budget and Planning Report.

On behalf of the Encino Commons PBID, I would like to express our gratitude to you and your staff at the Special Assessments Section for your continuous support and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Richard Leyner", with a long horizontal flourish extending to the right.

J. Richard Leyner  
President  
Encino Commons Business Improvement District

**The Encino Property Business Improvement District Summary**

**LOCATION:** The District includes properties on both sides of Ventura Boulevard from White Oak Avenue on the West and Balboa Avenue on the East.

**SERVICES:** Services for the Encino Commons will include Marketing, Streetscape/Beautification, Maintenance, Administration of the District and a Contingency budget. Since security is not a priority, any security needs will be handled through the streetscape and maintenance portion of the budget.

Upon completion of programs and services outlined in the five-year budget, the Board of Director, upon Advisory Board approval, may allocate up to 75% of said program line item to another program or service. For example, if streetscape improvements were completed by year 4, the Board may reallocate 75% or \$128,215.25 to other programs. This ability to reallocate funding will apply to all of the programs outlined in the Plan.

**METHOD OF**

**FINANCING:** Levy of assessments on real property that benefits from improvements and activities. This represents a “benefit assessment district” as defined in the California Streets and Highway Code. There are three basic factors in determining individual assessments. These factors include 1) linear frontage, 2) land area and 3) building floor space. The assessments are apportioned to property owners as follows: linear frontage at 25%, lot size at 25%, and building square footage at 50%.

**BUDGET:** The first year annual budget is anticipated to be \$277,355.36 based upon 2,265,325 sq. ft. of lot size, 1,238,196 sq. ft. of building size and 9,145 of linear feet of frontage. Anticipated contributions from sources other than assessments totals \$11,000.

**COST:** The costs associated with the services to be provided will be distributed among the property variables as follows. These variables will remain constant over the five-year life of the proposed district.

*Linear frontage at \$7.582 per foot per year*

*Lot size at \$.0306 per square foot per year*

*Building square footage at \$ 0.112 per square foot per year*

**DURATION:** Pursuant to State Law, the District will have a set term. The proposed district will have a five-year life commencing January 1, 2001. After five years, the petition process must be repeated for the District to remain in place.

Encino Commons PBID  
2005 Planning Report

**2005 Program Overview**

The commercial property owners located within the boundaries of the Encino Property Business Improvement District have combined their efforts to improve the quality of life and economic vitality of Encino. While Encino has the luxury of major anchors along Ventura Boulevard, “leakage” has been a major problem. With so many shopping and dining options, both in other areas along Ventura Boulevard and over the hill, the property owners felt the need to take action. The assessment revenues generated through the PBID will fund streetscape improvements, maintenance, marketing, and program management.

The BID believes that capital streetscape improvements are necessary to achieve the impact that will address the leakage of local spending patterns and attract new businesses and consumers. While marketing is an important component of improving a commercial district, it must first be aesthetically pleasing and vibrant before a marketing program can be truly effective.

**The Encino PBID Improvement and Activity Plan**

As determined by area property and business owners, the initial priorities for improvements and activities within the Encino BID boundary include:

- Marketing and Promotion of the District to create a positive retail image for Encino in the Los Angeles regional market.
- Streetscape improvements to enhance the visual appearance of the Boulevard incorporating trees, medians, decorative crosswalks, street furniture, etc. and the maintenance of such improvements.
- Flexibility for special projects and initiatives that strengthen efforts to market and maintain the area.
- Program management by a contract director that can advocate on behalf of the ‘Encino Commons’ businesses, advance community improvement initiatives and coordinate marketing programs and events.

**2005 Operating Budget Summary**

The itemized 2005 operating budget for the Encino PBID follows this narrative report. The total improvement and activity plan budget for 2005 is projected at \$277,355 in assessments and a balance of \$333,161 in unspent 2004 assessments for a total 2005 anticipated budget of \$610,516.

In late 2004 the BID applied for an annual grant offered by the Los Angeles Department of Water and Power for holiday décor. Although not received to date, we anticipate we will receive \$1,000 in early 2005 to supplement the cost of holiday decorations.

Encino Commons PBID  
2005 Planning Report

Additionally, another grant was submitted in late 2004 to Operation Clean Sweep's Neighborhood Matching Fund Grant Program. This grant proposal was for \$10,000 and, if awarded, will be used to supplement the cost of pedestrian lighting/hanging baskets. Although there is no way of knowing if we will receive this grant, award notification is expected in late February or early March.

There are no changes in the assessments or boundaries and the BID does not have any benefit zones.

**Marketing:** This category includes a variety of improvements and activities aimed to convey and market a positive consumer identity for Encino Commons. Some of these funds will be allocated towards newsletters, banner permit fees and website maintenance. As described in the streetscape section of this report, the BID plans to install two gateway signs spanning Ventura Boulevard. A large portion of the marketing budget is allocated to fund this project, which will have a tremendous impact in "branding" the district and creating a "gated" community.

**Streetscape/Beautification/Maintenance:** The BID is currently working on two major capital improvements, which while costly, will improve the area for many years to come. Much of the streetscape/beautification/maintenance and marketing budgets have been allocated to fund these two projects.

The proposed gateway signs, installed at both boundaries of the BID, will have a tremendous impact on the area and distinguish Encino Commons from the rest of the Boulevard. Bids were received from various sign manufacturers and the Board is negotiating with Ultrasigns, a sign company based in San Diego. This reputable company has constructed many similar signs and most importantly came in at a very competitive price. The original budget for this project was estimated at \$225,000 however due to the magnitude of the two structures it is believed that the signs will cost over \$350,000. The Board recently agreed that it would be beneficial if Ultrasigns provided the design, engineering, and fabrication in-house, thereby limiting any outside liability.

The Bureau of Street Lighting is currently in Phase II of replacing all streetlights on Ventura Boulevard, and the BID falls within that phase. The Board hopes to install pedestrian lights with flowering, hanging baskets between each of the new streetlights. After numerous meetings with BSL, it is clear that it is more cost-effective to install these pedestrian lights simultaneously with their construction. The BID proposes to pay for all the new pedestrian lights and the affected property owners will pay the annual maintenance assessment, pending a successful Proposition 218 election. The BID has allocated over \$100,000 for this project.

Dougherty Fine Quality Landscaping continues to provide landscape maintenance services. Included in the maintenance plan is tree and planter watering and weeding as well as maintaining the medians and emptying trash from the BID's receptacles. Rite Off

Encino Commons PBID  
2005 Planning Report

steamers provides quarterly pressure washing throughout the district, and monthly pressure washing at bus stops.

**Special Projects/Contingency:** This is allocated for any special projects and recovery costs.

**Program Management:** Included in the Program Management component are the costs for an Executive Director, bookkeeping, office expenses, general liability and Directors & Officers insurance, legal and accounting fees, bank charges and annual report.

**ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT**  
**Proposed 2005 Budget**

<b>Improvements</b>	<b>2005 Budget</b>	<b>2004 Rollover</b>	<b>%</b>
<b>MARKETING</b>			
Quarterly Newsletter	400		
Banners			
Website Maintenance	1,200		
Gateway Signage	34400	30,655	
<b>TOTAL MARKETING</b>	<b>36,000</b>		<b>10.9%</b>
<b>STREETSCAPE/MAINTENANCE</b>			
Sidewalk Steam Cleaning	20,000		
Landscape Maintenance	9,600		
Planter Maintenance 39 @ \$5/each	2,340		
Trash Removal	12,480		
Tree Watering	28,350		
Pedestrian Lights	101,243		
Gateway Sign		302,506	
<b>TOTAL STREETSCAPE/MAINTENANCE</b>	<b>174,013</b>		<b>78.1%</b>
<b>START-UP/CONTINGENCY</b>			
Contingency	5,992		
County/City Recovery Costs	6,500		
<b>TOTAL START-UP/CONTINGENCY</b>	<b>12,492</b>		<b>2.0%</b>
<b>PROGRAM MANAGEMENT</b>			
Contract Program Manager	36,000		
Bookkeeping	4,200		
BID Expenses	7,800		
Audit/Finacial Report	2,850		
General Liability and D&O Insurance	4,000		
<b>Total Program Management</b>	<b>54,850</b>		<b>9.0%</b>
Total Assessment Revenue	<b>277,355</b>	<b>333,161</b>	
<b>2005 Total Operating Budget</b>		<b>610,516</b>	<b>100.0%</b>

**CITY OF LOS ANGELES**  
CALIFORNIA



JAMES K. HAHN  
MAYOR

FRANK T. MARTINEZ  
City Clerk

KAREN E. KALFAYAN  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

Office of the  
**CITY CLERK**  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

02-2217

PLA IFS  
FEB - 4 2005

CD 5

February 1, 2005

Councilmember Weiss  
Controller, Room 300  
Accounting Division, F&A  
Disbursement Division  
City Clerk, Administrative Services  
City Attorney

RE: ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT

At the meeting of the Council held January 28, 2005, the following  
action was taken:

Attached report adopted.....  
Attached motion adopted().....  
Attached resolution adopted().....  
Motion adopted to approve attached report.....  
Motion adopted to approve attached communication..... X  
To the Mayor FORTHWITH.....  
Findings adopted.....  
Negative Declaration adopted.....  
Categorically exempt.....  
Generally exempt.....

*Frank T. Martinez*

City Clerk  
et

*2/3/05  
HK OK*



5

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE**  
**Report/Communication for Signature**

Council File Number: 02-RR17

Committee Meeting Date: 1/5/05

Council Date: 1/28/05

COMMITTEE MEMBER	YES	NO	ABSENT
Councilmember Garcetti, Chair	✓		
Councilmember Ludlow			✓
Councilmember Reyes			✓
Councilmember Padilla	✓		
Councilmember Parks			✓

Remarks

John A. White, Legislative Assistant ----- Telephone 213-978-1080

TO: THE COUNCIL OF THE  
CITY OF LOS ANGELES

File No. 02-2217

FROM: CHAIR AND MEMBER, HOUSING, COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE

Public Comments Yes No  
                                  —  XX

COMMUNICATION FROM CHAIR AND MEMBER, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE relative to Encino Commons Business Improvement District (BID).

Recommendations for Council action:

1. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute and administer a contract between the City and the Encino Commons BID, Incorporated in an amount not to exceed \$15,000 for activities and expenses related to the re-establishment of the Encino Commons BID.

Fiscal Impact Statement: The City Clerk reports that a total of \$15,000 is available from BID Trust Fund No. 659 for this project.

Summary:

On November 16, 2004, the City Council approved allocation of \$15,000 from the BID Trust Fund No. 659 for activities related to the re-establishment of the Encino Commons BID. This BID was established on August 15,2000 for a period of five years. The Encino Commons BID, Inc. is administrator of this BID. Councilmember of the Fifth District has requested execution of a contract between the City and the Encino Commons BID, Inc. for work related to re-establishment this BID.

The Housing, Community, and Economic Development Committee Chair and Member approved the City Clerk's recommendations at its regular meeting on 1/5/05. This matter is now submitted for Council consideration.

Respectfully submitted,

COUNCILMEMBER ERIC GARCETTI, CHAIR  
COUNCILMEMBER ALEX PADILLA, MEMBER  
HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE

**ADOPTED**  
MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS  
JAN 28 2005

**LOS ANGELES CITY COUNCIL**

COUNCIL VOTE

Jan 28, 2005 10:20:25 AM, #2

Items for Which Public Hearings Have Not Been Held - Items 3-15

Voting on Item(s): 3,5-7,9-15

Roll Call

CARDENAS	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Absent
LABONGE	Yes
LUDLOW	Yes
MISCIKOWSKI	Yes
PARKS	Absent
PERRY	Yes
REYES	Yes
SMITH	Absent
VILLARAIGOSA	Yes
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 10, Yes: 10 No: 0

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT  
COMMITTEE**

**NOTIFICATION OF COUNCIL ACTION**

Council File No. 02-2217

- Council Member(s) CDS
- Interested Department \_\_\_\_\_
- Mayor (with/without file) \_\_\_\_\_
- Chief Legislative Analyst \_\_\_\_\_
- City Administrative Officer \_\_\_\_\_
- Controller \_\_\_\_\_
- City Clerk \_\_\_\_\_
  - City Clerk, Chief Administrative Services \_\_\_\_\_
- Treasurer \_\_\_\_\_
- City Attorney (with blue sheet / ~~without~~ blue sheet) \_\_\_\_\_
- General Services Department \_\_\_\_\_
- Department of Transportation \_\_\_\_\_
- Personnel Department \_\_\_\_\_
- Los Angeles Housing Department \_\_\_\_\_
- Community Development Department, General Manager, Clifford Graves \_\_\_\_\_
  - cc: Contact Person \_\_\_\_\_
- Community Redevelopment Agency \_\_\_\_\_
- Board of Public Works \_\_\_\_\_
- Workforce Investment Board \_\_\_\_\_
- Workforce Investment Board, Youth Council \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

FRANK T. MARTINEZ  
CITY CLERK

KAREN E. KALFAYAN  
EXECUTIVE OFFICER

 **CITY OF LOS ANGELES**  
CALIFORNIA



JAMES K. HAHN  
MAYOR

OFFICE OF THE  
CITY CLERK

ROOM 380, CITY HALL  
200 N. SPRING STREET  
LOS ANGELES CA 90012  
(213) 978-1020  
FAX: (213) 978-1027

December 23, 2004

Honorable Members of the City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

REGARDING: ENCINO COMMONS PROPERTY-BASED BUSINESS IMPROVEMENT  
DISTRICT RE-ESTABLISHMENT

Honorable Members:

On November 16, 2004, the City Council adopted a report, which approved the allocation of \$15,000 from the BID Trust Fund No. 659 for activities related to the re-establishment of the Encino Commons Business Improvement District (Encino BID), located within Council District 5 (C.F. 02-2217).

The Encino Commons BID was established on August 15, 2000 through the adoption of City Ordinance No. 173482 for a period of five years. The Encino Commons Business Improvement District Incorporated is the administrator of the Encino Commons BID and is currently coordinating the activities related to the re-establishment of the Encino Commons BID.

We have received a written request from the Councilmember of the Fifth District to draft and execute a contract between the City and the Encino Commons Business Improvement District, Incorporated for work related to the re-establishment of the Encino Commons BID. A copy of the request is attached as Attachment "1".

The total allocated for this project does not exceed \$25,000, thus the competitive bid process required by Section 10.15, Article 2, Chapter 1, Division 10 of the Los Angeles Administrative Code is not applicable.

FISCAL IMPACT STATEMENT

A total of \$15,000 is available from BID Trust Fund No. 659 for this project.

Housing, Community and Economic Development

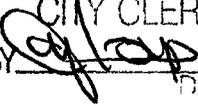
AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

DEC 29 2004

40

RECEIVED  
CITY CLERK'S OFFICE

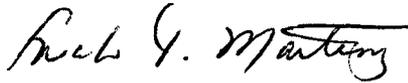
2004 DEC 28 AM 11:17

CITY CLERK  
BY  DEPUTY

RECOMMENDATION FOR COUNCIL ACTION

AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute and administer a contract between the City and the Encino Commons Business Improvement District, Incorporated in an amount not to exceed \$15,000 for activities and expenses related to the re-establishment of the Encino Commons Business Improvement District.

Sincerely,

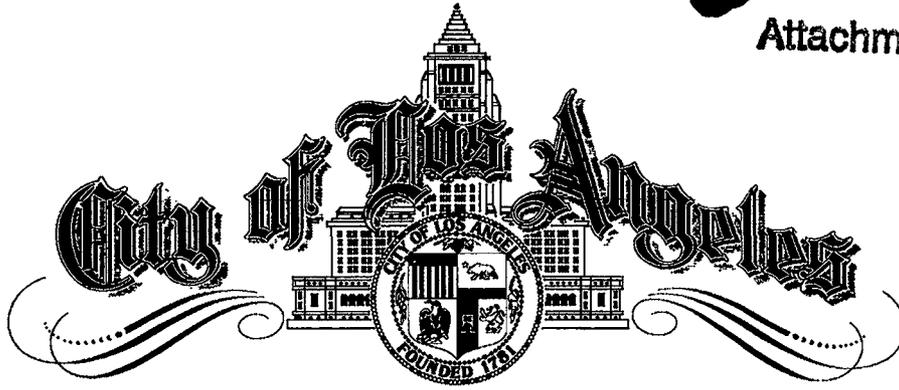
A handwritten signature in cursive script that reads "Frank T. Martinez".

