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OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY -1 PM 3: 21



## AGENDA REPORT

**TO:** FRED BLACKWELL  
CITY ADMINISTRATOR

**FROM:** Rachel Flynn

**SUBJECT:** Temescal/Telegraph Business Improvement  
District 2015

**DATE:** April 21, 2014

City Administrator  
Approval

Date

4/29/14

**COUNCIL DISTRICT:** # 1

### RECOMMENDATION

Staff recommends that the City Council adopt:

**A Resolution Of Intention To Form The Temescal/Telegraph Business Improvement District 2015 ("TTBID 2015"); Granting Preliminary Approval Of The TTBID 2015 Management Plan 2015; Directing Filing Of The Proposed TTBID 2015 Assessment District Boundary Description; Directing Distribution of A Ballot To All Affected Property Owners Whereby They Can Vote "In Favor Of" or "Against" the Proposed TTBID 2015 And Assessment To Determine Whether A Majority Protest Exists; And Scheduling A Public Hearing For July 15, 2014.**

**Resolution Authorizing The City Administrator (1) To Sign The Ballot In Favor Of The Formation Of The Temescal/Telegraph Business Improvement District 2015 ("TTBID 2015") And (2) To Pay \$1,688.22 For The FY 14/15 Assessment For One (1) City-Owned Property On Which Assessments Are To Be Levied (APN 014 1219 003 00 - The Temescal Library) If The TTBID 2015 Is Established**

### EXECUTIVE SUMMARY

To initiate a special property owner election to determine whether the proposed Temescal/Telegraph Business Improvement District 2015 (hereinafter "TTBID 2015") can be formed, the City Council would need to first receive a petition in favor of forming the TTBID 2015, endorsed by more than 30 percent (more that 30%) of the weighted value of the property assessments that would be imposed if the TTBID 2015 is established. If the petition is duly endorsed, the City Council may adopt the attached proposed Resolution of Intention and conduct a public hearing not less than 45 days after notice of the Public Hearing is published. Upon

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passage of the Resolution of Intention, ballots will be mailed to each affected property owner pursuant to the City of Oakland's Business Improvement Management District Ordinance (Ord. No. 12190 C.M.S., 1999) and State Proposition 218.

Council shall approve formation of the TT BID 2015 and the assessment if, at the close of the Public Hearing, a majority protest is not established. A majority protest exists if, upon the conclusion of the Public Hearing, ballots submitted in opposition to the establishment of the TT BID 2015 and corresponding property assessment exceed the ballots submitted in favor of the the TT BID 2015 and corresponding property assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation upon the affected property. The results of the balloting will be heard at the public hearing to be scheduled for July 15, 2014, at which time the City Council will also hear public testimony and make a final decision regarding TT BID 2015 formation.

If established, the Temescal/Telegraph Business Improvement District 2015 will generate special assessment revenues of approximately \$485,985 per year for a period of ten years (or up to approximately \$6.1 million over the life of the district, if allowable 5% annual increases to the assessments are taken).

Services to be provided are outlined in a district Management Plan drafted by district representatives (*Exhibit A* to the attached Resolution of Intention) and include, but are not limited to, special benefit cleaning, marketing, public right of way beautification and other economic development services within the district.

### **OUTCOME**

Adoption of the attached Resolution of Intention will initiate a special election to determine whether the proposed Temescal/Telegraph Business Improvement District 2015 can be formed. If the district is formed it will generate approximately \$485,985 of special assessment revenues in Year 1 of the district and up to approximately \$6.1 million over the proposed ten year life of the district. Funds generated will be used to pay for special benefit services including, but not limited to, enhanced cleaning, marketing, public right of way beautification and other economic development activities for assessed properties as further described in *Exhibit A* to the attached proposed Resolution of Intention.

### **BACKGROUND/LEGISLATIVE HISTORY**

In 1999, the City Council approved the City of Oakland Business Improvement Management District Ordinance (Ord. No. 12190 of 1999 codified as Chapter 4.48 of the Oakland Municipal Code) which allows for the formation of property-based special assessment districts to undertake a range of special benefit services within the assessment area, independent from government, to support the economic viability of affected commercial neighborhoods.

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That same year (1999) the Oakland City Council also authorized initiation of the Neighborhood Business Improvement District (NBID) Program (Resolution No. 75323 C.M.S.) to assist neighborhood representatives in their attempts to form such districts.

In 2013, Temescal Telegraph district stakeholders hired a private BID consultant firm (New City America, Inc.), to assist with the formation of a proposed Temescal/Telegraph Business Improvement District 2015.

Pursuant to those efforts, in May 2014, district stakeholders filed evidence of support sufficient to qualify for the attached Resolution of Intention to form the Temescal/Telegraph Business Improvement District 2015. Evidence of sufficient support is comprised of a petition in favor of the creation of the TTBID 2015 and corresponding property assessment, signed by affected property owners representing more than 30% of total projected district assessments.

The proposed TTBID 2015 will include all properties located within the existing Temescal/Telegraph Avenue Property BID of 2005. The TTBID 2015 proposes to include the following additional properties: MacArthur Station of the San Francisco Bay Area Rapid Transit District (BART), properties on 40<sup>th</sup> Street between Broadway and Telegraph Avenue, and properties further south on Telegraph Avenue to West MacArthur Boulevard. The existing BID 2005 includes approximately 260 parcels which generate approximately \$274,000 per year. The proposed TTBID 2015 currently includes 417 parcels with projected first year revenues of \$485,985.08. Activities completed by the Temescal/Telegraph Avenue BID of 2005 are detailed in annual reports to the City Council pursuant to enabling legislation and, include but are not limited to, special benefit cleaning, various marketing and promotional activities and installation of pedestrian lighting along portions of the affected commercial corridor. The proposed TTBID 2015 will continue providing services similar to the existing Temescal/Telegraph BID of 2005 except that special benefit services will be provided to a larger geographic area as described above, and pedestrian lighting will be extended further along designated portions of affected commercial corridors.

### **ANALYSIS**

If approved by affected property owners under the procedure set forth primarily in OMC section 4.48.070, the proposed Temescal/Telegraph Business Improvement District 2015 will generate approximately \$485,985 in Year 1 of the district and up to \$6.1 million over the ten year term of the district. Of this total, the City will owe \$1,688.22 in FY 2014/15 and a maximum \$21,234.25 over the ten year life of the district for assessments on one (1) City-owned property (the Temescal Library) located within the TTBID 2015 boundaries. This City-owned property is already included within the existing TTBID 2005. If the City acquires additional affected properties during the course of the BID's proposed 10-year term, then funding sources for related

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assessments owed will be identified as part of the City's ongoing biannual and mid-cycle budget development processes.

Given current tightening of municipal funding sources and a growing need to identify alternate economic development revenue sources, the proposed special assessment district and corresponding nominal City assessment could be considered a reasonable leveraging of public funds.

Special benefit services to be provided by the proposed district are intended to improve the conditions and image of the affected commercial corridor(s) and to stimulate ongoing economic revitalization within the surrounding commercial neighborhood consistent with City Council goals and objectives.

Formation of the proposed Temescal/Telegraph Business Improvement District 2015 would represent the fifteenth BID to be formed in Oakland (which includes district renewals completed in 2002, 2006, 2011 and 2012). Collectively, these districts (past and present) have contributed significantly to Oakland's economic development progress and continue to contribute at a rate of approximately \$4.1 million per year. As more mixed use development occurs in Oakland commercial zones, residential property owners have also begun to benefit from special benefit services provided by BID special assessment districts. As such the cumulative impact of BIDs continues to grow, making them an increasingly useful tool for supporting broader revitalization efforts in Oakland's commercial neighborhoods.

Because BIDs are self-initiated, self-funded, and self-administered entities, there is limited fiscal impact to the City associated with the proposed district formation beyond the above-referenced assessment on City-owned property and the cost of City staff to provide technical assistance to the formation effort and ongoing administration of the citywide BID program. The cost of City staff time is already accounted for in the approved FY 13/15 budget.

The initiative taken by district stakeholders to form the proposed special assessment district also represents a productive step towards community self-empowerment as well as a viable opportunity to cultivate additional public-private investment partnerships, all of which may merit the City's support.

### **PUBLIC OUTREACH/INTEREST**

For the City Council to adopt the attached Resolution of Intention, enabling legislation does not require City staff to conduct public outreach other than the required posting on the City's website. District stakeholders, however, did perform outreach necessary to secure the requisite number of property owner petitions to qualify for adoption of the attached Resolution of Intention.

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## COORDINATION

The City Budget Office, Office of the City Attorney and the Public Works Agency were consulted in the preparation of this report and/or its attachments.

## COST SUMMARY/IMPLICATIONS

If the proposed TT BID 2015 is formed, its ongoing operation is anticipated to be largely cost neutral to the City's general fund, with the exception of an annual assessment payment of approximately \$1,681.22 which would be levied on one (1) City owned property within the district (APN 014 1219 003-00 – Temescal Library). If the City acquires additional affected properties during the course of the BID's proposed 10-year term, then funding sources for related assessments owed will be identified as part of the City's ongoing biannual and mid-cycle budget development processes.

The funding source to pay the FY 2014/15 assessment on the Temescal Library is as follows:

- General Purpose Fund (1010)/Citywide Activities Organization (90591)/Taxes and Assessments (53511)/Business Improvement District Project (C138410)/IP50

The cost of City staff time to provide technical assistance to the BID formation effort and to ongoing administration of the citywide BID Program is already accounted for in the City's FY 2013- 2015 Adopted Policy Budget and will also be included in future budget development processes.

If the Temescal/Telegraph Business Improvement District 2015 and corresponding special property assessment levy is approved, the City Treasury Division will provide invoices to tax exempt entities that are not on the County of Alameda's property tax roll. For taxable entities, the County of Alameda will add the assessment as a line item to the annual property tax bill of each affected property owner and remit the amount collected (less the County's collection fee of approximately 1.7% of total assessment) to the City. The City, in turn, will disburse the funds to the district, pursuant to a written agreement between the City and the district's designated non-profit management corporation.

The written agreement to be signed between the City and the designated non-profit BID management corporation also provides for a 1% administrative fee to be charged to the TT BID 2015 to partially recover the City's costs of administering the district, including costs incurred by the Treasury Division for providing the services described above.

Lastly, if the Temescal/Telegraph Business Improvement District 2015 is formed, program guidelines state that the City is expected to maintain a base level of service within the district equivalent to the level prior to formation of the assessment district. Maintaining baseline services, however, commits no additional City funds beyond what already exists. Proportional reductions to baseline services may occur resulting from changes in the City's overall financial condition.

### **SUSTAINABLE OPPORTUNITIES**


***Economic:*** The proposed levy will fund activities which are intended to support the eventual increase of property, sales, and business tax revenues, as well as, increased job opportunities and on-going economic development of the Temescal/Telegraph commercial district

***Environmental:*** The proposed levy will enable the district to continue its efforts to strengthen and beautify the physical image of the affected commercial neighborhood by providing special benefit services such as enhanced sidewalk cleaning, graffiti removal, trash removal and expansion of pedestrian lighting along portions of Temescal/Telegraph commercial corridors.

***Social Equity:*** The proposed special assessment district will incorporate members of the affected commercial neighborhood into a productive and proactive entity representing the interests of that community. Stakeholders themselves will be responsible for administering district revenues which contributes to community self-empowerment which may, in turn, contribute to various social equity goals.

For questions regarding this report, please contact Maria Rocha, BID Program Coordinator, at 510-238-6176.

Respectfully submitted,

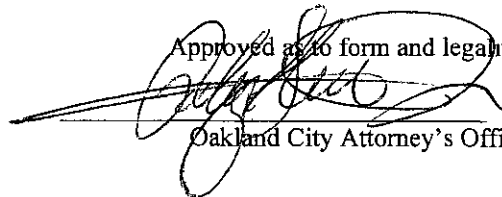
  
RACHEL FLYNN, Director  
Department of Economic and Workforce Development

Reviewed by  
Aliza Gallo  
Economic Development Manager

Prepared by  
Maria Rocha, BID Program Coordinator

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Approved as to form and legality  
  
Oakland City Attorney's Office

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RESOLUTION \_\_\_\_\_ C.M.S.

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**RESOLUTION OF INTENTION TO FORM THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 ("TTBID 2015"); GRANTING PRELIMINARY APPROVAL OF THE TTBID 2015 MANAGEMENT PLAN 2015; DIRECTING FILING OF THE PROPOSED TTBID 2015 ASSESSMENT DISTRICT BOUNDARY DESCRIPTION; DIRECTING DISTRIBUTION OF A BALLOT TO ALL AFFECTED PROPERTY OWNERS WHEREBY THEY CAN VOTE "IN FAVOR OF" OR "AGAINST" THE PROPOSED TTBID 2015 AND ASSESSMENT TO DETERMINE WHETHER A MAJORITY PROTEST EXISTS; AND SCHEDULING A PUBLIC HEARING FOR JULY 15, 2014**

**WHEREAS**, the City Council of the City of Oakland enacted the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190 of 1999, hereinafter "BIMD Ordinance") establishing the procedures for the formation of business improvement management districts; and

**WHEREAS**, the City Council approved a Neighborhood Business Improvement District ("NBID") Program pursuant to Oakland City Council Resolution No. 75323, dated November 9, 1999, to provide technical and financial assistance to stakeholder groups of business and property owners in the City to assist in the formation of such districts; and

**WHEREAS**, the property owners in the Temescal / Telegraph Avenue district previously petitioned for the creation of the Temescal/Telegraph Avenue Property Business Improvement District of 2005 (hereinafter "TTBID 2005"), and said TTBID 2005 and corresponding assessments were approved by the Oakland City Council through Resolution No. 78730, dated July 20, 2004; and

**WHEREAS**, the TTBID 2005 will reach the end of its maximum 10 year existence by the end of 2014, as authorized by Oakland Municipal Code Chapter 4.48; and

**WHEREAS**, the property owners in the Temescal / Telegraph district have duly petitioned to form the Temescal / Telegraph Business Improvement District 2015 ("TTBID 2015") under the BIMD Ordinance, and have proposed the TTBID 2015 Management Plan (TTBID 2015 Plan) for the operation of the TTBID 2015, attached hereto and incorporated by reference as *Exhibit A* ("TTBID 2015 Plan"); and

**WHEREAS**, the TTBID 2015 Plan contains a detailed engineer's report prepared by a registered professional engineer recognized by the State of California; and

**WHEREAS**, the TTBID 2015 Plan was prepared in accordance with the provisions of Article XIII of the California Constitution, and has been filed with the City Clerk for proceedings in formation of this district; and

**WHEREAS**, the TTBID 2015 Plan, incorporated by this reference, provides for enhanced cleaning, marketing, and promotional activities and improvements of particular benefit to the properties located within the proposed TTBID 2015 (as more specifically identified in the TTBID 2015 Plan); and

**WHEREAS**, the TTBID 2015 Plan was prepared in accord with the provisions of the BIMD Ordinance overseeing the formation of the District 2015 as referenced above, and has been filed with the City Clerk for proceedings in formation of this TTBID 2015; now, therefore be it

**RESOLVED**, that the City Council of the City of Oakland finds that the TTBID 2015 Plan satisfies all the requirements of the BIMD Ordinance, the laws of the State of California and the California Constitution with regard to the formation of business improvement management districts, and does hereby resolve, find, determine and give notice as follows:

1. The Preliminary Report of the City Clerk was filed on April 21, 2014 which describes the matters required by the BIMD Ordinance.
2. A business improvement management district is proposed to be established pursuant to the BIMD Ordinance with the boundaries as specified in the TTBID 2015 Plan.
3. A copy of the preliminary report of the City Clerk is on file in the office of the City Clerk relating to the formation of the TTBID 2015.
4. The TTBID 2015 Plan is preliminarily approved and the assessments for the first year shall be as provided for in the TTBID 2015 Plan if the TTBID 2015 is established.
5. The District shall be a business improvement management district, and the name of the District shall be the "Temescal/Telegraph Business Improvement District 2015".
6. The reasons for the assessments and the types of the improvements and activities proposed to be funded and acquired by the levy of assessments on property in the TTBID 2015 and the time period for which the proposed improvements are to be made are those specified in Section 3 of the TTBID 2015 Plan.
7. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities within the TTBID 2015.
8. The boundaries of the TTBID 2015 and of each separate benefit zone within the district are delineated in Section 2 of the TTBID 2015 Plan.
9. The proposed method and basis of levying the assessments to be levied against each property in the TTBID 2015 is based on the gross lot size, building square footage and linear frontage of each parcel located within the TTBID 2015, and upon the benefit



zone in which the property is located (as specified in the TTBID 2015 Plan – *Exhibit A*), and the assessments proposed for each property are contained in Section 7 and in Attachment A to the TTBID 2015 Plan.

10. The assessments for the entire TTBID 2015 equal \$485,985.08 for the first year of the TTBID 2015, and the amount chargeable to each parcel are as shown in Section 7 of and in Attachment A to the TTBID 2015 Plan.
11. The TTBID 2015 shall be in existence for a period of ten (10) years (as provided for in the TTBID 2015 Plan) during which a maximum 5% increase per year in the amount of the assessment on each property shall be allowable as provided for in the TTBID 2015 Plan.
12. The assessment shall be attached to the property and collected with the annual county property taxes, and in certain cases through a special municipal billing, and shall continue annually as provided for in the TTBID 2015 Plan for each year that the TTBID 2015 is in existence unless modified by the City Council on the recommendation of the TTBID 2015 Advisory Board.
13. The City Clerk is directed to mail a copy of the Resolution of Intention to form the District 2015 along with the ballots for the written protest procedure to all affected property owners in the TTBID 2015 compliance with the BIMD Ordinance and Article XIII of the California Constitution and to each local Chamber of Commerce and business organization known to be located within the TTBID 2015, give all other notices and take all other actions required by law, and give notice of the dates of the Public Hearing and Final Action on the Petition for Formation of the TTBID 2015 to all affected property owners in the proposed TTBID 2015 no later than forty-five (45) days before the scheduled public hearing, and also publish the Resolution of Intention in a newspaper of general circulation in the City of Oakland once, at least seven (7) days before the public hearing. The ballots mailed to the affected property owners shall contain the procedures for the completion and return of the ballots.
14. A Public Hearing is set for July 15, 2014, (at 6:30 P.M. in the City Council Chambers in City Hall, located at 1 Frank H. Ogawa Plaza, Oakland California), and as may be continued by the City Council, to hear public testimony and protests, to complete the counting of the returned ballots as to the formation of the District, and to take final action as to the formation of the District.
15. At the Public Hearing, the testimony of interested persons for or against the establishment of the TTBID 2015, the proposed assessment, the boundaries of the TTBID 2015, or the furnishing of the specified types of improvements or activities will be heard.
16. Filing of Protests
  - a) A protest may be made in writing by any interested person through the ballot procedure. The procedures applicable to the completion and return of the ballots are as specified in the ballot, a copy of which is attached hereto as *Exhibit B* and incorporated herein by this reference. Any protest pertaining to the regularity or

sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

- b) Every written protest shall be filed with the City Clerk at or before the time fixed for the Public Hearing. A written protest may be withdrawn in writing at any time before the conclusion of the Public Hearing.
- c) Each written protest shall contain a description of the property in which the person subscribing the protest is interested sufficient to identify the property and, if a person subscribing is not shown on the official records of the City as the owner of the property, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the property.
- d) A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.

17. Tabulation of Ballots - After the close of the Public Hearing, tabulation of the ballots will be completed under the direction of the City Clerk and the results of the tabulation will be reported to the City Council. If there is a majority protest, the assessment will not be imposed. A majority protest exists if, upon the conclusion of the Public Hearing, ballots submitted in opposition to the TT BID 2015 and corresponding assessment exceed the ballots submitted in favor of the TT BID 2015 and corresponding assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation upon the affected property.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California



**Exhibit A**

(to the Resolution of  
Intention to Form the  
TTBID 2015)

# **The Temescal/Telegraph Business Improvement District 2015 Management Plan**

**Final Plan – April 21, 2014**

Prepared pursuant to the City of Oakland's  
Business Improvement Management District Ordinance No. 12190 of 1999, Codified as  
Municipal Code Chapter 4.48  
For the Temescal/Telegraph Business and Property Owners

Prepared by:  
New City America, Inc. and  
The Temescal/Telegraph  
Business Improvement District Renewal Committee



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# Temescal/Telegraph Business Improvement District 2015 Management Plan

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### Attachment:

#### A. Engineer's Report

# Section 1

## Management Plan Summary

The name of this Business Improvement Management District is the Temescal/Telegraph Business Improvement District 2015 (hereinafter the "TTBID 2015"). The District is being formed pursuant to the City of Oakland's Business Improvement Management District Ordinance No. 12190 of 1999, codified as Municipal Code Chapter 4.48 hereinafter referred to as "the Ordinance."

Developed by the Temescal/Telegraph BID Renewal Committee – this Management District Plan is proposed to improve and provide special benefits to individual parcels located within the boundaries of the newly proposed Temescal/Telegraph Business Improvement District 2015. The proposed TTBID 2015 will provide special benefit district improvements and activities, including cleaning, beautification, district identity, supplemental sidewalk lighting and other special benefit programs to parcels within the boundaries of the proposed district. We will continue to advocate for improved services and a greater presence of the Oakland Police Department as well as seek to increase City services within the new District.

