

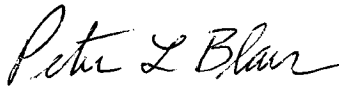
Belmont Motor Clinic, Inc.
1217 Newport Avenue
Long Beach, Ca. 90804

RECEIVED
CITY CLERK
LONG BEACH, CALIF
10 APR 20 AM 10:10

To the City Council of Long Beach;

Belmont Motor Clinic, Inc. is inside of the proposed EASBPIA boundary. This letter is a letter of protest against the proposed additional fees to our business license. We don't feel that this is the right time to impose this on any business. The city council should be very aware of the bad economy and the impact on all businesses. We don't feel that this proposed improvement system will have any good affect on businesses and will in all reality cost all businesses in raised fees which will have to be passed on to our customers which will have a negative effect. We are asking you to please NOT impose this on us or any businesses at this time.

Thank You



President



Sec./ Treasurer

----- Forwarded by Travis Brooks/CD/CLB on 04/20/2010 07:17 AM -----



"Karen McCreary"
<karenmccreary@verizon.net>

To <travis.brooks@longbeach.gov>
cc <bridget.sramek@longbeach.gov>

04/19/2010 10:17 PM

Subject Anaheim Street business improvement

Dear Travis,

While it is nice that the businesses along Anaheim Street want to get together to promote and enhance their businesses I fail to see why as a small business on Gladys Avenue I should be billed for it. I am an artist struggling, as I'm sure many other businesses are, in this economy just to get by. With so many costs going up the intention of this proposal to increase my business fees 100% will certainly not be a help to my business. If the proposal is for Anaheim Street business improvement then I think the extra fees should come from the Anaheim Street businesses who will be the beneficiaries.

Thank you,
Karen McCreary
TDM Studio
1355 Gladys Avenue
Long Beach Ca 90804
562 439 9859

RECEIVED
CITY CLERK
LONG BEACH, CALIF
10 APR 20 AM 11:19

City of Long Beach
City Clerk, Lobby Level
333 W. Ocean Blvd.
Long Beach Ca. 90802

Rainbow Feathers
Web: www.Rainbowfeather.com
Attn: Delia M. Harna
4100 E. Anahiem Blvd.
Long Beach Ca. 90804

RECEIVED
CITY CLERK
LONG BEACH, CALIF.
10 APR 13 AM 10:27

April 11, 2010

Dear Sir or Madam:

This letter is in response to the resolution of intention to form a Business Improvement District. I wish to officially inform you that I am opposed to the resolution for many reasons.

The City has raised fees on water, sewer, trash, gas, business license renewal and parking. The State has raised our sales tax by a cent and the great county of Los Angeles has tacked on another ½ cent tax for a rail line that Long Beach will never see. Prices have gone up considerably for energy and normal everyday items. Additionally, our incomes have steadily declined do to a poor economy.

As in all difficult times, local and state government has increased fees and taxes to make up the difference in lower revenues with the burden being placed on those that pay them. For example we are asked to conserve water and electricity, then turn around and raise fees because the revenues are less. What is the point of conserving if there is no beneficial incentive from it? I have paid more fees, in parking ticket fines, in front of my own store, to more than pay for my share of this resolution.

Incidentally the City has hurt my business considerably because of ongoing street repairs. The street in question is Belmont. (Anahiem and Belmont) this street has been torn up 6 to 7 times in the last year. When this happens customers cannot visit my store as most of the parking is taken by apartment renters in the area. The closure happens to last anywhere from 3 to 7 days. Do I get a rebate toward my losses? The city would laugh at me.

I am not with out a suggestion though; you have established the corridor for this new district. Use the parking ticket revenues to pay for it from this area. That way everyone living, working, and visiting in that area contributes to the resolution instead of on the backs of the small struggling business owners.

Sincerely,



Delia M. Harna

RECEIVED
CITY CLERK
LONG BEACH, CA

10 APR -7 AM 11

Gregory A. Lucido
Real Estate Broker
4611 E. Anaheim #C
Long Beach, Ca. 90804
562-494-1710
562-494-1329 FAX

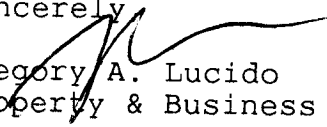
April 6, 2010

Long Beach City Clerk's Office
333 W Ocean Blvd
Long Beach, Ca 90802

RE: EASPBIA

I hereby oppose and protest the formation of the East Anaheim Street Parking and Business Improvement Area. In these hard times we do not need more taxation.