Frank T. Martinez  
City Clerk

FTM:KEK:GRR:gmm

Attachment

CITY HALL  
200 N. Spring Street  
Rm. 440  
Los Angeles, CA 90012  
(213) 473-7005  
Fax: (213) 978-2250  
weiss@council.lacity.org  
www.lacity.org/council/cd5



VALLEY OFFICE  
14310 Ventura Blvd.,  
Ste. 100  
Sherman Oaks, CA 91423  
(818) 756-8083  
Fax: (818) 788-9210

WEST L. A. OFFICE  
822 S. Robertson Blvd.,  
Ste. 102  
Los Angeles, CA 90035  
(310) 289-0353  
Fax: (310) 289-0365

**JACK WEISS**  
Councilmember, Fifth District

December 10 2004

Frank T. Martinez, City Clerk  
City Hall, Room 360  
200 North Spring Street  
Los Angeles, CA 90012

**RE: ENCINO COMMONS BUSINESS IMPROVEMENT DISTRICT RE-ESTABLISHMENT**

Dear Mr. Martinez:

I am requesting that the City Clerk approve the drafting and execution of an agreement between your office and the Encino Commons Business Improvement District, Incorporated for work related to the re-establishment of the Encino Commons Business Improvement District (BID) located in my district.

I would appreciate it if your office would please prepare the appropriate documents and allow me the option to review and approve the work performed or supervised by the Encino Commons Business Improvement District, Incorporated. This action would occur at the conclusion of each phase of the proposed project and prior to authorization of any payment to the Encino Commons Business Improvement District, Incorporated by the City Clerk's Office.

I support the efforts of the Encino Commons Business Improvement District regarding this project and would like to assist them with achieving their goals and vision. If you have any questions please contact Kimberlina Whettam of my staff at (818) 756-8083.

Sincerely,

JACK WEISS

RECEIVED  
DEC 14 2004  
ADMIN SVCS

RECEIVED  
DEC 14 2004

FRANK T. MARTINEZ

JW:kw



J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

TY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

02-2217

CD 5

November 18, 2004

PLACE IN FILES

NOV 22 2004

DEPUTY *VM*

Councilmember Weiss  
Councilmember Zine  
City Attorney  
City Clerk, Executive Office  
cc: Administrative Services Division  
cc: Special Assessments Unit  
City Administrative Officer  
Chief Legislative Analyst

Controller, Room 300  
Accounting Division, F&A  
Disbursement Division  
Office of the Mayor

RE: RENEWAL OF THE ENCINO BUSINESS IMPROVEMENT DISTRICT

At the meeting of the Council held November 16, 2004, the following action was taken:

Attached report adopted.....	_____
Attached motion (Weiss - Zine) adopted.....	_____ X _____
Attached resolution adopted.....	_____
FORTHWITH.....	_____
Mayor concurred .....	_____
To the Mayor FORTHWITH .....	_____
Motion adopted to approve communication recommendation(s).....	_____
Motion adopted to approve committee report recommendation(s)...	_____
Ordinance adopted.....	_____
Ordinance number.....	_____
Effective date.....	_____
Publication date.....	_____
Mayor approved .....	_____

*Frank T. Martinez*

City Clerk  
SOS

steno/022217



23

TO CITY CLERK FOR PLACEMENT ON NEXT  
MOTION AGENDA TO BE POSTED #53

NOV 09 2004

On August 15, 2000 the City Council adopted Ordinance #173482 (CF: 96-0491) establishing the Encino Business Improvement District (EBID) in the Fifth Council District. The EBID is an property based business improvement district and is required by State law to be renewed every five years. The EBID collects assessments to improve pedestrian safety, to beautify the area, and market the Ventura Boulevard businesses in the Encino area. Renewal of the Encino BID is expected to result in a stronger local economy through the enhancement of Encino business district as a more attractive, convenient and pedestrian-friendly place to do business.

I THEREFORE MOVE, that the City Council,

1. Instruct the City Clerk and the City Attorney to meet with the Encino Business Improvement District and provide the necessary assistance to begin the renewal process of the Encino Business Improvement District.
2. ~~Subject to the approval of the Mayor,~~ allocate up to \$15,000 from the Business Improvement District Trust Fund No. 659 (CF: 96-0482), as available, and subject to terms and conditions as described in the City's BID Policy documents to be used for professional consulting services, including: to collect, categorize and interpret data; to design and conduct interviews with business and property owners; to develop focus group activities, questionnaires and surveys; to organize meetings and prioritize community needs, to identify and organize key stakeholders; to produce cost estimates for service delivery; to develop alternative assessment district boundaries and formulas; to prepare all required reports and documents; to create a nonprofit service provider, as necessary; and to generally coordinate the entire process for the renewal of the Encino Business Improvement District.

PRESENTED BY: *[Signature]*  
JACK WEISS  
COUNCILMEMBER, 5TH DISTRICT

SECONDED BY: *[Signature]*

AP

2004

la:\Marchmont\EBID\072104\4

Motion  
**ADOPTED**

NOV 16 2004

LOS ANGELES CITY COUNCIL

*[Handwritten initials/signature]*

COUNCIL VOTE

Nov 16, 2004 10:34:18 AM, #4

Items for Which Public Hearings Have Not Been Held - Items 12-26  
Voting on Item(s): 12-21,23,25-26  
Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Yes
LUDLOW	Yes
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Absent
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 13, Yes: 13 No: 0



Your HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT  
COMMITTEE

reports as follows:

Public Comments Yes No  
XX —

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
relative to the Annual Report for the Property-Based Encino Commons Business  
Improvement District (BID).

Recommendations for Council action:

1. FIND that the Annual Report submitted by the Encino Commons Property BID owners' association meets the requirements as prescribed in the California Streets and Highways Code Section 36650.
2. ADOPT the Encino Commons Property BID 2003 Annual Report as submitted by the owner's association.

Fiscal Impact Statement: The City Clerk reports that this action will not impact the General Fund.

Summary:

In a July 27, 2004 report to Council (attached to the Council file), the City Clerk states that the Encino Commons BID has submitted its Annual Report for approval. The report details assessments levied and collected, the cost of 2003 fiscal year activities, and proposed assessments for the 2004 fiscal year. The California Streets and Highways Code Section 36650 requires that Annual Reports address matters such as proposed boundary changes; improvements, activities, and their estimated cost; the method and basis of levying assessments; and, surplus or deficit revenues to be carried over from a previous fiscal year.

The City Clerk reports that for the 2003 fiscal year, \$328,820.06 was expended to cover the cost of improvements and related BID activities. It is estimated that \$456,327.50 will be expended for fiscal year 2004. The BID's 2004 fiscal year projected budget includes \$174,963.50 in surplus revenues from 2003. Surplus revenues are a result of delayed design plans for streetscape projects. The funds will be allocated to special capital streetscape projects estimated to cost approximately \$350,000. The City Clerk goes on to report that the BID's Annual Report does not propose any changes to the boundaries or benefit zones.

At its special meeting held August 4, 2004, the Housing, Community, and Economic Development Committee recommended that the Council adopt the Encino Commons

BID Annual report and find that it meets the requirements of California Streets and Highways Code Section 36650.

Respectfully submitted,

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE

MEMBER  
GARCETTI  
LUDLOW  
REYES  
PADILLA  
PARKS

VOTE  
YES  
YES  
YES  
ABSENT  
ABSENT

JAW  
08/6/04  
CD 5

#022217a.wpd

*Rept*

**ADOPTED**

AUG 11 2004

**LOS ANGELES CITY COUNCIL**

COUNCIL VOTE

Aug 11, 2004 10:41:14 AM, #1

Items for Which Public Hearings Have Been Held - Items 4- 32

Voting on Item(s): 12-18,20-27,31

Roll Call

CARDENAS	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Absent
LUDLOW	Yes
*MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Yes
ZINE	Yes
PADILLA	Yes

Present: 13, Yes: 13 No: 0

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE**

**Report/Communication for Signature**

Council File Number: 02-2217

Committee Meeting Date: 8-4-04

Council Date: 8-11-04

COMMITTEE MEMBER	YES	NO	ABSENT
Councilmember Garcetti, Chair	✓		
Councilmember Ludlow	✓		
Councilmember Reyes	✓		
<del>Councilmember Padilla</del>			
<del>Councilmember Parks</del>			

Remarks Approve Annual Report for Encino Commons BID

John A. White, Legislative Assistant ----- Telephone 213-978-1080

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT  
COMMITTEE**

**NOTIFICATION OF COUNCIL ACTION**

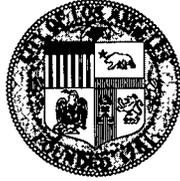
Council File No. 02-2217

- Council Member(s) 5
- Interested Department \_\_\_\_\_
- Mayor (with/without file) \_\_\_\_\_
- Chief Legislative Analyst \_\_\_\_\_
- City Administrative Officer \_\_\_\_\_
- Controller \_\_\_\_\_
- City Clerk \_\_\_\_\_
- City Clerk, Chief Administrative Services \_\_\_\_\_
- Treasurer \_\_\_\_\_
- City Attorney (with blue sheet / without blue sheet) \_\_\_\_\_
- General Services Department \_\_\_\_\_
- Department of Transportation \_\_\_\_\_
- Personnel Department \_\_\_\_\_
- Los Angeles Housing Department \_\_\_\_\_
- Community Development Department, General Manager, Clifford Graves \_\_\_\_\_
- cc: Contact Person \_\_\_\_\_
- Community Redevelopment Agency \_\_\_\_\_
- Board of Public Works \_\_\_\_\_
- Workforce Investment Board \_\_\_\_\_
- Workforce Investment Board, Youth Council \_\_\_\_\_
- Bureau of Street Services
- \_\_\_\_\_

J. MICHAEL CAREY  
CITY CLERK

FRANK T. MARTINEZ  
EXECUTIVE OFFICER

**CITY OF LOS ANGELES**  
CALIFORNIA



JAMES K. HAHN  
MAYOR

OFFICE OF  
CITY CLERK  
**ADMINISTRATIVE SERVICES**

ROOM 224, 200 N. SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 978-1099  
FAX (213) 978-1107  
TDD/TTY (213) 978-1132

KAREN E. KALFAYAN  
DIVISION HEAD

July 27, 2004

Honorable Members of the City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

**REGARDING: APPROVAL OF THE ANNUAL REPORT FOR THE PROPERTY-BASED ENCINO  
COMMONS BUSINESS IMPROVEMENT DISTRICT**

Honorable Members:

*CDS*  
This Office has received Encino Commons Property Business Improvement District's (District) 2003 Annual Report, relative to assessments levied and collected to pay the costs of the improvements and activities in the District's 2003 fiscal year and proposed for the 2004 fiscal year.

This report has been submitted by the owners' association in accordance with Section 36650 of the California Streets and Highways Code and is attached for City Council consideration as "Attachment 1."

**BACKGROUND**

The District was established on August 12, 2000 (CF 96-0491) by and through the City Council's adoption of Ordinance No. 173482, in accordance with the California Streets and Highways Code Section 36600 et seq.

The District was established for a period of five years operating from January 1, 2001 to December 31, 2005. The District's programs include, but are not limited to the following: marketing, streetscape, maintenance, special projects and administration.

**ANNUAL REPORT REQUIREMENTS**

The California Streets and Highways Code Section 36650 requires that the owners' association report contain, among other things, the following: 1) the District name; 2) the fiscal year to which the report applies; 3) any proposed changes in the boundaries or any benefit zones; 4) the improvements and activities for that fiscal year; 5) an estimate of the cost of providing the improvements and activities for that fiscal year; 6) the method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year; 7) the amount of any surplus or deficit revenues to be carried over from a previous fiscal year; 8) and the amount of any contributions to be made from sources other than assessments levied pursuant to this part.

**Housing, Community and Economic Development July 28 2004**



RECEIVED  
CITY CLERK'S OFFICE

2004 JUL 28 AM 7:02

CITY CLERK  
BY JK DEPUTY

FINDINGS

1. The District expended \$328,820.06 to cover the cost of providing the improvements and activities for the 2003 fiscal year. The cost of providing the improvements and activities for the 2004 fiscal year is estimated at \$456,327.50.
2. The District's 2004 fiscal year projected budget includes \$174,963.50 in surplus revenues carried over from the 2003 fiscal year. The surplus revenues are a result of delayed design plans for streetscape projects. The funds will be allocated to special capital streetscape projects estimated to cost approximately \$350,000.
3. The District's Annual Report does not propose any changes to the boundaries or benefit zones for the 2004 fiscal year.

ASSESSIBLE CITY PROPERTY

There is one City-owned parcel (APN 2258-017-900, Encino Park, 16953 Ventura Boulevard, Owner: City of LA, Department of Recreation & Parks) located within the boundaries of the District. However, it was determined that the City parcel does not derive a special benefit from the services provided by the District. Therefore, the City is not levied an assessment.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund.

RECOMMENDATIONS

1. FIND that the Annual Report submitted by the Encino Commons Property Business Improvement District owners' association meets the requirements as prescribed in the California Streets and Highways Code Section 36650.
2. ADOPT the Encino Commons Property Business Improvement District 2003 Annual Report as submitted by the owner's association.

Sincerely,

  
J. MICHAEL CAREY  
City Clerk

JMC:FTM:KEK:GMM:ica

Attachment:  
District's 2003 Annual Report

**ENCINO COMMONS**  
*The Valley's Miracle Mile*

**The Encino Commons Property  
Business Improvement District**

**2003 Annual Report**

Presented By:

**The Encino Property Business Improvement  
17547 Ventura Boulevard, #106  
Encino, CA 91316**

Prepared By:

**Susan Levi & Associates, Inc.  
13029-A Victory Boulevard, #319  
North Hollywood, CA 91606  
818 780-9100 Phone  
818 780-9104 Fax**

**ENCINO COMMONS PROPERTY  
BUSINESS IMPROVEMENT DISTRICT**

**2003 ANNUAL REPORT**

**Table of Contents**

<b>I.</b>	<b>Board of Directors/Advisory Board</b>	<b>1</b>
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**2003 Annual Report  
Encino PBID**

**Encino Property Business Improvement District**

**Board of Directors and Officers**

J. Richard Leyner  
*President*

Philip Nazarian  
*Vice President*

Marsha A. Mayer  
*Secretary*

Rickey M. Gelb  
*Chief Financial Officer*

Michael Greenhut  
*Director*

Tom Pashaie  
*Director*

Eric Sahn  
*Director*

**The Encino PBID Advisory Board**

Allen J. Lynch  
*Property Owner  
Doerken Properties*

Philip Nazarian  
*Property Owner  
Encino Management Group.*

Tony Penn  
*Business Representative  
Bucca DiBeppo*

January 31, 2004

J. Michael Carey  
City Clerk, City of Los Angeles  
200 North Spring Street, Suite 395  
Los Angeles, CA 90012

**SUBJECT: The Encino PBID 2003 Annual Report**

Dear Mr. Carey:

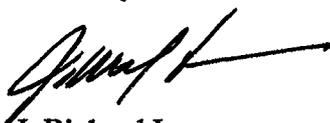
As required by the Property and Business Improvement District Law of 1994, California Street and Highways Code Section 36650, the Advisory Board of The Encino Property Business Improvement District has caused this Annual Report to be prepared.

This report covers activities from November 2002 through December 2003 and 2004 projected activities.

The Advisory Board met on January 30, 2004 and approved the 2003 expenditures and the 2004 budget. The Advisory Board found that the Encino PBID, Inc., the Management Corporation, is overseeing funds appropriately and delivering quality services to all of the stakeholders in the Encino BID.

On behalf of the Encino PBID, I would like to express our gratitude to you and your staff at the Special Assessments Section for your continuous support and cooperation.

Sincerely,



J. Richard Leyner  
President  
Encino Commons Business Improvement District

**2003 Annual Report  
Encino PBID**

**The Encino Property Business Improvement District Summary**

**Location:** The District includes properties on both sides of Ventura Boulevard from White Oak Avenue on the west and Balboa Avenue on the east.

**Services:** Services for the Encino Property Business Improvement District will include Marketing, Streetscape Improvements, Maintenance, Administration of the District and a contingency budget. Since security is not a priority concern of the property owners, any security needs will be handled through the streetscape and maintenance portion of the budget. Also, marketing may include pedestrian “ambassadors” who may help visitors to the area.

