

C.F. 16-0749

LOUIS TRAEGER
201 N WESTSHORE DR 2302
CHICAGO, IL 60601

PROTEST

October 31, 2016

COUNCIL OF THE CITY OF LOS ANGELES
ATTN: LOS ANGELES CITY CLERK
COPY FOR ALL COUNCILMEMBERS
200 N. SPRING STREET
LOS ANGELES, CA 90012

RE: OPPOSITION TO VENICE BID
HEARING DATE: November 8, 2016 10:00 AM
COUNCIL CHAMBER ROOM 340

BY  CITY CLERK
DEPUTY

2016 NOV - 3 PM 2:57

RECEIVED
CITY CLERK'S OFFICE

Ladies and Gentlemen;

Would you please file and distribute a copy of my enclosed opposition to the Venice BID to each Council member before the hearing date of November 8, 2016

Yours truly,


Louis Traeger

Encl.

Opposition to the Proposed Ordinance for Approval of the Venice Beach Business Improvement District

City Council file 16-0749

RECEIVED
CITY CLERK'S OFFICE
2016 NOV -3 PM 2:57
BY _____
CITY CLERK
DEPUTY

Hearing Date: November 8, 2016

Time: 10:00 a.m.

Hearing Place: Room 340 John Ferraro Council Chamber
City Hall, 200 North Spring Street
Los Angeles, CA 90012

I am the owner of the only single family residential property included
in the proposed Venice Beach Business Improvement District.

I oppose the adoption of the ordinance and ADOPTION OF
ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN
because my property should not be included in the BID or assessed
in the proposed Plan.

I can not attend the hearing on November 8, 2016, because I live in
Chicago and find it difficult to attend in person. I request that you
consider this written opposition in lieu of an oral presentation.

Submitted by:

Louis V. Traeger (misspelled on public records as Treager)
Owner: 207 E. Horizon Ave., Venice, CA 90291
AIN 4238-010-016

Contact Information:

201 N. Westshore Dr. #2302
Chicago IL 60601
312-337-1154
lvtraeger@yahoo.com

**BUSINESS IMPROVEMENT DISTRICTS CANNOT ASSESS
PROPERTIES ZONED SOLELY FOR RESIDENTIAL USE** page 3

MY PROPERTY IS ZONED SOLEY FOR RESIDNTIAL USE page 3

**THE ASSESSMENT AMOUNT SET OUT IN THE ENGINEER'S
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**MY PROPERTY WILL RECEIVE NO SPECIAL BENEFITS AND
SHOULD NOT BE ASSESSED AS PART OF A BID** page 7

