

*Bob*

# OAKLAND CITY COUNCIL

## RESOLUTION No. 76127 C.M.S.

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**RESOLUTION OF INTENTION TO FORM THE FRUITVALE BUSINESS IMPROVEMENT MANAGEMENT DISTRICT, GRANTING PRELIMINARY APPROVAL OF THE MANAGEMENT PLAN, DIRECTING FILING OF THE PROPOSED ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, SUBMITTING A PROPOSED ASSESSMENT TO THE AFFECTED PROPERTY OWNERS FOR MAJORITY PROTEST PROCEDURE APPROVAL; AND SCHEDULING A PUBLIC HEARING FOR JANUARY 9, 2001**

**WHEREAS**, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 et seq. [Senate Bill 14241; and

**WHEREAS**, the City Council of the City of Oakland enacted the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190, 1999) 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 Fruitvale district have duly petitioned to form the Fruitvale Business Improvement Management District ("District") under the City of Oakland Business Improvement Management District Ordinance (the "BIMD Ordinance") to form the District and have proposed the Management Plan for the operation of the District ("Plan") (**Exhibit B**); and

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

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

**WHEREAS**, the Plan, incorporated by this reference, provides for new security, crime prevention, sidewalk maintenance, promotional, and marketing activities and improvements of particular benefit to the properties located within the District (as more specifically identified in the Plan attached hereto); and

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

**NOW, THEREFORE**, the City Council *of* the City of Oakland finds that the Management Plan for the District 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 and give notice as follows:

1. A business improvement management district is proposed to be established pursuant to the BIMD Ordinance with the boundaries as specified in the Plan on file in the office of the City Clerk, a copy of which is attached hereto as **Exhibit B**.
2. 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 District.
3. The Plan for the District, is preliminarily approved and the assessments for the first year shall be as provided for in the Plan if the district is established.
4. The name of the District shall be the Fruitvale Business Improvement Management District.
5. The types of the improvements and activities proposed to be funded and acquired by the levy of assessments on property in the District and the time period for which the proposed improvements are to be made are those specified in the Plan on file in the office of the City Clerk and attached hereto (**Exhibit B**).
6. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities within the area.
7. The boundaries of the District and of each separate benefit zone within the district are delineated in the description contained in the Plan which is on file in the office of the City Clerk (**Exhibit B**)
8. The proposed method and basis of levying the assessments to be levied against each property in the District are based on the square footage of each property located within the District and are contained in the assessment roll attached hereto and incorporated herein by this reference (**Exhibit A**)
9. The assessments for the entire District total \$222,000 for the first year of the District, and the amount chargeable to each

parcel are as shown in the Plan on file in the office of the City Clerk and on Exhibit A attached hereto

10. The District shall be in existence for a period of five (5) years during which a maximum 3% increase per year in the amount of the assessment on each property shall be allowable.
11. 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.
12. The City Clerk is directed to mail a copy of the Resolution of Intention to form the District along with the ballots for the written protest procedure to all affected property owners in the District in 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 District, 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 District to all affected property owners in the proposed District 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.
13. A Public Hearing is set for January 9, 2001, to hear all public comments, protests, count the returned ballots as to the formation of the District, appoint the Advisory Board for the District, and take final action as to the formation of the District.
14. At the hearing the testimony of all interested persons for or against the establishment of the District, the boundaries of the District, or the furnishing of the specified types of improvements or activities will be heard.
15. 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 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.
16. 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.

17. 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.
18. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
19. If written protests are received from the property owners *in* the proposed area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn **so** as to reduce the protests to less than that 50 percent, the assessment will not be imposed. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 14 2000

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, , MILEY. NADEL, REID,, SPEES, WANN and ~~PRESIDENT DE LA~~

~~FUENTE~~ - 7

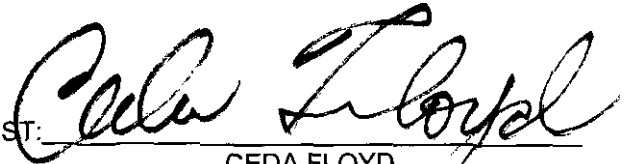
NOES- None

ABSENT- None

ABSTENTION- None

Evans and DeLaFuente - 1

ATTEST:



CEDA FLOYD

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

**Exhibit A - Fruitvale Business Improvement Management District - Assessment Roll**

Rates: Benefit Zone 1: \$0.14 per square foot  
 Benefit Zone 2: \$0.066 per square foot  
 501c (3) Nonprofit Organization Rate: \$0.074 per square foot

Zone 1 encompasses all properties along Fruitvale Avenue from Foothill Blvd. to International Blvd. from Fruitvale to 42<sup>nd</sup> Ave. All other properties within the district are Zone 2 properties.

<i>APN</i>	<i>Total Assessment</i>	<i>Total Lot</i>	<i>Site Address</i>
	\$1,202.13	16245	(Fruitvale Transit Village)
	\$10,999.24	78566	(Fruitvale Transit Village)
	\$1,870.54	13361	(Fruitvale Transit Village)
	\$7,277.90	51985	(Fruitvale Transit Village)
025-0688-003-01	\$636.90	9650	3132 E 12th , Oakland Ca 94601-2911 C002
025-0688-003-02	\$148.76	2254	31st Av, Oakland Ca 94608
025-0689-001-01	\$3,818.22	27273	3111 International Bl, Oakland Ca 94601-2901 C025
025-0689-003-01	\$450.66	3219	1315 Fruitvale Av, Oakland Ca 94601-2927 C001
025-0689-004-00	\$431.76	3084	1311 Fruitvale Av, Oakland Ca 94601-2927 C001
025-0689-005-00	\$532.84	3806	1301 Fruitvale Av, Oakland Ca 94601-2927 C001
025-0690-008-01	\$819.39	12415	3053 International Bl, Oakland Ca 94601-2222 C029
025-0690-009-00	\$641.72	9723	3073 International Bl, Oakland Ca 94601-2222 C029
025-0694-003-01	\$1,023.73	15511	3031 International Bl, Oakland Ca 94601-2203 C029
025-0694-022-01	\$1,968.19	29821	3001 International Bl, Oakland Ca 94601-2203 C029
025-0718-003-00	\$700.00	5000	1465 Fruitvale Av, Oakland Ca 94601-2320 C025
025-0718-004-01	\$473.90	3385	1457 Fruitvale Av, Oakland Ca 94601-2320 C025
025-0718-004-02	\$574.00	4100	1449 Fruitvale Av, Oakland Ca 94601-2320 C025
025-0718-005-00	\$700.00	5000	1433 Fruitvale Av, Oakland Ca 94601-2320 C025
025-0718-007-00	\$623.00	4450	3136 International Bl, Oakland Ca 94601-2902 C025
025-0718-008-01	\$1,275.96	9114	3132 International Bl, Oakland Ca 94601-2902 C025
025-0718-009-01	\$0.00	6388	3100 International Bl, Oakland Ca 94601-2902 C025
025-0719-007-01	\$2,156.62	32676	3050 International Bl, Oakland Ca 94601-2223 C029
025-0720-005-02	\$919.71	13935	3022 International Bl 504, Oakland Ca 94601-2225 C029
025-0720-007-01	\$0.00	14680	3000 International Bl, Oakland Ca