The proposed Temescal/Telegraph Business Improvement District 2015 serves to improve the individual parcels, attract new customers to their businesses, increase sales, increase occupancies and enhance the benefitting individual parcels within the TTBID 2015. The proposed TTBID 2015 seeks to fund the special benefits that will be provided over the next ten years, based upon keeping the Temescal/Telegraph Business Improvement District 2015 area clean, safe, orderly, attractive, well marketed with special events and programs, and increase commerce within the boundaries.

### **Background:**

As a property owner in the current 2005 Temescal/Telegraph Avenue Business Improvement District (TTBID 2005) as well as in those parcels just south of the existing TTBID 2005, property owners have undoubtedly noticed the significant improvements over the past nine years along Telegraph Avenue from 40<sup>th</sup> Street to the Berkeley border. These improvements and the new identity of this district - that has brought much attention to Temescal - are directly attributable to the work and funding of the 2005 Temescal/Telegraph BID.

**Since the 2005 Temescal/Telegraph BID's formation, sales tax revenues in the TTBID 2005 have risen 32% in spite of a 4% decline in sales taxes for the City of Oakland as a whole.**

In 2004, property owners along Telegraph (and portions of Shattuck, Claremont, and 51<sup>st</sup> St.), including Children's Hospital, voted to assess themselves to fund special benefit improvements, or those services over those provided by the City of Oakland. These improvements and

activities were funded by the property owner assessments and have been managed by a volunteer non-profit Board of Directors.

These improvements and the accomplishments have included the following:

- *Installation of 70 new pedestrian street lights along Telegraph Ave and 52<sup>nd</sup> Street;*
- *Installation of 100 pole banners along Telegraph Ave, the length of the entire District;*
- *Sidewalk sweeping on a regular schedule and removal of illegal dumping and graffiti as needed;*
- *Installation of "gateway" signage at the most heavily travelled entry points to Temescal;*
- *Underwriting of numerous annual special events each year (Temescal Street Fair, Taste of Temescal, Art Hop, Halloween, Holiday events, Skate & Stroll, and Street Cinema);*
- *Whimsical painting, "Temescal Flows", above the 51<sup>st</sup> Street /Hwy 24 underpass;*
- *Installation and maintenance of over 100 planters on Telegraph Avenue;*
- *Installation of 50 artistic murals and banners on the PG&E substation at Shattuck & 51<sup>st</sup>; and 5 more at the Kelly Moore Building at 4156 Telegraph;*
- *Adding to the existing trash cans totaling 38, and transforming them with mosaic tile into eclectic art pieces;*
- *Ongoing media coverage of the growth and development of Temescal; and*
- *Enhanced website to optimize social media posting opportunities.*
- *The large utility boxes covered with "kid art" coordinated with the students at Peralta School.*

Many property owners have experienced and witnessed the deterioration in the level of City services over the past few years. The Oakland Police Department, alone, is down nearly 200 officers over the past 2 years. The City budget crisis and reduction in services is a situation that we will be dealing with for a long, long time.

Over the past 15 years, the business, residential and commercial property owners in other communities in Oakland have supported the self-management and improvement of their respective communities by embracing a tool known as a BID (Business Improvement District) or *Community Benefit Districts*. These BID *assessment districts* have given residents, business and property owners in Downtown, Lake Merritt/Uptown, Montclair, Lakeshore, Fruitvale, Laurel, Rockridge, and Koreatown/Northgate communities, the funding they need to pay for "special benefit services" and lead their own community revitalization. Downtown's and Lake Merritt/Uptown's colorfully uniformed ambassadors have made a dramatic impact over the past four years in the feel and maintenance of order of those districts.

The BID model has become a cost effective, community-controlled financing tool throughout Oakland and San Francisco, to fund services over and above those provided by the municipalities. These are community generated and community controlled special benefit funds.

The Temescal-Telegraph BID 2005 is a great example of how effective and “results-oriented” a BID can be. The TTBID 2005 is now in the midst of its renewal and expansion and during this period we have included many parcels to the south which link the rapidly developing MacArthur BART station to the rest of the existing Temescal/Telegraph BID 2005 area.

**After surveying property owners along 40<sup>th</sup> Street between Broadway and Telegraph, as well as heading south on Telegraph to encompass the BART station, the Board voted to expand the district during this renewal period.**

**New Boundaries:**

The boundaries shall include parcels fronting along Telegraph Avenue from Woolsey Street on the north to the four corner intersection at W. MacArthur on the south. The renewed Temescal/Telegraph BID 2015 also will include Children’s Hospital on MLK Jr. Way, Shattuck Avenue from the 24 freeway to its merge with Telegraph Avenue, 40<sup>th</sup> Street from Broadway to the 24 freeways and Claremont Avenue from the 24 freeway to just south of Cavour Street.

**Budget:**

The total first-year Temescal/Telegraph Business Improvement District 2015 budget based upon assessable individual parcel owners for FY 14/15, will be \$485,985.00. Please see Section 3 for a breakdown of the categories of special benefit services and their allocation of services by Benefit Zone.

**Improvements, Activities and Services of the Temescal/Telegraph Business Improvement District 2015 Plan:**

There are four basic categories of special benefit services that will be funded by the Temescal/Telegraph Business Improvement District 2015. All of these services will confer a special benefit to the individual parcels within the Temescal/Telegraph Business Improvement District 2015. The categories of special benefits are as follows:

1. ***Public Right of Way and Sidewalk Operations (PROWSO):*** This includes all sidewalk and gutter cleaning services, sidewalk steam cleaning services, graffiti removal, trash removal, as well as expanding the pedestrian lighting program and beautifying the district based upon Benefit Zone contributions. Sidewalk operations services total approximately \$ 290,000 or 60% of the first year annual budget of the new 2015 BID.
2. ***Marketing and Identity Enhancement (MIE):*** These services include the branding of the Temescal/Telegraph BID 2015 area, marketing and promotions, newsletter, public relations, media relations, social media, publicity, special events, lighting, website development and maintenance, public space develop and holiday decorations. These services equal approximately \$94,000.00 or 19% of the first year annual budget of the new 2015 BID.
3. ***Administration/Government and Community Relations:*** These services equal approximately \$ 75,000.00 or 16% of the first year annual budget of the new 2015 BID.

4. **Contingency/Reserve.** This contingency anticipates a “historic” non-payment rate percentage of 3 to 5%, and any City or County collection fees. This fund equals approximately \$ 26,985 or 5% of the first year annual budget of the new district.

This plan proposes percentages for groups of services with the intent that they will provide individual parcels with an understanding of the portion of the budget allocated to fund those services, while simultaneously giving property owners an understanding of the proportional benefit they will receive. Demands for prioritization of one special benefit need over another *within the same category* will occur year by year. One special benefit service may be a priority one year, however another special benefit may be a priority another year. Both of these services will fall within the same special benefit category.

**Method of Financing:**

The financing of the BID is based upon the levy of special assessments upon real property that receive special benefits from the improvements and activities. See Section 4 for assessment methodology and compliance with Proposition 218. There will be five factors used in the determination of proportional benefit to the parcels in the BID. Those five factors are:

- Linear frontage along the primary street, (broken down by Benefit Zones). Parcels will be charged different frontage rates based upon the frequency of services that the Benefit Zone frontage will receive from the Sidewalk Operations portion of the BID budget;
- Lot square footage or the footprint of the parcel;
- Building square footage (excluding parking structures built within the building that predominantly serve the tenants of the building and are not open to the public); and
- Residential condos;
- Benefit Zones

The following data represents the foundation of the assessments that will generate the revenue to fund the Temescal/Telegraph Business Improvement District: (verified as of February 1<sup>st</sup> 2014);

**Gross Building Square Footage:** 1,708,505 sq. feet

**Gross Lot Size:** 3,377,399 sq. feet

**Gross Linear Frontage:** 25,397 linear feet

**Residential Condos:** 98,818 assessable building square footage.  
Currently, there are only a few residential condominium developments within the Temescal/Telegraph BID 2015 boundaries.



**Benefit Zones:**

State law and the State constitution, Article XIII D require that special assessments be levied according to the special benefit each individual parcel receives. There will be three benefit zones in the proposed Temescal/Telegraph Business Improvement District, and parcels identified in the TT BID 2015 map in Benefit Zone 1 will be charged a higher linear frontage, lot size and building square footage rate due to the higher level of proportional benefit they will receive.

**Costs:**

Annual assessments are based upon an allocation of program costs by assessable linear frontage (by Benefit Zone), assessable on one side of the primary street of the parcels that receive benefit; PLUS lot or parcel square footage; PLUS assessable building square footage, and in the case of residential condos, only by building square footage.

The residential condo owners are assessed differently since they are, in essence, acquiring air rights with the condos and linear frontage and lot size is not relevant to their parcels. This alternate assessment methodology is created to respond to their special needs of homeowners within this potentially ascending sector within the Temescal/Telegraph district. All four property variables, including an individual parcel's location within the designated areas for Benefit Zone will be used in the calculation of the annual assessment. The FY 2014-15 year annual assessments per property variable and Benefit Zone are as follows:

<b><i>Linear Frontage costs:</i></b>	Benefit Zone 1 \$ 8.00 per linear foot/year Benefit Zone 2 \$ 3.00 per linear foot/year Benefit Zone 3 \$ 15.00 per linear foot/year
<b><i>Building Square Footage costs:</i></b>	Benefit Zone 1 \$ 0.08 per square foot/year Benefit Zone 2 \$ 0.03 per square foot/year Benefit Zone 3 \$ 0.00 per square foot/year
<b><i>Lot Size costs:</i></b>	Benefit Zone 1 \$0.06 per square foot/year Benefit Zone 2 \$0.06 per square foot/year Benefit Zone 3 \$ 0.02 per square foot/year
<b><i>Residential Condo costs:</i></b>	\$0.20 per square foot of parcel unit square footage (Regardless of benefit zone within the district)

***Assessment District Revenue Generation from each property variable:***

Linear Frontage :	\$ 184,077.00
Building Square Footage:	\$ 90,620.00
Lot Square Footage:	\$ 191,524.00
Residential Condos	<u>\$ 19,764.00</u>
<b>Total:</b>	<b>\$ 485,985.00</b>

**Cap:**

The Temescal/Telegraph BID 2015 budget and assessments may be increased annually in an amount not to exceed 5% per year based upon a recommendation of the TT BID 2015 Advisory Board and Oakland City Council acceptance under OMC section 4.48.200.C.

Increases greater than 5% in any single year will require Advisory Board approval, City Council Approval, and will be subject to public notice, hearing, and balloting under OMC sections 4.48.200.C and 4.48.070 through 4.48.140 as applicable.

Changes in land use, development of empty parcels, conversion of tax exempt to profitable land uses, demolition of existing buildings, and creation of new parcels through new building or residential condo development may alter the budget from year to year based upon the changes in the building square footage of an individual parcels. Because linear frontage and lot size normally are not altered in the development of a site, the only changes realized in the BID will likely be through the building square footage. In addition, changes in the budget may occur due to the conversion of single parcels to multiple parcels due to the construction of residential or commercial condominiums.

**Bonds:**

The District will not issue any bonds related to any program however the Board of Directors of the Management Corporation may take out a long term loan, not to exceed the remaining term of the TT BID 2015, to complete the installation of pedestrian lighting or other capital improvements along the main streets of the renewed TT BID 2015.

**District Formation:**

The District formation and modification requires a submission of petitions from affected property owners representing more than 30% of the total assessments.

Once the City verifies the petitions by property owners representing more than 30% of the weighted assessment value (Oakland Municipal Code 4.48.050) (equal here to more than \$145,796 in assessment contribution to the renewed district), the City Council may adopt a Resolution of Intention and then mail out a Notice of Intention and ballots to all affected property owners at least 45 days before conducting a public hearing. Any affected person can make a protest. The City will then hold a public hearing to consider any protests and to tabulate the ballots. The City Council shall adopt a resolution, consistent with the Resolution of Intention, forming the Temescal/Telegraph Business Improvement District 2015 and levying the assessments on the benefitted parcels if the ballots submitted do not establish a majority protest. A majority protest exists if, upon the conclusion of the Public Hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation upon the affected property. We anticipate that this process will be completed by the end of July 2014.

**Duration:**

The Temescal/Telegraph Business Improvement District 2015 shall have a ten-year term with services commencing on January 1<sup>st</sup>, 2015 and continuing through December 31<sup>st</sup>, 2024.

**Governance:**

Pursuant to the City of Oakland's Business Improvement Management District Ordinance, the Advisory Board (see OMC 4.48.190, .200, and .210) will prepare an annual report each fiscal year, and may propose any changes to the Management District Plan. Any such proposed modification, if accepted by the City Council, will be subject to a notice and ballot procedure similar to what occurred during the District Formation process. A District Management Corporation or the Temescal/Telegraph Avenue Community Association (TTACA) will oversee the day-to-day implementation of services as defined in the TT BID 2015 Management Plan, and be responsible for District budgets and policies within the limitations of the TT BID 2015 Management Plan.

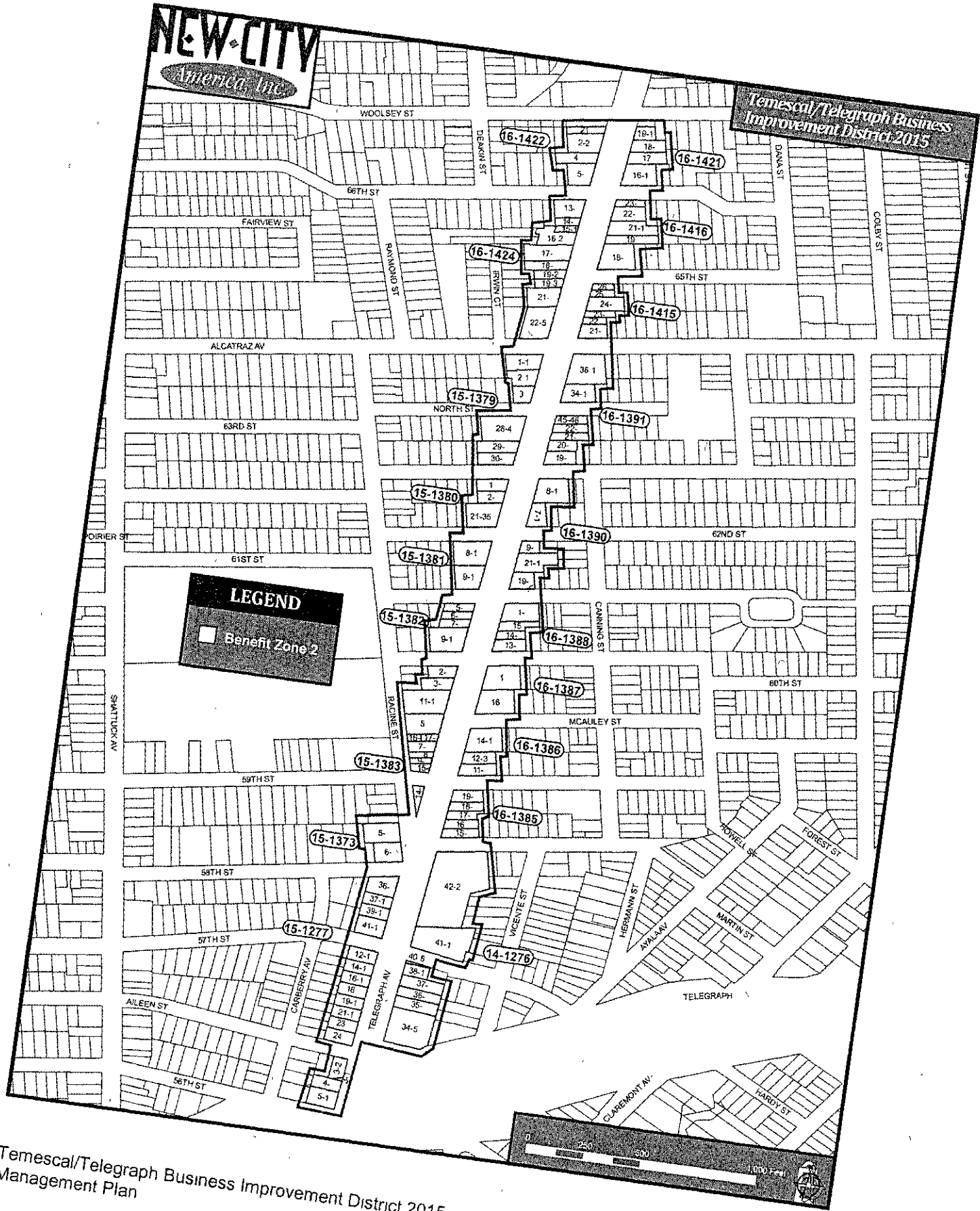
## Section 2

# Temescal/Telegraph Business Improvement District 2015 Boundaries

**Boundaries:** The following text will define the boundaries of the Temescal/Telegraph Business Improvement District 2015. Parcels in the commercial corridors of the Temescal/Telegraph Business Improvement District 2015 will include the following:

- **Northern Boundary:** Starting at the southeast and southwest side of the intersection of Woolsey Street and Telegraph Avenue and running south along Telegraph Avenue. On Shattuck Avenue, the northern boundary will be the 24 freeway.
- **Southern Boundary:** Starting at the southwest and southeast corners of the intersection of W. MacArthur Avenue and Telegraph Avenue and running north. In addition, the southern boundary of those parcels along 40<sup>th</sup> Street will include all parcels fronting along the south side of 40<sup>th</sup> Street from the parcel at the southwest corner of the intersection of Broadway and 40<sup>th</sup> Street on the east to the fourth corners of the intersection of W. MacArthur and Telegraph on the south.
- **Eastern Boundary:** Starting at the parcel at the southwestern and northwestern corners of the intersection of Broadway and 40<sup>th</sup> Street, running west along 40<sup>th</sup> Street and then following the eastern edge of all of the parcels fronting along Telegraph Avenue from the parcel at the southeastern corner of the intersection of W. MacArthur and Telegraph, running northward up to the parcel at the southeastern corner of the intersection of 51<sup>st</sup> Street and Telegraph Avenue. Continuing northward on Telegraph the east boundary will include parcels 14-1226-14, parcel 14-1227-38-2 and 14-1227-37-7 near Claremont and Cavour Street. Continuing to include the eastern side of all of the parcels fronting along Telegraph Avenue from Claremont Avenue to parcel 16-1421-19-1 at the southeastern corner of the intersection of Woolsey Street and Telegraph Avenue
- **Western Boundary:** Starting at the intersection of Highway 24 and W. MacArthur Drive, parcel number 12-1025-06 running northward along the freeway to the parcel at the northwestern corner of the intersection of 40<sup>th</sup> Street and Telegraph Avenue (parcel 12-1012-53) and continuing northward following the western or back edges of the parcels fronting on Telegraph Avenue as well as Shattuck Avenue up 51<sup>st</sup> Street. The western boundary then encompasses Children's Hospital on Martin Luther King Jr. Way and then tracks back to follow the western edge of the parcels fronting Telegraph Avenue from 51<sup>st</sup> Street and Shattuck, northward past the freeway encompassing the parcels' edge from the 24 Freeway to the parcel at the southwestern corner of the intersection of Woolsey Street and Telegraph Avenue.





## Section 3

### District Improvement and Activity Plan

#### **Explanation of Special Benefit Services:**

All of the improvements and activities detailed below are provided only to properties defined as being within the boundaries of the Temescal/Telegraph Property BID 2015, as the improvements and activities will provide special benefit only to the owners of those properties. No improvements or activities will be provided to properties outside the Temescal/Telegraph BID 2015 boundaries. All benefits derived from the assessments outlined in this Management District 2015 Plan fund services directly benefiting the property owners in this special benefit district.

The City will continue to provide services from the general fund to the benefitting parcels such as public safety, safety-related street tree trimming to address hazardous tree conditions, street sweeping, trash collection of public refuse containers, street repair, graffiti abatement, emergency services, fire protection, etc. The frequency of these general benefits may change from year to year and time to time based upon City budgetary constraints. However, City general benefits will not be withdrawn from the Temescal/Telegraph BID 2015 unless they are withdrawn based on a citywide operational change. The BID funded special benefits will not replace City funded general benefits, but rather will provide special benefits to parcel owners over and above the general benefits provided by the City of Oakland.

All services funded by the assessments outlined in the Management District Plan are intended to directly benefit the property owners within the TTBID 2015 area to support increased commerce, safety, business attraction and retention, retained and increased commercial and residential property rentals, enhanced cleanliness in the TTBID 2015, improved district identity, and eventually specialized beautification for parcel owners within the entire District.

The total improvement and activity plan budget for fiscal year 2014-15, which is funded entirely by property assessments within the TTBID 2015 boundaries, is projected to be \$ 485,985. The costs of providing each of the budget components was developed from actual experience obtained in providing these same services in the TTBID 2005 for the past 10 years.