Sincerely,


Gregory A. Lucido
Property & Business Owner

STATE OF CALIFORNIA



Department of Real Estate
**REAL ESTATE
OFFICER LICENSE**

Eastside Realty Services Inc

Gregory Alan Lucido, Officer

MAIN OFFICE
4611 E ANAHEIM ST #C
LONG BEACH, CA 90804

1

Identification Number: 01245845 Issuance Date: November 02, 2006 Expiration Date: November 01, 2010

Recd. 4-19-10
-n.muth

VINCENT W. JONES
2730 Monument Court, Concord, CA 94520-3144
Phone: (925) 674-8461 Fax: (925) 825-7606

April 19, 2010

Travis Brooks
Project Manager
Property Services: City of Long Beach
333 W. Ocean Blvd. 3rd Floor
Long Beach, CA 90802

Rod Wilson
President East Anaheim Street Business Alliance
5045 E. Anaheim Street
Long Beach, CA

Dear Travis and Rod,

This will confirm our telephone conversations regarding correction of the East Anaheim Street Parking and Business assessment roll affecting businesses which lease from me

I. Acme Glass & Mirror

You confirmed that Acme should not be twice assessed. That is an error.

Acme is a family business which has been located nearby Anaheim Street since 1946. It has leased its current location at 4328 E. Anaheim Street from me since 1985. The family owner and manager of the contracting business is Michael Stephenson. His business is primarily contracting and he is properly licensed by the state and by the city. His C17 Contractor # is 544538.

His classification should be "type 2 contractors" with an assessment of \$215.00 (including one employee).

This will place Michael and his business at a comparable rate with the other East Anaheim contracting businesses. As you know building contractors have been particularly hard hit by the recession and they will be interested in what stimulants and promotional efforts the EASPBID will undertake.

II. Pro Tire & Wheel Auto Customizing

My property at 4390 East Anaheim Street has been consistently used as an automobile and motorcycle repair facility for over seventy years. In the early years the businesses located there were:

- Long Beach Honda for sales, service and motorcycle repairs (the first Long Beach Honda sales and service location)
- Van Palmer Used Automobile Sales and Service (subsequently Palmer Mercedes Sales located on Atlantic Avenue)
- Shell Gasoline and Auto Repairs (brakes, alignment, tune-ups, lubrication, major and minor auto repairs)


In 1978 I purchased the property and leased it to Bill Johnston, dba Champion Tire, Wheel, Brakes, Alignment, Balancing, Installation and Repairs. Since 1981 and currently the business is identified as Pro Tire & Wheel Auto Customizing. The owner of the business is Avedis Yeterian. He repairs and replaces tires and wheels, mufflers, does alignments, brake repairs and other auto repairs. He does not have any employees. His business is a service business and should be classified as Type 2 with an assessment of \$200 comparable to other similar businesses in the BID, specifically:

- Belmont Motor Clinic, Inc
- Belmont Rapid Lube
- Burke's Auto Body
- East Anaheim Auto Clinic
- East Long Beach Brake Service (catercornered)
- Car Collision
- Laszlo's
- Long Beach Auto Repair Center
- Mexis Auto Service
- Ola Auto Broker
- Pro Window Tinting & Car Audio
- Earl Scheib
- T&T Auto Service Station
- Willheit Auto Restoration


You assured me that corrections could be made to the BID assessment roll before the matter is submitted to the City Council for public hearing and final approval. Your prompt action and cooperation is appreciated. My understanding is that correcting or revising an assessment classification after City Council approval is a difficult, time consuming, and frustrating effort for everyone concerned and is subject to strict time guidelines, appeals and potential litigation. (Street and Highways Code § 36537).

Thanks again for your assistance in this matter.

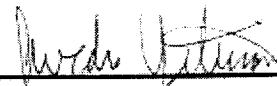
Very Truly Yours,



Vincent Jones
Property Owner



Michael Stephenson
Owner Acme Glass &
Mirror Co.