**Method of Financing:** Levy of assessments on real property that benefits from improvements and activities. This represents a “benefit assessment district” as defined in the California Streets and Highway Code. There are three basic factors in determining individual assessments. These factors include (1) linear frontage, (2) land area and (3) building floor space. The assessments are apportioned to property owners as follows: linear frontage at 25%, lot size at 25% and building square footage at 50%.

**Budget:** The district budget for its fourth year of operation is anticipated to be \$277,355.36 in assessment revenue based upon 2,265,325 sq. ft. of lot size, 1,238,196 sq. ft. of building size and 9,145 of linear frontage and rollover of any unspent assessment revenue from prior years.

**Cost:** The costs associated with the services to be provided will be distributed among the property variables as follows. These variables will remain consistent over the five-year life of the district.

**Linear frontage** - \$7.582 per foot per year

**Lot size** - \$.0306 per square foot per year

**Building square footage** - \$.112 per square foot per year

**Duration:** Pursuant to State law, the District will have a five-year life commencing on January 1, 2001. After five years, the petition and ballot process must be repeated for the District to remain in place.

## **2003 Annual Report Encino PBID**

### **2003 Program Overview**

The commercial property owners located within the boundaries of the Encino Property Business Improvement District have combined their efforts to improve the quality of life and economic vitality of Encino. While Encino has the luxury of major anchors along Ventura Boulevard, “leakage” has been a major problem. With so many shopping and dining options, both in other areas along Ventura Boulevard and on the other side of the hill, the property owners felt the need to take action. The assessment revenues generated through the PBID will fund streetscape improvements, maintenance, marketing, special events and program management.

The BID believes that capital streetscape improvements are necessary to achieve the impact that will address the leakage of local spending patterns and attract new businesses and consumers. While marketing is an important component of improving a commercial district, it must first be aesthetically pleasing and vibrant before a marketing program can be truly effective.

### **The Encino PBID Improvement and Activity Plan**

As determined by area property and business owners, the initial priorities for improvements and activities within the Encino BID boundary include:

- Marketing and Promotion of the District to create a positive retail image for Encino in the Los Angeles regional market.
- Streetscape improvements to enhance the visual appearance of the Boulevard incorporating trees, medians, decorative crosswalks, street furniture, etc. and the maintenance of such improvements.
- Flexibility for special projects and initiatives that strengthen efforts to market and maintain the area.
- Program management by a contract director that can advocate on behalf of the ‘Encino Commons’ businesses, advance community improvement initiatives and coordinate marketing programs and events.

#### **1. Marketing/District Identity:**

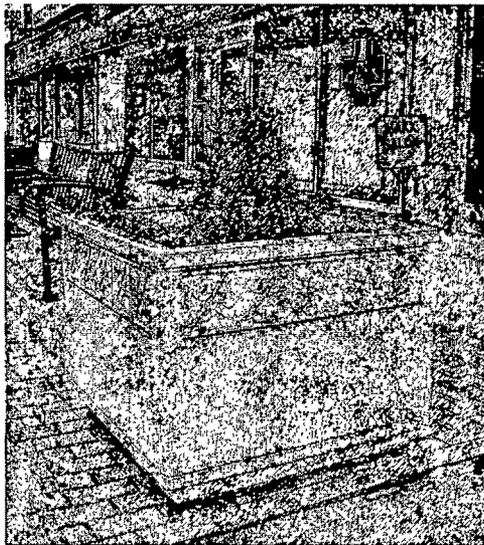
- The BID published two page, four color newsletters in Spring, Summer, Fall and Winter in 2003. These informative newsletters kept both property owners as well as business owners up-to-date with the BID’s progress toward projects in the District. Total expenditures for the Quarterly



## 2003 Annual Report Encino PBID

process. The Master Plan design, which has been approved by all City departments, includes landscaped medians, parkways and a variety of street trees, gateway signage, bus shelters and street furnishings. In the fourth quarter, Abe over-billed the BID and issued a refund in the amount of one thousand dollars. Total landscape architect expenditures in 2003 were six thousand, eight hundred seventy eight dollars and fifty three cents.

- Phase II of the planned streetscape improvements were completed in 2003 including landscaped medians, decorative brickwork, parkways, planter boxes, benches, chairs, and trash receptacles. The two landscaped medians, constructed by Hollywood Beautification Team, add a lively look to the district with a lovely assortment of trees, rosebushes, geraniums, fortnight lilies and kangaroo paws. The mid-block median is located in front of Encino Town Center and Plaza de Oro and the other is located at the intersection of Ventura Boulevard and Amestoy. HBT also installed planter boxes at tree wells throughout the district. Total HBT expenditures for median construction and installation were one hundred seventy six thousand, ninety three dollars and ninety five cents. The BID also installed 38 decorative planters filled with New Zealand tea trees and geraniums and added decorative brickwork at every bus stop and throughout the district to enhance



the aesthetics of the district. Wausau Tile provided the bright, eye-catching planters at a cost of twenty one thousand, four hundred eighty six dollars and forty six cents. Lastly, the BID paid DWP four thousand, nine hundred dollars for the water meter installed at the mid-block median.

The BID reached completion of the tree-planting project in 2003. In the remaining open tree wells cut in 2002, the BID planted 23 new Washingtonia Robusta Hybrid palm trees along Ventura Boulevard. The trees were purchased from W.D. Young and Sons at a cost of thirteen thousand, six hundred, sixty two dollars. In each tree well, 12 flax plants have been added, as well as climbing Trumpet Vines around all of the palms. Unfortunately, two palms were lost due to car accidents, although one was a hit-and-run. The BID paid West Coast Arborists to remove the trees and stumps at a cost of seven hundred dollars. A claim has been submitted to one driver's insurance company for one of the trees, and reimbursement for the replacement is anticipated in 2004. Total expenditures for tree installation and maintenance in 2003 were fourteen thousand, three hundred sixty two dollars.

## 2003 Annual Report Encino PBID

- As part of implementation of the approved Master Plan, the installation of nine pocket parks fulfilled a major goal of making the district more pedestrian-friendly in 2003. An attractive assortment of street furniture replete with the Encino Commons logo truly lends an inviting neighborhood feel to the boulevard. Manufactured by Keystone Ridge Designs, 22 six-foot benches, 15 chairs and 22 trash receptacles were installed. While some of the installation occurred in late 2002, an invoice was not submitted until January 2003 therefore that number was rolled over into 2003. Because Keystone Ridge Designs was having a sale that resulted in the BID saving several thousand dollars on shipping expenses for the street furniture, Board Members Rickey Gelb and Michael Greenhut personally paid fourteen thousand, twenty two dollars each for the furniture and were later reimbursed when the funds became available. Additionally, to offset the costs of the brickwork and street furniture installation, the BID applied for and was awarded a Neighborhood Matching Fund grant in the amount of ten thousand dollars. This grant is available through the City of Los Angeles, Public Works Department, Operation Clean Sweep. The BID is grateful for the continuing support of this program and is proud to be a recipient. Total street furniture fabrication expenditures including shipping were twenty eight thousand, forty four dollars. Total hardscape improvements were two hundred forty four thousand, eight hundred eighty eight dollars and forty one cents.



Total Landscape Architect/Hardscape Improvement expenditures were two hundred and fifty one thousand, seven hundred and sixty four dollars and ninety four cents.

- Maintenance continues to be a priority in Encino Commons. In 2003, the BID contracted with Wurzel Landscaping to maintain all of the trees in the district. Tree maintenance includes watering, pruning, sucker removal and weeding to ensure the trees grow healthy and to their maximum capability. Wurzel Landscaping was paid one thousand, seven hundred fifty dollars in January 2003 for work completed in 2002 and a total of three thousand, five hundred dollars in 2003. After Wurzel Landscaping's contract was terminated in October, the BID contracted with Rite Off Steamers for maintenance services

**2003 Annual Report  
Encino PBID**

at a cost of twelve thousand, seven hundred, forty two dollars and fifty cents. Initially, the contract included tree and planter watering and weeding, quarterly pressure-washing throughout the district and monthly pressure-washing at bus stops. However, after the additional trash receptacles were installed, the City stopped emptying them. The BID is currently trying to rectify this problem, but in the interim has hired Rite Off Steamers for trash removal as well. Lastly, the BID contracted with Mariposa Horticultural Enterprises for the pruning of all the trees in the district at a cost of three thousand, six hundred, forty five dollars. Total 2003 maintenance expenditures were nineteen thousand, eight hundred, eighty seven dollars and fifty cents.

The BID had rolled over a significant amount of money from 2002 assessments into the 2003 budget to implement projects that could not be completed in 2002. Therefore, the BID spent one hundred thousand, six hundred ninety seven dollars and forty four cents of the rollover funds.

Total Streetscape/Maintenance actual expenditures were two hundred, seventy one thousand, six hundred fifty two dollars and forty four cents.

**3. Special Projects/Contingency:**

This category was allocated for any unexpected expenditure, special projects, City and County collection fees and to allow for assessments uncollected during each fiscal year. Any remaining funds from this category may be expended to supplement projects within the other three categories.

- In an effort to foster a positive working relationship with the Encino Chamber of Commerce, the BID renewed its membership at a cost of one hundred fifty five dollars.
- The BID held its 2004 Board of Directors election, with expenses for copying, mailing and postage, at a cost of one hundred, seven dollars and twenty five cents.

Total Special Projects/Contingency actual expenditures were two hundred, sixty two dollars and twenty five cents.

**4. District Management**

Included in the Program Management component are the costs for an Executive Director, bookkeeping, office expenses, legal fees, accounting fees, State filing fees, bank charges, check reproduction fees, annual report and insurance.

As of December 31, 2003 the BID received a total of two hundred sixty nine thousand, six hundred ninety four dollars and thirty three cents in assessments and accrued interest. The BID also received interest from the money market account

**2003 Annual Report  
Encino PBID**

in the amount of two thousand, five hundred twenty six dollars and ninety one cents.

The 2003 additional program management expenses are outlined below.



**Total District Management expenditures in 2003 were fifty four thousand, eighty two dollars and seventy three cents.**

**Encino Property Business Improvement District  
Profit and Loss  
January through December 2003**

05/28/04

Jan - Dec '03

<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Assessments	
Accrued Interest	4,227.25
Assessments	265,467.08
<b>Total Assessments</b>	<b>269,694.33</b>
Grants	10,000.00
Interest	2,526.91
<b>Total Income</b>	<b>282,221.24</b>
<b>Expense</b>	
Marketing	
Banners	200.00
Quarterly Newsletter	
Postage	333.00
Quarterly Newsletter - Other	1,474.24
<b>Total Quarterly Newsletter</b>	<b>1,807.24</b>
Website	815.40
<b>Total Marketing</b>	<b>2,622.64</b>
Program Management	
Administration	36,000.00
Audit	2,735.00
bankerservice charge	20.46
Bookkeeping	4,200.00
D&O	1,858.48
GL	1,432.87
Interest Expense	5.92
Office Expenses	7,800.00
State Domestic Stock	20.00
State Tax	10.00
<b>Total Program Management</b>	<b>54,082.73</b>
Start-Up/Contingency	
2004 Election	107.25
Encino Chamber	155.00
<b>Total Start-Up/Contingency</b>	<b>262.25</b>
Streetscape/Maintenance	
Hardscape Improvements	244,886.41
Landscape Architect	6,878.53
Maintenance	12,742.50
Tree Trimming	3,645.00
Tree Watering	3,500.00
<b>Total Streetscape/Maintenance</b>	<b>271,652.44</b>
<b>Total Expense</b>	<b>328,820.06</b>
<b>Net Ordinary Income</b>	<b>-46,598.82</b>
<b>Net Income</b>	<b>-46,598.82</b>

Post-It® Fax Note	7871	Date	5/28/04	# of pages	2
To	Isophine	From	Susan		
Co./Dept.		Cn.			
Phone #		Phone #			
Fax #		Fax #			

03/03/04

**Encino Property Business Improvement District**  
**Balance Sheet**  
As of December 31, 2003

	<u>Dec 31, '03</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Checking	31,999.63
Money Market	<u>142,962.87</u>
<b>Total Checking/Savings</b>	<u>174,962.50</u>
<b>Total Current Assets</b>	<u>174,962.50</u>
<b>TOTAL ASSETS</b>	<u><b>174,962.50</b></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Equity</b>	
Retained Earnings	221,561.32
Net Income	<u>-46,598.82</u>
<b>Total Equity</b>	<u>174,962.50</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>174,962.50</b></u>

**2003 Annual Report  
The Encino PBID**

**2004 Proposed Operating Budget Summary**

The itemized 2004 operating budget for the Encino PBID is provided on the following page. The total improvement and activity plan budget for 2004 is projected at \$277,355 in assessments and a balance of \$174,962.50 in unspent 2003 assessments for a total anticipated budget for 2004 of \$456,326.50.

**Marketing:** This category includes a variety of improvements and activities aimed to convey and market a positive consumer identity for Encino Commons. Some of these funds will be allocated towards newsletters, banner permit fees and website maintenance. The Encino Commons BID is allocating a large portion of these funds into its Gateway Signage Program. While banners are an excellent way of “branding” a district, the BID feels strongly the signs spanning Ventura Boulevard, at both boundaries, will be extremely effective. The total 2004 image enhancement budget is projected at \$36,000, accounting for 7.9% of the total BID budget.

**Streetscape/Maintenance:** The BID is investigating two major projects that will have a dramatic affect in improving the aesthetics of the area. The BID is working with the Bureau of Street Lighting (BSL) to implements a pedestrian lighting program. It is anticipated that BSL will install their new streetlights in late 2004 or early 2005. The BID plans to purchase 65 pedestrian lights, which BSL will install between each streetlight. Approximate cost of this project is \$150,000.

Gateway signs have been designed and will be installed at White Oak and Balboa, the boundaries of the BID. These unique signs will span Ventura Boulevard and appear as bronze sculptures. In 2004, the BID will work with the various City departments for approval and sign manufacturers for the most cost effective design and installation possible. It is anticipated that the gateway signs will cost approximately \$200,000.

Maintenance activities include pruning and watering of landscape improvements, monitor hardscape improvements and quarterly pressure washing.

Some of these projects may not be installed until 2005 and therefore the BID will use streetscape/maintenance funds to complete the projects. The total 2004 streetscape/maintenance budget is \$349,926 or 76.7% of the budget.

**Special Projects/Contingency:** This is allocated for any special projects and recovery costs at an annual cost of \$16,500 or 3.6% of the budget.

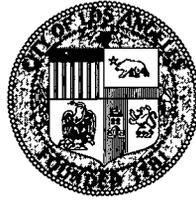
**Program Management:** \$53,900 is budgeted for management and overhead costs associated with operating the BID, including administration, bookkeeping, office expenses, audit and insurance. The Program Management category accounts for \$53,900 or 11.8% of the total budget.

**ENCINO BUSINESS IMPROVEMENT DISTRICT**  
**Proposed 2004 Budget**

<u>Improvements</u>	<u>Sub-Total</u>	<u>Total</u>	<u>%</u>
<b>MARKETING</b>			
Quarterly Newsletter	3,000		
Banners	6,000		
Farmers Market	N/C		
Website Maintenance	1,200		
Special Events			
Seasonal Activities	5,000		
holiday décor - re-install	3,500		
<b>TOTAL MARKETING</b>		<b>36,000</b>	<b>7.9%</b>
<b>2003 Excess for Streetscape Improvements</b>	174,963		
<b>STREETSCAPE/MAINTENANCE</b>	102,193	277,156	
Sidewalk Steam Cleaning	20,000		
Landscape Maintenance	9,600		
Planter Maintenance 39 @ \$5/each	2,340		
Trash Removal	12,480		
Tree Watering	28,350		
Street Light Improvements			
Pedestrian Crossing			
PRB Funding			
<b>TOTAL STREETSCAPE/MAINTENANCE</b>		<b>349,926</b>	<b>76.7%</b>
<b>START-UP/CONTINGENCY</b>			
	10,000		
County/City Recovery Costs	6,500	16,500	3.6%
<b>PROGRAM MANAGEMENT</b>			
Contract Program Manager	36,000		
Bookkeeping	4,200		
BID Expenses	7,800		
Audit/Finacial Report	2,500		
General Liability and D&O Insurance	3,400		
<b>Total Program Management</b>		<b>53,900</b>	<b>11.8%</b>
<b>2004 Assessment Revenue</b>		<b>277,355</b>	
<b>2003 Excess Revenue</b>		<b>174,963</b>	
<b>2004 Total Operating Budget</b>		<b>456,326</b>	<b>100.0%</b>

TY OF LOS ANGELE

CALIFORNIA



JAMES K. HAHN
MAYOR

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

02-2217

CD 5

December 26, 2002

PLACE IN FILES
JAN 02 2003

Honorable James Hahn, Mayor
City Attorney
Controller: Room 300
Accounting Division, F & A
Disbursement Division
City Administrative Officer
Chief Legislative Analyst
Councilmember Weiss

DEPUTY
Office of Finance
Treasurer
City Clerk, Admin. Services Div.
Attn: Karen Kalfayan
cc: Special Assessment Unit
B&F Comte (all members)
cc: Cmte. Clk

RE: ORDINANCE MODIFYING THE MANAGEMENT DISTRICT PLAN OF THE ENCINO
BUSINESS IMPROVEMENT DISTRICT

At the meeting of the Council held DECEMBER 10, 2002, the following
action was taken:

Attached report adopted.....
Attached motion adopted ().....
Attached resolution adopted ().....
To the Mayor Forthwith..... X
Ordinance adopted..... X
Ordinance number..... 175012
Effective Date..... 1-24-03
Publication Date..... 12-24-02
Mayor approved..... 12-16-02
Mayor failed to act - deemed approved.....