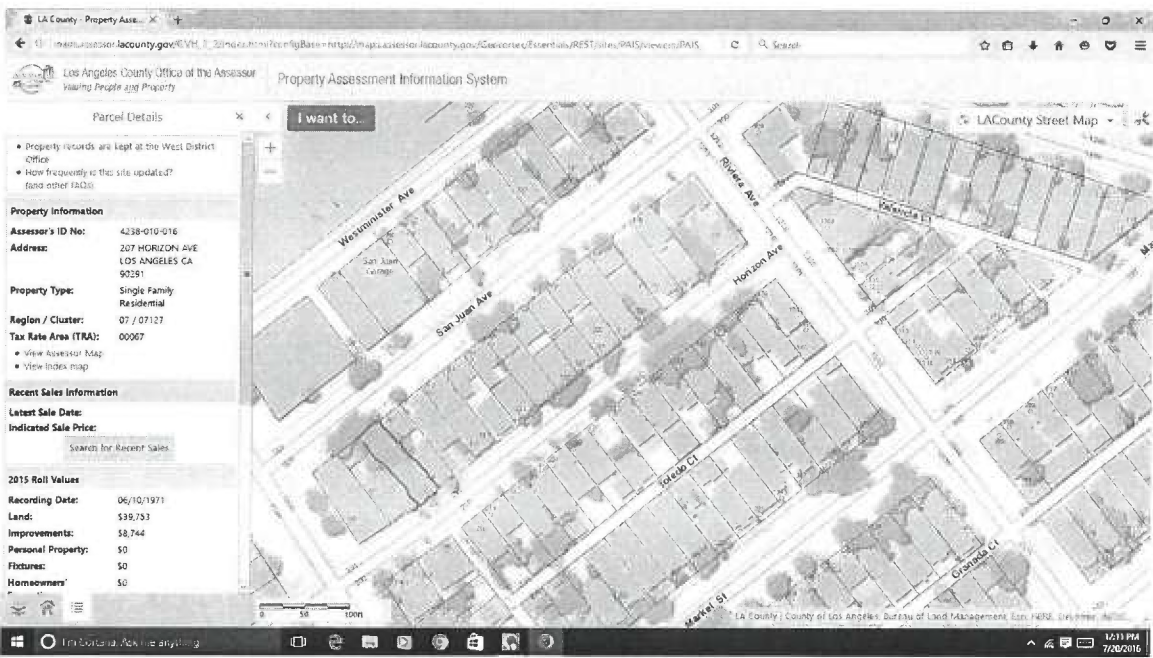
CONCLUSION page 10

BUSINESS IMPROVEMENT DISTRICTS CANNOT ASSESS PROPERTIES ZONED SOLELY FOR RESIDENTIAL USE

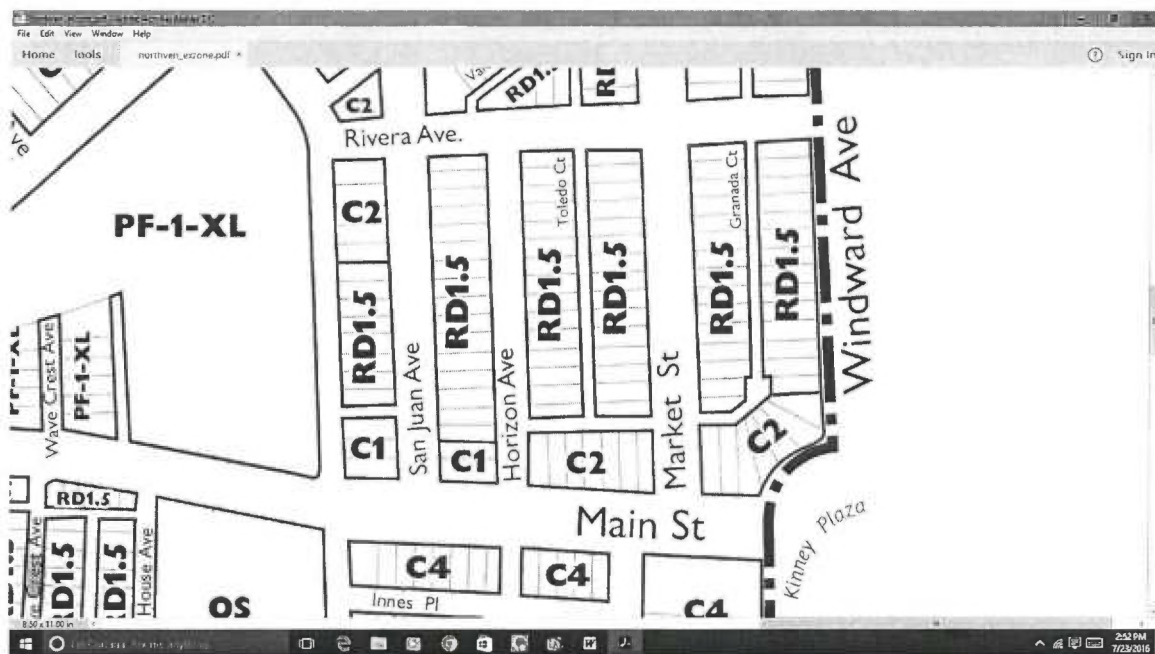
The assessment of property used solely for residential purposes by a Business Improvement District is prohibited. STREETS AND HIGHWAYS CODE SECTION 36632(c) provides that: " Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part." (Engineer Report p 5.)

MY PROPERTY IS ZONED SOLEY FOR RESIDNTIAL USE.

My property is located at 207 E Horizon Ave (AIN 4238-010-016). I have owned the property for 45 years and it has been exclusively residential. It is surrounded on all sides by residential buildings. The house was built in 1923 and is located on a tree lined street in the **Lost Venice Canals Historical District** (p47 of Historical Dist).