Avedis Yeterian
Owner Pro Tire & Wheel
Auto Customizing

April 20, 2010, City Council Hearing on EASPBID

10 APR 20 PM 2:42

Pro forma Protest (per Evans v. City of San Jose, 4 Cal. Rptr. 2d 601) and Request for Determination by City Council (per Streets and Highways Code § 36527(c)) regarding the following perceived procedural irregularities or defects (per Streets and Highways Code § 36524 (a)).

My name is Vincent Jones. I am listed on Appendix 2, the Area Assessment Roll, as a Type 3 Business Class assessee. I am a property owner; however, I do not operate a business in the Business Improvement Area. I did not receive at my city-specified address a notice of this hearing.

The enabling statute (Streets and Highways Code §§ 36500-36551), Government Code § 54954.6, and city ordinances require that the establishment of a parking and improvement district may only be established in strict compliance with state and local law. A different statute (Streets and Highways Code §§ 36600 et seq.) provides for the creation of "Property and Business Improvement Districts."

The "Parking and Business Improvement Area Law," which is the vehicle specified for this improvement district, is limited to levying assessments on businesses within the district and not property owners (see Code §§ 36502, 36504, 36506, 36507, and 36512).

Article XIII A (Proposition 13) and Proposition 218, the Right to Vote on Taxes Act adopted in 1996, require that assessments based on real property may not be imposed unless the assessment is submitted to the electorate and approved by a two-thirds vote (see Howard Jarvis Taxpayers Assn. v. City of San Diego (1999) 84 Cal. Rptr. 2d 804).

If a BID is to be established for East Anaheim and protests, appeals, and potential litigation are to be avoided, the following perceived procedural irregularities or defects must be considered and precisely determined by the City Council (S&H § 36527(c)). The City Council may adopt, revise, change, reduce, or modify the proposed initial assessment report and proposed service plan (S&H § 36526(a)). In such event, a new notice with corrected information and a new hearing schedule must be created.

**I.
Application**

Consideration of the BID is based on an application by 50% of the members in the district to be "self-taxed." The signature-gathering has been over the past 2½ years. Were the signatures currently validated? Were any Type 3 assesses solicited? Any signatures from Type 3 assesses obtained?

Representations were made during the signature-gathering process that “100% of every dollar collected for the BID would go back into the area—this is a direct benefit to your business.” To the contrary, over 1/3 of the estimated revenue collected is budgeted for administrative expense. Does this affect the validity of the signatures?

II. The Notice

S&H Code § 36522 specifies information which MUST be contained in the ROI. Items (c), (d), (e), and (f) of § 36522 are not provided in sufficient detail. **“The notice shall also describe, in summary, the effect of protests made by business owners against the establishment of the area, the extent of the area, and the furnishing of a specified type or improvement or activity, as provided in Section 36524”** (S&H § 36522(h)).

The notice may not have been sent to all Type 3 assessees at their proper addresses. I did not receive mine—and certainly not within the mandatory deadline.

Apparently, six pages providing notice of the ROI were sent to some assessees. The critical appendices, including the district map and the assessment roll, were not provided. The statute (S&H § 36523(b)) requires that **“a complete copy of the ROI be sent by first-class mail to each business owner in the area within seven days of the city council’s adoption of the resolution of intention.”**

Without the proposed assessment roll (Appendix 2), it is impossible for a potential assessee to determine the amount of the assessment to be levied against his or her business.

And the proposed area map sent out with the ROI differs from the (“more official”?) Appendix 1 map.

It appears the notices in this case were deficient.

III. The Assessments

The code requires that the ROI advise potential assessees in sufficient detail to estimate the amount of the assessment. Apparently, there has been some vacillation regarding how assessments are to be calculated. “Base fees” and “secondary licensees” are used without definition. May the assessee select the “base” license fee, or is that arbitrarily selected by an administrator? Can the secondary license fee, which is exempt, be the more expensive fee? Is the choice of fee based on the predominant activity or the most productive based on a gross receipts or a net receipts basis?

It is clear that the assessment roll, Appendix 2, contains numerous duplications and errors.