J. Michael Carey

City Clerk
crm

steno\022217

Alan
1-2-03

Mayor's Time Stamp

TIME LIMIT FILES  
ORDINANCE

RECEIVED  
CITY CLERK'S OFFICE  
City Clerk's Time Stamp

RECEIVED  
02 DEC 11 AM 11:12  
DEPUTY MAYOR

FORTHWITH

2002 DEC 11 AM 11:10  
CITY CLERK  
BY \_\_\_\_\_  
DEPUTY

COUNCIL FILE NUMBER 02-2217

COUNCIL DISTRICT 5

COUNCIL APPROVAL DATE December 10, 2002

LAST DAY FOR MAYOR TO ACT DEC 23 2002

ORDINANCE TYPE:      Ord of Intent      Zoning      Personnel      General

xx Improvement      LAMC      LAAC      CU or Var Appeals - CPC No. \_\_\_\_\_

SUBJECT MATTER: ORDINANCE MODIFYING THE MANAGEMENT DISTRICT PLAN OF THE ENCINO BUSINESS IMPROVEMENT DISTRICT

APPROVED      DISAPPROVED

PLANNING COMMISSION

\_\_\_\_\_

DIRECTOR OF PLANNING

\_\_\_\_\_

CITY ATTORNEY

  X  \_\_\_\_\_

CITY ADMINISTRATIVE OFFICER

\_\_\_\_\_

ECONOMIC DEVELOPMENT AND  
EMPLOYMENT COMMITTEE

  X  \_\_\_\_\_

RECEIVED  
CITY CLERK'S OFFICE  
2002 DEC 17 PM 3:45  
CITY CLERK  
BY \_\_\_\_\_  
DEPUTY

DEC 16 2002  
DEC 20 2002

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR \*VETO: \_\_\_\_\_  
\*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b)(c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR DEC 17 2002 ORDINANCE NO. 175012

DATE PUBLISHED DEC 24 2002 DATE POSTED \_\_\_\_\_ EFFECTIVE DATE JAN 24 2003

ORD OF INTENT: HEARING DATE \_\_\_\_\_ ASSESSMENT CONFIRMATION \_\_\_\_\_

ORDINANCE FOR DISTRIBUTION: Yes [ ] No [ ]

**ORDINANCE NO. 175012**

An Ordinance of the City of Los Angeles modifying the Management District Plan of the Encino Business Improvement District ("District") and changing the name of the District to "Encino Commons" as provided for in Section 36600 et seq. of the California Streets and Highways Code (the "Act") and interim City procedure (CF 02-0941).

WHEREAS, on August 15, 2000, the City Council adopted Ordinance 173,482, which established the Encino Business Improvement District.

WHEREAS, on July 30, 2002, City Council adopted a motion (CF 02-0941) approving a change in BID policy and instituting an interim procedure for making modification to the management district plans of property-based Business Improvement Districts, in instances where a new or increased assessment is not being levied.

WHEREAS, during a public meeting on October 29, 2002 the City Council of the City of Los Angeles adopted an Ordinance of Intention to modify the budget section of the District's Management District Plan.

WHEREAS, the adoption of this Ordinance follows the public hearing required to modify the Management District Plan, as provided for in Section 36636 of the Act and the City's interim procedure (CF 02-0941),.

**THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:**

Section 1. Findings. The City Council hereby finds and declares that:

- A. Pursuant to Section 36600 et seq. of the California Streets and Highways Code (the "Act") and the City's interim procedure (CF 02-0941), the City Council on October 29, 2002 adopted an Ordinance of Intention to provide for the modification of the District's Management District Plan and change of the District's name to "Encino Commons."
- B. At said meeting, and at the required public hearing, any written and verbal evidence regarding the modification of the District's Management District Plan and the change of the District's name to "Encino Commons" was received and considered by the City Council.
- C. There was no majority protest by the property owners to be assessed, or by the public affected regarding the proposed modifications and District name change.
- D. The proposed modifications to the budget section of the District's Management District Plan and the change of the District's name to "Encino Commons" is hereby authorized.

Section 2. Modifications to the Management District Plan. The District's Management District Plan is modified to include changes to the budget and district governance sections. A copy of the modified Management District Plan is attached as Attachment "1."

Section 3. District Name Change. The District's name is hereby changed from the Encino Business Improvement District to Encino Commons.

Section 4. Certification and Publication. The City Clerk shall certify the passage of this Ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby of the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance of the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance of

the Los Angeles County Hall of Records.

I hereby certify that this Ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 10 2002.

J. MICHAEL CAREY, City Clerk

By Maia Kerkens  
Deputy City Clerk

Approved as to Form and Legality  
ROCKARD J. DELGADILLO, City Attorney

By Ann H. Berg  
Deputy City Attorney

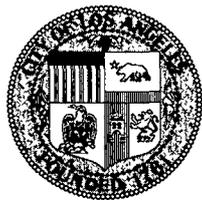
James K. Hahn DEC 16 2002  
JAMES K. HAHN, Mayor

Council File No. 02-2217

\_\_\_\_ / \_\_\_\_ ASD

\_\_\_\_\_

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

02-2217

CD 5

November 6, 2002

Honorable James Hahn, Mayor  
City Attorney  
Controller: Room 300  
Accounting Division, F & A  
Disbursement Division  
City Administrative Officer  
Chief Legislative Analyst  
Councilmember Weiss

Office of Finance  
Treasurer  
City Clerk, Admin. Services Div.  
Attn: Karen Kalfayan  
cc: Special Assessment Unit  
B&F Comte (all members)  
cc: Cmte. Clk

RE: ORDINANCE OF INTENTION ANNOUNCING THE CITY'S INTENT TO CHANGE THE NAME  
OF THE ENCINO BUSINESS IMPROVEMENT DISTRICT (BID) AND TO MAKE  
MODIFICATIONS TO THE ENCINO BID MANAGEMENT DISTRICT PLAN

At the meeting of the Council held October 29, 2002, the following  
action was taken:

Attached report adopted.....	<u>          X          </u>
Attached motion adopted ().....	<u>                          </u>
Attached resolution adopted ().....	<u>                          </u>
FORTHWITH.....	<u>                          </u>
Ordinance adopted.....	<u>          X          </u>
Ordinance of Intention number.....	<u>          174954          </u>
Effective Date.....	<u>          12-06-02          </u>
Publication Date.....	<u>          11-05-02          </u>
Mayor approved.....	<u>          10-31-02          </u>
Mayor failed to act - deemed approved.....	<u>                          </u>
Set for Hearing.....	<u>          12-10-02          </u>

City Clerk  
crm

steno\022217

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040  
  
HELEN GINSBURG  
Chief, Council and Public Services Division



Mayor's Time Stamp

RECEIVED

'02 OCT 31 AM 10:51

DEPUTY MAYOR

TIME LIMIT FILES  
ORDINANCES

RECEIVED  
CITY CLERK'S OFFICE  
Time Stamp

2002 OCT 31 AM 10:51

CITY CLERK

BY \_\_\_\_\_  
DEPUTY

COUNCIL FILE NUMBER 02-2217

COUNCIL DISTRICT 5

COUNCIL APPROVAL DATE October 29, 2002

LAST DAY FOR MAYOR TO ACT NOV 12 2002

ORDINANCE TYPE: xx Ord of Intent  Zoning  Personnel  General

Improvement  LAMC  LAAC  CU or Var Appeals - CPC No \_\_\_\_\_

SUBJECT MATTER: ORDINANCE OF INTENTION ANNOUNCING THE CITY'S INTENT TO CHANGE THE NAME OF THE ENCINO BUSINESS IMPROVEMENT DISTRICT (BID) AND TO MAKE MODIFICATIONS TO THE ENCINO BID MANAGEMENT DISTRICT PLAN

APPROVED DISAPPROVED

PLANNING COMMISSION

\_\_\_\_\_

DIRECTOR OF PLANNING

\_\_\_\_\_

CITY ATTORNEY

X \_\_\_\_\_

CITY ADMINISTRATIVE OFFICER

X \_\_\_\_\_

OTHER: \_\_\_\_\_

\_\_\_\_\_

RECEIVED  
CITY CLERK'S OFFICE  
2002 OCT 31 PM 3:54  
CITY CLERK  
BY \_\_\_\_\_  
DEPUTY

DATE OF MAYOR APPROVAL OCT 31 2002 DEEMED APPROVED OR \*VETO: NOV 04 2002  
\*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b)(c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR OCT 31 2002 ORDINANCE NO. 174954

DATE PUBLISHED NOV 05 2002 DATE POSTED \_\_\_\_\_ EFFECTIVE DATE DEC 06 2002

ORD OF INTENT: HEARING DATE \_\_\_\_\_ ASSESSMENT CONFIRMATION \_\_\_\_\_

ORDINANCE FOR DISTRIBUTION: Yes [ ] No [X]

12

ECONOMIC DEVELOPMENT AND EMPLOYMENT COMMITTEE

Report/Communication for Signature

Council File Number: 02-2217

Committee Meeting Date: 10-21-02

Council Date: 10-29-02

COMMITTEE MEMBER	YES	NO	ABSENT
Councilmember Eric Garcetti, Chair	/		
Councilmember Pacheco	/		
Councilmember Perry			/

Remarks Change name of Encino BID to "Encino Commons" & modify Mgmt. District Plan & Advisory Bd.

Alan Alietti, Legislative Assistant Telephone 978-1071

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your ECONOMIC DEVELOPMENT AND EMPLOYMENT COMMITTEE

reports as follows:

Yes No  
Public Comments XX —

ECONOMIC DEVELOPMENT AND EMPLOYMENT COMMITTEE REPORT and ORDINANCE relative to modifications to the Management District Plan and Advisory Board of the Encino property-based Business Improvement District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the accompanying Ordinance of Intention announcing the City's intent to change the name of the Encino Business Improvement District (BID) and to make modifications to the Encino BID Management District Plan.
2. DIRECT the City Clerk to:
  - a. Schedule a public hearing before Council regarding consideration of the Ordinance of Intention.
  - b. Notify all affected parties of the public hearing.
  - c. Prepare an Ordinance authorizing the changes to the Encino BID name and the Management District Plan, for Council consideration during the required public hearing, subject to the approval of the City Attorney as to form and legality.
3. APPROVE the appointment of a new Encino BID Advisory Board with the following members, effective immediately: Tony Penn, Allen J. Lynch, and Philip Nazarian.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund. Direct costs associated with Departmental administrative expenses of the Encino BID will be recovered from the assessments collected.

Summary:

In its transmittal dated October 9, 2002, the City Clerk reports that the Encino BID has requested to change its name from the "Encino BID" to "Encino Commons". In addition, the Encino BID has requested to make modifications to the budget and district governance sections of the Encino BID Management District Plan and to their Advisory Board.

The City Clerk further reports that according to the existing BID legislation, upon written request of the BID, Council may initiate proceedings to make modifications to the Management District Plan, including changes to the BID name and budget, and to the Advisory Board.

The interim modification procedure recently adopted by Council (Council file No. 02-0941), consists of the adoption of an Ordinance of Intention to modify the Management District Plan and to change the BID name, and to conduct a public hearing prior to the adoption of an Ordinance which would authorize the modifications and name change.

The City Clerk notes that it received and reviewed the revised Encino BID Management District Plan, which incorporates the requested modifications. Additionally, the City Clerk received a written request from the Councilmember of the Fifth District to initiate proceedings to approve the revised Management District Plan.

The City Clerk further notes that the Encino BID has also requested to appoint a new Advisory Board. According to Section 36631 of the California Streets and Highways Code, Council may appoint an Advisory Board for the BID. The Encino BID would like to appoint the following people to serve on the three-member Advisory Board: Tony Penn, Allen J. Lynch, and Philip Nazarian. Additionally, the City Clerk received a written request from the Councilmember of the Fifth District to initiate proceedings to appoint a new Advisory Board.

The City Clerk recommends approval of various actions that will change the name of the "Encino BID" to "Encino Commons", and that will modify the Encino BID Management District Plan and Advisory Board.

At its regular meeting held October 21, 2002, the Economic Development and Employment Committee discussed this matter with City staff and recommended that Council approve the recommendations of the City Clerk, as submitted in its report dated October 9, 2002. This matter is now submitted to Council for its consideration.

Respectfully submitted,

ECONOMIC DEVELOPMENT AND EMPLOYMENT COMMITTEE



AA  
10/23/02  
CD 5  
#022217

*Ordinance*  
**ADOPTED**

DEC 10 2002

LOS ANGELES CITY COUNCIL  
*Public Hearing Hold*

*APT. E ORD*  
**ADOPTED**

OCT 29 2002

LOS ANGELES CITY COUNCIL  
**SET FOR HEARING - 12-10-02**

COUNCIL VOTE

Dec 10, 2002 10:55:55 AM, #2

ITEM NO. (1) *Final Ord Adopted*  
Voting on Item(s): 1  
Roll Call

BERNSON	Yes
GALANTER	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
HOLDEN	Yes
LABONGE	Yes
*MISCIKOWSKI	Yes
PACHECO	Yes
PERRY	Yes
REYES	Yes
WEISS	Yes
ZINE	Yes
PADILLA	Yes
	Absent

Present: 13, Yes: 13 No: 0

**ORDINANCE NO. 174954**

An Ordinance of Intention of the City of Los Angeles declaring its intention to change the name of the Encino Business Improvement District ("District") to "Encino Commons" and modify the budget and district governance sections of the District's Management District Plan.