*Wednesday, October 18, 2000*

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<b>APN</b>	<b>Total Assessment</b>	<b>Total Lot</b>	<b>SiteAddress</b>
025-0721-010-10	\$409.50	2925	1545 Fruitvale Av, Oakland Ca 94601-2331 C025
025-0721-010-11	\$409.50	2925	3039 E 16th St, Oakland Ca 94601-2329 C022
025-0721410-12	\$409.50	2925	3043 E 16th St, Oakland Ca 94601-2330 C022
025-0721-011-00	\$304.81	4119	1537 Fruitvale Av, Oakland Ca 94601-2322C025
025-0721-012-00	\$5361.64	4914	1531 Fruitvale Av, Oakland Ca 94601-2322C025
<del>025-0721-013-00</del>	\$281.72	3807	1525 Fruitvale Av, Oakland Ca 94601-2322C025
025-0721-014-00	\$446.52	6034	1521 Fruitvale Av, Oakland Ca 94601-2322 C025
025-0721-015-00	\$411.07	5555	1515 Fruitvale Av, Oakland Ca 94601-2322C025
025-0721-017-01	\$647.06	8744	1501 Fruitvale Av, Oakland Ca 94601-2322 C025
025-0722-010-00	\$665.00	4750	1669 Fruitvale Av, Oakland Ca 94601-2418 C025
025-0722-011-00	\$672.00	4800	1661 Fruitvale Av, Oakland Ca 94601-2424 C025
025-0722-012-00	\$630.00	4500	1651 Fruitvale Av, Oakland Ca 94601-2479 C025
025-0722-013-00	\$565.20	4680	1621 Fruitvale Av, Oakland Ca 94601-2423 C025
025-0722-014-00	\$762.20	10300	3038 E 16th St, Oakland Ca 94601-2319 C022
025-0722-026-00	\$11,679.50	83425	Fruitvale Av, Oakland Ca 94608
<del>025-0724-001-00</del>	\$910.00	6500	1723 Fruitvale Av, Oakland Ca 94601-2408C025
025-0724-002-00	\$910.00	6500	1715 Fruitvale Av, Oakland Ca 94601-2408 C025
<del>025-0725-010-00</del>	\$434.00	3100	1833 Fruitvale Av, Oakland Ca 94601-2445 C022
025-0725-011-00	\$0.00	3200	1831 Fruitvale Av, Oakland Ca 94601-2410 C022
025-0725-012-00	\$1,302.00	9300	1825 Fruitvale Av, Oakland Ca 94601-2467 C022
025-0725-013-00	\$0.00	5510	1821 Fruitvale Av, Oakland Ca 94601-2410C022
025-0725-014-00	\$0.00	5075	1817 Fruitvale Av, Oakland Ca 94601-2410C022
025-0725-015-00	\$0.00	7500	1805 Fruitvale Av, Oakland Ca 94601-2410C022
025-0726-010-00	\$330.00	5000	1943 Fruitvale Av, Oakland Ca 94601-2412C022
025-0726-011-00	\$1,260.00	9000	1921 Fruitvale Av, Oakland Ca 94601-2412C022
025-0726-012-00	\$945.00	6750	1919 Fruitvale Av, Oakland Ca 94601-2420C022
025-0726-013-00	\$945.00	6750	1911 Fruitvale Av, Oakland Ca 94601-2412C022
025-0726-014.00	\$333.00	4500	1901 Fruitvale Av, Oakland Ca 94601-2412C022

<i><b>APN</b></i>	<i><b>Total Assessment</b></i>	<i><b>Total Lot</b></i>	<i><b>Site Address</b></i>
026-0747-013-00	\$1,298.22	9273	2001 Fruitvale Av, Oakland Ca 94601-2495 C018
027-0837012-01	\$4,385.78	31327	2026 Fruitvale Av, Oakland Ca 94601
027-0837-024-01	\$4,456.19	67518	3232 Foothill Bl, Oakland Ca 94601-3113 C012
027-0881-009-01	\$633.80	9603	3340 Foothill Bl, Oakland Ca 94601-3115 C012
027-0881-011-00	5452.83	6861	3326 Foothill Bl, Oakland Ca 94601-3115 C012
027-0881-012-00	\$177.0X	2683	3320 Foothill Bl, Oakland Ca 94601-3115 C012
027-0881-013-03	\$771.47	11689	3300 Foothill Bl, Oakland Ca 94601-3115 C012
033-2117-001-01	\$1,330.00	9500	1936 Fruitvale Av, Oakland Ca 94601-2446 C022
033-2117-003-00	\$248.42	3764	3221 Foothill Bl, Oakland Ca 94601-3112 C012
033-2117-004-01	\$234.58	3630	3225 Foothill Bl, Oakland Ca 94601-3112 C012
033-2117-005-00	\$673.211	10200	3237 Foothill Bl, Oakland Ca 94601-3112 C012
033-2117-020-01	\$888.00	12000	1706 Fruitvale Av, Oakland Ca 94601-2409C025
033-2117-022-00	\$0.00	6370	1722 Fruitvale Av, Oakland Ca 94601-2409C025
033-2117-023-00	\$0.00	6370	1728 Fruitvale Av, Oakland Ca 94601-2409C025
033-2117-024-00	\$0.00	6370	1800 Fruitvale Av, Oakland Ca 94601-2411 C022
033-2117-025-00	\$891.80	6370	1808 Fruitvale Av, Oakland Ca 94601-2466 C022
033-2117-026-00	\$0.00	6370	1814 Fruitvale Av, Oakland Ca 94601-2411 C022
033-2117-027-00	\$891.80	6370	1822 Fruitvale Av, Oakland Ca 94601-2485 C022
033-2117-028-00	\$891.80	6370	1832 Fruitvale Av, Oakland Ca 94601-2411 C022
033-2117-029-00	\$891.80	6370	1842 Fruitvale Av, Oakland Ca 94601-2411 C022
033-2117-030-00	\$0.00	6370	1846 Fruitvale Av, Oakland Ca 94601-2411 C022
033-2117-031-02	\$942.76	12740	1900 Fruitvale Av, Oakland Ca 94601-2451 C022
033-2117-034-00	\$0.00	4600	1930 Fruitvale Av, Oakland Ca 94601-2413 C022
033-2118-001-00	\$285.32	4323	3301 Foothill Bl, Oakland Ca 94601-3114 C012
033-2118-002-00	\$304.13	4608	3321 Foothill Bl, Oakland Ca 94601-3114 C012
033-2118-003-00	\$808.10	12244	3327 Foothill Bl, Oakland Ca 94601-3114 C012
033-2118-004-00	\$326.30	4944	3347 Foothill Bl, Oakland Ca 94601-3114 C012
033-2118-005-00	\$605.08	4322	3359 Foothill Bl, Oakland Ca 94601-3114 C012



<i>APN</i>	<i>Total Assessment</i>	<i>Total Lot</i>	<i>Site Address</i>
033-2119-001-00	\$959.04	12960	1642 Fruitvale Av, Oakland Ca 94601-2419 C025
033-2119-011-00	\$1,196.16	8544	1606 Fruitvale Av, Oakland Ca 94601-2425 C025
033-2119-012-00	\$590.24	4216	1614 Fruitvale Av, Oakland Ca 94601-2419 C025
033-2119-013-00	\$1,792.9X	12807	1620 Fruitvale Av, Oakland Ca 94601-2400 C025
033-2119-014-00	\$854.00	6100	1626 Fruitvale Av, Oakland Ca 94601-2419 C025
033-2119-015-00	\$361.19	4881	Fruitvale Av, Oakland Ca 94608
033-2121001-00	\$2,926.00	20900	1580 Fruitvale Av, Oakland Ca 94601-2359 C025
033-2121-022-00	\$1,554.00	11100	1450 Fruitvale Av, Oakland Ca 94601-2324 C025
033-2121-023-00	\$804.75	10875	1470 Fruitvale Av, Oakland Ca 94601-2324 C025
033-2121-024-02	\$882.00	6300	1480 Fruitvale Av, Oakland Ca 94601-2324 C025
033-2121-025-01	\$1,575.00	11250	1502 Fruitvale Av, Oakland Ca 94601-2323 C025
033-2121-026-00	\$945.00	6750	1512 Fruitvale Av, Oakland Ca 94601-2334 C025
033-2121-027-00	\$1,039.50	7425	1516 Fruitvale Av, Oakland Ca 94601-2323 C025
033-2121-028-00	\$1,568.00	11200	1530 Fruitvale Av, Oakland Ca 94601-2323 C025
033-2121-029-00	\$1,680.00	12000	1536 Fruitvale Av, Oakland Ca 94601-2358 C025
033-2121-030-00	\$945.00	6750	1546 Fruitvale Av, Oakland Ca 94601-2323 C025
033-2121-031-00	\$0.00	11256	1554 Fruitvale Av, Oakland Ca 94601-2349 C025
033-2123-001-00	\$420.00	3000	3205 Farnam St, Oakland Ca 94601-3031 C025
033-2123-002-00	\$3,080.00	22000	3216 International Bl, Oakland Ca 94601-2936 C025
033-2123-003-00	\$1,131.76	8084	3206 International Bl, Oakland Ca 94601-2904 C025
033-2123-004-00	\$532.98	3807	3204 International Bl, Oakland Ca 94601-2904 C025
033-2123-005-00	\$350.00	2500	1414 Fruitvale Av, Oakland Ca 94601-2321 C025
033-2123-006-00	\$684.50	9250	3256 International Bl, Oakland Ca 94601-2904 C025
033-2123-008-00	\$468.02	3343	3264 International Bl, Oakland Ca 94601-2904 C025
033-2123-009-00	\$712.48	5232	3270 International Bl, Oakland Ca 94601-2904 C025
033-2123-010-00	\$588.00	4200	3280 International Bl, Oakland Ca 94601-2904 C025
033-2123-012-00	\$1,275.96	9114	3300 International Bl, Oakland Ca 94601-3006 C025
033-2123-016-03	\$2,870.00	20500	1419 34th Av, Oakland Ca 94601-3050 C025