Quare: May a property owner running a convalescent hospital with 38 employees select a Type 2 class for \$500 or a Type 3 class for \$120?

IV.
Propositions 13 and 218

Evans v. City of San Jose (supra) held that a property owner who owned and operated a 21-unit apartment building in a San Jose BID could be taxed despite propositions 13 and 218. If Evans had owned the underlying real estate and the 21-unit apartment building business had been operated by another entity, it is unlikely the property owner, without a two-thirds vote, could have been assessed.

The Type 3 assesses have not been separately polled.

The legislature, in 1994, two years after the Evans case, adopted a "Property and Business Improvement District Law of 1994" (S&H § 36600 et seq.) to perhaps accommodate the Evans circumstance. This Anaheim Street BID is based on the 1989 law—not on the 1994 statute.

Has the city attorney reviewed this proposed BID and approved it?

V.
Delegation

The statute requires the appointment of an "Advisory Board" by the City Council (S&H § 36530). Did it do so? May it delegate that appointment? May the board of a different organization serve as the advisory board of the proposed BID? Did the advisory board sign the proposal or authenticate in any manner what was submitted to the City Council?

VI.
Sufficient Specificity?

The statute provides that assessments may be used "**for the purpose of acquiring, constructing, installing or maintaining improvements and promoting activities which will benefit the businesses located and operating within a parking and business improvement area.**"

Specific improvements and promotional activities are described with specificity in S&H §§ 36510 and 36513. The ROI is too vague to satisfy the statute. And see § 36524(a).

VII.
Fiscal Year

The statute speaks throughout regarding reports, the levy of an annual assessment, etc., based on a fiscal year (S&H § 36534(a), etc.). It does not envision a rolling assessment program or a partial operating year. The method of collection of assessments and the penalties for withholding assessments should be provided in the ROI.

The statute is very precise. It indicates the collection of assessments for each fiscal year "shall be made *at the time and in the manner* set forth by the city council in the ordinance. . . ." A firm fiscal year and a fixed time for the payment of assessments is codified.

The proposed budget in the ROI is NOT for a fiscal year.

VIII. Misstatements in the ROI

The ROI purports to summarize the City Council's role in creating and dissolving a BID. It suggests that an annual Consumer Price Index variance will be calculated by the Advisory Board and applied to assessments in July of each year. The code is clear: ONLY the City Council may make changes in the assessments based on the performance of the BID and the acquiescence of those who are willing to be "self-taxed."

The ROI misrepresents an annual "thirty-day window" for disestablishment of the BID and suggests the City Council is bound by the misrepresentation.

Disestablishment of a BID is clearly at the option of the City Council; it may be done at any time, for any reason, following an ROI and a hearing (see S&H § 36550). The information in the current ROI and the alleged summary of California law must be corrected.

The ROI should, however, explain that the City Council will require annual reports for each fiscal year, and the Council may approve or modify any activity of the BID (see S&H § 36533(c)).

IX. Suggested Modification

It is submitted that it would be helpful for the City Council to require that each annual report of the BID contain the best information available on the numerical figures for (1) sales tax revenue in the BID, (2) the attraction of new businesses to the BID, and (3) crime statistics in the BID, together with other narrative information which may be helpful to the Council.

It is suggested that on each assessment the inquiry approved by the Court of Appeal in the Evans case be added: (Supra at page 728)

At the bottom of the notice, each [assessee] was entitled to check one of the following two boxes:

" I support the BID . . .

or

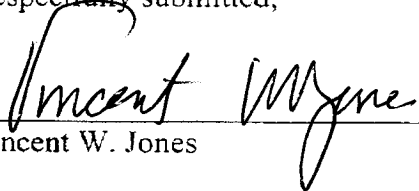
I oppose the BID . . . and hereafter register a protest pursuant to Section 36523 of the California Streets and Highways Code."
Emphasis in the original.

X.
Confirmation of Potential Assessment Revision

I obtained from Mr. Travis Brooks Appendix 2, the proposed assessment roll. I showed it to my lessees. They asked that their proposed assessments be corrected, and, as a result, I prepared the three-page letter which is attached. My understanding is the corrections have been accepted and incorporated.

Respectfully submitted,

April 20, 2010



Vincent W. Jones