WHEREAS, the City Council on August 15, 2000 adopted ordinance 173,482 which created and established the Encino Business Improvement District; and,

WHEREAS, pursuant to Section 36636 et seq. of the California Streets and Highways Code (the "Act"), City Council may, upon written request of the District, make modifications to the management district plan; and,

WHEREAS, the Encino Business Improvement District Corporation, a nonprofit California corporation, has prepared and filed a revised Management District Plan which includes changes to the District name, budget and district governance; and,

WHEREAS, the subject Management District Plan complies with the provisions of Section 36622 of the Act;

**THE CITY COUNCIL OF THE CITY OF LOS ANGELES DOES ORDAIN AS FOLLOWS:**

- Section 1.       **DISTRICT NAME CHANGE.** A change of the name of the District, from the "Encino Business Improvement District" to "Encino Commons," is hereby approved.
- Section 2.       **REVISED MANAGEMENT DISTRICT PLAN.** The revised Management District Plan, as prepared by the Encino Business Improvement District Corporation and as filed with the City Clerk, including modifications to the budget and district governance sections, is hereby approved.
- Section 3.       **INTENTION.** The City Council hereby declares its intention to change the name of the Encino Business Improvement District to "Encino Commons" and to modify the budget and district governance sections of the Management District Plan. A copy of the revised Management District Plan and a Summary of the proposed modifications to the Management District Plan are attached hereto as Attachments "1" and "2," respectively.
- Section 4.       **PUBLIC HEARINGS.** One public hearing shall be held before the City Council on DEC 10, 2002 at 10:00 a.m., or as soon thereafter as this matter may be heard, in the Council Chambers in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012. At this hearing the City Council will consider adoption of the Ordinance changing the name of the Encino Business Improvement District and modifying the Management District Plan. At this hearing the City Council will also hear all persons for or against the proposed name change and modifications to the Management District Plan.
- Section 5.       **PROTESTS.** Formal protests against the name change and/or modifications to the Management District Plan must be made in writing.. Written protests can be on a form to be supplied by the City Clerk (Form Number SAU 143B). The form may be obtained at the Council and Public Services public counter in Room 395 at City Hall, 200 North Spring Street, Los Angeles, California 90012 or by telephoning (213) 978-1133. All written protests, whether on the City Clerk form or in a form prepared by the business owner, must contain the following information: business name; business address or property address if the protest is submitted by a property owner realizing revenue from use of the property; City Business Tax Registration Certificate number or property assessor parcel number; name of protestor (printed); signature of protestor; and, date of protest. If a person subscribing a protest is not shown on official City business records or Los Angeles County Assessor property records as the owner of the business or property within the proposed district, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or property. Protests will not be considered valid unless signed by the owner. Written protests which do not comply with these requirements shall not be

counted in determining whether or not a majority protest is found to exist. The written protest should clearly state the reason(s) the protestor is against the levying of the assessment. All written protests must contain the following certification: "I certify that I am the owner of the business listed and that the business is now located or operating within the boundaries of the Encino Business Improvement District." Written protests shall be filed with the City Clerk at or before the time fixed for the public hearing. A protest may be withdrawn in writing at any time before the conclusion of the public hearing.

- Section 6. **QUESTIONS OR COMMENTS.** Any person having a question or comment regarding the hearing proceedings may telephone (213) 978-1099 [facsimile (213) 978-1130] and state such question or comment to the Deputy City Clerk assigned to answer inquiries regarding the hearing proceedings.
- Section 7. **NOTICE REQUIREMENT.** The City Clerk shall certify the passage of this Ordinance and shall give notice of the public hearing by causing this Ordinance to be published once in a newspaper of general circulation in the City of Los Angeles not less than seven (7) days before the public hearing.
- Section 8. **CERTIFICATION.** The City Clerk shall certify the passage of this Ordinance of Intention and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of OCT 28 2002.

J. MICHAEL CAREY, City Clerk

By   
Deputy City Clerk

Approved as to Form and Legality  
ROCKARD J. DELGADILLO, City Attorney

By   
Deputy City Attorney

10/17/02  
Date

  
JAMES K. HAHN, Mayor

OCT 31 2002  
Date

Council File No. 02-2217

1 ASD

COUNCIL VOTE

Oct 29, 2002 10:27:23 AM, #5

Items for Which Public Hearings Have Been Held - Items 9-35  
Voting on Item(s): 11-15,17-20,24-26,31-35  
Roll Call

BERNSON	Yes
GALANTER	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
HOLDEN	Absent
LABONGE	Yes
MISCIKOWSKI	Yes
PACHECO	Yes
PERRY	Yes
REYES	Absent
RIDLEY-THOMAS	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 12, Yes: 12 No: 0

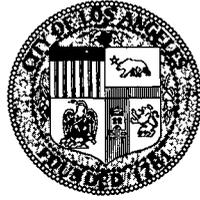


J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

02-2217

CD 6

October 15, 2002

ECONOMIC DEVELOPMENT & EMPLOYMENT COMMITTEE

In accordance with Council Rules, communication from the City Clerk relative to an ordinance announcing the City's intent to change the name of the Encino Business Improvement District (BID) and to make modifications to the Encino BID Management District Plan and appointment of a new Encino BID Advisory Board with the following members, effective upon adoption: Tony Penn, Allen J. Lynch and Philip Nazarian, was referred on October 15, 2002, to the ECONOMIC DEVELOPMENT & EMPLOYMENT COMMITTEE.

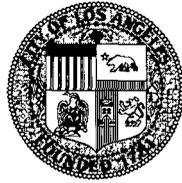
*J. Michael Carey*

City Clerk  
amm



J. MICHAEL CAREY  
CITY CLERK  
FRANK T. MARTINEZ  
EXECUTIVE OFFICER

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

OFFICE OF  
CITY CLERK  
ADMINISTRATIVE SERVICES

ROOM 224, 200 N. SPRING STREET  
LOS ANGELES, CALIFORNIA 90012  
(213) 978-1111  
FAX (213) 978-1107  
TDD/TTY (213) 978-1132

KAREN E. KALFAYAN  
DIVISION HEAD

BY \_\_\_\_\_  
DEPUTY

CITY CLERK

OCT -9 PM 3:09

RECEIVED  
CITY CLERK'S OFFICE

October 9, 2002

Honorable Members of the City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

REGARDING: ENCINO PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT MODIFICATIONS  
TO THE MANAGEMENT DISTRICT PLAN AND ADVISORY BOARD

Honorable Members:

On August 15, 2000 the City Council adopted Ordinance 173,482 which established the Encino Business Improvement District ("Encino BID")(C.F. 96-0491). The Encino BID has requested to change the name of the BID from the "Encino Business Improvement District" to "Encino Commons." In addition, the Encino BID has requested to make modifications to the budget and district governance sections of the Encino BID Management District Plan and to their Advisory Board. According to the existing BID legislation, upon written request of the BID, the City Council may initiate proceedings to make modifications to the management district plan, including changes to the BID name and budget, and to the Advisory Board.

MODIFICATION PROCESS

The interim modification procedure recently adopted by the City Council (CF 02-0941), consists of the adoption of an Ordinance of Intention to modify the Management District Plan and to change the BID name, and to conduct a public hearing prior to the adoption of an Ordinance which would authorize the modifications and name change. We have received and reviewed the revised Encino BID Management District Plan, which incorporates the requested modifications, as prepared by the Encino Property Business Improvement District, Incorporated. A copy of the revised Encino BID Management District Plan and a summary of the proposed modifications are attached as Attachments "1" and "2," respectively.

Our Office has received a written request from the Councilmember of the Fifth District to initiate proceedings to approve the revised Management District Plan. A copy of the letter is attached as Attachment "3."

ADVISORY BOARD

The Encino BID has also requested to appoint a new advisory board. According to Section 36631 of the California Streets and Highways Code, City Council may appoint an Advisory Board for the BID. The Encino BID would like to appoint the following people to serve on the Advisory Board: Tony Penn, Allen J. Lynch and Philip Nazarian. The Advisory Board will have a total three board members.

Our Office has received a written request from the Councilmember of the Fifth District to initiate proceedings to appoint a new Advisory Board. A copy of the letter is attached as Attachment "4."

ECONOMIC DEVELOPMENT  
& EMPLOYMENT

OCT 15 2002



**FISCAL IMPACT**

Direct costs associated with Departmental administrative expenses of the Encino BID will be recovered from the assessments collected. There are no City-owned properties within the BID. Therefore, there is no impact on the General Fund.

**RECOMMENDATIONS:**

1. **ADOPT** an Ordinance announcing the City's intent to change the name of the Encino BID and to make modifications to the Encino BID Management District Plan.
2. **INSTRUCT** the City Clerk, to schedule a public hearing before the City Council regarding consideration of the Ordinance and to notify all affected parties of the hearing.
3. **INSTRUCT** the City Clerk, subject to City Attorney approval, to prepare an Ordinance authorizing the changes to the Encino BID name and the Management District Plan, for Council consideration during the required public hearing.
4. **APPROVE** the appointment of a new Encino BID Advisory Board with the following members, effective upon adoption of this Report: Tony Penn, Allen J. Lynch, and Philip Nazarian.

Sincerely,

  
J. MICHAEL CAREY  
City Clerk

JMC:KEK:GMM:pyl

**Attachments:** Ordinance of Intention, Encino BID Management District Plan, Summary of Modifications, Two letters from the Councilmember of the Fifth District

**Management Plan For**  
**Encino Commons, a Business Improvement District**  
**Los Angeles, California**

*Prepared pursuant to the State of California  
Property and Business Improvement District Law of 1994  
to create a Property Business Improvement District along Ventura Boulevard*

Prepared for

**The Encino Property Business Improvement District Corporation  
And The Encino Commons Business Improvement District**

by

**Susan Levi and Associates, Inc. (323) 525-0406**

***REVISED REPORT***

**February 2002**

# **Encino Commons Management District Plan**

- I. ENCINO MANAGEMENT DISTRICT PLAN, EXECUTIVE SUMMARY**
- II. THE RATIONALE BEHIND THE FORMATION OF A BUSINESS COMMUNITY ASSESSMENT DISTRICT**
- III. A SUMMARY OF A MANAGEMENT DISTRICT AND THEIR APPLICATION IN ENCINO AND ELSEWHERE**
- IV. BACKGROUND INFORMATION ON DISTRICT FORMATION**
- V. MANAGEMENT DISTRICT PLAN BOUNDARIES  
MAP OF DISTRICT**
- VI. SERVICE PLAN  
PROPOSED BUDGET**
- VII. ENGINEER'S REPORT  
ASSESSMENT METHODOLOGY**
- VIII. CITY BASELINE SERVICES AGREEMENT**
- IX. MANAGEMENT DISTRICT PLAN RULES, REGULATIONS AND POLICIES**
- X. IMPLEMENTATION TIMELINE**
- XI. DISTRICT GOVERNANCE**

## **I. ENCINO COMMONS MANAGEMENT DISTRICT PLAN - EXECUTIVE SUMMARY**

Developed by a growing coalition of property and business owners, the Encino Commons, a Business Improvement District (*hereinafter referred to as the "BID"*), is a benefit assessment district proposed to improve and convey special benefit to real property owners along Ventura Boulevard. The district, also known as a management district, will provide new improvements and activities along the public rights of way including marketing and promotion, maintenance and sidewalk cleaning, business interest advocacy, services above those currently provided by the City of Los Angeles and economic development specific to the real property owners in the Encino business district. This approach has been used successfully in other business districts, and urban areas throughout the country to improve the business district image, attract new customers to their properties, increase sales, increase occupancies and property values.

An executive summary of the Management District Plan is as follows:

**LOCATION:** The District includes properties on both sides of Ventura Boulevard from White Oak Avenue on the West and Balboa Avenue on the East.

**SERVICES:** Services for the Encino Commons will include Marketing, Streetscape/signage/banners/beautification and sidewalk and landscaping maintenance, Administration of the District and a Contingency budget representing of the annual revenues generated by the district. Since security is not a priority concern of the property owners, any security needs will be handled through the streetscape and maintenance portion of the budget. Also, marketing may include pedestrian "ambassadors" who may help visitors to the area.

**Upon completion of programs and services outlined in the five-year budget, the Board of Director, upon Advisory Board approval, may allocate up to 75% of said program line item to another program or service. For example, if streetscape improvements were completed by year 4, the Board may reallocate 75% or \$128,215.25 to other programs. This ability to reallocate funding will apply to all of the programs outlined in the Plan.**

### **METHOD OF FINANCING:**

Levy of assessments on real property that benefits from improvements and activities. This represents a "benefit assessment district" as defined in the California Streets and Highway Code. There are three basic factors in determining individual assessments. These factors include 1) linear frontage, 2) land area and 3) building floor space. The assessments are apportioned to property owners as follows: linear frontage at 25%, lot size at 25%, and building square footage at 50%.

**BUDGET:** The first year annual budget is anticipated to be \$277,355.36 based upon 2,265,325 sq. ft. of lot size, 1,238,196 sq. ft. of building size and 9,145 of linear feet of frontage;

**COST:** The costs associated with the services to be provided will be distributed among the property variables as follows. These variables will remain constant over the five-year life of the proposed district.

*Linear frontage at \$7.582 per foot per year*

*Lot size at \$.0306 per square foot per year*

*Building square footage at \$ 0.112 per square foot per year*

**CITY SERVICES:** It is anticipated that the City of Los Angeles will adopt a Resolution pursuant to State Law that establishes a policy to maintain the existing level of services within the proposed District. In addition, the City will pay its fair share of the costs of new services being provided.

**FORMATION:** District formation requires submittal of petitions from property owners representing at least 50% of the total assessment. The "Right to Vote on Taxes Act" (Proposition 218) requires that more than 50% of the ballots received, weighted by assessment, be in support of the District.

**DURATION:** Pursuant to State Law, the District will have a set term. The proposed district will have a five-year life commencing January 1, 2001. After five years, the petition process must be repeated for the District to remain in place.

## **II. THE RATIONALE BEHIND THE FORMATION OF A BUSINESS COMMUNITY ASSESSMENT DISTRICT**

There are several reasons why now is the appropriate time to form a private sector Management District along Ventura Boulevard in Encino. Those reasons include the following:

### **1. THE NEED TO ENHANCE THE IMAGE OF THE DISTRICT THROUGH MARKETING AND PROMOTIONAL PROGRAMS**

The stakeholders have prioritized the marketing and promotion of the business district through a series of strategies which will attract customers and clients to the area. The district seeks to work with the Encino Chamber of Commerce and the San Fernando Valley marketing team to enhance the attraction to Encino along Ventura Boulevard. The district also seeks to fund promotional materials including maps, brochures, etc, and widely distribute them to visitor centers, hotels, convention and meeting centers to promote Encino restaurants, retailers and office buildings.

One of the biggest problems facing the Encino business district as well as other Valley business districts, is the issue of "leakage". Valuable Encino residential dollars are leaking out of the community to other business districts as well as to Beverly Hills. The priority of the stakeholders is to make the business district more attractive and to capture these leaking dollars. The recycling of these community dollars will place greater demand on rental space and increase the value of all properties within the business district.

Further, the district intends to use its revenues to expand business recruitment efforts and pursue prospective tenants focusing on the great business climate to be found in the Encino Commercial Corridor on Ventura Boulevard.

**2. THE NEED TO PROVIDE A CLEAN AND SAFE CORRIDOR IN ENCINO ALONG VENTURA BOULEVARD.**

Visitors to the area need to feel that the business district is clean and safe, just as they would find in a mall or other quality, street-based business district. The Board of Directors of the new district will work to insure that the streets remain clean and the properties appear orderly, void of trash and enhance the community ambiance, thus inviting residents and visitors to the area.

Though not an unsafe community, increased pedestrian traffic created by the marketing and promotional programs will place a demand on existing City cleaning services. Enhanced trash pickup, maintenance of curbs and gutters and the presence of maintenance workers will provide an additional street presence desired by today's demanding consumers.

Maintenance employees can also serve the dual role of providing security during times of high pedestrian activity.

**3. THE NEED TO BEAUTIFY THE AREA BY WORKING WITH PUBLIC AND PRIVATE SOURCES TO LANDSCAPE VENTURA BOULEVARD AND CREATE A SENSE OF URBAN DYNAMIC ENERGY.**

An extremely ambitious streetscape program has been planned along all of Ventura Boulevard. These streetscape plan includes, but is not limited to: designing and constructing district entry markers, developing a banner program, seasonal decorations and other public right of way improvements, fund preparation of construction drawings for streetscape improvements which may include street trees, street furniture, pedestrian crosswalks, landscaped medians, pedestrian lighting and other street enhancements. Sidewalk and street tree maintenance will also be included in the streetscape component of the plan. In addition, the stakeholders seek to fund and develop a consistent program for district signs as well as correction of existing sign clutter.

**4. THE NEED TO ORGANIZE ENCINO COMMERCIAL PROPERTY OWNERS INTO AN EFFECTIVE GROUP TO ADVOCATE FOR THEIR FAIR SHARE OF CITY RESOURCES AND SERVICES**

The district stakeholders seek to employ professional staff as appropriate to plan and implement the programs as envisioned and proposed by the BID Board of Directors. Staff will implement and operate BID programs and coordinate the efforts of other groups involved in the BID area. BID staff will represent the district's interests to the City Council and other public agencies, recruit new businesses, plan programs and manage promotional events and activities in the district.

**III. A SUMMARY OF A MANAGEMENT DISTRICT AND THEIR APPLICATION IN ENCINO AND ELSEWHERE**

Prior to 1995, the City of Los Angeles did not have any established Business Improvement Districts or Management Districts. As of 1999, the International Downtown Association and NEW CITY AMERICA estimates that well over 2000 *property based and business license based* business community assessment districts are functioning in the U.S. and Canada.