<i>APN</i>	<i>TotalAssessment</i>	<i>TotalLot</i>	<i>SiteAddress</i>
033-2123-017-01	5457.3s	3267	3332 International Bl, Oakland Ca 94601-3006C025
033-2123-018-00	\$462.00	3300	3322 International Bl, Oakland Ca 94601-3006C025
033-2123-020-01	\$1,675.52	11968	3310 International Bl, Oakland Ca <b>94601-3006 C025</b>
033-2124-036-00	\$549.36	3924	140935th Av, Oakland Ca 94601-3502 C024
033-2124-037-01	\$1,680.00	12000	3444 International BI, Oakland Ca <b>94601-3036 C025</b>
033-2124-038-00	\$350.00	2500	3432 International Bl, OaklandCa 94601-3036 C025
<b>033-2124-039-00</b>	\$654.92	4678	3422 International BI, Oakland Ca 94601-3036 C025
033-2124-040-00	\$403.20	2880	3416 International BI, Oakland Ca 94601-3036 C025
033-2124-041-00	\$0.00	0	,Redwood City Ca 94061
033-2124-041-02	\$392.00	2800	3400 International BI, Oakland Ca 94601-3036 C025
033-2124-041-03	5588.00	4200	3410 International BI, Oakland Ca 94601-3036 C025
033-2124-042-01	\$448.00	3200	3400 International BI, Oakland Ca 94601-3036 C025
033-2130-030-00	\$882.28	6302	1411 36th Av, Oakland Ca 94601-3557 C024
033-2130-031-W	\$441.00	3150	3538 International BI, OaklandCa 94601-3522 C029
033-2130-032-00	\$441.14	3151	3534 International BI, Oakland Ca 94601-3522C029
033-2130-033-00	\$882.28	6302	3524 International BI, Oakland Ca 94601-3522C029
<b>033-2130-034-00</b>	5441.14	3151	3512 International BI, Oakland Ca 94601-3522 C029
033-2130-035-02	\$532.00	3800	<b>3510 International BI, Oakland Ca</b> 94601-3522 C029
<b>033-2132627-00</b>	\$1,439.76	10284	1410 36th Av, OaklandCa 94601-3570 C024
033-2132-047-00	6448.00	3200	3646 International BI, Oakland Ca 94601-3524 C029
033-2132-048-00	\$358.40	2560	3642 International Bl, OaklandCa 94601-3524 C029
<b>033-2132-049-00</b>	\$450.80	3220	3636 International BI, Oakland Ca 94601-3524 C029
033-2132-050-01	\$2,126.18	15187	3618 International BI, Oakland Ca 94601-3524 C029
033-2136-061-02	\$2,009.70	14355	3758 International Bl, Oakland Ca 94601-3526 C029
033-2136-065-01	\$2,908.13	39299	3700 International BI, Oakland Ca 94601-3526 C029
033-2138-013-00	\$686.00	4900	3860 International BI, OaklandCa 94601-4010C029
033-2138-014-00	<b>\$245.00</b>	1750	3848 International BI, Oakland Ca 946014010 C029
033-2138-015-00	\$1,456.00	10400	3842 International BI, Oakland Ca 94601-4010C029

<i>APN</i>	<i>Total Assessment</i>	<i>Total Lot</i>	<i>Site Address</i>
033-2138-016-00	\$588.00	4200	3838 International Bl, Oakland Ca 946014010 C029
033-2138-017-00	\$784.00	5600	3830 <b>International Bl</b> , Oakland Ca 946014010 C029
<b>033-2138-018-01</b>	\$1,372.00	9800	3800 International Bl, Oakland Ca 94601-4010 C029
033-2139-030-00	\$805.00	5750	3958 International Bl, Oakland Ca 94601-4012 C029
033-2139-031-00	\$418.60	2990	3940 International Bl, Oakland Ca 94601-4012 C029
033-2139-032-00	\$700.00	5000	3934 <del>International Bl</del> , <b>Oakland Ca</b> 94601-4012 C029
033-2139-033-00	\$1,509.20	10780	3914 International Bl, Oakland Ca 946014012 C029
033-2139-034-00	\$1,176.00	8400	3900 <b>International Bl</b> , Oakland Ca 94601-4012 C029
033-2144-049-02	\$2,172.10	15515	4028 E <b>14th St, Oakland Ca</b> 94601-4014 C029
033-2144-049-04	\$4,707.36	33624	4030 E 14th St, Oakland Ca 946014014 C029
033-2144-050-00	\$1,011.50	7225	<b>4016 E 14th St, Oakland Ca</b> 94601-4014 C029
033-2144-051-00	\$836.50	5975	4006 E 14th St, Oakland Ca 94601-4014 C029
<b>033-2147-023-01</b>	\$3,165.40	22610	4108 E <b>14th St</b> , Oakland Ca 94601 C029
<b>033-2154-001-03</b>	\$8,964.62	64033	4117 E 14th St, Oakland Ca 94601-4015 C029
<b>033-2154-011-00</b>	\$441.56	3154	42nd Av, Oakland Ca 94601
<b>033-2155-001-00</b>	\$700.00	5000	4001 E <b>14th St, Oakland Ca</b> 94601-4013 C029
033-2155-002-00	\$60.00	4000	4011 E 14th St, Oakland Ca 94601-4013 C029
033-2155-003-00	\$700.00	5000	4021 E <b>14th St, Oakland Ca</b> 94601-4013 C029
033-2155-006-04	\$1,540.00	11000	4021 E <b>14th St</b> , Oakland Ca 94601-4013 C029
<b>033-2156-001-00</b>	\$770.00	5500	3901 <b>International Bl</b> , Oakland Ca 94601-4011 C029
<b>033-2156-002-00</b>	\$770.00	5500	3905 <b>International Bl</b> , Oakland Ca 94601-4011 C029
<i>033-2156-003-00</i>	<i>\$420.00</i>	3000	3915 International Bl, Oakland Ca 946014011 C029
033-2156-004-01	\$3,008.60	21490	3927 <b>International Bl</b> , Oakland Ca 94601-4011 C029
<b>033-2156-006-00</b>	\$700.00	5000	3947 International Bl, Oakland Ca 94601-4011 C029
033-2157-001-00	\$962.50	6875	3801 <b>International Bl</b> , Oakland Ca 94601-4009 C029
<b>033-2157-002-00</b>	\$525.00	3750	3815 International Bl, <b>Oakland Ca</b> 94601-4009 C029
033-2157-003-00	\$525.00	3750	3829 <b>International Bl</b> , Oakland Ca 94601-4009 C029
033-2157-004-04	\$4,383.82	31313	3851 <b>International Bl</b> , Oakland Ca 94601-4009 C029

<i>APN</i>	<i>Total Assessment</i>	<i>Total Lot</i>	<i>Site Address</i>
033-2158-001-00	\$700.00	5000	3701 <b>International</b> Bl, Oakland Ca 94601-3525 C029
033-2158-002-00	\$362.46	2589	3715 International Bl, Oakland Ca 94601-3525 C029
033-2158-003-00	\$350.00	2500	3725 <b>International</b> Bl, Oakland Ca 94601-3525 C029
033-2158-004-00	\$350.00	2500	3729 <b>International</b> Bl, Oakland Ca 94601-3525 C029
033-2158-005-01	\$2,256.10	16115	3751 <b>International</b> Bl, Oakland Ca 94601-3525 C029
033-2177-001-01	\$1,554.00	11100	3609 <b>International</b> Bl, Oakland Ca 94601-3523 C029
033-2177-001-02	\$1,190.00	8500	3617 International Bl, Oakland Ca 94601-3523 C029
033-2177-002-00	\$1,716.68	12262	3625 International Bl, Oakland Ca 94601-3523 C029
033-2194-001-00	\$557.20	3980	3209 International Bl, Oakland Ca 94601-2903 C025
033-2194-002-08	\$132.44	946	3215 International Bl, Oakland Ca 94601-2903 C025
033-2194-006-05	\$5,203.80	37170	3251 International Bl, Oakland Ca 94601-2903 C025
033-2194-006-06	\$387.80	2770	3263 International Bl, Oakland Ca 94601-2903 C025
033-2194-010-00	\$706.16	5044	3281 <b>International</b> Bl, Oakland Ca 94601-2903 C025
033-2194-024-05	\$568.40	4060	3216 E <b>12th St</b> , Oakland Ca 94601
033-2194-026-02	\$336.00	2400	1204 <b>Fruitvale Av</b> , Oakland Ca 94601-2926 COOI
033-2194-027-00	\$380.10	2715	1212 <b>Fruitvale Av</b> , Oakland Ca 94601-2926 COOI
033-2194-028-00	\$398.30	2845	1220 <b>Fruitvale Av</b> , Oakland Ca 94601-2926 COOI
033-2194-029-00	\$413.00	2950	1226 <b>Fruitvale Av</b> , Oakland Ca 94601-2926 C001
033-2194-030-00	\$357.00	2550	1230 <b>Fruitvale Av</b> , Oakland Ca 94601-2926 C001
033-2194-033-00	\$1,652.00	11800	1314 <b>Fruitvale Av</b> , Oakland Ca 94601-2928 COOI
033-2194-034-00	\$418.04	2986	1324 <b>Fruitvale Av</b> , Oakland Ca 94601-2928 COOI
033-2194-035-00	\$847.98	6057	1328 <b>Fruitvale Av</b> , Oakland Ca 94601-2928 C001
033-2194-036-01	\$2,068.08	14772	1352 <b>Fruitvale Av</b> , Oakland Ca 94601-2928 COOI
033-2195-001-00	\$819.00	5850	3301 <b>International</b> Bl, Oakland Ca 94601-3005 C025
033-2195-002-00	\$212.75	2875	3315 International Bl, Oakland Ca 94601-3005 C025
033-2195-003-00	\$813.40	5810	3323 International Bl, Oakland Ca 94601-3005 C025
033-2195-004-00	\$805.00	5750	3347 <b>International</b> Bl, Oakland Ca 94601-3005 C025
033-2195-005-00	\$1,207.50	8625	3357 <b>International</b> Bl, Oakland Ca 94601-3005 C025