The Temescal/Telegraph BID 2015 Steering Committee has prioritized the following categories of special benefit services for the new TTBID 2015. The categories of special benefit services set forth the intent of the budget category, but also gives the TTBID 2015 District Management Corporation flexibility to allocate the services based upon the changing needs of the District from year-to-year within each budgeted category.

#### **Improvements, Activities and Services of the Temescal/Telegraph BID 2015 Plan:**

There are four basic categories of special benefit services that will be funded by the Temescal/Telegraph Business Improvement District 2015. All of these services will confer a special benefit to the individual parcels within the Temescal/Telegraph Business Improvement District 2015. The categories of special benefits are as follows:

1. **Public Right of Way and Sidewalk Operations (PROWSO):** This includes all sidewalk and gutter cleaning services, sidewalk steam cleaning services, graffiti removal, trash removal, as well as expanding the pedestrian lighting program and beautifying the district based upon Benefit Zone contributions. Sidewalk operations services total approximately \$ 290,000 or 60% of the first year annual budget of the new TT BID 2015.
2. **Marketing and Identity Enhancement (MIE):** These services include the branding of the Temescal/Telegraph Property Business District area, marketing and promotions, newsletter, public relations, media relations, social media, publicity, special events, lighting, website development and maintenance, public space develop and holiday decorations. These services equal approximately \$94,000.00 or 19% of the first year annual budget of the new TT BID 2015.
3. **Administration/Government and Community Relations:** These services equal approximately \$ 75,000.00 or 16% of the first year annual budget of the new TT BID 2015.
4. **Contingency/Reserve.** This contingency anticipates a “historic” non-payment rate percentage of 3 to 5%, and any City or County collection fees. This fund equals approximately \$ 26,985 or 5% of the first year annual budget of the new TT BID 2015

This plan proposes percentages for groups of services with the intent that they will provide individual parcels with an understanding of the portion of the budget allocated to fund those services, while simultaneously giving the property owners and businesses an understanding of the proportional benefit they will receive. Demands for prioritization of one special benefit need over another *within the same category* will occur year by year. For example, one special benefit service may be a priority one year, however another special benefit may be a priority another year. Both of these services will fall within the same special benefit category.

**Table 3 - A**  
**First Year Temescal/Telegraph Business Improvement District 2015**  
**Special Benefit Service Budget (Figures are rounded off)**

Program or Service	% of Budget	Est. Cost of Benefit
Public Rights of Way & Sidewalk Operations (PROWSO)	60%	\$290,000.00
Marketing & Identity Enhancement (MIE)	19%	\$ 94,000.00
Administration/Government & Community Relations	16%	\$ 75,000.00
Contingency/Reserve	5%	\$ 26,985.00



**Total First Year Budget**

**100%**

**\$ 485,985.00**

The following categories of special benefit services shall only be provided to parcels within the TTBD 2015. All of the special benefit services described will be in coordination with appropriate City departments, as needed:

**1- Public Rights of Way and Sidewalk Operations (PROWSO):      \$ 290,000      60%**

Examples of these special benefit services are allocated per benefit zone with Benefit Zone 1 parcels receiving a higher frequency of services relative to the Benefit Zone 2 and 3 parcels. All of these services will not replace or reduce current city services but will rather enhance services above their current general benefit level. Costs may include, but are not limited to:

- Regular sidewalk and gutter sweeping;
- Payment for debt services related to new pedestrian lighting;
- Median landscaping along 40<sup>th</sup> Street;
- Respond to complaints of aggressive panhandling;
- Timely graffiti removal, within 24 hours as necessary
- Tree and vegetation planting and maintenance
- Regular sidewalk steam cleaning
- Placement of additional trash receptacles;
- May consider private security services on bike or patrol on a situational basis as needed;

**Level of PROWSO Special Service Frequency as determined by Benefit Zoner**

<b>Benefit Zone</b>	<b>Sidewalk Sweeping</b>
1	5 – 6 days per week
2	2 - 3 days per week
3	2 - 3 days per week

**2 – Marketing and Identity Enhancement:      \$ 94,000      19%**

Examples of these special benefit services and costs include, but are not limited to:

- *Business attraction and expansion*
- *Web site development and updating*
- *Brochures, public relations*
- *Tourist related activities*
- *Marketing and social media*
- *Advertising*
- *Banner development and installation*
- *Special Events*
- *Signage*
- *Public space development and maintenance*
- *App development*

- *Payment for debt services related to new pedestrian lighting;*

	<b><i>Benefit Zone 1</i></b>	<b><i>Benefit Zone 2 and 3</i></b>
Special event underwriting	Yes	Where applicable
Public space development	Yes	Yes
Website creation and management	Yes	Yes
Social media	Yes	Yes
Public and media relations	Yes	Yes
Banner installation	Yes	Yes

**3 - Administration/Government and Community Relations:      \$ 75,000      16 %**

Examples of these special benefit services and costs include, but are not limited to:

- *Staff and administrative costs*
- *Directors and Officers Insurance*
- *Office related expenses*
- *Rent*
- *Financial reporting and accounting*
- *Legal work*

	<b><i>Benefit Zone 1</i></b>	<b><i>Benefit Zone 2 and 3</i></b>
Staffing	Yes	Yes
Office related expenses	Yes	Yes
General Liability and Insurance	Yes	Yes
Accounting	Yes	Yes
Legal	Yes	Yes

**4 - Contingency/Reserve:      \$ 26,985      5%**

Examples of these special benefit services and costs include, but are not limited to:

- *Delinquencies*
- *Reserves*
- *City and county administration costs*

**Ten-Year Operating Budget:**

A projected ten-year operating budget for the Temescal/Telegraph BID 2015 is provided below. The projections are based upon the following assumptions:

- Assessments may be increased by a maximum 5% per year based on recommendations from the TT BID 2015 Advisory Board and Oakland City Council approval.
- The percentage of distribution between the four benefit service categories remains the same throughout the life of the TT BID 2015.

The budget for specific programs may actually be reallocated within the categories by up to 10% of each budget category. The TT BID 2015 Advisory Board may annually recommend changes to the budget based upon service needs and such changes shall be included in the Annual report submitted to the City.

**Table 3 – B**  
**Ten-Year Projection of Maximum Assessment for the**  
**Temescal/Telegraph BID 2015**

Projected Budget	FY 1	FY 2	FY 3	FY 4	FY 5
Sidewalk Operations	\$290,000.00	\$304,500.00	\$319,725.00	\$335,711.25	\$352,496.81
District Beautification	\$94,000.00	\$98,700.00	\$103,635.00	\$108,816.75	\$114,257.59
Program Management	\$75,000.00	\$78,750.00	\$82,687.50	\$86,821.88	\$91,162.97
Contingency	\$26,985.00	\$28,334.25	\$29,750.96	\$31,238.51	\$32,800.44
<b>Total</b>	<b>\$485,985.00</b>	<b>\$510,284.25</b>	<b>\$535,798.46</b>	<b>\$562,588.39</b>	<b>\$590,717.80</b>

Projected Budget	FY 6	FY 7	FY 8	FY 9	FY 10
Sidewalk Operations	\$370,121.65	\$388,627.74	\$408,059.12	\$428,462.08	\$449,885.18
District Beautification	\$119,970.47	\$125,968.99	\$132,267.44	\$138,880.81	\$145,824.85
Program Management	\$95,721.12	\$100,507.17	\$105,532.53	\$110,809.16	\$116,349.62
Contingency	\$34,440.46	\$36,162.48	\$37,970.60	\$39,869.14	\$41,862.59
<b>Total</b>	<b>\$620,253.70</b>	<b>\$651,266.38</b>	<b>\$683,829.70</b>	<b>\$718,021.18</b>	<b>\$753,922.24</b>

**Notes:**

- Assumes a 5% yearly increase on all budget items.
- Any accrued interest or delinquent payments will be expended in the above categories.

## Section 4

### Assessment Methodology

The Temescal/Telegraph BID 2015 is a property-based special benefit assessment district being established pursuant to the Oakland Business Improvement Management District Ordinance No. 12190 of 1999, codified as Municipal Code Chapter 4.48. Due to the special benefit nature of assessments levied within a BID, program costs are to be distributed amongst all identified specially benefiting properties based on the proportional amount of special program benefit each property is expected to derive from the assessments collected.

The Ordinance refers to the concept of relative “benefit” received from BID funded programs and activities versus amount of assessment paid. Only those properties expected to derive special benefits from BID funded programs and activities may be assessed and only in an amount proportional to the relative special benefits expected to be received.

The method used to determine special benefits derived by each identified property within a BID begins with the selection of a suitable and tangible basic benefit unit. For property related services, such as those proposed in the Temescal/Telegraph BID 2015, the benefit unit may be measured in terms of 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.

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 other program costs, and benefit zones are estimated. There are three benefit zones in the proposed Temescal/Telegraph BID 2015. **Proposition 218 requires that indirect or general benefits not be incorporated into the assessment formula and levied on the District properties in property based assessment Districts; 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. Based on the foregoing, 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. Then the amount of assessment for each parcel can be computed 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 BID.

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

Here, program costs spreading variables include benefit zones, linear frontage, lot or parcel size and building square footage, and residential condo parcels.

The following data represents the foundation of the assessments that will generate the revenue to fund the Temescal/Telegraph Business Improvement District 2015: (verified as of February 1<sup>st</sup> 2014);

<b>Gross Building Square Footage:</b>	1,708,505 sq. feet
<b>Gross Lot Size:</b>	3,377,399 sq. feet
<b>Gross Linear Frontage:</b>	25,397 linear feet
<b>Residential Condos:</b>	98,818 assessable building square footage. Currently there are only a few residential condo developments within the Temescal/ Telegraph BID 2015 boundaries

**Assessment District Revenue Generation in Fiscal Year 2014-15 from each property variable:**

Linear Frontage (Primary frontage only)	\$ 184,077	38%
Building Square Footage:	\$90,620	19%
Lot Square Footage:	\$191,524	39%
Residential Condos:	<u>\$19,764</u>	<u>4%</u>
<b>Total:</b>	<b>\$485,985.00</b>	<b>100%</b>

**First Year Annual Costs:**

*The FY 2014-15 year annual assessments per property variable and Benefit Zone 2015 are as follows:*

<i>Property Variable</i>	<i>First Year Annual Costs</i>
Linear Frontage	Benefit Zone 1 \$ 8.00 per linear foot/year Benefit Zone 2 \$ 3.00 per linear foot/year Benefit Zone 3 \$ 15.00 per linear foot/year
Building Square Footage	Benefit Zone 1 \$ 0.08 per square foot/year Benefit Zone 2 \$ 0.03 per square foot/year Benefit Zone 3 \$ 0.00 per square foot/year
Lot Size	Benefit Zone 1 \$ 0.06 per square foot/year Benefit Zone 2 \$ 0.06 per square foot/year Benefit Zone 3 \$ 0.02 per square foot/year
Residential Condominium	\$ 0.20 per square foot (Regardless of Benefit Zone within the district.)

**Temescal/Telegraph BID 2015 Management Plan  
Generation of Revenues by Benefit Zone and Property Variables**

<b>Zone</b>	<b>Variable</b>	<b>Annual Costs</b>	<b>Zone Property Variable Generates</b>
1	Building	\$ 0.08	\$ 79,211.44
1	Lot	\$ 0.06	\$ 142,156.86
1	Linear	\$ 8.00	\$ 133,563.28
<b>Revenues Zone 1</b>			<b>\$ 354,931.58 * - 73%</b>
2	Building	\$ 0.03	\$ 11,408.94
2	Lot	\$ 0.06	\$ 43,809.90
2	Linear	\$ 3.00	\$ 20,004.00
<b>Revenues Zone 2</b>			<b>\$ 75,222.84 - *15.5%</b>
3	Building	\$ 0.00	\$ 0
3	Lot	\$ 0.02	\$ 5,557.06
3	Linear	\$ 15.00	\$ 30,510.00
<b>Revenues Zone 3</b>			<b>\$ 36,067.06 - *7.5%</b>
	Condo/Per Sq. Ft	\$ 0.20	\$ 19,763.60 - 4%
<b>Total Budget</b>			<b>\$ 485,985.08 - 100%</b>

*\*Does not include the Residential Condo aggregate costs per benefit zone Special Benefit*

Services Funded by Linear frontage, lot size and building square footage per Benefit Zone are calculated per geographic benefit zone with the residential condo assessments considered as an overlay to Benefit Zone 1 and 2 parcels.

<b>Program</b>	<b>Funded by</b>	<b>Amount First Year - %</b>
<b>Public Rights of Way and Sidewalk Operations</b> <i>sidewalk and gutter cleaning, landscaping, steam cleaning, etc, partial lighting debt service, median landscaping)</i>	100% of the linear frontage assessments plus 50% of the lot size assessments district wide.  <i>Residential Condo assessments pay for services in the same proportion as allocated in the budget</i>	\$ 290,000 – 60%  (the Board decides how this amount will be allocated month by month, prioritizing services and proportionally allocating per benefit zones based upon payments made)
<b>Marketing and Identity Enhancement</b> <i>(Marketing, promotions, website, social media, events, partial lighting debt service)</i>	100% of the building square footage district wide  <i>Residential Condo assessments pay for services in the same proportion as allocated in the budget</i>	\$ 94,000 – 19%
<b>Administration/Government And Community Relations</b>  Administration, outreach to public agencies, community relations, office rent, supplies, insurance, legal	Lot Size assessments  <i>Residential Condo assessments pay for services in the same proportion as allocated in the budget</i>	\$ 75,000 – 16%
<b>Contingency</b>	Balance of Lot size assessments  <i>Residential Condo assessments pay for services in the same proportion as allocated in the budget</i>	\$ 26,985 – 5%
<b>Total for all Special Benefit Services</b>		<b>\$ 485,985.00</b>

**Linear Frontage Defined:**

Individual parcels will be assessed *for only that side of frontage that is located on the primary street*. Side streets will not be assessed. All parcels will be assessed for only the primary side of frontage.

Linear front footage data was obtained from the County Assessor's parcel maps and reviewed by staff at New City America.

**Building Square Footage Defined:**

Building square footage is defined as gross building square footage throughout the TTBID 2015. The percentage of building square footage that is dedicated to private or internal tenant parking needs may be deducted from the gross building square footage. Only parking structures that are open to the public and charge fees to the general public on a regular basis will have their building square footage assessed as any other commercial building. Apartment buildings within the boundaries of the TTBID 2015, regardless of Benefit Zone, will be assessed as commercial buildings since there is a landlord/tenant relationship. Building square footage data was obtained from the County Assessor's property records and reviewed by staff at New City America.

**Lot Square Footage Defined:**

Lot square footage is defined as the total amount of area within the borders of the parcel. The lot square footage of a parcel is defined on the County Assessor's parcel maps and was confirmed by New City America staff.

**Commercial Condominium Parcels Defined:**

Ground floor commercial condominiums will be treated like independent "mini" commercial buildings and assessed based on their actual building square footage, the footprint of land they cover or lot size of the commercial condo, and the amount of direct primary street frontage on the exterior of the building.

Ground floor commercial condominiums will pay 100% of the special benefits for the assessment, based upon which benefit zone they are within.

**Residential Condo/Single residential unit parcels**

Condo residential unit parcels built on commercially zoned parcels are assessed as a separate category. These condo residential units are not built on residentially zoned land, but rather on commercially zoned parcels within the boundaries of the Temescal/Telegraph BID 2015.

These condo residential unit parcels will be assessed for their building square footage only at the rate of \$0.20 per square foot in the first year in which they have been given a parcel number. The residential condos will have their assessments allocated in the same percentages of special benefit categories as the rest of the district. The residents will benefit from lighting, cleaning, security, district identity services and the other services in the same proportion as non-residential parcels throughout Benefit Zones 1 and 2 of the TTBID 2015.



**Calculation of Assessments:**

The proportionate special benefit derived by each identified parcel shall be determined in a relationship to the entirety of the improvement or the maintenance and operation expenses of an improvement or for the cost of property service being provided. Per California Constitutional Amendment Article XIII D, Section 2(i), "Special Benefit", means a particular and distinct benefit over and above general benefits conferred on a real property located in the district or to the public at large.

No assessment will be imposed on any parcel that exceeds the reasonable cost of the proportional special benefits conferred upon that parcel. Only special benefits are assessable and these benefits must be separated from any general benefits.

Properties are assessed as defined on the County Assessor's most current parcel maps.

The preceding methodology is applied to the database of parcels within the District. The process for compiling the property database includes the following steps:

- A report was generated from data obtained from the Alameda County Tax Assessors office.
- A list of properties to be included within the Temescal/Telegraph BID 2015 is provided in Section 7.

The Calculation of Assessment for each parcel in the Temescal/Telegraph BID 2015 is as follows:

**Parcel Assessment – Benefit Zone 1**

The annual assessment method for all parcels and ground floor commercial condominiums is:

$$\begin{aligned}
 &\text{Total Street Frontage X \$ 8.00 per linear foot} \\
 &\quad + \\
 &\text{Total Lot Square Footage X \$0.06 per square foot} \\
 &\quad + \\
 &\text{Total Building Square footage X \$0.08 per square foot} \\
 &\quad = \\
 &\text{TOTAL PARCEL ASSESSMENT}
 \end{aligned}$$

**Parcel Assessment – Benefit Zone 2**

The annual assessment method for all parcels and ground floor commercial condominiums is:

$$\begin{aligned}
 &\text{Total Street Frontage X \$ 3.00 per linear foot} \\
 &\quad + \\
 &\text{Total Lot Square Footage X \$0.06 per square foot}
 \end{aligned}$$

$$\begin{aligned}
 &+ \\
 &\text{Total Building Square footage X } \$0.03 \text{ per square foot} \\
 &= \\
 &\text{TOTAL PARCEL ASSESSMENT}
 \end{aligned}$$

**Parcel Assessment – Benefit Zone 3 (Children’s Hospital)**

$$\begin{aligned}
 &\text{Total Street Frontage X } \$ 15.00 \text{ per linear foot} \\
 &+ \\
 &\text{Total Lot Square Footage X } \$0.02 \text{ per square foot} \\
 &= \\
 &\text{TOTAL PARCEL ASSESSMENT}
 \end{aligned}$$

**Residential Condo Assessment:**

The annual assessment method for a residential condo, regardless of Benefit Zone is:

$$\begin{aligned}
 &\text{Total Residential Unit Building Square footage X } \$0.20 \text{ per Square Foot} \\
 &= \\
 &\text{TOTAL RESIDENTIAL CONDO UNIT ASSESSMENT}
 \end{aligned}$$

**Parcel Assessment – Benefit Zone 1 - 3 (Public Benefit, Tax-exempt ownership)**

$$\begin{aligned}
 &\text{Total Street Frontage X Benefit Zone frontage costs where parcel is located} \\
 &+ \\
 &\text{Total Lot Square Footage X Benefit Zone lot size costs where parcel is located} \\
 &+ \\
 &\text{No assessment for building square footage} \\
 &= \\
 &\text{TOTAL PARCEL ASSESSMENT}
 \end{aligned}$$

**Public and Tax exempt parcel assessments:**

In addition, tax exempt, non-profit and other public or government owned properties are not exempt from being assessed and if special benefit is determined to be conferred upon government owned properties, then those properties must be assessed in proportion to the special benefits conferred in a manner similar to privately owned property assessments. In this plan, tax exempt parcels, that are operating enterprises which reflect their public benefit purposes, will have their building square footage assessments waived from assessments. The public-benefit, tax exempt owned parcels though will pay into the District based upon their linear frontage and parcel size, consistent with surrounding parcels. This is done because it is the building assessment that will pay for “District Identity” services and those services function to increase values based upon generating demands for products, services or land. Therefore, churches, City owned properties and Children’s Hospital will not

pay for building square footage costs since they will not derive benefit from these services funded by the building square footage assessments.

**Future Development:**

As a result of continued new development, the TT BID 2015 will experience the addition or subtraction of assessable commercial buildings or the conversion of empty parcels into new commercial and residential or buildings and units. The Management District 2015 Plan assessment methodology will accommodate any and all changes anticipated within the term of the District with annual adjustments being submitted to the City, as these assessment calculation and property variable alterations occur.

In future years, assessments for the special benefits bestowed upon benefitting TT BID 2015 parcels may change in accordance with the assessment methodology formula listed in this plan and the Engineer’s Report, provided the assessment rate methodology does not change. If the assessment formula is proposed to be increased, then a Proposition 218 mail ballot procedure will be required for approval of increasing the formula changes.

**Budget Adjustments**

No budget surplus from the TT BID 2005 is anticipated to be rolled into the first year budget of the TT BID 2015. However, if a budget surplus exists at the expiration of the TT BID 2005, any remaining funds will be returned to property owners in proportion to what each property owner paid.

**Benefit Analysis, Special vs. General Benefits:**

As stipulated by Proposition 218, assessment District programs and activities confer a combination of general and special benefits to properties, but the only program benefits that can be assessed are those that provide special benefit to the assessed properties. 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”. “Special benefit” as defined by the California State Constitution means a distinct benefit over and above general benefits conferred on real property located in the District or to the public at large. Services, programs and improvements provided by the BID are primarily designed to provide special benefits to identified commercial parcels and live-work condominium parcels within the District boundaries.