A **business community assessment district** provides enhanced services to stakeholders seeking more than what a municipal government typically offers. These enhanced services confer special benefits to real property or businesses within the designated area of the district. Services may include security, street and sidewalk cleaning, maintenance, marketing and promotion, economic development, business attraction and retention, advocacy on usually governed by non-profit corporation Board of Directors representing those who pay into the district. Many districts have been formed as a local business community response to declining municipal budgets and corresponding services. Some have been formed as defensive acts against deteriorating social conditions. Still others are formed, as in Encino, to market and promote a good but dormant business district.

Business community assessment districts are proven to work by providing services that improve the overall viability of urban and neighborhood business districts - resulting in cleaner and safe business districts with higher sales volumes. The Encino Commons will be formed pursuant to a state law that took effect in January 1995. The "Property Business Improvement District Law of 1994" which was signed into law by Governor Pete Wilson, ushers in a new type of business community assessment district in California. Important provisions of the PBID law of 1994 are as follows:

- X Allows business community assessment districts, in this case a Property Business Improvement District, to undertake services ranging from security to maintenance, marketing, capital improvements and economic development;
- X Allows revenues for services to be raised from assessments on real property;

- X Requires petition support from property owners paying at least 50% of proposed assessments to trigger the state constitutionally mandated assessment ballot proceeding to form the district;
- X Allows for the formation of a property and business owner “advisory board” to oversee district operations and submit a yearly service plan;
- X Requires limits for assessments to ensure that they do not exceed pre-established levels;
- X Provides a multi-year life for Property Business Improvement Districts and requires a new petition and vote to renew a district.

Property Business Improvement Districts must also be formed in conformance with Article XIII of the California State Constitution, (Proposition 218), which imposes additional restrictions and conditions on the formation of property based districts. This Management Plan is in conformance with the conditions of both the California PBID legislation and California Constitutional requirements pursuant to Article XIID.

Since the creation of this legislation and coupled with the previous BID law of 1989, the City of Los Angeles now has 25 business community assessment districts in place. Los Angeles now leads the state in the number and concentration of such districts. Only New York City has more districts with 40 in place and the 41st under formation.

#### **IV. BACKGROUND INFORMATION ON DISTRICT FORMATION**

##### **A. District Formation Process:**

The genesis of the Encino Commons effort is rooted in efforts to revitalize the historic Ventura Boulevard dating back to the mid-1990's. At one time, Ventura Boulevard was the first and main thoroughfare that took horse drawn and eventually motor vehicle travelers from the Los Angeles basin to Ventura County, hence the name. Five business districts, including Encino, were targeted to receive local, state and federal grants to enhance and beautify Ventura Boulevard.

Encino, meaning “oak” in Spanish, has a very rich history. Today Encino is part of the marketing concept known as the “Valley of Stars”. Encino serves as the residential base of some of the most famous motion picture and recording artists and producers in the world today.

The efforts to unify these revitalization efforts began in the mid 1990's by area property owners who viewed leakage of residential dollars out of the community business district as a key impediment to increasing the value of the business district.

The story of Ventura Boulevard, in general but not particularly in Encino, is one of dormant and sometimes run down storefronts along the commercial corridor co-existing within 50 to 100 feet of half million dollar homes. In other words, the residential properties, per square foot, were yielding, relatively speaking, much greater values than the commercial properties a stone's throw away.

A grant was awarded by the LA City Council and administered through the Community Development Department to stakeholders in the Encino business district, to hire a professional firm to investigate the formation of a property business improvement district. A \$ 75,000 grant was allocated through the re-programming of Housing and Urban Development earthquake funds through City Council and federal government action. Similar efforts were undertaken by stakeholders in Studio City, Sherman Oaks, Reseda, Chatsworth, Granada Hills and Canoga Park.

The stakeholders involved in the process hired a firm known as Economic Research Associates, an international consulting firm involved in business revitalization efforts and econometric studies. From November 1997 through the end of 1998, stakeholders met with ERA to develop the boundaries of the district, the budget and the assessment methodology. The property owners who participated in those PBID formation meetings included the following:

- X Jacob Kohanzedeh and Pierre Nazarian/Encino Town Center, Plaza de Oro
- X Ricky and Jeff Gelb/The Gelb Building
- X Ron Riches/Nim Investments
- X Jennifer Bradford/The Courtyard
- X Gerald and DeLara Deskin/The Learning Center
- X Piken Company
- X Berkshire Management/Encino Oaks Shopping Center
- X Martin Rudnik
- X King Chai/Encino Inn (now Tokyo Princess Inn)
- X David Stremic/Terrace Tower USA
- X Kitzman Trust
- X Larry Lett, Larry Robbins, Eric Kalfa, Richard Leynor, Sandra Block, Gordon Harvard,

These stakeholders were responsible for determining boundaries, assessment methodology and database that was eventually put together by Dave Wilcox of ERA. This information culminated in the rough draft Management District Plan that was circulated among property owners in late 1998 and early 1999 to facilitate formation of the district.

In early 1999, ERA withdrew from the effort to establish the Encino Commons based upon its inability to garner support for self-assessment by more than 35 - 40% of the weighted affected property owners.

In mid 1999, efforts led primarily by Encino real estate broker Richard Leynor and City Councilwoman Cindy Miscikowski's, office, renewed interest in the Encino Commons to a point where the 50% petition threshold required under Assembly Bill 3754/the PBID Act was met. At that point, a new consultant firm comprised of the Marco Group/NEW CITY AMERICA and Susan Levi and Associates was hired to complete the PBID process.

The tasks of NEW CITY AMERICA and Levi and Associates were to: verify the property database information gathered by ERA with County records, verify the validity of the assessment formulation, completely re-write the Management District plan though remaining consistent with the assessed variables and budget priorities, re-constitute the Encino Property Owners Stakeholders group, certify the new Management District Plan through a professional engineering firm, bring the petitions to the City Clerk for processing and verification, complete the process of 218 balloting and the Resolution of Intent to form the district, advise the Advisory Board and non-profit corporation administering the district on options for proceeding and the effective implementation of the Encino Commons.

In November 1999, the stakeholder group was re-structured by NEW CITY AMERICA and the finalized Management District Plan was distributed. It is anticipated that the Assessment Engineer's report certifying the plan will be completed by the end of November, that the database will be verified with County records and the PBID package will be submitted to the City Clerk's office for processing by December 1999.

**B. Disestablishment:**

State law provides for the disestablishment of a PBID pursuant to an annual review process. Each year that the PBID is in existence, there will be a 30-day period during which the property owners will have the opportunity to request disestablishment of the district. This 30 day period begins each year on the anniversary day that the district was first established by the City Council. Within that 30 day period, if a written petition is submitted by the owners of real property who pay 50% or more of the assessments levied, the PBID may be disestablished. The City Council will hold a public hearing on disestablishing the PBID prior to actually doing so.

**V. MANAGEMENT DISTRICT PLAN BOUNDARIES AND MAP OF DISTRICT**

The properties on both sides of Ventura Boulevard, from White Oak Avenue on the west and to Balboa Avenue on the east will be assessed to fund the services for the Encino Commons. A map providing parcel detail and address series for the Encino Commons is attached.

<u>Street</u>	<u>Address Series</u>
Ventura Boulevard	16,900 – 17661

## VI. SERVICE PLAN AND PROPOSED BUDGET

The property owners along Ventura Boulevard in Encino have been concerned for many years about the need for enhanced services, beautification and marketing of this vital stretch of Ventura Boulevard. After a long process to ascertain the needs and desires of property owners in Encino the following issues including marketing, beautification and streetscape enhancements, maintenance and administration were prioritized as services to be funded by the formation of the Encino Commons.

**SERVICES:** Services for the Encino Property Business Improvement District will include Marketing, Streetscape/signage/banners/beautification and sidewalk and landscaping maintenance, Administration of the District and a Contingency budget representing of the annual revenues generated by the district. Since security is not a priority concern of the property owners, any security needs will be handled through the streetscape and maintenance portion of the budget. Also, marketing may include pedestrian “ambassadors” who may help visitors to the area.

**Upon completion of programs and services outlined in the five-year budget, the Board of Director, upon Advisory Board approval, may allocate up to 75% of said program line item to another program or service. For example, if streetscape improvements were completed by year 4, the Board may reallocate 75% or \$128,215.25 to other programs. This ability to reallocate funding will apply to all of the programs outlined in the Plan.**

### A. Encino Commons Improvement and Activity Plan

The following services were prioritized by the stakeholders of Encino Commons:

#### 1. *Marketing and Promotion of the District:*

The marketing priorities listed by the stakeholders during the BID formation process are listed as follows:

- a. Re-defining the district through *a new name*, whether it be, the “Encino Business District”, “Downtown Encino”, “Encino Town Center” or some other appropriate name. The district will provide the funds necessary to hire professionals to determine the most appropriate name which will promote the new image for the Encino Commons;
- b. *The development of a logo* that will create consistency for the Encino business district. The District will fund a local contest or the hiring of a professional to provide samples of various logos to capture the appropriate image for Encino;
- c. Stakeholders have expressed interest in *conducting surveys* and outreach to area residents to discover their desires for the business district. Encino is fully aware of the problem of “leakage” which plagues every business

district. A commercial mix strategy can be planned once we realize which retail businesses and services we are lacking.

- d. Stakeholders desire to see *marketing initiatives funded* once the district is formed. Such marketing initiatives could include Town Center discount cards, special shopping days, farmers markets, updated web page on district activities, special events or other venues that bring attention to Encino;
- e. Stakeholders have discussed *holiday lighting and bringing attention to Ventura Boulevard during seasonal celebrations*. Much as a mall markets itself throughout the year with various themes, Ventura Boulevard could do the same.

**Maximum Allocation for Marketing/Promotions for Encino Commons:**

**\$36,000**

**2. *Streetscape Improvements, Enhancements and Maintenance of the Public Right of Way:***

The following streetscape and maintenance services were prioritized by the stakeholders of the Encino Commons. The Management Plan allocates BID funds for the following streetscape enhancements and maintenance options:

- a. *Seeking to enhance the visual appearance of the many parking lots* in the Encino business district. The BID seeks to improve the landscaping and counteract the barren streetscape image that unfortunately is created by these necessary parking lots;
- b. The BID Board seeks to work with the City to *enhance the pedestrian lighting* within the realm of the existing lighting district in place along Ventura Boulevard. The pedestrian lighting will serve as a supplement to the existing lighting infrastructure and make the area more conducive to evening activities thus extending the retail hours of the district;
- c. The BID Board seeks to work with the Dept. of Transportation of the City of Los Angeles to create and *support the creation of new pedestrian crossing projects*. At this point, Ventura Boulevard in Encino is not very pedestrian friendly. The BID seeks to use its funds, if necessary, to hire its own designers to create a more pedestrian oriented traffic pattern.
- d. Coupled with the pedestrian crossings, the BID seeks to *advocate for traffic signal modifications* which allow traffic to be more responsive to the needs of the business district;

e. Ventura Boulevard is a major public transportation corridor for the MTA. The BID seeks to work with MTA and DOT to *enhance the existing bus stops* and make them more attractive and reflective of any business community themes;

f. As an integral part of the streetscape beautification and maintenance, a maintenance program will be implemented to provide cleanliness in the public *right of way*. Based upon the budgetary limitations, the task of the street maintenance crew would be as follows:

1. Seasonal power washing of sidewalks where necessary;
2. Graffiti removal within 72 hours of detection;
3. Maintenance of trees planted by the BID;
4. Installation of seasonal banners once approved by the City Council;
5. Cleaning of street furniture if the BID determines that street furniture is needed to provide enhancements to the district;

g. The BID Board of Directors may determine in the first year or two to *acquire street furniture, decorate trash bins or sidewalk benches*. Any decision to acquire such equipment will be based upon the decisions and priorities of the Encino Commons Board of Directors.

h. There may be a determination by the Board that other equipment may be necessary to provide enhancements to the district. Other enhancements may include *bike racks, banners or metal tree wells, etc.*

**Maximum Allocation for Beautification, Streetscape and Maintenance: \$170,955**

**3. *Administration and Business District Advocacy***

The BID programs and services will be administered by the Encino Business Improvement Association. Funds are allocated for BID oversight, accounting and bookkeeping, office supplies, insurance and other administrative expenses.

The district should be staffed by a half time, three quarter time executive director/district manager who will also need a part time clerical assistant. The executive director or district manager may be an employee or contracted service and is envisioned to be an active resource interacting with all Encino property and business owners. The director/district manager is anticipated to have an office in Encino to keep abreast of the daily needs of the business district. Key responsibilities for the executive director/district manager include:

a. Building ongoing relationships and communicating with property owners and merchants to determine areas trends and needs, conducting business attraction retention;

- b. Representing the Encino property and business owners in policy issues with the City and other service providers;
- c. Directing and implementing marketing and economic development programs, including advising retailers, managing volunteers and organizing events, socio-economic research;
- d. Supervising the delivery and quality of maintenance services;
- e. Obtaining additional resources to improve the Encino business district by securing outside funds and writing grant proposals;
- f. The BID executive director/district manager shall work with other BID executive directors throughout the City of LA to attempt to influence city policies as they pertain to the needs of business districts throughout the City. The executive director/district manager will also determine, with the Board the appropriateness of organizational models such as Main Street and their functional application to the Encino Business District.
- g. Coordinating communications for the BID and its members including production and distribution of newsletters, bulletins, e-mails and faxes and updating the Web page.
- h. The executive director/district manager shall be responsible for overall financial oversight, accounting functions, tax issues, and general corporate issues;

**Maximum Allocation for Administration and Advocacy for Encino Commons: \$53,900**

**4. *Contingency, County Costs and Program Reserves***

The contingency component of the budget includes funds to reimburse costs incurred by the City and County to administer the collection and disbursement of BID assessments. City and County costs will be associated with accounting administration by the City and assessment billing costs incurred by the County.

The contingency component will also allow for any special projects that the BID Board of Directors deems appropriate

**Maximum Allocation for Contingency and Program Reserves: \$16,500**

**B. Five Year Operating Budget:**

A projected five-year operating budget for the Encino Commons is provided on the following page. The projections are based upon no change anticipated in the assessment amounts over the five- year period. The only changes in the proposed budget would be as the result of the change in use of a vacant piece of property or the building of greater density, which would increase the building floor space of a subject property. *There are no CPI adjusted increases in the budget based upon the Los Angeles Area Consumer Price Index for all urban consumers. Any changes in the programs and services will be made at the discretion of the BID Board of Directors, approved by the Advisory Board and subject to approval by City Council and a public hearing and will be based upon completion of projects, prioritization of programs and the economic environment.*

**ENCINO COMMONS  
ANNUAL BUDGET - YEARS 1 – 5**

2001 CARRY OVER REVENUE ALLOCATED FOR STREETSCAPE IN 2002 - \$146,374

<b><i>Service</i></b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
<b><i>Marketing/Promotions:</i></b>	<b>\$102,621.67</b>	<b>\$36,000</b>	<b>\$36,000</b>	<b>\$36,000</b>	<b>\$36,000</b>
New Name					
New Logo					
Halting leakage					
Market survey					
Farmers Market					
Web Page					
Special Events					
Seasonal Activities					
<b><i>Streetscape, Maintenance:</i></b>	<b>\$105,395.23</b>	<b>\$170,955</b>	<b>\$170,955</b>	<b>\$170,955</b>	<b>\$170,955</b>
Maintenance/Clean-up					
Parking Lots					
Street light improvements					
Pedestrian crossings					
Traffic signal modifications					
MTA bus stops					
Planting street trees					
Street furniture					
Trash receptacles					
Metal tree grates					
Banners					
<b><i>Administration/Advocacy:</i></b>	<b>\$53,900</b>	<b>\$53,900</b>	<b>\$53,900</b>	<b>\$53,900</b>	<b>\$53,900</b>
District Manager					
Business Attraction					
Accounting					
Communications					
Grant writing					
Corporate Issues					
<b><i>Contingency/Reserve:</i></b>	<b>\$15,438.10</b>	<b>\$16,500</b>	<b>\$16,500</b>	<b>\$16,500</b>	<b>\$16,500</b>
County Costs					
	<b>\$277,355</b>	<b>\$277,355</b>	<b>\$277,355</b>	<b>\$277,355</b>	<b>\$277,355</b>

## **VII. ENGINEER'S REPORT AND ASSESSMENT METHODOLOGY**

### **A. Assessment Methodology**

Property owners, businesses and other Encino stakeholders have emphasized that an assessment formula for a PBID be fair, balanced and commensurate with special benefits received.