<i>APN</i>	<i>Total Assessment</i>	<i>Total Lot</i>	<i>SiteAddress</i>
033-2195-006-03	\$627.76	4484	3340 E 12th St, Oakland Ca 94601-3412 C029
033-2195-020-03	\$326.48	2332	123233rd Av, Oakland Ca 94601-2922 C029
033-2196-002-00	\$373.10	2665	3407 International Bl, Oakland Ca 94601-3035 C025
033-2196-003-01	\$560.00	4000	3419 International Bl, Oakland Ca 94601-3035 C025
033-2196-004-00	\$392.00	2800	3429 International Bl, Oakland Ca 94601-3035 C025
033-2196-005-00	\$448.00	3200	3431 International Bl, Oakland Ca 94601-3035 C025
033-2196-006-00	\$352.80	2520	3445 International Bl, Oakland Ca 94601-3035 C025
033-2196-007-01	\$610.82	4363	1243 35th Av, Oakland Ca 94601 C029
033-2196-021-02	\$1,134.00	8100	125034th Av, Oakland Ca 94601-3459 C029
033-2197-001-00	\$739.90	<b>5285</b>	3501 International Bl, Oakland Ca 94601-3521 C029
033-2197-002-00	\$739.90	5285	3509 International Bl, Oakland Ca 94601-3521 C029
033-2197-004-00	\$892.50	6375	3529 International Bl, Oakland Ca 94601-3521 C029
033-2197-005-00	\$1,006.74	7191	3545 International Bl, Oakland Ca 94601-3521 C029
033-2197-006-03	\$720.02	5143	1233 36th Av, Oakland Ca 94601 C029
033-2197-015-03	\$1,986.60	14190	124235th Av, Oakland Ca 94601 C029

**CITY OF OAKLAND**  
**FRUITVALE BUSINESS IMPROVEMENT MANAGEMENT DISTRICT**  
**(FBIMD) # 00-01**  
**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 Fruitvale Business Improvement Management District (FBIMD), No. 00-01 in the City of Oakland. Please advise the City of Oakland as soon as possible at (510) 238-3659 if the information set forth below is incorrect.

This ballot may be used to express either support for or opposition to the proposed FBIMD 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 to P.O. Box xxx, Oakland, CA 95xxx or in person at Oakland City Hall, One Frank H. Ogawa Plaza, First Floor, Oakland, CA. If a majority of ballots received (as weighted by assessment) oppose the FBIMD assessment, the FBIMD will not be established and the FBIMD 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 Delivew:** If in person, fold and insert the ballot in the enclosed self-addressed envelope, seal in 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 FBIMD.

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 FBIMD, WHICH IS SCHEDULED ON JANUARY 9, 2001, AT 7:00 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 FBIMD Assessment Amount (Votes Cast)**

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

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE

# FRUITVALE MANAGEMENT DISTRICT PLAN

*Prepared pursuant to the City of Oakland  
Property and Business Improvement District Ordinance of 1999  
to create a Property and Business Improvement District within the City of Oakland*

by



August 1, 2000

**EXHIBIT B - MANAGEMENT PLAN FOR DISTRICT OPERATION**

# Fruitvale Management District Plan

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## I. INTRODUCTION AND OVERVIEW

To build on many of the successes already achieved in Fruitvale, property owners, business owners and the Unity Council have joined forces to form the Fruitvale Management District. The management district will continue and expand the already successful Main Street Program. The proposed district, **which** includes a special benefit assessment district, will establish various programs to increase and improve the commercial and office uses within Fruitvale. This approach **has been used successfully** in other commercial districts throughout the country to increase sales, attract new tenants, increase occupancies, **and** increase property values.

- Location: Approximately **39** blocks in the City of Oakland. The district **runs** along Fruitvale Avenue from Foothill Boulevard in the north to International Boulevard in the south, along International Boulevard from **30<sup>th</sup>** Avenue in the west to **42<sup>nd</sup>** Avenue in the east, along Foothill Boulevard from International Boulevard in the west to **34<sup>th</sup>** Avenue in the east, and includes portions of the Transit Village along ~~East~~ **12<sup>th</sup>** Street between **33<sup>rd</sup>** and **35<sup>th</sup>** Avenue. Please see the map on page **13** for specific boundaries of the District.
- Services: Public safety program to support police and property owner crime prevention efforts (initially estimated to provide 81 worker-hours per week of service); a maintenance program that will abate garbage, clean sidewalks, and report graffiti to the city **for** removal (initially estimated to provide **58** worker-hours per week of service); a full-time advocacy program to promote the district's interests and secure additional funding; a marketing program to assist in economic development of the region.
- Budget: Total maximum district budget for each year of its five (5) year operation is a base of approximately **\$222,000** per year with a maximum **3%** increase per year.
- cost: The costs to the property owner depend on the zone. Property owners within Zone 1 will pay \$0.14 per square foot; property owners within Zone 2 will pay \$0.066 per square foot. Properties in Zone 1 owned by non-profit organizations will be assessed **\$0.074** per square foot.
- Formation: District formation requires submittal of petitions from property owners representing at least **30%** of the total assessment. The "Right to Vote on Taxes Act" (also known as Proposition 218) requires that more than **50%** of the ballots received, weighted by assessment, be in support of the District.
- Duration: The proposed District will have a five-year life. After five (**5**) years, the petition process must be repeated for the District to be reestablished.

Therefore, the framework which will be used for the development of the Fruitvale Management District Plan, is the same as that which has been implemented by the Unity Council. Essentially, it is an expansion of the Fruitvale **Main** Street Program to include focused pro-active public safety and cleanliness initiatives, responding to concerns expressed by the community.

***The Fruitvale Main Street Program:***

The Unity Council currently has *two* managers whose responsibilities focus on the successful implementation of the Fruitvale Main Street Program. The managers, Darlene Rios Drapkin and Raauel Contreras, are assigned full-time to the program. They implement the goals of the program by building consensus and cooperation among the various groups, which includes recruiting volunteers to ensure participation from various community stakeholders including business and property owners, financial institutions, civic groups, historical societies, churches, schools, residents, local government and community **lead**en. Through the committees, staff ensures that the **annual** work plans are implemented and supported in the following areas:

**Economic Restructuring:** Increase public and private investment in the Fruitvale commercial area to ensure economic vitality. Develop existing & new businesses through technical assistance, training and promotional programs; retain and expand businesses by providing relevant market data; create job opportunities for residents; develop opportunities to attract investors, consumers and activities to the Fruitvale.

**Promotion:** Create a positive image of the Fruitvale through activities which draw existing and new consumers and businesses. Market the unique characteristics of the Fruitvale business district to shoppers, investors, new businesses and visitors. Promote the Fruitvale as *an* attractive meeting place and stage for community activities.

**Design:** Create an inviting positive image of the Fruitvale by improving the physical appearance of all elements including: buildings, storefronts, window displays, street lights, sidewalks, streets, parking, traffic circulation, signs, public spaces and landscaping. Create an attractive, coordinated and quality image that capitalizes on the Fruitvale's unique assets and heritage. Promote community awareness of design quality and historic preservation.