Existing City of Oakland general benefit services will be enhanced not replaced or duplicated, by BID services. In the case of the Temescal/Telegraph BID 2015, the very nature of the purpose of this District is to fund supplemental programs, improvements and services within the TT BID 2015 boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources.

These services, programs and improvements, are designed to enhance the commercial core uses, including residential condos and live/work lofts, increase tenancy and marketing of the properties in the TT BID 2015 and improve the aesthetic appearance of areas adjacent to each identified parcel. All benefits derived from the assessments to be levied on parcels within the BID are for services, programs and improvements directly benefiting each individual parcel within this area and support increased cleanliness, commerce, business attraction and retention, increased property rental income and improved District identity. No TT BID 2015-funded services, activities or programs will be provided beyond the BID boundaries.

While every attempt is made to provide BID services and programs to confer benefits only to those identified assessed parcels within the TT BID 2015, the California State Constitution was amended via Proposition 218 to stipulate that general benefits exist, either by design or unintentional, in all assessment districts and that a portion of the program costs must be considered attributable to general benefits and assigned a value. General benefits cannot be funded by assessment revenues. General benefits might be conferred on parcels within the District, or "spillover" onto parcels surrounding the District, or to the public at large who might be passing through the District with no intention of transacting business within the District or interest in the District itself.

Conventional assessment engineering experience has found that general benefits within a given district tend to range from 2% to 5% of the total costs. There are three methods that have been used by the Assessment Engineer for determining general and special benefit ratios within assessment districts:

- (1) The parcel by parcel allocation method
- (2) The program/activity line item allocation method, and
- (3) The composite district overlay determinant method.

A majority of BIDs in California for which the Assessment Engineer has provided assessment engineering services since the enactment of Proposition 218, have used Method #3, the composite district overlay determinant method which will be used for the Temescal/Telegraph BID 2015. This method of computing the value of general benefit involves a composite of two distinct types of general benefit – benefit to the public at large within the District and benefit to parcels outside the District.

#### **Separate General Benefits from Special Benefits and Related Costs (Prop 218):**

Total costs are estimated at \$ 501,015 (see Table below). General benefits are factored at 3% of total (see Finding 2 on page 8 of the Assessment Engineer's report) with special benefits set at 97%. Prop 218 limits the levy of property assessments to costs attributed to special benefits only. The 3% general benefit cost is computed to be \$15,030 with a resultant 97% special benefit limit computed at \$ 485,985. The total amount of revenue proposed to be derived from BID assessments for Year 1 is \$ 485,985.00. Assessment amounts will be subject to defined increases as described in the "Annual Maximum Assessment Change" section below:

**Total Year 1 – 2015 - Special + General Benefit Revenue**

<b>Service</b>	<b>YR 1 - 2015 Assessment Allocation</b>	<b>YR 1 - 2015 Non- Assessment Allocation</b>	<b>YR 1 - 2015 Total Allocation</b>	<b>% of Total</b>
PROWSO	\$ 290,000	\$ 8,969	\$298,969	60%
Marketing	\$ 94,000	\$2,907	\$ 96,907	19%
Administration	\$ 75,000	\$ 2,319	\$ 77,319	16%
Contingency/Reserves	\$ 26,985	\$ 835	\$ 27,820	5%
<b>Total</b>	<b>\$485,985</b>	<b>\$ 15,030</b>	<b>\$ 501,015.00</b>	<b>100%</b>

All program costs associated with general benefits will be derived from sources or credits other than BID assessments. Sample "other" revenue sources can be derived from special events, grants, volunteer hours and must simply equal a total of \$15,030 per year which would equal the general benefit cost of 3% of the computed total BID cost of \$501,015 from Table 3 above.

**Time and Manner for Collecting Assessments:**

As provided by the Oakland Municipal Code section 4.48.180, the District assessments may be collected at the same time and in the same manner as for the ad valorem property tax and normally appear as a separate line item on annual property tax bills prepared by the County of Alameda.

**Annual Maximum Assessment Change:**

The Temescal/Telegraph BID 2015 budget and assessments may be increased annually in an amount not to exceed 5% per year, based upon a recommendation of the TTBID 2015 Advisory Board and Oakland City Council approval. Increases greater than 5% in any single year will require TTBID 2015 Advisory Board approval, City Council approval, and will be subject to public notice, hearing, and balloting under OMC sections 4.48.200.C and 4.48.070 through 4.48.140 as applicable.

Changes in land use, development of empty parcels, demolition of existing buildings and creation of new parcels through new building or condo development may alter the budget from year to year based upon the changes in the building square footage of individual parcels. Since linear frontage and lot size normally are not altered in the redevelopment of a site, the only changes will likely be realized in the building square footage amount and corresponding costs to the individual parcel.

**Maximum Assessment**

The following projections illustrate a potential maximum 5% annual increase.

**Maximum Assessments by Property Variable, Ten Year Period Commencing FY 14-15**

Projected Assessment Benefit Zone 1	FY1	FY2	FY3	FY4	FY5
Linear Frontage	\$ 8.0000	\$ 8.4000	\$ 8.8200	\$ 9.2610	\$ 9.7241
Building Sq. Ft.	\$ 0.08000	\$ 0.08400	\$ 0.08820	\$ 0.09261	\$ 0.09724
Lot Square Footage	\$ 0.060000	\$ 0.063000	\$ 0.066150	\$ 0.069458	\$ 0.072930
Condo Bldg Sq. Ft.	\$ 0.20000	\$ 0.21000	\$ 0.22050	\$ 0.23153	\$ 0.24310

Projected Assessment Benefit Zone 1	FY6	FY7	FY8	FY9	FY10
Linear Frontage	\$ 10.2103	\$ 10.7208	\$ 11.2568	\$ 11.8196	\$ 12.4106
Building Sq. Ft.	\$ 0.10210	\$ 0.10721	\$ 0.11257	\$ 0.11820	\$ 0.12411
Lot Square Footage	\$ 0.076577	\$ 0.080406	\$ 0.084426	\$ 0.088647	\$ 0.093080
Condo Bldg Sq. Ft.	\$ 0.25526	\$ 0.26802	\$ 0.28142	\$ 0.29549	\$ 0.31027

Projected Assessment Benefit Zone 2	FY1	FY2	FY3	FY4	FY5
Linear Frontage	\$ 3.0000	\$ 3.1500	\$ 3.3075	\$ 3.4729	\$ 3.6465
Building Sq. Ft.	\$ 0.03000	\$ 0.03150	\$ 0.03308	\$ 0.03473	\$ 0.03647
Lot Square Footage	\$ 0.060000	\$ 0.063000	\$ 0.066150	\$ 0.069458	\$ 0.072930
Condo Bldg Sq. Ft.	\$ 0.20000	\$ 0.21000	\$ 0.22050	\$ 0.23153	\$ 0.24310

Projected Assessment Benefit Zone 2	FY6	FY7	FY8	FY9	FY10
Linear Frontage	\$ 3.8288	\$ 4.0203	\$ 4.2213	\$ 4.4324	\$ 4.6540
Building Sq. Ft.	\$ 0.03829	\$ 0.04020	\$ 0.04221	\$ 0.04432	\$ 0.04654
Lot Square Footage	\$ 0.076577	\$ 0.080406	\$ 0.084426	\$ 0.088647	\$ 0.093080
Condo Bldg Sq. Ft.	\$ 0.25526	\$ 0.26802	\$ 0.28142	\$ 0.29549	\$ 0.31027

Projected Assessment Benefit Zone 3	FY1	FY2	FY3	FY4	FY5
Linear Frontage	\$ 15.0000	\$ 15.7500	\$ 16.5375	\$ 17.3644	\$ 18.2326
Lot Square Footage	\$ 0.020000	\$ 0.021000	\$ 0.022050	\$ 0.023153	\$ 0.024310
Condo Bldg Sq. Ft.	\$ 0.20000	\$ 0.21000	\$ 0.22050	\$ 0.23153	\$ 0.24310

**Projected Assessment**

Benefit Zone 3	FY6	FY7	FY8	FY9	FY10
Linear Frontage	\$ 19 1442	\$ 20 1014	\$ 21 1065	\$ 22.1618	\$ 23.2699
Lot Square Footage	\$ 0 025526	\$ 0.026802	\$ 0.028142	\$0 029549	\$ 0.031027
Condo Bldg Sq. Ft.	\$ 0.25526	\$ 0.26802	\$ 0.28142	\$ 0 29549	\$ 0 31027

**Budget Adjustments**

Annual budget surpluses, if any, will be rolled into the following year's budget. Assessments will be set annually, within the constraints of the allowable maximum increases as stated in this Plan or land use changes. Revenues from the delinquent accounts may be expended in the year they are received. If the District is not renewed, any remaining funds will be returned to property owners in the proportion by what each property owner paid.

**Government Owned Parcels in the Temescal/Telegraph  
Business Improvement District 2015**

APN	Legal Owner	Site #	Site Street	Annual Assessment	Percent
014 1219 003 00	City Of Oakland	5205	Telegraph Ave	\$1,681.22	0.35%
014 1220 015 02	City Of Oakland Housing Authority	5307	Telegraph Ave	\$11,678.14	2.40%
012 0968 055 03	SF Bay Area Rapid Transit District	516	Apgar St	\$2,467.92	
012 0969 053 05	SF Bay Area Rapid Transit District	532	39th St	\$5,665.42	
012 1025 002 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$238.76	
012 1025 003 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$773.56	
012 1025 004 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$3,169.74	
012 1025 005 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$2,046.42	
012 1025 006 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$2,955.46	
			Total	\$17,317.28	3.56%

## **Section 5**

### **District Rules and Regulations and Governance**

#### **Disestablishment:**

Local ordinance provides for the disestablishment of the BID upon a finding by the City Council that a misappropriation of funds, malfeasance, or violation of law in connection with the management of the district has occurred, or pursuant to an annual review process. Each year that the Temescal/Telegraph BID 2015 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 date 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 30% or more of the assessments levied, the BID may be considered for disestablishment. The City Council will give public notice and conduct a public hearing before disestablishing the BID. (Oakland Municipal Code section 4.48.220)

Unexpended surplus funds will be returned to property owners based upon each parcels percentage contribution to the previous fiscal year's assessments if the District is disestablished.

#### **Management of the District:**

#### **Advisory Board:**

The Oakland BID Ordinance requires that before adopting a resolution to establish a BID, the City Council shall appoint an Advisory Board which shall make a recommendation to the City Council on the expenditure of revenues derived from the levy of assessments, on the classification of properties applicable, and on the method and basis of levying the assessment. The City Council may designate existing advisory boards or commissions to serve as the advisory board for the district or may create a new advisory board for the purpose. At least one member of the advisory board shall be a business licensee within the district who is not also a property owner within the district (Oakland Municipal Code section 4.48.190).

Pursuant to the City of Oakland Business Improvement Management District Ordinance at Oakland Municipal Code section 4.48.200, the Advisory Board shall cause an annual report to be prepared each fiscal year. The report shall address all subjects required by section 4.48.200.B, including improvements and activities to be provided for that fiscal year, along with an estimate of costs for such improvements or activities; the method of levying the assessment on each parcel, and the amount of surplus or deficit revenues from the prior fiscal year. The Advisory Board will submit the annual reports to the City of Oakland for approval or modification. The Advisory Board is responsible for preparing and submitting the above annual report about the district to the City, and has the power to propose any changes to the Management Plan



Based on past City practice, it is anticipated that TTACA will be designated to act as Advisory Board for the Temescal/Telegraph BID 2015.

The Advisory Board shall to comply with the Ralph M. Brown open meetings act – the Brown Act (Government Code section 5490 et seq) requires publication of advanced-notice and agendas of meetings, as well as following certain voting and record keeping procedures.

**Management Corporation and the Advisory Board:**

The renewed TTBID 2015 will continue to be managed by the Temescal Telegraph Avenue Community Association (TTACA), which serves as the non-profit management corporation (Oakland Municipal Code 4.48.160). TTACA will be responsible for day-to-day operations of the Management District. By law, this entity must be comprised of assesses paying into the district. The City of Oakland will contract with the TTACA to implement the TTBID 2015 Management Plan for the entire District. The City of Oakland requires that at least one member of the Advisory Board shall be a business licensee within the District who is not also a property owner within the District. A nominating committee will solicit nominations from District property owners within the TTBID 2015 prior to Board elections.

**Assessment Engineer’s Report**

NEW CITY AMERICA, INC. has contracted with Ed Henning and Associates to compile the required engineer’s report under the guidelines of Proposition 218, Article XIID of the California State Constitution.

In preparing the engineer’s report for the Temescal/Telegraph BID Management District 2015 Plan, the engineer concluded that the special benefit to each parcel in the various benefit zones was found to be proportional to the property variable and their apportionment.

An Engineer’s report for the TTBID 2015 is provided in the Appendix.

**Open Meetings, Competitive Bidding and Conflict of Interest**

There are no specific rules and regulations applicable to the Temescal/Telegraph Business Improvement District 2015 except for those incorporated in BID enabling legislation, District Management Corporation bylaws, and in a written agreement to be entered into between the District Management Corporation and the City of Oakland to administer the TTBID 2015 which shall include, but not be limited to: that the District will adhere to the open meeting provisions of the Ralph M. Brown Act and will seek to be as open and transparent to the BID assesses and the public at large as is reasonably possible, and that District will make a good faith effort to develop and implement a reasonable competitive bidding policy when securing services for the District. The District Management Corporation will also adhere to a Conflict of Interest policy wherein board members 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, and hiring or selecting the relatives of board members.

**Bonds:**

The District will not issue any bonds related to any program however the Board of Directors of the Management Corporation may take out a long term loan, not to exceed the remaining term of the TTBD 2015, to complete the installation of pedestrian lighting or other capital improvements along the main streets of the renewed BID.

## **Section 6 Implementation Timetable**

The Temescal/Telegraph Property Business District BID 2015 is expected to be established in July 2014 and begin operations in January 1, 2015, though the first year assessments will take effect beginning July 2014 in accordance with the Alameda County Tax Assessor's Fiscal Year 2014-15. Consistent with the local enabling ordinance, the Temescal/Telegraph Property Business Improvement District 2015 will have a ten-year term, operating through December 31<sup>st</sup>, 2024.

## Section 7

# Temescal/Telegraph BID 2015 Assessment Roll of Properties Included

APN	Benefit Zone	1 <sup>st</sup> Year Assessment	APN	Benefit Zone	1 <sup>st</sup> Year Assessment
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012 0945 028 01	1	\$1,880 08	012 0981 003 00	1	\$2,489 32
012 0966 001 00	1	\$2,327 60	012 0981 010 00	1	\$318.00
012 0967 001 00	1	\$941 08	012 0981 011 00	1	\$200 00
012 0967 002 00	1	\$789 08	012 0981 012 00	1	\$232 00
012 0967 003 00	1	\$1,917 74	012 0981 016 00	1	\$478 80
012 0967 005 01	1	\$2,540.72	012 0981 017 00	1	\$281 20
012 0967 006 01	1	\$1,147.64	012 0981 018 00	1	\$161.00
012 0967 007 00	1	\$1,223 28	012 0981 019 00	1	\$193 80
012 0967 008 00	1	\$1,009 94	012 0981 020 00	1	\$212 40
012 0968 003 01	1	\$4,750 56	012 0981 021 00	1	\$254 40
012 0968 055 03	1	\$2,467 92	012 0982 002 04	1	\$3,717 40
012 0969 001 00	1	\$1,746 40	012 0982 017 00	1	\$793 56
012 0969 002 00	1	\$930.00	012 1000 012 00	1	\$1,222.56
012 0969 003 01	1	\$566.80	012 1000 013 00	1	\$502.00
012 0969 004 00	1	\$787.12	012 1000 014 00	1	\$599 00
012 0969 053 02	1	\$350 00	012 1000 015 00	1	\$517.30
012 0969 053 05	1	\$5,665 42	012 1000 016 00	1	\$467 92
012 0970 001 00	1	\$1,192.54	012 1000 017 00	1	\$1,089.68
012 0970 002 00	1	\$1,410.20	012 1000 018 00	1	\$1,097.96
012 0970 003 00	1	\$1,441.28	012 1005 005 01	1	\$485.14
012 0970 004 00	1	\$935 44	012 1005 007 01	1	\$1,250 20
012 0970 005 00	1	\$921.44	012 1005 009 01	1	\$1,896.72
012 0970 023 01	1	\$1,013.68	012 1005 011 00	1	\$879 68
012 0970 024 00	1	\$662.88	012 1007 001 00	1	\$7,347 36
012 0970 025 00	1	\$742 32	012 1007 010 00	1	\$393.92
012 0970 026 00	1	\$1,144 36	012 1007 011 00	1	\$395.36
012 0970 027 00	1	\$1,081.12	012 1007 012 00	1	\$395 36
012 0970 028 00	1	\$1,026 40	012 1007 013 00	1	\$395 36
012 0970 029 00	1	\$630 00	012 1007 014 00	1	\$395.36
012 0970 030 00	1	\$564 12	012 1007 029 00	1	\$201.20
012 0970 031 00	1	\$4,346.72	012 1007 030 00	1	\$203.60
012 0972 001 00	1	\$1,874 24	012 1007 031 00	1	\$174.20
012 0972 002 00	1	\$1,106.86	012 1007 032 00	1	\$200 40
012 0972 003 00	1	\$1,529 28	012 1007 033 00	1	\$200.60
012 0972 004 00	1	\$994 00	012 1007 034 00	1	\$200.20
012 0973 001 00	1	\$1,662 32	012 1007 035 00	1	\$202.20
012 0973 002 00	1	\$778 56	012 1007 036 00	1	\$303 80
012 0973 003 00	1	\$780 48	012 1007 037 00	1	\$205.00
012 0973 004 00	1	\$870.08	012 1007 038 00	1	\$185 00
012 0973 005 00	1	\$870.08	012 1007 039 00	1	\$203.80
012 0973 006 00	1	\$927 50	012 1007 040 00	1	\$185.00
012 0974 013 02	1	\$3,167 64	012 1007 041 00	1	\$195.20
012 0977 001 00	1	\$630 00	012 1007 042 00	1	\$202.20
012 0977 002 02	1	\$2,453 20	012 1007 043 00	1	\$203 20
012 0977 005 00	1	\$1,635 04	012 1007 044 00	1	\$203 20
012 0978 001 00	1	\$753 28	012 1007 045 00	1	\$202 20
012 0978 002 01	1	\$1,094.00	012 1007 046 00	1	\$185 40
012 0978 004 00	1	\$658 00	012 1007 047 00	1	\$218 28
012 0978 005 00	1	\$671 18	012 1007 048 00	1	\$194 90
012 0978 006 03	1	\$940 80	012 1007 049 00	1	\$223 60

012 1010 001 00	1	\$1,245.70	013 1099 028 00	1	\$1,064.00
012 1010 002 00	1	\$419.02	013 1099 043 00	1	\$5,492.86
012 1010 003 00	1	\$1,126.54	013 1150 014 00	1	\$4,133.52
012 1010 004 00	1	\$237.78	013 1150 015 00	1	\$2,957.04
012 1010 005 00	1	\$1,013.68	013 1150 016 00	1	\$562.50
012 1010 006 00	1	\$1,356.28	013 1150 017 01	1	\$1,149.00
012 1011 004 00	1	\$1,137.04	013 1150 019 02	1	\$1,379.12
012 1011 005 00	1	\$862.00	013 1151 017 00	1	\$1,708.12
012 1011 006 00	1	\$1,295.60	013 1151 018 00	1	\$1,409.78
012 1011 007 00	1	\$1,177.68	013 1151 020 01	1	\$2,825.76
012 1011 008 00	1	\$824.66	013 1151 022 01	1	\$3,015.24
012 1011 009 00	1	\$768.32	013 1152 001 00	1	\$2,742.80
012 1011 010 00	1	\$824.56	013 1152 014 01	1	\$1,819.32
012 1011 011 00	1	\$2,025.04	013 1152 016 00	1	\$1,098.08
012 1011 012 00	1	\$2,170.20	013 1152 017 00	1	\$1,668.00
012 1011 013 04	1	\$2,269.62	013 1152 018 00	1	\$1,373.80
012 1011 015 00	1	\$1,095.28	013 1152 019 00	1	\$1,174.40
012 1011 016 00	1	\$2,154.88	013 1152 020 00	1	\$1,962.00
012 1011 018 02	1	\$6,535.88	013 1152 021 00	1	\$1,215.84
012 1012 001 00	1	\$2,034.16	013 1154 002 00	1	\$1,670.24
012 1012 005 02	1	\$678.00	013 1154 003 00	1	\$1,222.32
012 1012 005 03	1	\$2,894.84	013 1154 005 00	1	\$884.20
012 1013 001 00	1	\$1,699.40	013 1154 009 04	1	\$4,215.14
012 1013 002 00	1	\$711.22	013 1154 009 05	1	\$11,386.62
012 1013 003 00	1	\$693.54	013 1155 005 04	1	\$2,154.84
012 1013 004 00	1	\$1,216.48	013 1155 005 07	1	\$1,304.44
012 1025 002 00	1	\$238.76	013 1155 005 09	1	\$1,446.22
012 1025 003 00	1	\$773.56	013 1155 005 10	1	\$577.26
012 1025 004 00	1	\$3,169.74	013 1155 008 00	1	\$834.28
012 1025 005 00	1	\$2,046.42	013 1156 001 00	1	\$1,058.30
012 1025 006 00	1	\$2,955.46	013 1156 002 00	1	\$1,299.48
013 1094 001 00	1	\$1,913.84	013 1156 003 01	1	\$586.84
013 1094 002 00	1	\$921.70	013 1156 004 00	1	\$798.72
013 1094 003 00	1	\$924.86	013 1156 005 00	1	\$1,428.42
013 1095 001 00	1	\$862.12	013 1156 006 00	1	\$674.62
013 1095 002 00	1	\$937.46	013 1156 007 00	1	\$644.32
013 1095 004 01	1	\$1,754.64	013 1156 008 01	1	\$545.14
013 1095 005 00	1	\$930.72	013 1157 001 00	1	\$3,965.94
013 1096 001 00	1	\$974.28	013 1158 001 00	1	\$499.82
013 1096 002 00	1	\$465.70	013 1159 001 00	1	\$1,730.16
013 1096 003 02	1	\$724.64	013 1159 002 00	1	\$768.50
013 1096 004 01	1	\$2,115.50	013 1159 003 00	1	\$1,066.14
013 1097 026 00	1	\$769.38	013 1160 001 00	1	\$651.08
013 1097 027 00	1	\$733.78	013 1160 002 00	1	\$649.56
013 1097 028 01	1	\$3,169.84	013 1160 003 00	1	\$702.46
013 1098 028 00	1	\$694.56	013 1160 004 00	1	\$867.02
013 1098 029 00	1	\$1,249.65	013 1160 005 00	1	\$3,104.00
013 1098 033 04	1	\$3,281.02	013 1161 001 00	1	\$3,304.20
013 1099 025 01	1	\$2,235.54	013 1161 002 00	1	\$2,608.32
013 1099 026 00	1	\$1,645.82	013 1162 001 00	1	\$798.62