Each property owner will pay based upon benefit received. To develop the PBID assessment methodology, ERA Associates worked with stakeholders during the initial PBID process to determine a formula which would be acceptable to the majority of stakeholders in Encino. The variables used for the base formula includes front footage, land area and building floor space. NEW CITY AMERICA took over the contract once the petition drive was nearing completion and did not change the assessment formula due to the fact that it was used as the basis for endorsement of the Management District Plan by affected stakeholders.

NEW CITY AMERICA has contracted with Ed Henning and Associates to come up with a plan that has been certified by a licensed engineer. SUSAN LEVI AND ASSOCIATES has conducted field survey verification to insure that properties, particularly the data related to building floor space, is accurate and consistent with County records as of November 1999.

In preparing the engineer's report for the Encino stakeholders, the engineer concluded that the special benefit to each parcel was found to be proportional to the property variable and their apportionment. The assessment is apportioned to each benefitting parcel as follows:

- X 25% apportioned to linear front footage;
- X 25% apportioned to lot size;
- X 50% apportioned to building square feet;

The methodology assumes that better streetscape and administration in the Encino business district will benefit occupants of buildings within the district therefore placing greater weight on buildings as opposed to land is appropriate. Marketing and promotion is more directly benefits the retail fronting businesses so this cost was apportioned to the frontage. General benefit for the overall district will be received by the property owners as a whole and all other program and service costs were apportioned to the lot size within the district.

**B. Calculation of Assessments:**

The preceding database has been constructed by Economic Research Associates and verified by personnel of NEW CITY AMERICA with County records as of October 1999.

To allow for property owner verification of the data, an assessment notice will be sent to all property owners within the proposed PBID as an attachment to the summary management plan. Property owners may request final verification of data on or before December 1, 1999 which is several months prior to the submission of assessment information to the County assessor. The final individual assessment for any particular property may change up or down if the lot frontage, lot square footage or building floor space factors differ from those found on the Assessment notice. A list of properties included in the Management District is provided within Appendix A.

**C. Time and Manner for Collecting Assessments:**

As provided by state law, the Encino Property Business Improvement District will appear as a separate line item on the annual property tax bills prepared by the County of Los Angeles. Property tax bills are generally distributed in the Fall and payment is expected by lump sum or in two installments. The County of Los Angeles shall distribute the assessments collected to the City of Los Angeles who will in turn then forward them to the Encino Property Owners Association pursuant to the authorization of this plan. Existing laws for enforcement and appeal of property taxes apply to the Management District assessments.

**D. Breakdown of Assessments by Variables:**

The following breaks down the gross numbers of the three variables to be found in the proposed Encino Property Business Improvement District:

**1. GROSS NUMBERS PER VARIABLE:**

<u>Frontage/Linear Feet:</u>	9,145
<u>Lot Size:</u>	2,265,325
<u>Bldg. Square Feet:</u>	1,238,196

**2. REVENUE GENERATED PER VARIABLE**

<u>Frontage/Linear Feet:</u>	(25%) \$ 69,337.06
<u>Lot Size:</u>	(25%) \$ 69,337.06
<u>Bldg. Square Feet:</u>	(50%) \$ 138,677.95

**3. ASSESSMENT AMOUNT ASSIGNED PER VARIABLE:**

<u>Frontage/Linear Feet:</u>	\$ 7.582 per linear foot per year
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Lot Size: \$.030608 per square foot per year

Bldg. Square Feet: \$0.112 per square foot per year

**4. SERVICES APPORTIONED PER VARIABLE BASED UPON BENEFIT:**

Frontage/Linear Feet: *Marketing and Promotions* (50% of the proposed Marketing allocation);  
*Administration* (25% of the proposed Administration allocation);  
*Contingency* (33% of the proposed Contingency allocation);

Lot Size: *Marketing and Promotions* (50% of the proposed Marketing allocation);  
*Administration* (25% of the proposed Administration allocation);  
*Contingency* (33% of the proposed Contingency allocation);

Bldg. Square Feet: *Streetscape and Maintenance* (100% of the proposed Streetscape allocation  
*Administration* (50% of the proposed Administration Allocation)  
*Contingency* (33% of the proposed Contingency Allocation);

***BASIC STATISTICS OF ENCINO P.B.I.D.:***

Highest Assessment in District: \$ 27,814.83

Lowest Assessment in District: \$ 45.63

**5. Government Assessments:**

The Encino Commons Advisory Board assumes that the City of Los Angeles, the DWP, county and state governmental entities, if any, will pay assessments for the special benefits conferred on government owned property within the boundaries of the Encino Commons. The federal government has also recently adopted a policy encouraging participation in PBIDs. Through an executive order, the General Services Administration is encouraging that the departments of the federal government contract with PBIDs for direct services such as public safety and maintenance that benefit federally owned properties.

**6. Annual Assessment Adjustments:**

Based upon input by the Stakeholders in the process of establishing the district, the Management District Plan *does not* accommodate any annual adjustments based upon a pre-set percentage rate or any Consumer Price Index adjustments.

**VII. CITY BASELINE SERVICES AGREEMENT AND CONTINUATION OF CITY SERVICES**

**A. Citywide Base Levels of Services Policy**

Throughout the process of establishing the Encino Commons, business and property owners have voiced concerns that the City of Los Angeles maintain existing services at verifiable “baseline” service levels. A formal base level of services policy ensures that existing City Services are enhanced, not replaced by the new Encino Commons services.

**B. City Council Resolution**

The Encino Commons Association has requested that the Los Angeles City Council adopt a resolution committing the City to establish and maintain base levels of service within the Management Districts. The policy states that “basic service levels” provided to the area must be paid for by general City revenues, and not subsidized by revenue which the Encino Commons generates for enhanced and supplemental levels of service.

The policy allows for adjustments in the “basic service levels” commensurate with changes in the City’s overall financial condition. Citywide service reductions can trigger a proportionate reduction in base levels of service within a Management District.

Consistent with this proposed City policy, the Encino Common’s base levels of service will be quantified in an “area specific current services agreement” between the City of Los Angeles and the Encino property owners administering corporation.

**VIII. MANAGEMENT DISTRICT PLAN RULES AND REGULATIONS AND POLICIES**

Pursuant to the Property and Business Improvement Law of 1994, a Management District may establish rules and regulations that uniquely apply to the District. A few initial rules and regulations are to be employed by the BID:

**A. Competitive Bidding:**

Following the formation of the Management District, the Encino Commons Board shall develop a policy for competitive bidding. The policy will aim to maximize service quality, efficiency and cost effectiveness.

**B. Conflict of Interest:**

Any stakeholder who serves on the administering corporation's Board of Directors shall recuse themselves from any vote in which a potential conflict of interest is apparent. Such potential conflicts include, but are not limited to, prioritizing capital improvement projects which result in special benefit to specific property owners, prioritization of services to benefit a particular owner or group of owners, hiring or selecting the relatives of Board members, etc.

**C. Open Door Policy:**

Though the meetings of the "Advisory Board" are subject to the open meeting provisions of the Brown Act, the meetings of the Board of Directors of the administering corporation are not. Meetings of the Board of the corporation administering the district shall be open to all stakeholders paying into the district. Regular financial reports shall be submitted to the Board and available upon request by the membership. Committee meetings of the Board shall be open and encourage participation among various stakeholders, business owners and community members.

**D. Group Advocacy:**

It shall be a policy of the corporation administering the Encino Commons to be committed to working with other Ventura Blvd., Valley-based and city-wide business improvement districts. The true success of the BID's efforts in the City of LA will be seen in the shaping of City policies and ordinances towards its various business districts. The Encino Commons will make it a priority to work closely with other Ventura Boulevard and Valley-based organizations and community organizations in Encino to expedite the revitalization efforts along Ventura Boulevard in Encino

**X. IMPLEMENTATION TIMELINE**

The Encino Stakeholders have developed an aggressive timeline that includes bringing the PBID to the City Council Committee for Community and Economic Development in December 1999 or January 2000. In order to meet these goals, the Encino Commons stakeholders have developed the following rough timeline:

<u>Date</u>	<u>Activity</u>
<b>November 1999</b>	Re-constitute stakeholder group, (meeting held on November 8 <sup>th</sup> ), <i>verify database developed by ERA, insure that 50% show of support of weighted property owners exists to proceed with process</i> , obtain assessment engineers certification of plan, finalize Advisory Board for Council approval;

- December** Submit plan for review to City Clerk, if Clerk verifies data, submit for review and initiation of public hearing process to Committee of Community and Economic Development
- January 2000** Complete process of Committee review, send Encino Commons to full City Council to initiate public hearing process.  
*Notice of Public Meeting and Hearing is mailed*  
*Notice of Public Meeting and Hearing is published*  
*Proposition 218 ballot is mailed out to stakeholders*
- February** Coordinate support for 218 election, insure that all who signed petition actually turn out to vote
- March** Attend public meeting and public hearing on district, City Council adopts ordinance establishing the district
- April** Second reading of ordinance, district is established
- May** Non-profit corporation administering district is formed and enters into contract with the City. Interim Board of Directors is self-appointed to run corporation until first elections are conducted. Board elects interim officers. 25% advance funds are secured initiating operation of district by June 2000
- June** Board selects interim staff to steer district operations and services. Services investigated and Management District Plan budgeted services are implemented on limited basis.
- August** City Clerk submits PBID assessment information on magnetic tape to County Assessor.
- September** The secured tax roll and bills are printed. Tax bills are mailed. First installment property tax including PBID assessment due by December.
- June - Dec.** Board meets regularly with staff to direct PBID
- January 2001** County transfers PBID assessments to City Clerk, Clerk processes assessments dollars and transfers to Encino administering corporation. 25% advance is deducted from 1<sup>st</sup> year installments.

Pursuant to state law, the Encino Commons will have a defined life. The life of the Management District is set at five (5) years. In order to continue the Management District for another set

term, the preceding petition and public hearing process must be repeated.

**XI DISTRICT GOVERNANCE:**

**A. How PBIDs are Governed:**

Consistent with property based Business Improvement District (PBID) legislation throughout the nation, California's "PBID Law" establishes a governance framework that allows property owners who pay assessments to determine how the assessments are used. The following components are required within a PBID governance structure:

- X **City Council:** Following the submission of petitions from property owners representing more than 50% of the assessments to be paid, the City Council holds a public hearing and then may form the PBID. The PBID is formed through the passage of an ordinance by the City Council;
- X **Advisory Board:** Prior to establishment of the PBID, the City Council must appoint an "Advisory Board" that will make recommendations on the operations of the Encino Commons. The "Advisory Board" is typically composed of property owners, businesses and other assessment payers within the district. In practice, the Advisory Board is the policy making body for the PBID, governing the assessment levy and use of funds – it makes recommendations to the City Council on annual budgets and assessments and boundary changes.
- X **Management Corporation:** To deliver day-to-day PBID improvements and activities, the City government enters into a contractual relationship with a private sector management organization. The management organization is, in most cases a non-profit organization consisting of the stakeholders paying into the district. Those stakeholders elect a Board of Directors in a manner outlined in their bylaws. The management corporation implements programs and is financed by the revenues generated by the PBID assessments. If the management corporation does not perform and provide a level of service that is acceptable to the City Council and the PBID Advisory Board, then the contract can be terminated and awarded to an alternative management organization.

For the Encino Commons, an Advisory Board and management corporation is proposed that will meet the following goals and objectives:

- < Create and manage programs that will carry out improvements and activities outlined in the Encino Management District Plan;
- < Maximize coordination with government and civic organizations to leverage resources and avoid duplication of services;
- < Deliver programs through a cost-effective, non-bureaucratic and easy to access organizational structure;
- < Provide accountability to the stakeholders paying into the Encino Commons;

**B. Encino Commons Advisory Board:**

The Advisory Board is proposed as a 3 to 7 member Board that would be composed of property and business owners representing assessment payers by industry segment. Seats on the Advisory Board should be allocated by industry segment which may include:

1. Office
2. Retail
3. Hotel/Hospitality
4. Entertainment
5. Parking
6. Professional

Advisory Board representatives should be sought with a mix of business and property types - i.e. large and small property owners, owners of historic and modern buildings, etc. As required by the PBID Law of 1994, at least one member of the Advisory Board must be a business licensee who is not a property owner.

The initial Board will be appointed by the City Council prior to the establishment of the PBID. Initial nominations for the Advisory Board members will be submitted by the Encino Stakeholders group. Two to three year nominations are recommended.

In subsequent years, nominations for Advisory Board members would be submitted to the City Council by the existing Advisory Board. The City Council would take such recommendations under consideration and appoint the appropriate people.

**B. Management Corporation:**

The Encino Commons Advisory Board described above will influence the development of PBID policies, budgets, programs and assessments, but will not implement the day to day improvements and activities of the district. The City Council, upon the recommendation of the City Clerk and the Advisory Board, will contract with a management corporation to deliver the PBID programs to the stakeholders.

For the Encino Commons, the name of this corporation has yet to be determined. However, once the Resolution of Intent has been passed by the City Council and the public hearing process is underway, NEW CITY AMERICA will work with the stakeholders group on determining the content and form of the new non-profit management corporation. This corporation would provide executive and administrative staff for the PBID and its Advisory Board. Under the direction of the Advisory Board, the corporation would implement programs, including the coordination of sub-contracts with vendors, the hiring of staff, determination of workloads, determine relations with the City and community groups, etc.

**B. Board of Directors**

The Board of Directors of the Management Corporation for the Encino Commons shall include the following stakeholders:

1. Rickey Gelb,  
RMG Properties  
17547 Ventura Blvd. Ste # 201  
Encino, CA 921316-3836
2. Tom Pashaie  
Golden West Properties  
9200 Sunset Blvd. Ste # 805  
Los Angeles, CA 90069
3. Allen J. Lynch, CLS  
Doerken Properties, Inc.  
11835 Olympic Blvd. Ste 975  
West Los Angeles, CA 90064
4. Philip Nazarian  
Encino Management Group  
17200 Ventura Blvd. Ste. 115  
Encino, CA 91316
5. Richard Leyner  
Capital Commercial Real Estate  
16000 Ventura Blvd. Ste 900  
Encino, CA 91436
6. Marsha Mayer  
4901 Encino Ave.  
Encino, CA 91316
7. Michael Greenhut  
17050 Ventura Blvd., Ste. 200  
Encino, CA 91316

**E. Recommended Advisory Board Members:**

The following community members, property owners and business owners have been recommended to be appointed to the Encino Advisory Board by the City Council.

1. Tony Penn  
Bucca DiBeppo  
17500 Ventura Blvd.  
Encino, CA 91316
2. Allen J. Lynch CLS  
Doerken Properties Inc.  
11835 Olympic Blvd. Ste # 975  
W. Los Angeles, CA 90064
3. Phillip Nazarian  
Encino Management Group  
17200 Ventura Blvd. Ste. 115  
Encino, CA 91316

**SUMMARY OF REVISIONS TO  
THE ENCINO MANAGEMENT DISTRICT PLAN**

The Encino Property Business Improvement District Corporation Board of Directors, the management corporation of the Encino BID, and the Encino BID Advisory Board recommend that the budget allocation in the Management District Plan be revised. These revisions will allow for major streetscape improvements and greater flexibility in prioritizing projects on an annual basis.

**SUMMARY**

1. All references to the name of the Encino Business Improvement District have been changed to "ENCINO COMMONS".
2. Section VI, Services - Shall be revised to eliminate any reference to percentages attributed to any of the BID programs. As revised, Section I, Services shall read in its entirety as follows:

**SERVICES:** Services for the Encino Property Business Improvement District will include Marketing, Streetscape/signage/banners/beautification and sidewalk and landscaping maintenance, Administration of the District and a Contingency budget representing of the annual revenues generated by the district. Since security is not a priority concern of the property owners, any security needs will be handled through the streetscape and maintenance portion of the budget. Also, marketing may include pedestrian "ambassadors" who may help visitors to the area.