**Cleanliness & Safety:** Create a clean and safe environment that will improve the image of the Fruitvale and make families and visitors comfortable in frequenting the commercial area. Advocate for **our** share of City services. Provide education to the community that will assist in making the area safer, cleaner and more attractive.

- Business retention and expansion (**51 new businesses and 8 expansions**) has resulted in the creation of **133 net new jobs**.

***SAFETY AND CLEANLINESS (Neighborhood Crime Prevention Council – NCPC)***

- Initiated the Fruitvale Main Street Neighborhood Crime Prevention Council which works closely with Oakland Police, Public Works, and Alameda County Waste Management to address concerns such as **graffiti**, overflowing trash cans, shoplifting, crime reporting, etc.
- Collaborated with the City of Oakland Neighborhood Commercial Revitalization program to distribute trash clean-up supplies to ten assigned merchant block captains for sharing with other merchants.
- **Through** networking with other California Main Street communities, introduced a City ordinance to combat the proliferation of pay phones. **This** advocacy culminated in the introduction of a new City of Oakland ordinance that will result in the removal of up to 20% of pay phones from the area and limit new installations.
- Persuaded the City Manager to provide two sidewalk sweeping machines, valued at more than **\$35,000**, for the Fruitvale
- Secured **\$20,000** to fund the Youth Fruitvale Ambassador program that brought youth and their mentors into the commercial area on Saturdays to act as goodwill ambassadors with the merchants and their customers.
- Collaborated with Oakland Rotary to produce a Spanish language public service announcement and a video titled “It’s Your Business” that promoted cleanliness in the commercial area.
- Mobilized the community in projects such as Earth Day clean-ups that included repainting bus shelters, removing excessive weeds, and planting trees.

**MORE NEEDS TO BE DONE & CURRENT EFFORTS NEED TO CONTINUE**

In spite of all the successes, cleanliness remains to be an area of concern to the Fruitvale business owners. The biggest complaint about the area is the lack of cleanliness and a concern for security, especially after dark.

Fruitvale is poised to become a major destination. The Fruitvale Transit Village, a \$100 million mixed use development, will include community services, housing, retail shops and a pedestrian plaza linking it to International Boulevard. **The Transit Village project is committed to be a part of the proposed Management District Plan.** The Fruitvale commercial district and the Transit Village are certain to complement each other only if both maintain high standards of cleanliness and safety.

**B. Description of the Formation of the Business Improvement District**

Key strategies of the Plan are to revitalize the businesses in the area by promoting current businesses and recruiting new ones. Additional elements of the strategy included increasing public safety and maintenance in the area.

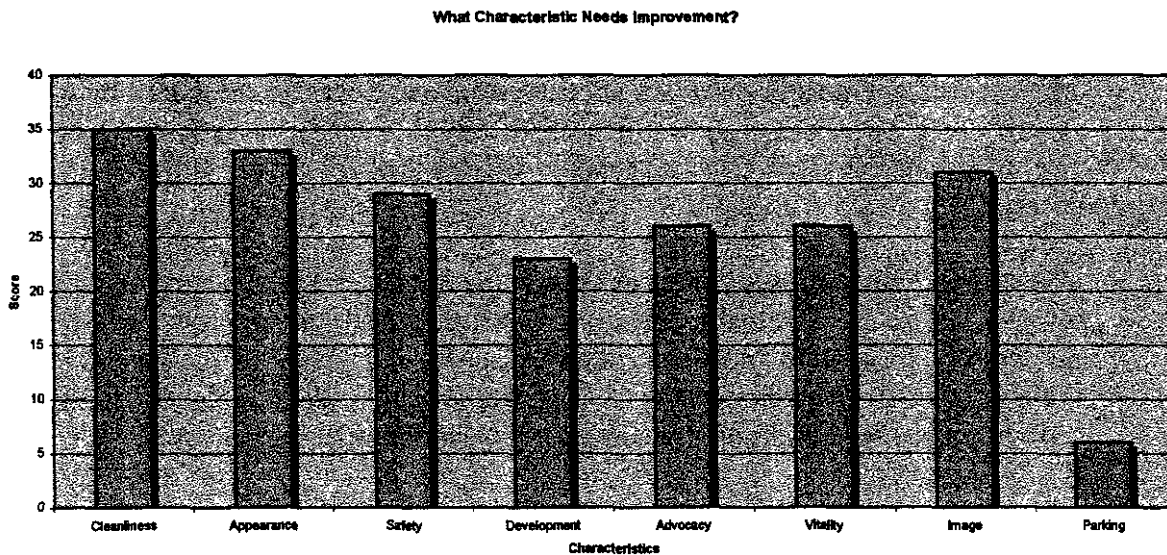
Most **respondents** also **suggested** that **marketing**, **advocacy** and **economic** development were also important **service considerations**.

Some **stakeholders** **responded** that they would **dedicate** resources to increasing **security**, **abating** panhandling, promotional activities, and the development of an **advocacy** program for the Fruitvale **District**. **Improved** parking and **special** events were areas that the respondents were least interested in **fundmg**. The rationale for these **rankings** was based, at least in part, on the fact that **several** of these **areas** were not problem areas. The respondents **agreed** that there is need for **immediate** action in the **key** problem areas and that the management **district** option should be explored

Throughout December and into the **early** part of the year 2000, representatives from Downtown Resources continued discussions **with** property **owners** culminating in the development of **this** plan. A number of individual **meetings** were held to **further** refine the needs and desires of property **owners** and **business** owners in the area. This plan now sets the blueprint for **further** action in the Fruitvale area

#### D. Survey Results

A **survey** sheet was distributed to all the stakeholders in the Fruitvale area who attended the Stakeholder meetings in December 1999. The **surveys** listed a **variety** of characteristics that could be improved in the area. The chart below shows the **trends** from the **surveys**.



3. *The Need to be Proactive in Determining the Future of the Fruitvale Area.*

In order to protect their investment, the property owners must be partners in the process that determines how new development projects are implemented. Currently, property owners can participate through the Main Street Program. However, the Main Street Program will lose funding at the end of this year, leaving the property owners without a unified voice to advocate for their needs. Property owners in cities such as Denver, Sacramento, Portland, and Los Angeles have been successful at leading and shaping future downtown developments through their strong business improvement districts.

A district in the Fruitvale area will provide the financial resources and professional administration to insure that the challenges faced by Fruitvale businesses will be proactively addressed.

4. *The Need to Attract New Business and Investment Throughout Fruitvale.*

The Fruitvale district competes with other commercial areas and office parks in other areas of Oakland and the Bay Area for tenants, shoppers and investors. If Fruitvale is to remain a successful district it must develop its own well-financed, proactive strategy to retain business and tenants as well as attract new business and investment. A management district will provide the financial resources to develop and implement a focused strategy that will work to improve the tenant mix and attract new businesses to all areas of Fruitvale.

5. *An Opportunity to Create a Private/Public Partnership with a Unified Voice for Fruitvale.*

Because property owners are investing new private money, through the Management District, they will be looked upon as a strong partner in negotiations with the City. This partnership will have the ability to leverage the property owner's investment with additional public investment in Fruitvale.

Both property and business owners could be united under the management district umbrella, which would then be able to approach the public sector with a viable and unified private sector voice.

6. *An Opportunity to Establish Private Sector Management and Accountability.*

The Unity Council, a community development corporation formed with its major goal of improving Fruitvale, will assist with the management of these new services. Through an active **Business and Property Owner Council**, all services will be managed by a majority of *those paying into the district*. Annual Management District workplans and budgets will be developed by an advisory board composed of stakeholders that own businesses and

## IV. WHAT IS A MANAGEMENT DISTRICT?

The International Downtown Association estimates that more than 1,200 Management Districts currently operate throughout the United States and Canada.