013 1162 002 01	1	\$913.06	014 1216 004 00	1	\$746.24
013 1162 003 01	1	\$759.68	014 1216 005 00	1	\$1,381.24
013 1162 004 00	1	\$653.60	014 1216 031 02	1	\$2,492.90
013 1162 007 00	1	\$1,354.48	014 1217 012 00	1	\$1,406.28
013 1162 008 00	1	\$437.00	014 1218 012 03	1	\$3,634.72
013 1162 009 01	1	\$1,073.30	014 1218 017 11	1	\$4,083.82
013 1162 028 00	1	\$289.80	014 1219 002 00	1	\$750.80
013 1162 029 00	1	\$289.80	014 1219 003 00	1	\$1,681.22
013 1162 030 00	1	\$289.80	014 1219 004 00	1	\$783.52
013 1162 031 00	1	\$289.80	014 1219 005 00	1	\$569.60
013 1162 032 00	1	\$289.80	014 1219 006 00	1	\$569.60
013 1162 033 00	1	\$289.80	014 1219 007 00	1	\$569.60
013 1162 034 00	1	\$350.40	014 1219 008 02	1	\$543.20
013 1162 035 00	1	\$342.40	014 1219 010 03	1	\$2,694.60
013 1162 036 00	1	\$342.40	014 1219 014 00	1	\$574.40
013 1162 037 00	1	\$350.60	014 1219 015 00	1	\$567.20
013 1190 001 00	1	\$213.32	014 1219 025 00	1	\$170.20
013 1190 002 00	1	\$279.40	014 1219 026 00	1	\$184.20
013 1190 003 00	1	\$288.60	014 1219 027 00	1	\$184.20
013 1190 004 00	1	\$186.60	014 1219 028 00	1	\$170.20
013 1190 005 00	1	\$292.60	014 1220 015 02	1	\$11,678.14
013 1190 006 00	1	\$186.60	014 1221 002 07	1	\$6,080.02
013 1190 007 00	1	\$238.80	014 1221 027 01	1	\$1,784.66
013 1190 008 00	1	\$239.00	014 1224 010 01	1	\$2,097.72
013 1190 009 00	1	\$291.60	014 1225 001 00	1	\$974.80
013 1190 010 00	1	\$186.80	014 1225 009 03	1	\$1,172.56
013 1190 011 00	1	\$239.60	014 1225 010 01	1	\$3,543.00
013 1190 012 00	1	\$281.80	014 1225 012 00	1	\$1,203.28
013 1190 013 00	1	\$198.60	014 1225 013 00	1	\$819.58
013 1190 014 00	1	\$204.40	014 1225 014 00	1	\$638.02
013 1190 015 00	1	\$274.60	014 1225 015 01	1	\$966.02
013 1190 016 00	1	\$284.60	014 1225 017 02	1	\$1,753.76
013 1190 017 00	1	\$345.20	014 1225 020 01	1	\$2,048.46
013 1190 018 00	1	\$213.20	014 1225 023 00	1	\$1,120.56
013 1190 019 00	1	\$345.20	014 1225 024 00	1	\$869.28
013 1190 020 00	1	\$213.20	014 1225 025 00	1	\$648.00
013 1190 021 00	1	\$278.60	014 1226 001 00	1	\$3,302.00
013 1190 022 00	1	\$278.00	014 1226 008 00	1	\$688.06
013 1190 023 00	1	\$345.20	014 1226 009 02	1	\$755.20
013 1190 024 00	1	\$213.20	014 1226 013 00	1	\$3,280.02
013 1190 025 00	1	\$278.00	014 1226 014 00	1	\$3,787.56
013 1190 026 00	1	\$322.60	014 1227 037 07	1	\$3,189.84
014 1205 019 01	3	\$32,017.92	014 1227 038 02	1	\$3,710.44
014 1206 003 00	3	\$584.10	014 1227 039 02	1	\$590.40
014 1206 004 00	3	\$584.10	014 1227 040 02	1	\$1,038.00
014 1206 026 01	3	\$11,669.14	014 1276 034 05	2	\$1,782.60
014 1215 005 01	1	\$3,120.46	014 1276 035 00	2	\$793.50
014 1215 019 00	3	\$630.80	014 1276 036 00	2	\$583.74
014 1215 020 00	3	\$581.00	014 1276 037 00	2	\$772.08
014 1216 003 00	1	\$900.80	014 1276 038 01	2	\$586.08

014 1276 040 06	2	\$70 68	015 1383 002 00	2	\$505 02
014 1276 041 01	2	\$2,148.06	015 1383 003 00	2	\$570 54
014 1276 042 02	2	\$4,623 18	015 1383 005 00	2	\$1,326 60
015 1277 003 01	2	\$62 58	015 1383 007 00	2	\$593 34
015 1277 003 02	2	\$533.52	015 1383 008 00	2	\$266.16
015 1277 004 00	2	\$449.94	015 1383 009 00	2	\$188 94
015 1277 005 01	2	\$674 94	015 1383 011 01	2	\$1,100.43
015 1277 012 01	2	\$583.08	015 1383 014 00	2	\$635 67
015 1277 014 01	2	\$537 48	015 1383 015 00	2	\$265.83
015 1277 016 01	2	\$537 48	015 1383 016 00	2	\$196 14
015 1277 018 00	2	\$538 08	015 1383 017 00	2	\$260 31
015 1277 019 01	2	\$537.48	016 1385 015 00	2	\$470 94
015 1277 021 01	2	\$538.08	016 1385 016 00	2	\$446.88
015 1277 023 00	2	\$537.48	016 1385 017 00	2	\$465 90
015 1277 024 00	2	\$584.04	016 1385 018 00	2	\$461 70
015 1277 036 00	2	\$845.76	016 1385 019 00	2	\$477 78
015 1277 037 01	2	\$538.92	016 1386 011 00	2	\$680.67
015 1277 039 01	2	\$538.92	016 1386 012 03	2	\$458 82
015 1277 041 01	2	\$885.00	016 1386 014 01	2	\$1,246 08
015 1373 005 00	2	\$871 44	016 1387 001 00	2	\$508.08
015 1373 006 00	2	\$722.94	016 1387 016 00	2	\$1,617.18
015 1379 001 01	2	\$1,085.22	016 1388 001 00	2	\$942 42
015 1379 002 01	2	\$845.22	016 1388 013 00	2	\$577 62
015 1379 003 00	2	\$673.08	016 1388 014 00	2	\$395.88
015 1379 028 04	2	\$1,637 49	016 1388 015 00	2	\$478.92
015 1379 029 00	2	\$591.78	016 1390 007 01	2	\$755.58
015 1379 030 00	2	\$692.82	016 1390 008 01	2	\$1,101 00
015 1380 001 00	2	\$468.78	016 1390 009 00	2	\$356.88
015 1380 002 00	2	\$429.00	016 1390 019 00	2	\$558 18
015 1380 021 00	2	\$182 80	016 1390 021 01	2	\$1,193.13
015 1380 022 00	2	\$182.80	016 1391 019 00	2	\$771.39
015 1380 023 00	2	\$186 60	016 1391 020 00	2	\$506 52
015 1380 024 00	2	\$244.80	016 1391 021 00	2	\$406 26
015 1380 025 00	2	\$209 20	016 1391 022 00	2	\$387 90
015 1380 026 00	2	\$200.80	016 1391 034 01	2	\$737.82
015 1380 027 00	2	\$190 40	016 1391 036 01	2	\$1,382 31
015 1380 028 00	2	\$258 00	016 1391 045 00	2	\$277.80
015 1380 029 00	2	\$246 80	016 1391 046 00	2	\$267.40
015 1380 030 00	2	\$209 20	016 1415 021 00	2	\$568 92
015 1380 031 00	2	\$200 80	016 1415 022 00	2	\$237.42
015 1380 032 00	2	\$190 40	016 1415 023 00	2	\$266 52
015 1380 033 00	2	\$125 20	016 1415 024 00	2	\$707.28
015 1380 034 00	2	\$128 00	016 1415 025 00	2	\$262 11
015 1380 035 01	2	\$244 80	016 1415 026 00	2	\$320 61
015 1381 008 01	2	\$1,047 06	016 1416 018 00	2	\$1,118 10
015 1381 009 01	2	\$867 00	016 1416 019 00	2	\$531 39
015 1382 005 00	2	\$366.54	016 1416 021 01	2	\$1,017.42
015 1382 006 00	2	\$313 74	016 1416 022 00	2	\$796.38
015 1382 007 00	2	\$315 78	016 1416 023 00	2	\$341.70
015 1382 009 01	2	\$1,167 42	016 1421 016 01	2	\$939 66

016 1421 017 00	2	\$929 94
016 1421 018 00	2	\$617 22
016 1421 019 01	2	\$398 40
016 1422 002 02	2	\$1,149 24
016 1422 004 00	2	\$627 18
016 1422 005 00	2	\$1,056 36
016 1422 021 00	2	\$518.16
016 1424 013 00	2	\$939 69
016 1424 014 00	2	\$326 07
016 1424 015 01	2	\$217 20
016 1424 016 02	2	\$780 09
016 1424 017 00	2	\$1,221 00
016 1424 018 00	2	\$441 54
016 1424 019 02	2	\$451 41
016 1424 019 03	2	\$460 68
016 1424 021 00	2	\$1,037 49
016 1424 022 05	2	\$1,270 83



# **THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015**

Prepared pursuant to the City of Oakland’s  
Business Improvement Management District Ordinance No. 12190 of 1999, Codified as Municipal Code Chapter 4.48

## **DISTRICT ASSESSMENT ENGINEER’S REPORT**

### **ATTACHMENT A**

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

*April 21, 2014*

v 1.2

THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

**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 newly proposed Temescal/Telegraph Business Improvement District 2015 ("Temescal/Telegraph BID 2015") being formed for a ten (10) year term 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*



*Edward V. Henning*

RPE #26549

Apr 21, 2014

Edward V. Henning

Date

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

**Introduction**

This report serves as the “detailed engineer’s report” required by Section 4(b) of Article XIIIID of the California Constitution (Proposition 218) to support the benefit property assessments proposed to be levied within the newly proposed Temescal/Telegraph BID 2015 in the City of Oakland, California being formed for a ten (10) year term. The discussion and analysis contained within this Report constitutes the required “nexus” of rationale between assessment amounts levied and special benefits derived by properties within the Temescal/Telegraph BID 2015.

## THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

### Background

The Temescal/Telegraph BID 2015 is a property-based benefit assessment type district being formed for a ten (10) year term pursuant to the City of Oakland’s Business Improvement Management District Ordinance of 1999 # 12190, Under Municipal Code Chapter 4 48 (the “Ordinance”) which is based in part on 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 Property Business Improvement District (“PBID”), district program costs are to be distributed amongst all identified benefiting properties based on the proportional amount of special program benefit each property is expected to derive from the assessments levied. Within the Ordinance and 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 special benefits expected to be received.

The method used to determine special 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 Temescal/Telegraph BID 2015, the benefit unit may be measured in linear feet of street frontage or parcel size in square feet or building size in square feet or number of building floors or any combination of these factors. Factor quantities 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 different 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, 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 special benefits conferred in a manner similar to privately owned property assessments.

THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

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 special benefit costs are allocated proportionally or “spread” based on special benefits conferred on benefitting 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 Temescal/Telegraph BID 2015. These requirements are in addition to requirements imposed by State and local assessment enabling laws. These requirements were “chaptered” into law as Article XIID of the California Constitution.

Since Prop 218 provisions will affect all subsequent calculations to be made in the final assessment formula for the Temescal/Telegraph BID 2015, Prop 218 requirements will be taken into account. The key provisions of Prop 218 along with a description of how the Temescal/Telegraph BID 2015 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 417 parcels within the Temescal/Telegraph BID 2015 “identified” as assessable parcels that will derive special benefit from the proposed District programs and activities. The benefits are special and unique only to the identified parcels within the District because programs and services (i.e. sidewalk operations/beautification, district identity, program management, and, contingency/reserve) will only be provided directly for the benefit of the identified parcels. These identified benefitting parcels are located within the PBID perimeter boundary which is shown on the Boundary Map attached as Appendix 2 to this Report and are listed in Appendix 1 to this Report - identified by benefit zone and assessor parcel number. Any future development and/or land subdivisions will adhere to the assessment rate structures described herein. There are three benefit zones within the PBID

## THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

The PBID extends primarily along Telegraph Avenue between Woolsey Ave on the north and MacArthur Blvd on the south. The parcels selected to be included in the PBID form a unique retail and commercial business core that has long been recognized and identified as the Temescal community as a pedestrian friendly retail and commercial neighborhood. Keeping the District clean, safe and attractive will increase pedestrian traffic and consumer activity and help create a strong symbiotic economic relationship between the PBID and the customers it serves. There are three benefit zones in the proposed Temescal/Telegraph BID 2015. These zones are shown on the District Map in Appendix 2 of this Report. The assessment rates vary by zone based on the proportionate levels of special benefit services to be provided and conveyed to each parcel within each benefit zone.

### PBID Boundary:

The boundaries of the Temescal/Telegraph Business Improvement District 2015 are described as follows:

- **Northern Boundary:** Starting at the southeast and southwest side of the intersection of Woolsey Street and Telegraph Avenue and running south along Telegraph Avenue. On Shattuck Avenue, the northern boundary will be the 24 freeway.
- **Southern Boundary:** Starting at the southwest and southeast corners of the intersection of W. MacArthur Avenue and Telegraph Avenue and running north. In addition, the southern boundary of those parcels along 40<sup>th</sup> Street will include all parcels fronting along the south side of 40<sup>th</sup> Street from the parcel at the southwest corner of the intersection of Broadway and 40<sup>th</sup> Street on the east to the fourth corners of the intersection of W. MacArthur and Telegraph on the south.
- **Eastern Boundary:** Starting at the parcel at the southwestern and northwestern corners of the intersection of Broadway and 40<sup>th</sup> Street, running west along 40<sup>th</sup> Street and then following the eastern edge of all of the parcels fronting along Telegraph Avenue from the parcel at the southeastern corner of the intersection of W. MacArthur and Telegraph, running northward up to the parcel at the southeastern corner of the intersection of 51<sup>st</sup> Street and Telegraph Avenue. Continuing northward on Telegraph the east boundary will include parcels 14-1226-14, parcel 14-1227-38-2 and 14-1227-37-7 near Claremont and Cavour Street. Continuing to include the eastern side of all of the parcels fronting along Telegraph Avenue from Claremont Avenue to parcel 16-1421-19-1 at the southeastern corner of the intersection of Woolsey Street and Telegraph Avenue.
- **Western Boundary:** Starting at the intersection of Highway 24 and W. MacArthur Drive, parcel number 12-1025-06 running northward along the freeway to the parcel at the northwestern corner of the intersection of 40<sup>th</sup> Street and Telegraph Avenue (parcel 12-1012-53) and continuing northward following the western or back edges of the parcels fronting on Telegraph Avenue as well as Shattuck Avenue up 51<sup>st</sup> Street. The western boundary then encompasses Children’s Hospital on Martin Luther King Jr Way and then tracks back to follow the western edge of the parcels fronting Telegraph Avenue from 51<sup>st</sup> Street and Shattuck, northward past the freeway encompassing the parcels’ edge from the 24 Freeway to the parcel at the southwestern corner of the intersection of Woolsey Street and Telegraph Avenue.

## THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

All identified parcels within the above-mentioned boundaries shall be assessed to fund special benefit programs, services and improvements as outlined herein. Services, programs and improvements will only be provided to these parcels inside the District boundaries and none will be provided outside of the District boundaries. Each of the individual parcels assessed shall receive special benefits from the proposed programs, services and improvements. All PBID funded programs, services and improvements are considered supplemental above normal base level services provided by the City of Oakland and are only provided for the special benefit of assessed parcels within the boundaries of the Temescal/Telegraph BID 2015.

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

### **BENEFIT ANALYSIS**

As stipulated by Proposition 218, assessment District programs and activities confer a combination of general and special benefits to properties, but the only program benefits that can be assessed are those that provide special benefit to the assessed properties. Special Benefit” as defined by the California State Constitution means “a particular and distinct benefit over and above general benefits conferred on real property located in the District or to the public at large. For the purposes of this analysis, “General Benefits” are benefits from the PBID activities and improvements that are not special in nature, are not "particular and distinct" and are not over and above the benefits that other parcels receive. General benefits are not restricted to benefits conferred only on persons and property outside the assessment district, but can include benefits both conferred on real property located in the district or to the public at large. “At large” means not limited to any particular person - means all members of the public - including those who live, work, and shop within the district - and not simply transient visitors.

The property uses within the boundaries of the PBID which will receive special benefits from PBID funded programs and services are currently a mix of retail, service, office, government, residential and parking. Services, programs and improvements provided by the PBID are primarily designed to provide special benefits to identified parcels within the boundaries of the District.

There are four basic categories of special benefit services that will be funded by the Temescal/Telegraph Business Improvement District 2015. All of these services will confer a special benefit to the individual parcels within the Temescal/Telegraph Business Improvement District 2015. The categories of special benefits are as follows

1. ***Public Right of Way and Sidewalk Operations (PROWSO)*** This includes all sidewalk and gutter cleaning services, sidewalk steam cleaning services, graffiti removal, trash removal, as well as expanding an existing

## THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

pedestrian lighting program, and beautifying the district based upon Benefit Zone contributions Sidewalk operations services total approximately \$ 290,000 or 60% of the first year annual budget of the new BID

2. **Marketing & Identity Enhancement (MEI):** These services include the branding of the Temescal/Telegraph Business Improvement District area, marketing and promotions, newsletter, public relations, media relations, social media, publicity, special events, lighting, website development and maintenance, public space develop and holiday decorations. These services equal approximately \$94,000.00 or 19% of the first year annual budget of the new district.
3. **Administration/Government & Community Relations:** These services equal approximately \$ 75,000.00 or 16% of the first year annual budget of the new district.
4. **Contingency/Reserve.** This contingency anticipates a “historic” non-payment rate percentage of 3 to 5%, and any City or County collection fees. This fund equals approximately \$ 26,985 or 5% of the first year annual budget of the new district

Parcels that receive these programs, services and improvements attract more customers, employees, tenants and investors as a result of these programs, services and improvements, thereby increasing business volumes, sales transactions, occupancies, rental income and return on investments. These benefits are particular and distinct in that they are not provided to non-assessed parcels within or outside of the District. Because these programs, services and improvements will only be provided to each individual assessed parcel within the PBID boundaries, these programs, services and improvements will constitute "special benefits". Existing City of Oakland services will be enhanced, not replaced or duplicated, by PBID services. In the case of the Temescal/Telegraph BID 2015, the very nature of the purpose of this District is to fund supplemental programs, improvements and services within the PBID boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. These services, programs and improvements, are designed to enhance the pedestrian and retail commercial core uses, increase tenancy and marketing of the mix of retail, service, office, government, residential and parking properties in the PBID and improve the aesthetic appearance of each identified parcel. All benefits derived from the assessments to be levied on parcels within the PBID are for services, programs and improvements directly benefiting each individual parcel within this area and support increased cleanliness, commerce, business attraction and retention, increased commercial property rental income and improved District identity. No PBID funded services, activities or programs will be provided beyond the PBID boundaries

While every attempt is made to provide PBID services and programs to confer benefits only to those identified assessed parcels within the PBID, the California State Constitution was amended via Proposition 218 to stipulate that general benefits exist, either by design or unintentional, in all assessment districts and that a portion of the program costs must be considered attributable to general benefits and assigned a value. General benefits cannot be funded by assessment

## THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT

revenues. General benefits might be conferred on parcels within the District, or “spillover” onto parcels surrounding the District, or to the public at large who might be passing through the District with no intention of transacting business within the District or interest in the District itself

Conventional assessment engineering experience has found that general benefits within a given district tend to range from 2-5% of the total costs. There are three methods that have been used by this Engineer for determining general and special benefit ratios within assessment districts:

- (1) The parcel by parcel allocation method
- (2) The program/activity line item allocation method, and
- (3) The composite district overlay determinant method.