**Upon completion of programs and services outlined in the five-year budget, the Board of Directors, upon Advisory Board approval, may allocate up to 75% of said program line item to another program or service. For example, if streetscape improvements were completed by year 4, the Board may reallocate 75% or \$128,215.25 to other programs. This ability to reallocate funding will apply to all of the programs outlined in the Plan.**

3. Section VI, A 1 – Total budget allocation for Marketing and Promotion shall be revised to read as follows:

**Maximum Allocation for Marketing/Promotions for Encino BID:       \$36,000**

4. Section VI, A 2 F shall be revised to read as follows:
  - f. As an integral part of the streetscape beautification and maintenance, a maintenance program will be implemented to provide cleanliness in the public *right of way*. Based upon the budgetary limitations, the task of the street maintenance crew would be as follows:

1. Seasonal power washing of sidewalks where necessary;
2. Graffiti removal within 72 hours of detection;
3. Maintenance of trees planted by the BID;
4. Installation of seasonal banners once approved by the City Council;
5. Cleaning of street furniture if the BID determines that street furniture is needed to provide enhancements to the district;

5. Section VI, A 2 shall be revised to read as follows:

**Maximum Allocation for Beautification, Streetscape and Maintenance: \$170,955**

6. Section VI, A 3 shall be revised to read as follows:

**Maximum Allocation for Administration and Advocacy for Encino BID: \$53,900**

7. Section VI, A 4 shall be revised to read as follows:

4. *Contingency, County Costs and Program Reserves*

The contingency component of the budget includes funds to reimburse costs incurred by the City and County to administer the collection and disbursement of BID assessments. City and County costs will be associated with accounting administration by the City and assessment billing costs incurred by the County.

The contingency component will also allow for any special projects that the Encino BID Board of Directors deems appropriate.

**Maximum Allocation for Contingency and Program Reserves: \$16,500**

8. Section VI, B shall be revised to read as follows:

**B. Five Year Operating Budget:**

A projected five-year operating budget for the Encino BID is provided on the following page. The projections are based upon no change anticipated in the assessment amounts over the five- year period. The only changes in the proposed budget would be as the result of the change in use of a vacant piece of property or the building of greater density, which would increase the building floor space of a subject property. *There are no CPI adjusted increases in the budget* based upon the Los Angeles Area Consumer Price Index for all urban consumers. **Any changes in the programs and services will be made at the discretion of the BID Board of Directors, approved by the Advisory Board and subject to approval by City Council and a public hearing and will be based upon completion of projects, prioritization of programs and the economic environment.**

9. Encino Business Improvement District Budget Years 1 – 5 shall be revised to read as follows:

**ENCINO BUSINESS IMPROVEMENT DISTRICT  
ANNUAL BUDGET - YEARS 1 - 5**

2001 CARRY OVER REVENUE ALLOCATED FOR STREETScape IN 2002 - \$146,374

<i>Service</i>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
<i>Marketing/Promotions:</i>	\$102,621.67	\$36,000	\$36,000	\$36,000\$	\$36,000
New Name					
New Logo					
Halting leakage					
Market survey					
Farmers Market					
Web Page					
Special Events					
Seasonal Activities					
<i>Streetscape, Maintenance:</i>	\$105,395.23	\$170,955	\$170,955	\$170,955	\$170,955
Maintenance/Clean-up					
Parking Lots					
Street light improvements					
Pedestrian crossings					
Traffic signal modifications					
MTA bus stops					
Planting street trees					
Street furniture					
Trash receptacles					
Metal tree grates					
Banners					
<i>Administration/Advocacy:</i>	\$53,900	\$53,900	\$53,900	\$53,900	\$53,900
District Manager					
Business Attraction					
Accounting					
Communications					
Grant writing					
Corporate Issues					
<i>Contingency/Reserve</i>	\$15,438.10	\$16,500	\$16,500	\$16,500	\$16,500
<i>County Costs:</i>					
<b>TOTAL</b>	<b>\$277,355</b>	<b>\$277,355</b>	<b>\$277,355</b>	<b>\$277,355</b>	<b>\$277,355</b>

10. Section XI, B shall be revised to read as follows:

**B. Encino Commons Advisory Board:**

The Advisory Board is proposed as a 3 to 7 member Board that would be composed of property and business owners representing assessment payers by industry segment. Seats on the Advisory Board should be allocated by industry segment which may include:

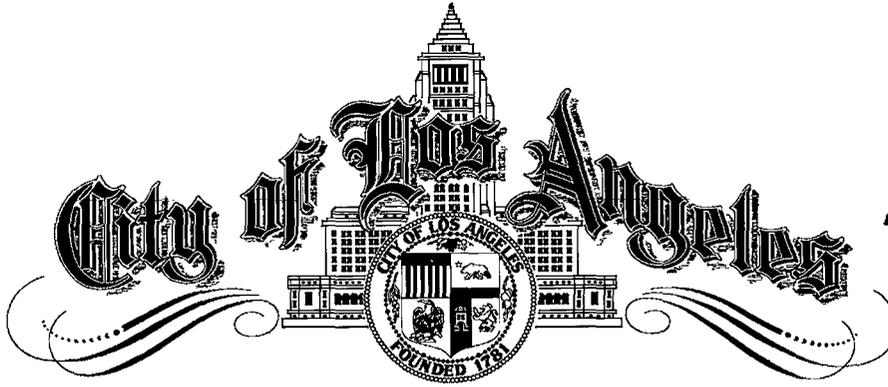
1. Office
2. Retail
3. Hotel/Hospitality
4. Entertainment
5. Parking
6. Professional

Advisory Board representatives should be sought with a mix of business and property types - i.e. large and small property owners, owners of historic and modern buildings, etc. As required by the PBID Law of 1994, at least one member of the Advisory Board must be a business licensee who is not a property owner.

The initial Board will be appointed by the City Council prior to the establishment of the PBID. Initial nominations for the Advisory Board members will be submitted by the Encino Stakeholders group. Two to three year nominations are recommended.

In subsequent years, nominations for Advisory Board members would be submitted to the City Council by the existing Advisory Board. The City Council would take such recommendations under consideration and appoint the appropriate people.

CITY HALL  
200 N. Spring Street  
Rm. 440  
Los Angeles, CA 90012  
(213) 485-5013  
Fax: (213) 978-2250  
weiss@council.lacity.org



VALLEY OFFICE  
14310 Ventura Blvd.,  
Ste. 100  
Sherman Oaks, CA 91423  
(818) 756-8083  
Fax: (818) 788-9210

WEST L. A. OFFICE  
822 S. Robertson Blvd.,  
Ste. 102  
Los Angeles, CA 90035  
(310) 289-0353  
Fax: (310) 289-0365

**JACK WEISS**  
Councilmember, Fifth District

July 24, 2002

RECEIVED  
**JUL 25 2002**  
ADMIN SVCS

Karen E. Kalfayan, Chief  
Administrative Services Division  
Office of the City Clerk  
200 N. Spring Street, Room 224  
Los Angeles, CA 90012

Dear Ms. Kalfayan:

I am writing on behalf of the Encino Property Business Improvement District Corporation to request that you initiate a public hearing to approve the reallocation of line item expenditures as outlined in the BID's Management District Plan.

The Board of Directors and BID Advisory Board have requested that a majority of the assessment revenue be allocated to streetscape improvements. They feel very strongly that these improvements will create a positive image and distinguish them from the many communities along Ventura Boulevard.

During the initial formation stage, the consultant proposed a program including marketing, streetscape improvements/maintenance, and administration. Marketing and streetscape improvements/maintenance were fairly evenly divided at 37% and 38% respectively. The BID is now proposing that over 72% of the budget be allocated to streetscape improvements/maintenance.

The BID believes that capital streetscape improvements are necessary to achieve the impact that will address the leakage of local spending patterns and attract new businesses and consumers. While marketing is an important component of improving a commercial district, it must first be aesthetically pleasing and vibrant before a marketing program can be truly effective.

Please begin to initiate the public hearing process so that the Encino PBID can begin the much-needed work to improve the economic viability and visual appearance of Encino Commons.

Please contact Kimberlina Whettam of my Valley District Office if you have any questions.

Sincerely,

JACK WEISS

cc: Susan Levi

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**JACK WEISS**  
Councilmember, Fifth District

July 24, 2002

Patrice Lattimore  
Office of the City Clerk  
Special Assessments Section  
200 N. Spring Street, Room 224  
Los Angeles, CA 90012

Dear Patrice:

It has come to my attention that there are two members of the Encino Advisory Board that have not attended any of the Advisory Board meetings since the BID passed in 2000. This has created some difficulty in the BID maintaining compliance with City policies, as it is often unable to reach a quorum at Advisory Board meetings.

I would like to request that the City Clerk begin the process of removing Ron Riches and Joseph Daneshgar from the Encino BID Advisory Board.

Please contact Kimberlina Whettam of my Valley District Office if you have any questions

Sincerely,

*JACK WEISS*  
JACK WEISS

cc: SusanLevi

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2002 JUL 25 PM 2:21  
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SERVICES DIVISION

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*Record 2 of 3*

**DOCID**

96-0491

**STATUS**

c

**CHNGDATE**

9/26/00

**TITLE**

ENCINO VENTURA BOULEVARD IMPROVEMENT ASSOCIATION (BID)

**AUTHOR**

Braude Mover 1996 / Hernandez

**SUBJECT**

Mo - The Encino Ventura Boulevard Improvement Association has proposed the formation of the **Encino Business Improvement District (BID)**. The BID will enable the establishment and funding of programs for the promotion, marketing, and enhancement of the Encino Ventura business community. A petition of 15% of the business will be submitted pursuant to the Los Angeles Municipal Code. The Encino Ventura Boulevard Improvement Association anticipates collection of assessments to fund streetscape improvements and promotional activities.

Establishment of the **Encino Business Improvement District** is expected to result in a stronger local economy through the enhancement of Ventura Boulevard as a more attractive, convenient and pedestrian friendly place for residents to enjoy shopping and for companies to conduct business.

THEREFORE MOVE, that the City ccl, subject to the approval of the Mayor, take the following actions:

1. Instruct the City Clerk and the City Atty to meet with the Encino Ventura Boulevard Improvement Association and provide the necessary assistance to begin the formation of a **Encino Business Improvement District**

2. Approve the use of \$50,000 in Supplemental CDBG funds for Earthquake Recovery to be used to hire a Consultant, to gather data, prepare necessary documents, attend meetings and other activities to determine feasibility, and coordinate the formal adoption process needed to establish the **Encino Business**

**Improvement District****CCLDIST**

11

**DATEREC**

3/15/96

**ACTIONS**

3-15-96 - For ref

3-15-96 - Ref to C&amp;ED &amp; Ad Hoc on Earthquake Recovery

3-15-96 - File to C&amp;ED Comt Clk

4-23-96 - C&amp;ED Comt rept ADOPTED, subj to approval of the Mayor to:

1. INSTRUCT the City Clerk and the City Atty to meet with the Encino Ventura Blvd Improvement Association and provide the necessary assistance to begin the formation of an Encino BID.

2. APPROVE \$75,000 in CDBG Supplemental Earthquake funds to hire a consultant, to gather data, prepare necessary documents, attend meetings and other activities to determine feasibility, and coordinate the formal adoption process needed to establish the **Encino Business Improvement District**.

4-23-96 - Mo ADOPTED to approve communication rec from Ad Hoc Comt on Earthquake Recovery to CONCUR in the recommendations of C&ED Comt in their report dated 4-10-96

4-29-96 - File to Mayor

5-2-96 - Mayor's message concurred in action of 4-23-96 (CNT9605)

5-7-96 - File to CDD - Attn: Raul Gonzales, Contract Div

5-14-96 - File to C&ED Comt Clk OK

5-15-96 - File in files

10-9-96 - For ref - CDD - Req Ccl approve and enter into Professional Services

Agreements for Business Improvement District Consultants for Encino and Sherman

Oaks in the amount not to exceed \$147,420

10-9-96 - Ref to C&ED Comt

10-10-96 - File to C&ED Comt Clk

10-29-96 - Mo ADOPTED to approve commun rec from C&ED Comt, SUBJ TO APPROVAL OF MAYOR:

1. AUTH GM, CDD or designee to negotiate & execute a contract with Rosenheim

Associates for an amt not to exceed \$70,500 for the period of 11-3-96 thru

11-2-97 for the scope of services described in CDD transmittal dated 10-11-96,

& using the proforma contract;

2. AUTH Controller to expend approps within Community Development Trust Fund

No. 424 upon Trust Fund No. 424 upon proper demand of the GM, CDD, or designee

as follows:

Acct J522 for Planning / Admin in amt of \$70,500

10-30-96 - File to Mayor FORTHWITH

10-30-96 - Mayor's message concurred in action of 10-29-96 (CNT9710)

11-7-96 - File to CDD - Attn: Raul Gonzalez, Contract Div

11-15-96 - File to C&ED Comt Clk OK

11-15-96 - File in files

11-19-96 - File to AH&H Comt Clk

12-4-96 - File to CDD - Attn: Raul Gonzales per corrected Notification ltr

8-13-99 - This days Ccl session - Mo - Miscikowski Mover 1999 / Chick - On 4-23-96, the City Ccl authorized \$75,000 in supplemental CDBG Earthquake funds to hire a consultant to assist in the formation of the Encino Budiness Improvement District (BID). Subsequently, the consultant that was hired (Economics Research Associates) is no longer able to complete the formation process. The Marco Group has bee identified as an eligible consultant to finalize the formatin process. As such the City Council should approve the Marco Group to finalize the BID formation procedures for the Encino BID with th balance of funds (\$18,108).

THEREFORE MOVE that the General Manger of the Community Development Dept or designee, be authorized to prepare, execute and administer a contract with the Marco Group, using the balance of funds available and designated for use in the Encino BID establishment process.

FURTHER MOVE that the remaining contract balance of \$18,108 be unencumbered from Contract NO C-94398 with Economics Research Assoiates and be encumbered to a new contract with the Marco Group, subject to City Attorney approval as to form and legality

8-13-99 - File to Cal Clk for placement on next available Ccl agenda

8-20-99 - Mo ADOPTED

8-25-99 - File to GM, CDD

8-30-99 - File to C&ED Comt Clk OK

9-1-99 - File to Mayor FORTHWITH

9-2-99 - Mayor's message concurred in action of 8-20-99 (CNT0008)

9-7-99 - File to GM, CDD

9-8-99 - File in files

6-22-00 - File to Cal Clk

6-23-00 - For Ccl - Transmittal from City Clerk relative to the proposed **Encino Business Improvement District**

6-23-00 - File to C&ED Comt per req

6-23-00 - Mo - Hernandez Mover 2000 / Miscikowski - ADOPTED - HEREBY MOVE that Council ADOPT the recommendations of the City Clerk on today's Council agenda (Item No. 9; CF 96-0491) and waived by the Community and Economic Development Committee relative to the establishment of the Encino Business Improvement District (BID), as follows:

1. FIND that the petitions submitted on behalf of proponents of the proposed Encino BID are signed by property owners who will pay more than fifty (50) percent of the assessments proposed to be levied.

2. FIND that in accordance with Article XIIIID of the California Constitution, it has been demonstrated by clear and convincing evidence that the real property owned by the City and located within the boundaries of the proposed District will in fact receive no special benefit.

3. ADOPT accompanying ORDINANCE OF INTENTION to establish the Encino BID.

4. DIRECT the City Clerk to prepare, publish and mail as required, the public meeting notice for the meeting of 7-12-00 and the public hearing notice for the hearing of 8-15-00 and the special assessment ballots and instructions in a format approved by the City Attorney and scheduled as required by the provisions of Section 54954.6 of the Government Code, Section 36600 et seq. of the Streets and Highways Code, and Article XIIIID of the California Constitution.

5. INSTRUCT the City Clerk, subject to City Attorney approval, to prepare an Ordinance establishing the Encino BID, for Council consideration during the required public hearing - Ord of Intent ADOPTED

6-26-00 - File to Mayor for signature

7-3-00 - File to C&ED Comt Clk OK

7-7-00 - File to Cal Clk

7-12-00 - Public Hearing Held - Second Hearing scheduled 8-15-00

8-15-00 - Public Hearing Closed - Ord ADOPTED establishing the Encino Property & BID and Confirming the Assessments to be levied upon properties within the District

8-17-00 - File to Mayor for signature FORTHWITH

8-29-00 - File to Cal Clk

8-30-00 - File to C&ED Comt Clk OK

8-30-00 - File in files

9-18-00 - File to Tony Ramos - Controller - x36206

9-26-00 - File in files

#### ORD

173366 (Adopted 6-23-00; Effective 7-31-00)

173482 (Adopted 8-15-00; Effective 8-31-00)

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