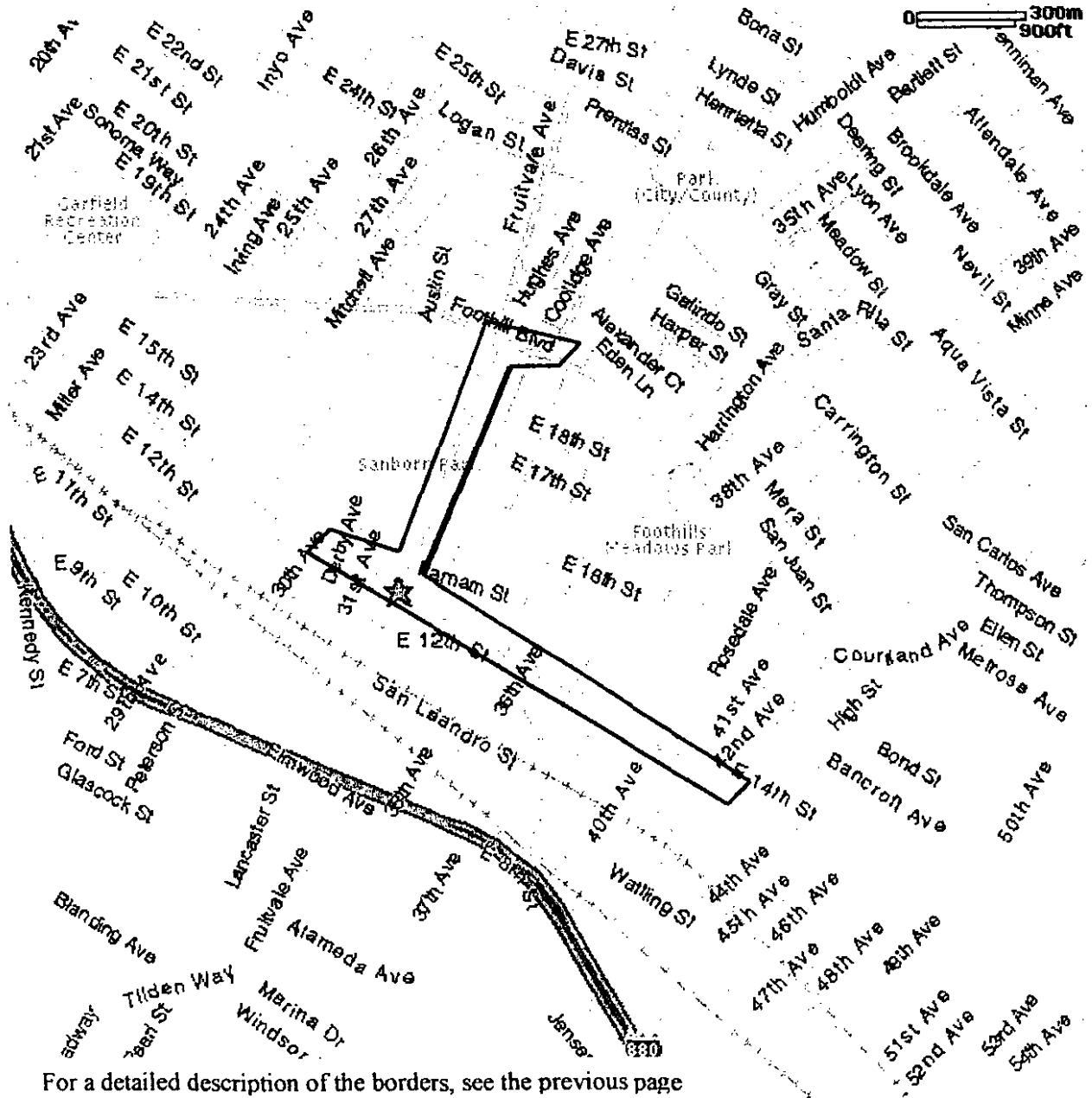
A Management District provides services, identity formulation, market research, and economic development in addition **to** those provided by local government. In addition, management districts may provide physical improvements such **as** entry features, benches, or lighting. These services **are concentrated within a distinct geographic area and are paid for by means of a special property owner assessment**. A Business and Property Owner Council *representing those who pay* would govern the organization responsible for providing these services.

Management Districts are proven to work by providing services that improve the overall viability of commercial districts -- resulting in higher property values and sales volumes.

The Fruitvale Management District will be formed pursuant to a local ordinance that **was** passed by the Oakland City Council in 1999. The "Oakland Property and Business Improvement District Ordinance of 1999" ushers in a new generation of Management Districts in Oakland by allowing a greater range of services and independence from government. Key provisions of the new ordinance include:

- Allows Management Districts to undertake services ranging from public safety to maintenance, and business advocacy to economic development.
- **Is *designed and governed by those who will pay*** the assessment.
- Requires petition support from private property owners paying at least 30% of proposed property assessments to form a Management District.
- Allows for the formation of a property and business owner advisory board to supervise District operations and submit a yearly service plan.
- Requires limits for assessments to ensure that they do not exceed pre-established levels.
- Provides a multi-year life for Management Districts and requires a new petition process to renew a District. The Fruitvale Management District will have a five (**5**) year term.
- The ability for the Management District to leverage owner investment **by** securing additional public investment.

The "Oakland Property and Business Improvement District Ordinance is provided in Appendix 1 of this document.



For a detailed description of the borders, see the previous page

- The continuation of the Unity Council Mainstreet Program which **has** provided many services to the Fruitvale **area**, such as **garnering** additional funding for improvements and economic development. The Unity Council **has** already obtained **street** cleaning machines for the district if it is approved.

Management District service levels will be based **on** the amount paid into the District. Program descriptions and budgets of proposed Management District security, image enhancement, business advocacy, **and** administrative services are provided in the following pages.

The first step in preparing the service plan was to **identify** the existing “baseline” level of services provided by **the** City of Oakland. In order to identify the aspects of the district that needed additional services, **several** property owner focus group meetings were conducted. In addition, numerous **meetings** were held **with** City of Oakland staff, property owners, and business owners. Based **on** the information and opinions collected during **this** process, service priorities were identified. The information from each step of this process **was** integrated **and** **this** service plan **was** developed.

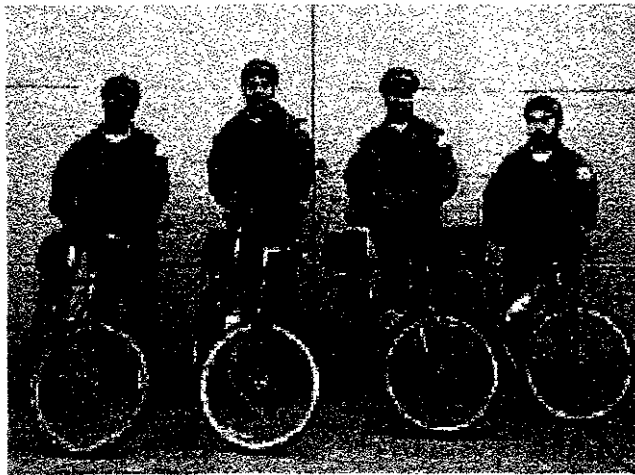
## 1. Public Safety Program

### Public Safety Supervisor

The Public **Safety** Supervisor would be responsible for **managing** the bicycle patrols and maintenance crews, **notifying** property owners **of** any public safety concerns, and **coordinating** the public **safety** program with the Oakland Police Department and private security programs. The public safety supervisor would perform inspections of the improvement district **and** maintain constant contact **with** the property owners within the district **to** address their concerns. The supervisor would **also** act **as** the dispatcher for both the bicycle patrol and maintenance crew to guide them to problem sites.

### Bicycle Patrol

The Bike Patrol deters aggressive panhandling and other unsuitable street behavior. Their



presence is a deterrent **to** theft and burglary, however the service does not completely prevent these crimes. They also deter and report illegal **street** vending, illegal dumping and street code violations. **They** handle a myriad of quality-of-life problems including: drinking in public, urinating in public, indecent exposure, trespassing, prostitution observations, scavenging and shopping **cart** confiscation.



### **Trash Collection:**

District trucks will supplement City collection of trash from sidewalk trashcans

### **Landscape Maintenance**

Public landscape areas, tree wells, and planters will be maintained and kept free of litter and weeds.

**Paper Sign and Handbill Removal:** Paper signs and handbills taped or glued on public property, utility boxes, poles and telephone poles are removed by hand or when necessary by high-pressure hose

**Maintenance Problems Requiring Third Party Intervention.** Problems are monitored that create blighted or unsafe conditions in the district, but are outside of the jurisdiction of the District to repair. Requests are made to the responsible party for repair. Types of problems include blocked or damaged sewers or drains, damaged sidewalks/streets/alleys, non-operating streetlights, damaged or missing street signs, etc.

The Patrol will perform regular rounds along Fruitvale Avenue from Foothill Boulevard south to International Boulevard and along International Boulevard from Fruitvale Avenue to 42<sup>nd</sup> Avenue, including the Transit Village, patrolling for maintenance problems. The Patrol will also stay in communications with operations to carry out any emergency clean-up problems

## **3. Advocacy and Economic Development**

To provide Fruitvale with an effective, clear voice in government decisions, the Plan provides for a Program Manager to speak for the property owners within the district. The Program Manager will market Fruitvale to potential businesses, coordinate special events to attract more business to Fruitvale, and advocate for Fruitvale to receive additional funding and services. Some of the projects that the Program Manager will direct may include

- The Program Manager will work with local, state, and federal agencies to gain more support for the economic development of the Fruitvale area, including attracting grants from public agencies and private foundations, advocating for physical improvements in the Fruitvale area, and increasing the services that the city and county provide to the area



- **Maintenance and Landscaping**

In order to establish and maintain a uniform standard of cleanliness throughout the District the maintenance program will report graffiti, remove trash and debris, and other maintenance services as detailed in the section above. The Plan also calls for a landscaping program service that will maintain the trees along the commercial corridors and cut back any weeds or other plant growth. It is projected that the budget will allow for a minimum of 58 worker-hours per week of maintenance service.