A majority of PBIDs in California for which this Assessment Engineer has provided assessment engineering services since the enactment of Proposition 218, have used Method #3, the composite district overlay determinant method which will be used for the Temescal/Telegraph BID 2015. This method of computing the value of general benefit involves a composite of two distinct types of general benefit – benefit to the public at large within the District and benefit to parcels outside the District.

### General Benefit - Public At Large

While the PBID funded programs are narrowly designed and carefully implemented to specially benefit the assessed District properties and are only provided for the special benefit to each and every assessed parcel within the District, these PBID funded programs may also provide an incidental general benefit to the public at large within the District. Pedestrian intercept surveys conducted in similar Districts have found that 95-100% of the pedestrian traffic within PBID boundaries is engaged in business related to assessed parcels and businesses contained on them within the District, while 0-5% is simply passing through or engaged in public transportation. Specifically, other District intercept survey results for determining public at large general benefits were as follows: Melrose PBID (LA) – 4.57%, Arts District (LA) – 0%; Union Square PBID (San Francisco) – 1%; West Portal PBID (San Francisco) – 1%. Each of these districts have similar attributes to the pedestrian friendly retail and commercial core orientation of the Temescal/Telegraph BID 2015 and thus, are relevant areas from which to draw statistical comparisons. Based on this array of values and nearly 40 years of assessment engineering experience, it is the opinion of this Engineer that a reasonable value of 2% of overall program costs will be attributed to general benefits conferred on the public at large within the Temescal/Telegraph BID 2015. The dollar value of this general benefit type equate to 2% of the total Year 1 –2014 District program costs or \$9,918 (2% x \$485,985)

### General Benefits – Outside Parcels

While District programs and services will not be provided directly to parcels outside the District boundaries, it is reasonable to conclude that District services such as increased safety and cleanliness, image enhancement and holiday



**THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT**

decor may confer an indirect general benefit on commercial (non-residential) parcels immediately adjacent to the District boundaries. An inventory of the District boundaries finds that the District is surrounded by hundreds of parcels, all of which but 15, are parcels zoned solely residential and/or residential use parcels. Based on nearly 40 years of assessment engineering experience, it is the opinion of this Engineer that parcels outside the PBID boundaries that are either zoned solely residential or with residential uses do not specially or generally benefit from PBID funded programs, services and improvements that are geared to attract pedestrians and enhance commerce for the pedestrian friendly retail and commercial core area and its uses. The remaining 15 non-residential parcels outside the District boundaries and immediately adjacent to assessed parcels within the District can reasonably be assumed to receive some indirect general benefit as a result of PBID funded programs, services and improvements. Based on nearly 40 years of assessment engineering experience, it is the opinion of this Engineer that a benefit factor of 1.0 be attributed to the 417 assessed parcels within the District and a benefit factor of 0.1 be attributed to general benefits conferred on the 15 non-residential parcels immediately adjacent to or across the street from assessed parcels within the Temescal/Telegraph BID 2015. The dollar value of this general benefit type equates to 0.36% of the composite program costs or \$1,756 (0.36% x \$487,741) as delineated in the chart below.

<b>Parcel Type</b>	<b>Quantity</b>	<b>Benefit Factor</b>	<b>Benefit Units</b>	<b>Benefit Percent</b>	<b>Benefit Value</b>
Assessed Within the District	417	1	417	99.64%	\$485,985
Non-Residential Outside the District	15	0.1	1.5	0.36%	\$1,756
<b>TOTAL</b>			418.5	100%	\$487,741

**Composite General Benefit**

Based on the general benefit values delineated in the two sections above, the total value of general benefits conferred on both, the public at large and non-residential parcels outside the District equates to 2.36% (2.0 % + 0.36%), or \$11,674 (\$1,756 + \$9,918). For the purposes of this benefit analysis, the 2.36% general benefit value will be conservatively rounded up to 3% with a dollar value of \$15,030. This leaves a value of 97% assigned to special benefit related costs. The general benefit value of \$15,030 when added to the special benefit value of \$485,985 (Year 1 –2014-15 assessments) equates to a total Year 1 – 2014-15 program cost of \$501,015. Remaining costs which are attributed to general benefits, will need to be derived from other sources. A comparison of special and general benefit funding sources is shown in Table 4, p 24, later in this Report.

**PBID Programs and Improvements**

The program activities and budget allocations that will be provided to each individual parcel assessed in the proposed Temescal/Telegraph BID 2015 are shown in the chart below

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**Year 1 – 2014-15 Proposed Special Benefit Work Plan and Budget Allocations**

<b>Program or Service</b>	<b>% of Budget</b>	<b>Est. Cost of Benefit</b>
Public Rights of Way & Sidewalk Operations (PROWSO)	60%	\$290,000.00
Marketing & Identity Enhancement (MEI)	19%	\$ 94,000 00
Administration/Government & Community Relations	16%	\$ 75,000 00
Contingency/Reserve	5%	\$ 26,985 00
<b>Total Year1 Budget</b>	<b>100%</b>	<b>\$ 485,985.00</b>

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year. Accordingly, the percentage of distribution between the four special benefit service categories will remain the same throughout the life of the Temescal/Telegraph BID 2015; however, the budget for specific programs within each category may be reallocated by up to 10% of each category. The Temescal/Telegraph BID 2015 Advisory Board shall have the right to annually recommend changes to the budget based upon changes in service needs and cost fluctuations. Such recommendations shall be made in the Annual Report to be submitted by the Advisory Board to the City each fiscal year for Oakland City Council approval pursuant to the City of Oakland Business Improvement Management District Ordinance (BIMD) at the Oakland Municipal Code section 4 48.200.

Any funds remaining after the tenth year of operation will be rolled over into the renewal budget or returned to stakeholders. Also, if the funds are available in the ninth year of operations, costs for renewal may be expended. If the District is not renewed or terminated for any reason, unexpended funds will be returned to the property owners pursuant to the City of Oakland BIMD Ordinance and State PBID Law

The proposed PBID services are described in more detail as follows

**1- Public Rights of Way & Sidewalk Operations (PROWSO):**      **\$ 290,000**                      **60%**

Examples of these special benefit services are allocated per benefit zone with Benefit Zone 1 parcels receiving a higher frequency of services relative to the Benefit Zone 2 and 3 parcels. All of these services will not replace or reduce current city services but will rather enhance services above their current general benefit level. Costs may include, but are not limited to.

- Regular sidewalk and gutter sweeping,
- Payment for debt services related to new pedestrian lighting;
- Median landscaping along 40<sup>th</sup> Street,
- Respond to complaints of aggressive panhandling;
- Timely graffiti removal, within 24 hours as necessary
- Tree and vegetation planting and maintenance

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- Regular sidewalk steam cleaning
- Placement of additional trash receptacles;
- May consider private security services on bike or patrol on a situational basis, as needed

**Level of PROWSO Special Service Frequency as determined by Benefit Zone:**

<b>Benefit Zone</b>	<b>Sidewalk Sweeping</b>	<b>Security</b>	<b>Lighting</b>
1	5 – 6 days per week	As needed, on bike patrol	Throughout district
2	2 - 3 days per week	As needed, on bike patrol	Throughout district
3	2 - 3 days per week	As needed, on bike patrol	Throughout district

**2 – Marketing & Identity Enhancement (MEI):** **\$ 94,000** 19%

Examples of these special benefit services and costs include, but are not limited to

- *Business attraction and expansion*
- *Web site development and updating*
- *Brochures, public relations*
- *Tourist related activities*
- *Marketing and social media*
- *Advertising*
- *Banner development and installation*
- *Special Events*
- *Signage*
- *Public space development and maintenance*
- *App development*
- *Payment for debt services related to new pedestrian lighting;*

	<b><i>Benefit Zone 1</i></b>	<b><i>Benefit Zone 2 and 3</i></b>
Special event underwriting	Yes	Where applicable
Public space development	Yes	Yes
Website creation and management	Yes	Yes
Social media	Yes	Yes
Public and media relations	Yes	Yes
Banner installation	Yes	Yes

**3 – Administration/Government & Community Relations:** **\$ 75,000** 16 %

Examples of these special benefit services and costs include, but are not limited to:

- *Staff and administrative costs*
- *Directors and Officers Insurance*
- *Office related expenses*
- *Rent*
- *Financial reporting and accounting*
- *Legal work*

	<b><i>Benefit Zone 1</i></b>	<b><i>Benefit Zone 2 and 3</i></b>
Staffing	Yes	Yes
Office related expenses	Yes	Yes
General Liability and Insurance	Yes	Yes

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Accounting	Yes	Yes
Legal	Yes	Yes

**4 - Contingency/Reserve:** **\$ 26,985** **5%**

Examples of these special benefit services and costs include, but are not limited to:

- Delinquencies
- Reserves
- City and county administration costs

In summary, relative to the PBID funded work program, all of the above areas of programs, services and improvements work together to create a more pleasing environment for each and every assessed parcel within the district that is conducive to strengthening the current and future economic vitality of each and every assessed parcel through the attraction and retention of new business, increased commerce and attraction of higher volume of pedestrian commercial activities. The programs, improvements and services are designed to specifically benefit identified parcels within the PBID boundaries. The proposed PBID assessments will only be levied on identified parcels within the PBID boundaries and assessment revenues will be spent to deliver services that only provide a direct and special benefit to assessed parcels and to improve the economic vitality of these parcels.

**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.**

Each identified parcel within the district will be assessed based on property characteristics unique only to that parcel. Parcels will be assessed based on a combination of factors: building area, location in the building, land area and location within the PBID. The calculated assessment rates are applied to the actual measured parameters of each parcel and thereby are proportional to each and every other identified parcel within the district as a whole. Larger parcels and ones with larger building areas or larger primary street frontages located in Zone 1 are expected to impact the demand for services and programs to a greater extent than smaller land and/or building areas, or located in Zone 2 and, thus, are assigned a higher proportionate degree of assessment program and service costs. Zone 3 parcels are only assessed for primary street frontage and land area. The proportionality is further achieved by setting targeted formula component weights for the respective parcel by parcel identified property attributes.

The proportionate special benefit cost for each parcel has been calculated based on optimum proportionate formula components and is listed as an attachment to this Report as Appendix 1. The individual percentages (i.e. proportionate relationship to the total special benefit related program and activity costs) are computed by dividing the individual parcel assessment by the total special benefit program costs.

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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 Temescal/Telegraph BID 2015, they are also considerably less than other options considered by the Temescal/Telegraph BID 2015 renewal proponent group. The actual assessment rate for each parcel within the PBID directly relate to the level of service and, in turn, special benefit to be provided based on the respective building area, land area, primary street frontage and location (zone) of each parcel. There are a three benefit zones It is noted that residential condominiums are assessed based on the individual building pad area of each unit, regardless of zone location

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

Currently, there are 9 publicly owned parcels within the PBID. PBID funded services will be provided to publicly owned parcels to the same extent as privately owned parcels. It is the opinion of this Engineer, however, that publicly owned and occupied parcels will not benefit from Marketing and Identity Enhancement services and programs and thus, will not be assessed for the building area portion of the assessment formula which generates 100% of the Marketing and Identity Enhancement portion of the PBID budget. There is no compelling evidence that these parcels would not specially benefit equally to privately owned parcels for all other PBID funded activities and services and, thus, will be assessed in the same manner and rates as privately owned parcels in the PBID for land area and primary street frontage.

**Publicly Owned Parcels within the Temescal/Telegraph BID 2015**

APN	Legal Owner	Site #	Site Street	Annual Assessment	Percent
014 1219 003 00	City Of Oakland	5205	Telegraph Ave	\$1,681 22	0 35%
014 1220 015 02	City Of Oakland Housing Authority	5307	Telegraph Ave	\$11,678 14	2 40%
012 0968 055 03	SF Bay Area Rapid Transit District	516	Appar St	\$2,467 92	
012 0969 053 05	SF Bay Area Rapid Transit District	532	39th St	\$5,665 42	
012 1025 002 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$238 76	
012 1025 003 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$773 56	
012 1025 004 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$3,169 74	
012 1025 005 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$2,046 42	
012 1025 006 00	SF Bay Area Rapid Transit District	526	W MacArthur Blvd	\$2,955 46	
			Total	\$17,317 28	3 56%

**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 Temescal/Telegraph BID 2015.

**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.”

The individual and total parcel assessments attributable to special property benefits are shown on Appendix 1 to the Management District Plan and this Report. The District and resultant assessment payments will continue for 10 more 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 attributed to building area, land area, primary street frontage and location (zone) in the PBID. There are a three benefit zones. It is noted that residential condominiums are assessed based on the individual building pad area of each unit, regardless of zone location.

### Assessment Formula Methodology

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

The method used to determine special 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 Temescal/Telegraph BID 2015, the benefit unit may be measured in linear feet of street frontage or parcel size in square feet or building size in square feet or number of building floors or any combination of these factors. Factor quantities 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 different 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

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relationship to programs/services to be funded

Based on the specific needs and corresponding nature of the program activities to be funded by the Temescal/Telegraph BID 2015 (i.e. public rights of way & sidewalk operations, marketing & identity enhancement; administration/government & community relations; and, contingency/reserve) it is the opinion of this Assessment Engineer that the assessment factors on which to base assessment rates relate directly to the proportionate amount of building area, land area, primary street frontage and location (zone) within the PBID. There are a three benefit zones. It is noted that residential condominiums are assessed based on the individual building pad area of each unit, regardless of zone location

For commercial uses, the interactive application of building area, land area and primary street frontage quantities are a proven method of fairly and equitably spreading special benefit costs to these primary beneficiaries of PBID funded services, programs and improvements. Each of these factors directly relates to the degree of special benefit each parcel will receive from PBID funded activities.

Building area is a direct measure of the static utilization of each parcel and its corresponding impact or draw on certain PBID funded activities (i.e. 100% of district identity costs). In the opinion of this Assessment Engineer, the targeted weight of this factor, building area, based on measured property characteristics, should generate approximately 20% of the total PBID revenue (18.65% when adjusted).

Land area is a direct measure of the current and future development capacity of each parcel and its corresponding impact or draw on certain PBID funded activities (i.e. 50% of sidewalk operations/beautification costs, 100% of program management costs and 100% of contingency/reserve costs). In the opinion of this Assessment Engineer, the targeted weight of this factor, land area, should generate approximately 40% of the total PBID revenue (39.41% when adjusted)

Primary street frontage is a direct measure of the static utilization of each parcel and its corresponding impact or draw on certain PBID funded activities (i.e. 100% of sidewalk operations/beautification). In the opinion of this Assessment Engineer, the targeted weight of this factor, primary street frontage, should generate approximately 35% of the total PBID revenue (37.88% when adjusted).

For residential condominium uses, the application of unit building pad area is a proven method of fairly and equitably spreading special benefit costs to these unique property ownerships and land uses. This assessment factor directly relates to the degree of special benefit each residential condominium parcel will receive from targeted PBID funded activities for this land use. In the opinion of this Assessment Engineer, the targeted weight of this factor, residential condominium building pad area, should generate approximately 5% of the total PBID revenue (4.1% when adjusted).

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The “Basic Benefit Units” will be expressed as a combined function of gross building square footage (Benefit Unit “A”) land square footage (Benefit Unit “B”), primary street frontage (Benefit Unit “C”) and residential condominium building pad area (Benefit Unit “D”) Based on the shape of the Temescal/Telegraph BID 2015, as well as the nature of the District program elements, it is determined that all identified properties will gain a direct and proportionate degree of special benefit based on the respective amount of building size, parcel size and primary street frontage within three benefit zones Residential condominiums will gain a direct and proportionate degree of special benefit based on the individual building pad area of each unit, regardless of zone location

There are three Benefit Zones within the Temescal/Telegraph BID 2015 Benefit Zones 1 and 2 assessments are based on three formula components: building square footage; land square footage and primary street frontage. Benefit Zone 3 assessments are based only on land area and primary street frontage. Residential condominiums assessments are based on the individual building pad area of each unit, regardless of zone location.

Based on the proportion of services in the two Benefit Assessment Zones, the Basic Benefit Units will be divided as follows: 1) Benefit Units for the building area, “Unit A”, 2) Benefit Units for the land area, “Unit B”; 3) Benefit Units for the primary street frontage, “Unit C”, and, 4) Benefit Units for residential condominium building pad area, “Unit D”;

Future Development

Other than future maximum rates and the assessment methodology delineated in this Report, per State Law (Government Code Section 53750), future assessments may increase for any given parcel if such an increase is attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land. Any change in assessment formula methodology or rates other than as stipulated in this Report would require a new Proposition 218 ballot procedure in order to approve any such changes.

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

Taking into account all identified benefiting properties and their respective assessable benefit units, there are 1,028,171 Benefit Units A and 3,377,399 Benefit Units B, 25,397 Benefit Units C, and 98,818 Benefit Units D The measurable quantities per benefit zone are shown in the table below.

**Benefit Unit Quantities by Zone for YR 1 - 2014**

	<b><u>ZONE 1</u></b>	<b><u>ZONE 2</u></b>	<b><u>ZONE 3</u></b>
Total Building Area Sq Ft (Unit A)	990,143	380,298	0
Total Land Area Sq Ft (Unit B)	2,369,281	730,165	277,853
Total Prime Street Frontage Linear Ft (Unit C)	16,695	6,668	2,034
Res Condo Bldg Pad Area Sq Ft (Unit D)	98,818	NA	NA



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**Assessment Revenue Allocation by Factor by Zone for YR 1 - 2014**

	<b><u>ZONE 1</u></b>	<b><u>ZONE 2</u></b>	<b><u>ZONE 3</u></b>
Total Building Area Sq Ft (Unit A)	\$79,211	\$11,409	0
Total Land Area Sq Ft (Unit B)	\$142,157	\$43,809	\$5,557
Total Prime Street Frontage Linear Ft (Unit C)	\$133,560	\$20,004	\$30,510
Res Condo Bldg Pad Area Sq Ft (Unit D)	\$19,764	NA	NA

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

The number of Benefit Units for each identified benefiting parcel within the Temescal/Telegraph BID 2015 was computed from data extracted from County Assessor records and maps. These data sources delineate current land uses, building areas, 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 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 will be provided to each property owner in the PBID for their review. All known or reported discrepancies, errors or misinformation will be corrected.

**Step 4. Determine Assessment Formula**

Based on the nature of the programs to be funded as well as other rationale outlined in Step 1 above, it is the opinion of this Engineer that the Temescal/Telegraph BID 2015 assessments will be based on building area, land area, primary street frontage, and location in the PBID.

The assessment formula by Zone is as follows.

Zone 1 Assessment = Building Area (Unit A-1) Sq Ft x Unit A-1 Rate, plus  
Land Area (Unit B-1) Sq Ft x Unit B-1 Rate, plus  
Primary Street Frontage (Unit C-1) Lin Ft x Unit C-1 Rate

Zone 2 Assessment = Building Area (Unit A-2) Sq Ft x Unit A-2 Rate, plus  
Land Area (Unit B-2) Sq Ft x Unit B-2 Rate, plus  
Primary Street Frontage (Unit C-2) Lin Ft x Unit C-2 Rate

Zone 3 Assessment = Land Area (Unit B-3) Sq Ft x Unit B-3 Rate, plus  
Primary Street Frontage (Unit C-3) Lin Ft x Unit C-3 Rate

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Residential Condominium Assessments = Building Pad Area (Unit D) Sq Ft x Unit D Rate

Computing Assessment Formula Unit Rates Year 1 – 2014-15

Zone 1 – Building Area Rate (Unit A-1)

$$\text{\$79,211 / 990,143 sq ft} = \text{\underline{\$0.08/sq ft}}$$

Zone 1 – Land Area Rate (Unit B-1)

$$\text{\$142,157 / 2,364,281 sq ft} = \text{\underline{\$0.06/sq ft}}$$

Zone 1 – Street Frontage Rate (Unit C-1)

$$\text{\$133,560 / 16,695 lin ft} = \text{\underline{\$8.00/lin ft}}$$

Zone 2 – Building Area Rate (Unit A-2)

$$\text{\$11,409 / 380,298 sq ft} = \text{\underline{\$0.03/sq ft}}$$

Zone 2 – Land Area Rate (Unit B-2)

$$\text{\$43,809 / 730,165 sq ft} = \text{\underline{\$0.06/sq ft}}$$

Zone 2 – Street Frontage Rate (Unit C-2)

$$\text{\$20,004 / 6,668 lin ft} = \text{\underline{\$3.00/lin ft}}$$

Zone 3 – Building Area Rate (Unit A-3)

$$= \text{\underline{\$0.00/sq ft}}$$

Zone 3 – Land Area Rate (Unit B-3)

$$\text{\$5,557 / 277,853 sq ft} = \text{\underline{\$0.02/sq ft}}$$

Zone 3 – Street Frontage Rate (Unit C-3)

$$\text{\$30,510 / 2,034 lin ft} = \text{\underline{\$15.00/lin ft}}$$

Residential Condo Rate (Unit D)

$$\text{\$19,764 / 98,818 sq ft} = \text{\underline{\$0.20/sq ft}}$$

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The complete Yr 1 – 2014 assessment roll of all parcels to be assessed by this PBID is included in this Plan as Appendix I

**Step 5. Estimate Total District Costs**

The total projected 10 year District costs for 2014-15 – 2023 of the PBID are shown below in Table 1 assuming not to exceed a 5% increase per year.