The budget for the maintenance program is \$32,000 or 14% of the total District budget.

- **Advocacy and Administration**

To become successful, the Program Manager must ensure that its views and goals are represented before government decision makers, including the Oakland City Council. Also, the Program Manager should make all attempts to receive grants and other funding to enhance Fruitvale's economic development. Finally, the Program Manager should confirm that the property owners are receiving quality services for their assessments. Thus, a portion of this budget is allocated for the Program Manager.

The budget for administration including labor, office rent, insurance, utilities, supplies is \$50,000 or 23% of the budget.

- **Fruitvale Main Street Program and Promotional Program**

The Unity Council already provides many services to the Fruitvale area through the Main Street Program. These services will continue under the supervision of the Program Manager. These services will include promotion of the Fruitvale area through special events and programs, special publications such as maps of the area, and free promotion of the area through the local media. Thus, a portion of this budget is allocated for the Program Manager.

The budget for the Main Street Program and other promotional events is \$ 50,000 or 23% of the budget.

The budget for the Service Plan is illustrated on the next page.

## VII. ENGINEER'S REPORT

### A. Assessment Methodology

#### 1. Base Formula

Property owners, merchants, and other Fruitvale stakeholders have emphasized that an assessment formula for the proposed Management District be fair, balanced, and commensurate with benefits received. Each property owner will pay an assessment based on gross lot square footage of each parcel.

California law requires that the assessment the property owners pay be commensurate with the benefit that the parcel receives from the district. As the area improves from district activities, the parcels will benefit based on their relative size, calculated by lot square footage. Lot square footage is relevant to the highest and best use of a property and will reflect the long-term value implications of the Management District.

#### 2. Determination of Benefit Area

New public safety, maintenance, marketing and promotion services are anticipated throughout the Management District. Properties in the center of the commercial district with the highest commercial activity will receive the greatest benefit from the services provided. These properties will receive a greater frequency of maintenance and public safety services. As a result, these properties have been identified as Zone 1.

Because Zone 2 properties will receive benefit from all of the services provided but to a lesser extent than those properties in Zone 1, Zone 2 properties will be assessed at a lower rate. Each of the services has been assigned a relative weight of benefit and assessments have been determined based on this relative benefit. The assessment rate on each of the zones is illustrated in the chart below.

<i>Benefit Zone</i>	<i>Assessments Per Zone</i>	
	<i>Zone 1</i>	<i>Zone 2</i>
<b>Rate per Sq. Foot</b>	\$0.14 per sq. foot	\$0.066 per sq. foot

Zone 1 encompasses all properties along Fruitvale Avenue from Foothill Boulevard to International Boulevard and along International Boulevard from Fruitvale Avenue to 42<sup>nd</sup> Avenue. All other properties within the district are Zone 2 properties.

\$0.074 per square foot on all properties in Zone 1 **and**, because Zone 2 is limited to advocacy and promotions, no assessment in Zone 2.

### 5. Low Density Residential Properties

Low Density Residential Properties, those with four **units** or less, do not derive sufficient benefit from the proposed improvements to be assessed. These properties do not have employees or clients who visit the property nor do they operate a non-profit **or** for-profit organization that may **benefit from the services provided**. The **primary purpose of the Management District** is to benefit commercial and consumer-oriented properties. The incidental benefit the residential properties along Fruitvale Avenue, International Boulevard, and Foothill Boulevard do not warrant assessing those properties.

### 6. Assessment Notice

An Assessment Notice will be sent to owners of each property in the Management District. The Assessment Notice provides an estimated assessment based upon the lot square footage, ground floor building square footage, and non-ground floor building square footage of each individual property. The final individual assessment for any particular property may change, **up** or down, if the lot or building footages differs from those found on the Assessment Notice. A list of properties to be included in the Management District is provided within Appendix 3.

#### B. Time and Manner for Collecting Assessments

**As** provided by City Ordinance, the Fruitvale assessment will appear as a separate line item on annual Property Tax bills prepared by the County of Alameda. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The City of Oakland may collect the first year of assessments on a separate tax roll. The County of Alameda shall distribute funds collected to the City of Oakland and then to the Management District pursuant to the authorization of this Plan. Existing laws for enforcement and appeal of Property Taxes apply to the Management District assessments.

## **IX. MANAGEMENT DISTRICT GOVERNANCE**

### **A. Fruitvale Management District**

The **Business and Property Owner Council** is charged with the day-to-day operations of the Management District. This Council will contain a majority of private property owners in the area and will include representation from the business owners and the non-profit organizations.

### **B. Advisory Board**

The ultimate management structure will be adopted by the Business and Property Owner Council and will include an Advisory Board appointed by the City Council. The Advisory Board will compile management district budget and assessments. This Advisory Board will serve in the same capacity as the "advisory board described in Section 19 of the Oakland ordinance. ("Property and Business Improvement District Ordinance of 1999" is provided in Appendix 1.)

Members of the Advisory Board will be nominated by the Business and Property Owner Council, and, pursuant to local ordinance, appointed **by** the Oakland City Council. A mix of large and small property and business owners will be sought to comprise the Advisory Board. The Advisory Board will develop annual service plan reports, including budgets, and monitor service delivery.

### **C. The Unity Council**

The Unity Council has been providing services and advocacy for the property owners, business owners, and residents in the Fruitvale area for many years. Through the Fruitvale Main Street Program, the Unity Council will provide administrative and logistical support to the Business and Property Owner Council and will serve as the non-profit corporation contracting with the City of Oakland to provide the services described in the Management District Plan.

# APPENDIX 1: THE CITY OF OAKLAND BUSINESS IMPROVEMENT MANAGEMENT DISTRICT ORDINANCE

## 4.48.010 Title.

This chapter may be referred to as **the "the city of Oakland business improvement management district ordinance."**(Ord. 12190 § 1, 1999)

## 4.48.020 General provision.

Whenever **the** public interest or convenience may **require, the** city council of **the** city assist specifically defined and **boundaried** commercial districts of **the** city in the formation of business improvement management districts. **The** city shall determine and declare **the** district to be benefitted by **the** improvements, maintenance and activities including all expenses **incurred** incidentally **thereto**, upon **the** lots or parcels of real property in proportion to **the** estimated benefits to be received, as specified in **the** management district plan. (Ord. 12190 § 2, 1999)

## 4.48.030 Alternative procedures.

The procedures established in this chapter shall be additional or alternative to any other procedure established by ordinance or state law. The election to proceed under this chapter shall be expressed in the resolution of intention to **form the** district which shall be referred to **as a** business improvement management district ("BIMD" or "district"). (Ord. 12190 § 3, 1999)

## 4.48.040 Definitions.

"Activities" which benefit **real** property located in **the** district, means, but **is** not limited to, all of the following:

1. Promotion of public events which benefit businesses or real property in **the** district;
2. Furnishing of music in **any** public place within the district;
3. Promotion of tourism within the **district**;
4. Marketing and economic development, including business retention **and** recruitment;
5. Providing security, sanitation, **graffiti** removal, **street** and sidewalk **cleaning** and other municipal **services** supplemental to those normally provided by **the** municipality.

"Improvement" means **the** acquisition, construction, installation, or maintenance of any tangible **property** with an estimated useful life of five years or more including, but not limited to, the following:

1. Parking facilities;
2. Benches, booths, kiosks, display cases, pedestrian **shelters** and signs, **trash** receptacles and public **restrooms**;
3. Lighting and heating facilities;
4. Decorations;
5. Fountains;
6. Planting areas;
7. Minor modification of existing streets;
8. Facilities or equipment or both, to enhance security of persons and property within **the** area; ramps, sidewalks, plazas, town centers or pedestrian malls;

- G. The **time** and manner **of** collecting the assessments;
- H. Any proposed **rules** and regulations to be applicable to the **district (Ord. 12190 § 6, 1999)**

#### 4.48.070 Procedures.

- A. The City Council shall identify **all** parcels which will have a special benefit conferred upon them and upon which an assessment **will** be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the **entirety of the capital cost of a public improvement or the maintenance** and operation expense of a public improvement or for the cost of the property service being provided. No assessment shall be imposed **on** any parcel which exceeds the reasonable **cost** of the **proportional special** benefit conferred on **that** parcel. Parcels **within a district that are owned or used** by any governmental agency: the state, or the United **States** shall not be exempt from assessment unless the City Council **finds** that it has been demonstrated, by clear and convincing evidence, **that** such publicly owned parcels in fact receive no special benefit.
- B. All assessments **must** be supported by a detailed engineer's report prepared by a registered professional engineer certified by the state. **The engineer's report may be incorporated** in the management district plan.
- C. The amount of the proposed assessment for each identified parcel shall be calculated and the recorded owner of each parcel shall be given written notice **by** mail of the proposed assessment, the total amount thereof chargeable to the entire **district**, the amount chargeable to the owner's particular parcel, the duration **of** such payments, the reason for such assessment and the basis upon which the proposed assessment **was** calculated together with the date, time and location of a public hearing on the proposed assessment.
- D. Each notice shall also include, in a conspicuous place thereon, a summary **of** the procedures applicable to the completion, return and tabulation of the ballots required including a disclosure statement that the existence of a majority protest will result in the assessment not be imposed.
- E. Each such notice mailed to owners of identified parcels within the district shall contain a ballot which includes the agency's address for receipt of any such ballot once completed **by** any owner receiving such notice whereby each such owner may indicate his or her name, reasonable identification or the parcel and support or opposition to the proposed assessment.
- F. The City Council shall conduct a public hearing upon the proposed assessment not less than forty-five **(45)** days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The City Council shall not impose an assessment if there is a majority protest. A majority protests exists **of**, upon the conclusion of the 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 of the affected property. (Ord. 12190 § 7, 1999)

#### 4.48.080 Resolution of intention-Contents.

4.48.110 Resolution of intention notice--Mail and publication.

- A. A complete copy of the resolution of intention shall be mailed by first-class mail to each property owner in **the** proposed district, and to each local chamber of commerce and business organization **known** by the City Council to be located within the proposed district, no later than forty-five (45) days before **the** public hearing.
- B. In addition to **first** class mailed notice to each property owner, **chamber** of commerce and business organization within **the** proposed district, the City Council shall publish **the Resolution of Intention in a newspaper of general circulation in the City once, at least** seven days before **the** public hearing. (*Orb* 12190 § 11, 1999)

4.48.120 Hearing of protests--Majority protest.

- A. **A.** At any time prior to the date **set** for hearing protests, any person **affected** by the proposed assessment may **make** a written protest stating his or her objections thereto. Such protests must contain the information contained in **the** ballot mailed to the property owner in sufficient detail to allow the City **Clerk** to identify the owner, the parcel and the amount of the proposed assessment.
- B. **At** the time set for hearing protests, **or** any time to which the hearing **may be** continued the City Council shall proceed to hear and pass up on all such protests. **The** City Council not impose an assessment if there is a majority protest. **A** majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to **the** assessment exceed the ballots submitted in favor of the assessment. The ballots shall be weighted in proportion to the **assessment** upon the affected property. (Ord. 12190 § 12, 1999)

4.48.130 Record of notice and map of assessment district.

Following adoption of the resolution of intention, the City Clerk shall record a **notice** and map describing the assessment district pursuant to California Streets and Highways Code Division 4.5 (commencing with Section 3100). All the provisions of that Division **4.5** apply to the district established pursuant to this chapter. (Ord. 12190 § 13, 1999)

4.48.140 Establishment of district and levying of **assessment**.

Not earlier than thirty (30) days after **the** adoption of the resolution of **intention** to establish the proposed district, and if there is no majority protest **as** described in Section 4.48.120, and after effective date of the **resolution** of intention, the City Council shall adopt a resolution consistent with the resolution of intention. **The** adoption of the resolution establishing the district and levying the assessment, **or** if the district has been previously established levying **the** new assessment, and recordation of the notice and map pursuant to Section 4.48.130, shall constitute the levy of an assessment in each of the fiscal years referred to in the management **district** plan. This resolution shall contain all of the following:

- A. The management district plan;
- B. **The** number, date of adoption, and title of the resolution of intention;
- C. The **time** and place where the public hearing **was** held concerning the establishment of the district or the levying of a **new** assessment;



properties applicable, and on the method and basis of **levying** the assessments. **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 **that** 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.

- B. Any advisory board appointed by the City Council pursuant to **subsection A** of **this** section shall comply with provisions of the Ralph M. Brown Act (Chapter **9** (commencing with Section **54950**) of **Part 1** of Division of Title **5** of the Government Code). (Ord. **12190 § 19, 1999**)

#### **4.48.200** Advisory board--Report, contents.

- A. The advisory board shall cause to be prepared a report of each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. **The** report may propose changes, **including**, but not limited to, the boundaries of the BIMD or **any** benefit **zones** within the district, the basis and method of **levying** the assessments, and any changes in the classification of property, if a classification is used.
- B. The report shall be filed with the City Clerk and shall refer to the BIMD by **name**, specify the fiscal **year** to which the report applies, and **with** respect to that fiscal year, shall contain all of the following information:
1. Any proposed changes in the boundaries of **the** BIMD or in any benefits **zones** within the district;
  2. The improvements and activities to be provided for that fiscal year;
  3. An estimate of the **cost** of providing the improvements and the activities for that fiscal year;
  4. The method and basis of **levying** the assessment **in** sufficient detail **to** allow each real property owner to estimate **the** amount of the assessment to be levied **against** his or her property for that fiscal year;
  5. The amount of any **surplus** or deficit revenues to be **carried over** **from** a previous fiscal year;
  6. The amount of any contributions to be made from sources other than assessments levied pursuant **to** this part.
- C. The City Council may approve the **report as** filed by advisory board or may modify any particular contained in the **report** and approve it **as modified**. **Any** modification shall be made pursuant to Section **4.48.140**, except that any proposed increase in the amount of the **levy** above levels previously noticed and approved must be approved as provided in **Sections 4.48.070** through **4.48.140**. **The** City Council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived **from** the levy of **assessment**. (Ord. **12 190 § 20, 1999**)

#### **4.48.210** Modification of boundaries, assessments, improvements or activities.

- A. Request for Modification of Management District Plan. The advisory board may, at any time, **request** that the City Council modify the management district plan. Any modification of the management district plan shall be made pursuant to this section.

- B. The City Council shall adopt a resolution of intention to disestablish ~~the~~ district prior to the public hearing required ~~by this~~ section. The resolution shall state ~~the~~ reason for the disestablishment, shall state ~~the~~ time and place of ~~the~~ public hearing, and shall contain a proposal to dispose of any ~~assets~~ acquired ~~with the~~ revenues ~~of~~ the assessments levied ~~within the~~ properly and business improvement district. The public hearing ~~shall~~ be held not less ~~than~~ thirty (30) ~~or~~ more ~~than~~ sixty (60) days after ~~the~~ adoption of ~~the~~ resolution of intention. Notice of ~~the~~ public hearing shall be published as provided in Section 4.48.110.
- C. Upon the disestablishment of a district, any remaining revenues derived ~~from the~~ levy of assessments, or any revenues derived from the sale of ~~assets~~ acquired with the revenues, shall be refunded to ~~the~~ owners of the property then located and operating within the district in which assessments were levied by applying ~~the~~ same method and basis that was used to calculate ~~the~~ assessments levied in ~~the~~ fiscal year in which ~~the~~ district was disestablished. If ~~the~~ disestablishment occurs before and assessment is levied for ~~the~~ fiscal year, the method and basis that was used to calculate the assessment levied in ~~the~~ immediate prior ~~fiscal~~ year shall be used to calculate ~~the~~ amount of refund.
- D. Notice of ~~the~~ disestablishment of a district shall be published once in a newspaper of general circulation in the city, not later ~~than~~ fifteen (15) days after the resolution disestablishing ~~the~~ district is adopted. (Ord. 12190 § 22, 1999)

### APPENDIX 3: PARCEL LIST

Lot 1 of Lot Line Adjustment Order No. 99250440  
Lot 2 of Lot Line Adjustment Order No. 99250440  
Lot 3 of Lot Line Adjustment Order No. 99250440  
Lot 4 of Lot Line Adjustment Order No. 99250440  
025-0688-003-01  
025-0688-003-02  
~~025-0689-001-01~~  
025-0689-003-01  
~~025-0689-004-00~~  
025-0689-005-00  
025-0690-008-01  
025-0690-009-00  
025-0694-003-01  
025-0694-022-01  
025-0718-003-00  
025-0718-004-01  
~~025-0718-004-02~~  
025-0718-005-00  
025-0718-007-00  
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~~025-0719-007-01~~  
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