**TABLE 1**  
**10 Year Projected District Special Benefit Costs (not to exceed 5% annual increase)**

<b>Projected Budget</b>	<b>FY 1</b>	<b>FY 2</b>	<b>FY 3</b>	<b>FY 4</b>	<b>FY 5</b>
Public Rights of Way & Sidewalk Operations (PROWSO)	\$290,000 00	\$304,500 00	\$319,725 00	\$335,711 25	\$352,496 81
Marketing & Identity Enhancement	\$94,000 00	\$98,700.00	\$103,635 00	\$108,816 75	\$114,257.59
Administration/Government & Community Relations	\$75,000 00	\$78,750 00	\$82,687.50	\$86,821.88	\$91,162 97
Contingency/Reserve	\$26,985 00	\$28,334 25	\$29,750 96	\$31,238.51	\$32,800 44
<b>Total</b>	<b>\$485,985.00</b>	<b>\$510,284.25</b>	<b>\$535,798.46</b>	<b>\$562,588.39</b>	<b>\$590,717.80</b>
<b>Projected Budget</b>	<b>FY 6</b>	<b>FY 7</b>	<b>FY 8</b>	<b>FY9</b>	<b>FY 10</b>
Public Rights of Way & Sidewalk Operations (PROWSO)	\$370,121 65	\$388,627 74	\$408,059 12	\$428,462 08	\$449,885 18
Marketing & Identity Enhancement	\$119,970 47	\$125,968 99	\$132,267 44	\$138,880 81	\$145,824 85
Administration/Government & Community Relations	\$95,721 12	\$100,507 17	\$105,532 53	\$110,809 16	\$116,349 62
Contingency/Reserve	\$34,440 46	\$36,162 48	\$37,970 60	\$39,869 14	\$41,862 59
<b>Total</b>	<b>\$620,253.70</b>	<b>\$651,266.38</b>	<b>\$683,829.70</b>	<b>\$718,021.18</b>	<b>\$753,922.24</b>

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year Accordingly, the Advisory Board for the Association shall have the right to reallocate up to 10% of the budget line item within the budget categories based on such cost fluctuations subject to the review and approval by the Board of Directors and included in the Annual Planning Report that will be approved by the Oakland City Council Accrued interest or delinquent payments may be expended in any budget category

Any funds remaining after the tenth year of operation will be rolled over into the renewal budget or returned to stakeholders. Also, if the funds are available in the ninth year of operations, costs for renewal may be expended If the District is not renewed or terminated for any reason, unexpended funds will be returned to the property owners pursuant to State PBID Law

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**Step 6. Separate General Benefits from Special Benefits and Related Costs (Prop 218)**

Total costs are estimated at \$501,015 (see Table 3 below) General benefits are factored at 3% of total (see Finding 2 on page 6 of this report) with special benefits set at 97% Prop 218 limits the levy of property assessments to costs attributed to special benefits only The 3% general benefit cost is computed to be \$15,030 with a resultant 97% special benefit limit computed at \$485,985. *This is the maximum amount of revenue that can be derived from property assessments from the subject PBID.*

**TABLE 2**  
**Total Year 1 – 2014-15 - Special + General Benefit Revenue**

Service	YR 1 – 2014-15 Assessment Allocation	YR 1 – 2014-15 Non-Assessment Allocation	YR 1 – 2014-15 Total Allocation	% of Total
Public Rights of Way & Sidewalk Operations (PROWSO)	\$ 290,000	\$ 8,969	\$298,969	60%
Marketing & Identity Enhancement	\$ 94,000	\$2,907	\$ 96,907	19%
Administration/Government & Community Relations	\$ 75,000	\$ 2,319	\$ 77,319	16%
Contingency/Reserves	\$ 26,985	\$ 835	\$ 27,820	5%
Total	\$485,985	\$ 15,030	\$ 501,015	100%

All program costs associated with general benefits (\$15,030) will be derived from monetary sources other than PBID assessments.

**TABLE 3**  
**General + Special Benefit Revenue Sources**

Revenue Source	Cost
PBID Assessment Revenues (Yr 1 – 2014-15)	\$485,985
Other revenues to fund general benefit costs	\$15,030
<b>TOTAL COST - GENERAL + SPECIAL BENEFITS</b>	<b>\$501,015</b>

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

With a YR 1 – 2014-15 budget of \$485,985 (special benefit only), the Basic Unit Costs (rates) are shown above in Step 4 and delineated in Table 5 below. Since the PBID is being formed for a 10 year term, maximum assessments for future years (2015-2023) must be set at the inception of the PBID. An annual inflationary assessment rate increase not to exceed 5% may be imposed for future year assessments, on approval by the Advisory Board for the Association. The maximum assessment rates for the 10 year PBID term of 2014-2023 are shown below in Table 4. The assessment rates listed constitute the maximum assessment rates that may be imposed for future years of the PBID (2014-2023)

**TABLE 4**

**TEN YEAR MAXIMUM ASSESSMENT RATES (Not to exceed 5% per year)**

<b>Projected Assessment Benefit Zone 1</b>	<b>FY1</b>	<b>FY2</b>	<b>FY3</b>	<b>FY4</b>	<b>FY5</b>
Linear Frontage	\$ 8 0000	\$ 8 4000	\$ 8 8200	\$ 9 2610	\$ 9 7241
Building Sq Ft	\$ 0 08000	\$ 0 08400	\$ 0 08820	\$ 0 09261	\$ 0 09724
Lot Square Footage	\$ 0 060000	\$ 0 063000	\$ 0 066150	\$0 069458	\$ 0 072930
Condo Bldg Sq Ft	\$ 0 20000	\$ 0 21000	\$ 0 22050	\$ 0 23153	\$ 0 24310
<b>Projected Assessment Benefit Zone 1</b>	<b>FY6</b>	<b>FY7</b>	<b>FY8</b>	<b>FY9</b>	<b>FY10</b>
Linear Frontage	\$ 10.2103	\$ 10.7208	\$ 11 2568	\$ 11 8196	\$ 12 4106
Building Sq Ft	\$ 0 10210	\$ 0 10721	\$ 0 11257	\$ 0 11820	\$ 0 12411
Lot Square Footage	\$ 0 076577	\$ 0.080406	\$ 0 084426	\$0.088647	\$ 0 093080
Condo Bldg Sq Ft	\$ 0 25526	\$ 0 26802	\$ 0 28142	\$ 0 29549	\$ 0 31027
<b>Projected Assessment Benefit Zone 2</b>	<b>FY1</b>	<b>FY2</b>	<b>FY3</b>	<b>FY4</b>	<b>FY5</b>
Linear Frontage	\$ 3 0000	\$ 3 1500	\$ 3 3075	\$ 3 4729	\$ 3 6465
Building Sq Ft	\$ 0 03000	\$ 0 03150	\$ 0 03308	\$ 0 03473	\$ 0 03647
Lot Square Footage	\$ 0 060000	\$ 0 063000	\$ 0 066150	\$0 069458	\$ 0 072930
Condo Bldg Sq Ft	\$ 0 20000	\$ 0 21000	\$ 0 22050	\$ 0 23153	\$ 0 24310
<b>Projected Assessment Benefit Zone 2</b>	<b>FY6</b>	<b>FY7</b>	<b>FY8</b>	<b>FY9</b>	<b>FY10</b>

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Linear Frontage	\$ 3 8288	\$ 4 0203	\$ 4 2213	\$ 4 4324	\$ 4 6540
Building Sq Ft	\$ 0 03829	\$ 0 04020	\$ 0 04221	\$ 0 04432	\$ 0 04654
Lot Square Footage	\$ 0 076577	\$ 0 080406	\$ 0 084426	\$0 088647	\$ 0 093080
Condo Bldg Sq Ft	\$ 0 25526	\$ 0 26802	\$ 0 28142	\$ 0 29549	\$ 0 31027
<b>Projected Assessment Benefit Zone 3</b>	<b>FY1</b>	<b>FY2</b>	<b>FY3</b>	<b>FY4</b>	<b>FY5</b>
Linear Frontage	\$ 15 0000	\$ 15 7500	\$ 16 5375	\$ 17 3644	\$ 18 2326
Lot Square Footage	\$ 0 020000	\$ 0 021000	\$ 0 022050	\$0 023153	\$ 0 024310
Condo Bldg Sq Ft	\$ 0 20000	\$ 0 21000	\$ 0 22050	\$ 0 23153	\$ 0 24310
<b>Projected Assessment Benefit Zone 3</b>	<b>FY6</b>	<b>FY7</b>	<b>FY8</b>	<b>FY9</b>	<b>FY10</b>
Linear Frontage	\$ 19.1442	\$ 20 1014	\$ 21 1065	\$ 22 1618	\$ 23 2699
Lot Square Footage	\$ 0 025526	\$ 0 026802	\$ 0 028142	\$0.029549	\$ 0 031027
Condo Bldg Sq Ft	\$ 0 25526	\$ 0 26802	\$ 0 28142	\$ 0 29549	\$ 0 31027

**Step 8. Spread the Assessments**

The resultant assessment spread calculation results for each parcel within the PBID are shown in the Management District Plan and were determined by applying the District assessment formula to each identified benefiting property

# APPENDIX 1

## YR 1 – 2014-15 ASSESSMENTS

**THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT**

APN	Zone	Year 1 Assmt
012 0945 028 01	1	\$1,880 08
012 0966 001 00	1	\$2,327 60
012 0967 001 00	1	\$941 08
012 0967 002 00	1	\$789 08
012 0967 003 00	1	\$1,917.74
012 0967 005 01	1	\$2,540 72
012 0967 006 01	1	\$1,147 64
012 0967 007 00	1	\$1,223 28
012 0967 008 00	1	\$1,009 94
012 0968 003 01	1	\$1,750 56
012 0968 055 03	1	\$2,467 92
012 0969 001 00	1	\$1,746 40
012 0969 002 00	1	\$930 00
012 0969 003 01	1	\$566 80
012 0969 004 00	1	\$787 12
012 0969 053 02	1	\$350 00
012 0969 053 05	1	\$5,665 42
012 0970 001 00	1	\$1,192 54
012 0970 002 00	1	\$1,410 20
012 0970 003 00	1	\$1,441 28
012 0970 004 00	1	\$935 44
012 0970 005 00	1	\$921 44
012 0970 023 01	1	\$1,013 68
012 0970 024 00	1	\$662 88
012 0970 025 00	1	\$742 32
012 0970 026 00	1	\$1,144 36
012 0970 027 00	1	\$1,081 12
012 0970 028 00	1	\$1,026 40
012 0970 029 00	1	\$680 00
012 0970 030 00	1	\$564 12
012 0970 031 00	1	\$4,346 72
012 0972 001 00	1	\$1,874.24
012 0972 002 00	1	\$1,106 86
012 0972 003 00	1	\$1,\$29 28
012 0972 004 00	1	\$994 60
012 0973 001 00	1	\$1,662 32
012 0973 002 00	1	\$778 56
012 0973 003 00	1	\$780 48
012 0973 004 00	1	\$870 08
012 0973 005 00	1	\$870 08
012 0973 006 00	1	\$927 50
012 0974 013 02	1	\$3,167 64
012 0977 001 00	1	\$630 00
012 0977 002 02	1	\$2,453 20
012 0977 005 00	1	\$1,635 04

012 0978 001 00	1	\$753 28
012 0978 002 01	1	\$1,094 00
012 0978 004 00	1	\$658 00
012 0978 005 00	1	\$671 18
012 0978 006 03	1	\$940 80
012 0981 003 00	1	\$2,489 32
012 0981 010 00	1	\$318 00
012 0981 011 00	1	\$200 00
012 0981 012 00	1	\$232 00
012 0981 016 00	1	\$478.80
012 0981 017 00	1	\$281 20
012 0981 018 00	1	\$161 00
012 0981 019 00	1	\$193 80
012 0981 020 00	1	\$212 40
012 0981 021 00	1	\$254 40
012 0982 002 04	1	\$3,717 40
012 0982 017 00	1	\$793 56
012 1000 012 00	1	\$1,222 56
012 1000 013 00	1	\$502 00
012 1000 014 00	1	\$399 00
012 1000 015 00	1	\$517 30
012 1000 016 00	1	\$467 92
012 1000 017 00	1	\$1,089.68
012 1000 018 00	1	\$1,097 96
012 1005 005 01	1	\$485 14
012 1005 007 01	1	\$1,250 20
012 1005 009 01	1	\$1,896 72
012 1005 011 00	1	\$879 58
012 1007 001 00	1	\$7,347 36
012 1007 010 00	1	\$393 92
012 1007 011 00	1	\$395.36
012 1007 012 00	1	\$395 36
012 1007 013 00	1	\$395.36
012 1007 014 00	1	\$295 36
012 1007 029 00	1	\$201 20
012 1007 030 00	1	\$203 60
012 1007 031 00	1	\$174 20
012 1007 032 00	1	\$200 40
012 1007 033 00	1	\$200 60
012 1007 034 00	1	\$200 20
012 1007 035 00	1	\$202 20
012 1007 036 00	1	\$203 80
012 1007 037 00	1	\$205 00
012 1007 038 00	1	\$185 00
012 1007 039 00	1	\$203 80



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012 1007 040 00	1	\$185 00
012 1007 041 00	1	\$195 20
012 1007 042 00	1	\$202 20
012 1007 043 00	1	\$203 20
012 1007 044 00	1	\$203 20
012 1007 045 00	1	\$202 20
012 1007 046 00	1	\$185.40
012 1007 047 00	1	\$718 28
012 1007 048 00	1	\$194 90
012 1007 049 00	1	\$223 60
012 1010 001 00	1	\$1,245 70
012 1010 002 00	1	\$419 02
012 1010 003 00	1	\$1,126 54
012 1010 004 00	1	\$737 78
012 1010 005 00	1	\$1,013 68
012 1010 006 00	1	\$1,356 28
012 1011 004 00	1	\$1,137 04
012 1011 005 00	1	\$862 00
012 1011 006 00	1	\$1,295 60
012 1011 007 00	1	\$1,137.68
012 1011 008 00	1	\$824 56
012 1011 009 00	1	\$768 32
012 1011 010 00	1	\$824 56
012 1011 011 00	1	\$2,025 04
012 1011 012 00	1	\$2,170 20
012 1011 013 04	1	\$2,269.62
012 1011 015 00	1	\$1,096.28
012 1011 016 00	1	\$2,154 88
012 1011 018 02	1	\$6,535 88
012 1012 001 00	1	\$2,034 16
012 1012 005 02	1	\$678 00
012 1012 005 03	1	\$2,894 84
012 1013 001 00	1	\$1,699 40
012 1013 002 00	1	\$711 22
012 1013 003 00	1	\$693 54
012 1013 004 00	1	\$1,216 48
012 1025 002 00	1	\$238 76
012 1025 003 00	1	\$773 56
012 1025 004 00	1	\$3,169 74
012 1025 005 00	1	\$2,046 42
012 1025 006 00	1	\$2,955 46
013 1094 001 00	1	\$1,913 84
013 1094 002 00	1	\$921 70
013 1094 003 00	1	\$934 86
013 1095 001 00	1	\$862 12
013 1095 002 00	1	\$937 46
013 1095 004 01	1	\$1,754 64

013 1095 005 00	1	\$930 72
013 1096 001 00	1	\$974 28
013 1096 002 00	1	\$465 70
013 1096 003 02	1	\$724 64
013 1096 004 01	1	\$2,115 50
013 1097 026 00	1	\$759 38
013 1097 027 00	1	\$733 78
013 1097 028 01	1	\$3,163 84
013 1098 028 00	1	\$694 56
013 1098 029 00	1	\$1,249 66
013 1098 033 04	1	\$3,281 02
013 1099 025 01	1	\$2,236.54
013 1099 026 00	1	\$1,645 82
013 1099 028 00	1	\$1,064 00
013 1099 043 00	1	\$5,492 86
013 1150 014 00	1	\$4,133 52
013 1150 015 00	1	\$2,957 04
013 1150 016 00	1	\$562.50
013 1150 017 01	1	\$1,149 00
013 1150 019 02	1	\$1,379 12
013 1151 017 00	1	\$1,708 12
013 1151 018 00	1	\$1,409.78
013 1151 020 01	1	\$2,825 76
013 1151 022 01	1	\$3,815 24
013 1152 001 00	1	\$2,742 80
013 1152 014 01	1	\$1,819 32
013 1152 016 00	1	\$1,098 08
013 1152 017 00	1	\$1,668 00
013 1152 018 00	1	\$1,373 80
013 1152 019 00	1	\$1,174.40
013 1152 020 00	1	\$1,962 00
013 1152 021 00	1	\$1,215 84
013 1154 002 00	1	\$1,670.24
013 1154 003 00	1	\$1,222 32
013 1154 005 00	1	\$884 20
013 1154 009 04	1	\$4,215 14
013 1154 009 05	1	\$11,386 62
013 1155 005 04	1	\$2,154 84
013 1155 005 07	1	\$1,304 44
013 1155 005 09	1	\$1,446 22
013 1155 005 10	1	\$577 26
013 1155 008 00	1	\$834 28
013 1156 001 00	1	\$1,058 30
013 1156 002 00	1	\$1,299 48
013 1156 003 01	1	\$586 84
013 1156 004 00	1	\$798 72
013 1156 005 00	1	\$1,428 42

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013 1156 006 00	1	\$674 62
013 1156 007 00	1	\$644 32
013 1156 008 01	1	\$545 14
013 1157 001 00	1	\$3,965 94
013 1158 001 00	1	\$499 82
013 1159 001 00	1	\$1,730 16
013 1159 002 00	1	\$768 50
013 1159 003 00	1	\$1,066 14
013 1160 001 00	1	\$651 08
013 1160 002 00	1	\$649 56
013 1160 003 00	1	\$702 46
013 1160 004 00	1	\$867 02
013 1160 005 00	1	\$3,104 00
013 1161 001 00	1	\$3,304 20
013 1161 002 00	1	\$2,608 32
013 1162 001 00	1	\$798 62
013 1162 002 01	1	\$913 06
013 1162 003 01	1	\$759.68
013 1162 004 00	1	\$653 60
013 1162 007 00	1	\$1,654 48
013 1162 008 00	1	\$437 00
013 1162 009 01	1	\$1,073 30
013 1162 028 00	1	\$289.80
013 1162 029 00	1	\$289 80
013 1162 030 00	1	\$289 80
013 1162 031 00	1	\$289 80
013 1162 032 00	1	\$289 80
013 1162 033 00	1	\$289 80
013 1162 034 00	1	\$350 40
013 1162 035 00	1	\$342 40
013 1162 036 00	1	\$342 40
013 1162 037 00	1	\$350 60
013 1190 001 00	1	\$213 32
013 1190 002 00	1	\$279 40
013 1190 003 00	1	\$288 60
013 1190 004 00	1	\$185 60
013 1190 005 00	1	\$292 00
013 1190 006 00	1	\$186 60
013 1190 007 00	1	\$238 80
013 1190 008 00	1	\$239 00
013 1190 009 00	1	\$291 60
013 1190 010 00	1	\$186 80
013 1190 011 00	1	\$239 00
013 1190 012 00	1	\$281 80
013 1190 013 00	1	\$198 80
013 1190 014 00	1	\$204 40
013 1190 015 00	1	\$274 60

013 1190 016 00	1	\$284 60
013 1190 017 00	1	\$345 20
013 1190 018 00	1	\$213 20
013 1190 019 00	1	\$345 20
013 1190 020 00	1	\$213 20
013 1190 021 00	1	\$278 00
013 1190 022 00	1	\$278 00
013 1190 023 00	1	\$345 20
013 1190 024 00	1	\$213 20
013 1190 025 00	1	\$378 00
013 1190 026 00	1	\$322 60
014 1205 019 01	3	\$22,017 92
014 1206 003 00	3	\$584 10
014 1206 004 00	3	\$584 10
014 1206 026 01	3	\$11,669 14
014 1215 005 01	1	\$3,120 46
014 1215 019 00	3	\$630 80
014 1215 020 00	3	\$581.00
014 1216 003 00	1	\$900.80
014 1216 004 00	1	\$746 24
014 1216 005 00	1	\$1,381 24
014 1216 031 02	1	\$2,492 90
014 1217 012 00	1	\$1,406 28
014 1218 012 03	1	\$3,634 72
014 1218 017 11	1	\$4,083 82
014 1219 002 00	1	\$750 80
014 1219 003 00	1	\$1,681.22
014 1219 004 00	1	\$783 52
014 1219 005 00	1	\$569 60
014 1219 006 00	1	\$569 60
014 1219 007 00	1	\$569 60
014 1219 008 02	1	\$543.20
014 1219 010 03	1	\$2,694 60
014 1219 014 00	1	\$574 40
014 1219 015 00	1	\$567 20
014 1219 025 00	1	\$170 20
014 1219 026 00	1	\$184 20
014 1219 027 00	1	\$184 20
014 1219 028 00	1	\$170.20
014 1220 015 02	1	\$11,678 14
014 1221 002 07	1	\$6,080 02
014 1221 027 01	1	\$1,784 66
014 1224 010 01	1	\$2,097 72
014 1225 001 00	1	\$974 80
014 1225 009 03	1	\$1,172 56
014 1225 010 01	1	\$3,543 00
014 1225 012 00	1	\$1,203 28

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014 1225 013 00	1	\$819.58
014 1225 014 00	1	\$638.02
014 1225 015 01	1	\$966.02
014 1225 017 02	1	\$1,753.76
014 1225 020 01	1	\$2,048.46
014 1225 023 00	1	\$1,120.56
014 1225 024 00	1	\$869.28
014 1225 025 00	1	\$548.00
014 1226 001 00	1	\$3,302.00
014 1226 008 00	1	\$588.06
014 1226 009 02	1	\$755.20
014 1226 013 00	1	\$3,280.02
014 1226 014 00	1	\$3,787.56
014 1227 037 07	1	\$3,189.84
014 1227 038 02	1	\$3,710.44
014 1227 039 02	1	\$590.40
014 1227 040 02	1	\$1,038.00
014 1276 034 05	2	\$1,782.60
014 1276 035 00	2	\$793.50
014 1276 036 00	2	\$583.74
014 1276 037 00	2	\$772.08
014 1276 038 01	2	\$585.08
014 1276 040 06	2	\$70.68
014 1276 041 01	2	\$2,148.06
014 1276 042 02	2	\$4,623.18
015 1277 003 01	2	\$62.58
015 1277 003 02	2	\$533.52
015 1277 004 00	2	\$449.94
015 1277 005 01	2	\$674.94
015 1277 012 01	2	\$583.08
015 1277 014 01	2	\$537.48
015 1277 016 01	2	\$537.48
015 1277 018 00	2	\$538.08
015 1277 019 01	2	\$537.48
015 1277 021 01	2	\$538.08
015 1277 023 00	2	\$537.48
015 1277 024 00	2	\$584.04
015 1277 036 00	2	\$345.76
015 1277 037 01	2	\$538.92
015 1277 039 01	2	\$538.92
015 1277 041 01	2	\$885.00
015 1373 005 00	2	\$371.44
015 1373 006 00	2	\$722.94
015 1379 001 01	2	\$1,085.22
015 1379 002 01	2	\$845.22
015 1379 003 00	2	\$673.08
015 1379 028 04	2	\$1,637.49

015 1379 029 00	2	\$591.78
015 1379 030 00	2	\$692.82
015 1380 001 00	2	\$468.78
015 1380 002 00	2	\$429.00
015 1380 021 00	2	\$182.80
015 1380 022 00	2	\$182.80
015 1380 023 00	2	\$186.60
015 1380 024 00	2	\$244.80
015 1380 025 00	2	\$209.20
015 1380 026 00	2	\$200.80
015 1380 027 00	2	\$190.40
015 1380 028 00	2	\$258.00
015 1380 029 00	2	\$246.80
015 1380 030 00	2	\$209.20
015 1380 031 00	2	\$200.80
015 1380 032 00	2	\$190.40
015 1380 033 00	2	\$125.20
015 1380 034 00	2	\$128.00
015 1380 035 01	2	\$244.80
015 1381 008 01	2	\$1,047.06
015 1381 009 01	2	\$867.00
015 1382 005 00	2	\$366.54
015 1382 006 00	2	\$313.74
015 1382 007 00	2	\$315.78
015 1382 009 01	2	\$1,167.42
015 1383 002 00	2	\$505.02
015 1383 003 00	2	\$570.54
015 1383 005 00	2	\$1,326.60
015 1383 007 00	2	\$593.34
015 1383 008 00	2	\$266.16
015 1383 009 00	2	\$188.94
015 1383 011 01	2	\$1,100.43
015 1383 014 00	2	\$635.67
015 1383 015 00	2	\$265.83
015 1383 016 00	2	\$196.14
015 1383 017 00	2	\$260.31
016 1385 015 00	2	\$470.94
016 1385 016 00	2	\$446.88
016 1385 017 00	2	\$465.90
016 1385 018 00	2	\$461.70
016 1385 019 00	2	\$477.78
016 1386 011 00	2	\$680.67
016 1386 012 03	2	\$458.82
016 1386 014 01	2	\$1,246.08
016 1387 001 00	2	\$508.08
016 1387 016 00	2	\$1,617.18
016 1388 001 00	2	\$942.42

**THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT**

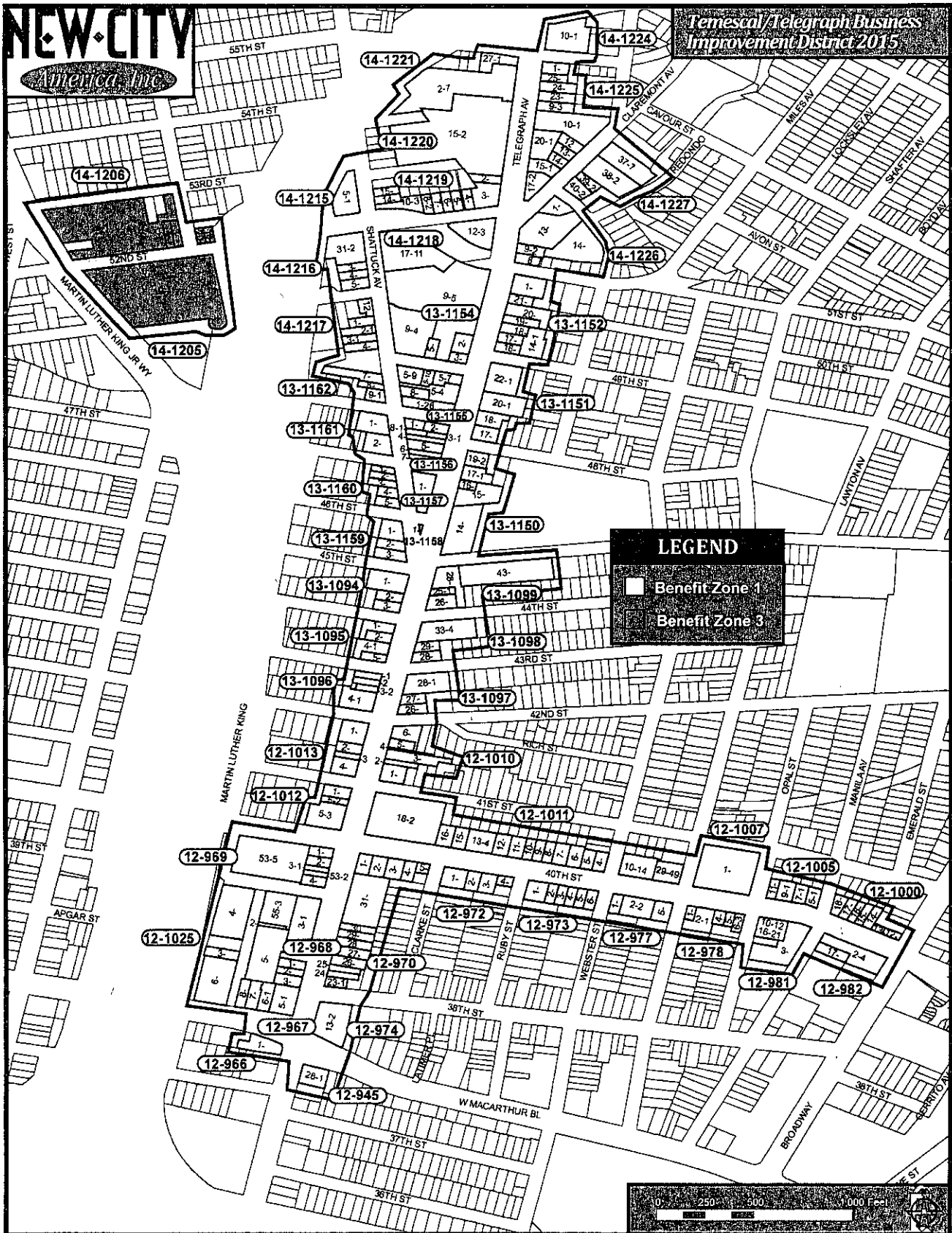
016 1388 013 00	2	\$577 62
016 1388 014 00	2	\$395 88
016 1388 015 00	2	\$478 92
016 1390 007 01	2	\$755 58
016 1390 008 01	2	\$1,101 00
016 1390 009 00	2	\$356 88
016 1390 019 00	2	\$558 18
016 1390 021 01	2	\$1,193 13
016 1391 019 00	2	\$771 39
016 1391 020 00	2	\$206 52
016 1391 021 00	2	\$406 26
016 1391 022 00	2	\$387 90
016 1391 034 01	2	\$737 82
016 1391 036 01	2	\$1,382 31
016 1391 045 00	2	\$277 80
016 1391 046 00	2	\$267 40
016 1415 021 00	2	\$568 92
016 1415 022 00	2	\$237 42
016 1415 023 00	2	\$266 52
016 1415 024 00	2	\$207 28
016 1415 025 00	2	\$262.11
016 1415 026 00	2	\$320 61
016 1416 018 00	2	\$1,118 10

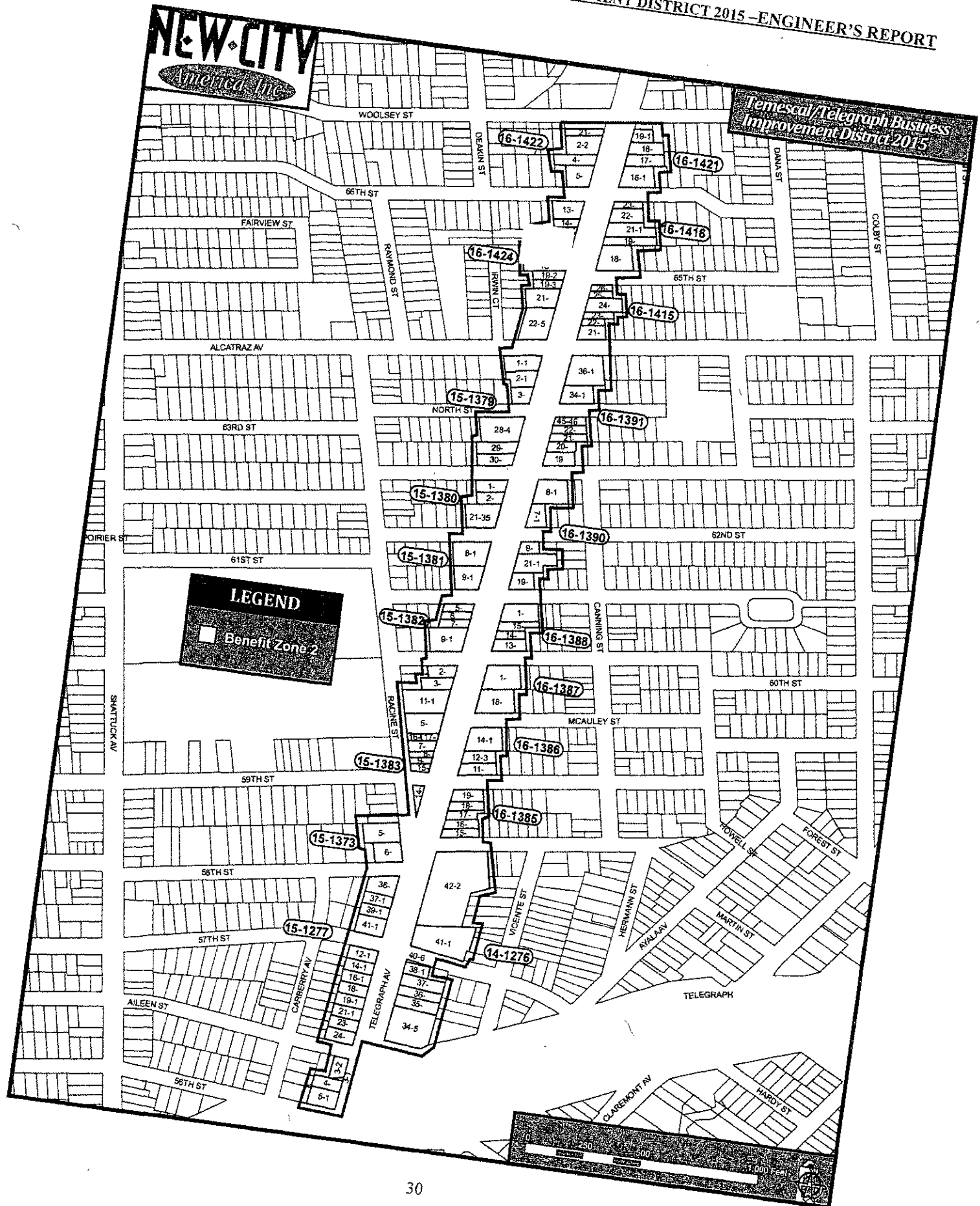
016 1416 019 00	2	\$531 39
016 1416 021 01	2	\$1,017 42
016 1416 022 00	2	\$796 38
016 1416 023 00	2	\$341 70
016 1421 016 01	2	\$939 66
016 1421 017 00	2	\$929.94
016 1421 018 00	2	\$617 22
016 1421 019 01	2	\$398 40
016 1422 002 02	2	\$1,149 24
016 1422 004 00	2	\$627 18
016 1422 005 00	2	\$1,056 36
016 1422 021 00	2	\$518 16
016 1424 013 00	2	\$939 69
016 1424 014 00	2	\$326 07
016 1424 015 01	2	\$217 20
016 1424 016 02	2	\$780 09
016 1424 017 00	2	\$1,221 00
016 1424 018 00	2	\$441 54
016 1424 019 02	2	\$451 41
016 1424 019 03	2	\$460 68
016 1424 021 00	2	\$1,037 49
016 1424 022 05	2	\$1,270 83

# APPENDIX 2

## TEMESCAL/TELEGRAPH BID 2015 BOUNDARY AND BENEFIT ZONE MAP

THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 –ENGINEER’S REPORT





**Exhibit B**  
(to the Resolution of Intention to Form the  
Temescal/Telegraph Business Improvement District 2015)

**SAMPLE BALLOT**

**CITY OF OAKLAND**  
**TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015**  
**PROPERTY OWNER BALLOT**

This ballot is for the property owners of the parcel(s) identified below by Assessment Parcel Numbers (APN), which parcel(s) are located within the proposed Temescal/Telegraph Business Improvement District 2015 in the City of Oakland. Please advise the City of Oakland as soon as possible at (510) 238-6176, if the information set forth below is incorrect.

This ballot may be used to express either support for or opposition to the proposed Temescal/Telegraph Business Improvement District 2015 assessment. In order to be counted, this ballot must be completed, signed, and dated below by an owner of the identified parcel(s) or by an authorized representative of the owner. The ballot must be returned to the City Clerk of Oakland either by mail or in person to Office of the City Clerk, Oakland City Hall, One Frank H. Ogawa Plaza, First Floor, Oakland, CA, 94612, Attn: Temescal/Telegraph Business Improvement District 2015. If a majority of ballots received (as weighted by assessment) oppose the Temescal/Telegraph Business Improvement District 2015 assessment, the Temescal/Telegraph Business Improvement District 2015 will not be established and the Temescal/Telegraph Business Improvement District 2015 assessment will not be levied.

Mail Delivery If by mail, fold and insert the ballot in the enclosed self-addressed stamped envelope, seal the envelope, and deposit in the U.S. mail.

Personal Delivery If in person, fold and insert the ballot in the enclosed self-addressed envelope, seal the envelope provided and deliver to the City Clerk's office (address shown above) or deliver to the City Clerk at the public hearing on the Temescal/Telegraph Business Improvement District 2015.

The assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with the ballots weighted according to the proportional financial obligation of the affected property.

**IN ORDER TO BE COUNTED, THIS BALLOT MUST BE RECEIVED BY THE CITY CLERK PRIOR TO THE CLOSE OF THE PUBLIC INPUT PORTION OF THE PUBLIC HEARING ON THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015, WHICH IS SCHEDULED FOR JULY 15, 2014, AT 6:30 PM IN THE CITY COUNCIL CHAMBERS, OAKLAND CITY HALL, 1 FRANK OGAWA PLAZA, OAKLAND, CALIFORNIA 94612. To cast this ballot, check the appropriate box below (either yes or no), sign the ballot at the bottom, and return either this entire page or the portion below this line.**

**BALLOT**

*Please mark in the box below to cast your vote*

- YES**, I am in favor of the formation of the district and the proposed assessments against the parcel(s) identified on this ballot.
- NO**, I oppose the formation of the district and the proposed assessment against the parcel(s) identified on this ballot.

**Owner**

**APN**

**Assessment**

Total Temescal/Telegraph Business Improvement District 2015 Assessment Amount (Votes Cast)

\$ \_\_\_\_\_

\_\_\_\_\_  
NAME (PRINTED)

\_\_\_\_\_  
SIGNATURE

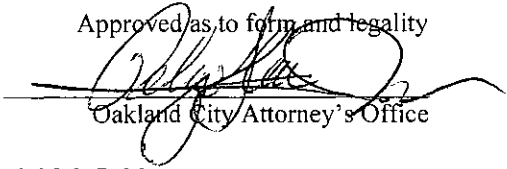
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DATE



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY -1 PM 3:21

Approved as to form and legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR (1) TO SIGN THE BALLOT IN FAVOR OF THE FORMATION OF THE TEMESCAL/ TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 ("TTBID 2015") AND (2) TO PAY \$1,688.22 FOR THE FISCAL YEAR 2014/2015 ASSESSMENT FOR ONE (1) CITY-OWNED PROPERTY ON WHICH ASSESSMENTS ARE TO BE LEVIED (APN 014 1219 003 00 – THE TEMESCAL LIBRARY) IF THE TTBID 2015 IS ESTABLISHED**

**WHEREAS**, the City Council approved an Oakland Business Improvement Management District Ordinance (Ord. 12190, 1999) delineating procedures and policies for the formation of a property assessment district within the City of Oakland; and

**WHEREAS**, the City Council approved a Neighborhood Business Improvement District Program pursuant to Oakland City Council Resolution No. 75323, dated November 9, 1999, to provide technical and financial assistance to stakeholder groups of business owners in the City to assist in the formation of such districts; and

**WHEREAS**, the City has adopted a policy encouraging the formation of Business Improvement Districts; and

**WHEREAS**, pursuant to the requirements of the Oakland Business Management District Ordinance stakeholders in the Temescal /Telegraph district have circulated a Petition to form the Temescal/Telegraph Business Improvement District 2015 (hereinafter "District") to undertake the Management District Plan for the Temescal/Telegraph Business Improvement District 2015 (hereinafter "Plan"); and

**WHEREAS**, if the Petition in support of formation of the District is signed by more than 30 percent of the weighted value of the assessments that would be imposed on properties within the proposed District, then the City may adopt a Resolution of Intention and cause ballots to be distributed to all property owners within the boundaries of the proposed District; through such ballots, votes in favor of or against the formation of the proposed District may be cast by the affected property owners, and such ballots will be tabulated at a public hearing, and

**WHEREAS**, concurrently with this proposed resolution, the Council is considering the passage of a Resolution of Intention to form the District; and

**WHEREAS**, the proposed District includes one (1) City-owned property on which assessments are to be levied (APN 014 1219 003 00 – the Temescal Library) which gives the City the right to sign the ballot in support of District formation (the "Ballot"); and

**WHEREAS**, this resolution will authorize the City Administrator to sign the Ballot on behalf of the City of Oakland; and

**WHEREAS**, if the District is established, the assessments will take place on a yearly basis for the ten-year life of the District; and

**WHEREAS**, if the District is established, the maximum total assessment amount over the ten-year life of the district for the one (1) City-owned property (Temescal Library) is approximately \$21,234.25; and

**WHEREAS**, funds to pay the FY 14/15 assessment have been budgeted to the General Purpose Fund (1010)/Citywide Activities Organization (90591)/Taxes and Assessments Account (53511)/ Business Improvement District Project (C138410)/IP50; and

**WHEREAS**, these assessments are to be made in accordance with the provisions of Proposition 218 and the Oakland Business Improvement Management District policy referenced above; now therefore be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator (1) to execute the ballot in favor of the formation of the Temescal/Telegraph Business Improvement District 2015 and (2) to pay the FY 14/15 assessment for the one (1) City-owned property on which assessments are to be levied (APN 014 1219 003 00 – the Temescal Library) in an amount of approximately \$1,688.22.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2014.

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California