My property can be found on the City website ZIMAS by entering its address. Under Zoning, ZIMAS shows that my property is regulated by the "Venice Costal Zone Specific Plan." The "Venice Costal Zone Specific Plan" identifies my property as zoned **RD1.5**. See: "The Venice Costal Zone Specific Plan", most recent map, Exhibit 7a, Existing Zoning, Subarea: North Venice • Venice Canals." (My property is the 3rd parcel north east of Main St.)



"The Venice Costal Zone Specific Plan," was adopted by City Ordinance 172897 and then by City Ordinance 175693. Both those ordinances contain the same map 7a which identifies my property as being zoned RD1.5. My property is zoned RD1.5 by both of these ordinances enacted by the Los Angeles City Council.

Because my property is zoned **solely for residential use**, it is conclusively presumed not to benefit from BID improvements and

services. The City Council should find: **(a)** that my property **will not receive special benefits** from the BID, and **(b)** should not be assessed by the Venice BID because such assessment is prohibited by STREETS AND HIGHWAYS CODE SECTION 36632(c).

THE ASSESSMENT AMOUNT SET OUT IN THE ENGINEER'S REPORT IS INCORRECT

The Engineer's Report p38 shows the assessment on my property to be \$2,150. 52. Using the procedure described in the Engineer Report p 34 to calculate an assessment, the amount should be **\$1,273.84** and not \$2,150. 52

"SAMPLE ASSESSMENT CALCULATION:" Engineer Report p34

Sample 1: Assume a 5,000 SF building on a 15,000 SF lot located in Zone 1 with 100 linear feet of street frontage. The annual assessment would be calculated as follows:

5,000 x \$0.08/square foot of building	=	\$400
15,000 x \$0.011/square foot of land	=	\$1,650
100 x \$29/linear foot of street frontage	=	\$2,900
TOTAL ASSESSMENT		
\$ 400 + \$1,650 + \$2,900 = \$4,950		

Using this method described in the Engineer Report to Calculate an assessment on my property, which is a 100 foot x 30 foot lot with a 923 square foot house:

923 square foot building x \$0.08	=	\$73.84
3,000 square feet of land x \$0.11	=	\$330.00

(note: the example incorrectly uses \$0.011. Other parts of the Engineer's report show the amount to be \$0.11)

30 linear foot of street frontage x \$29 = **\$870.00**

\$73.84 + \$330.00 + \$870 = \$1,273.84

The Correct Assessment is \$1,273.84

MY PROPERTY WILL RECEIVE NO SPECIAL BENEFITS AND SHOULD NOT BE ASSESSED AT ALL AS PART OF A BID

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. (Engineer Report p2)

Each identified parcel subject to assessment within the BID district, must be assessed based on property characteristics **unique only to that parcel**. (Engineer Report p24). While residential zoned properties are conclusively presumed not to benefit from service funded through BID, single family residences are presumed not to receive special benefits. Unlike actual commercial businesses which may attract thousands of customers per day, a single family residential dwelling has no hordes of customers arriving daily.

The information used to calculate my assessment was computed from data extracted from County Assessor records and maps and **does not represent legal field survey measurements or detailed title search of recorded land subdivision maps or**

building records. No physical inspection was made of my property to determine its actual use characteristics, nor the uses permitted by the Venice Costal Zone Specific Plan. (Engineer Report p32).

My property has the unique characteristics of a single family residential property and those particular characteristics must be considered in allocating BID services and making any assessment.

The Engineer Report identifies 3 methods commonly used to assess property in a BID. Of the three methods identified, the Venice BID used the composite district overlay determinant method as opposed to a parcel by parcel allocation method (Engineer Report p15).

What this means is that property assessments were calculated using only property area and dimensions (Engineer Rpt p 33, 34).

PROPERTY USE was not part of the calculation. All properties along busy Ocean Front Walk were **ASSESSED** without regard to their massive use of BID services as compared to the minimal use by my property.

Assessment in a BID **are supposed to be** distributed among all identified benefiting properties based on the **proportional** amount of special program benefit each property is expected to derive from the assessments levied. (Engineer Report p2)

Properties which use a greater amounts of BID services are supposed to have a greater assessment than properties which require a smaller amount of services. Properties with large numbers

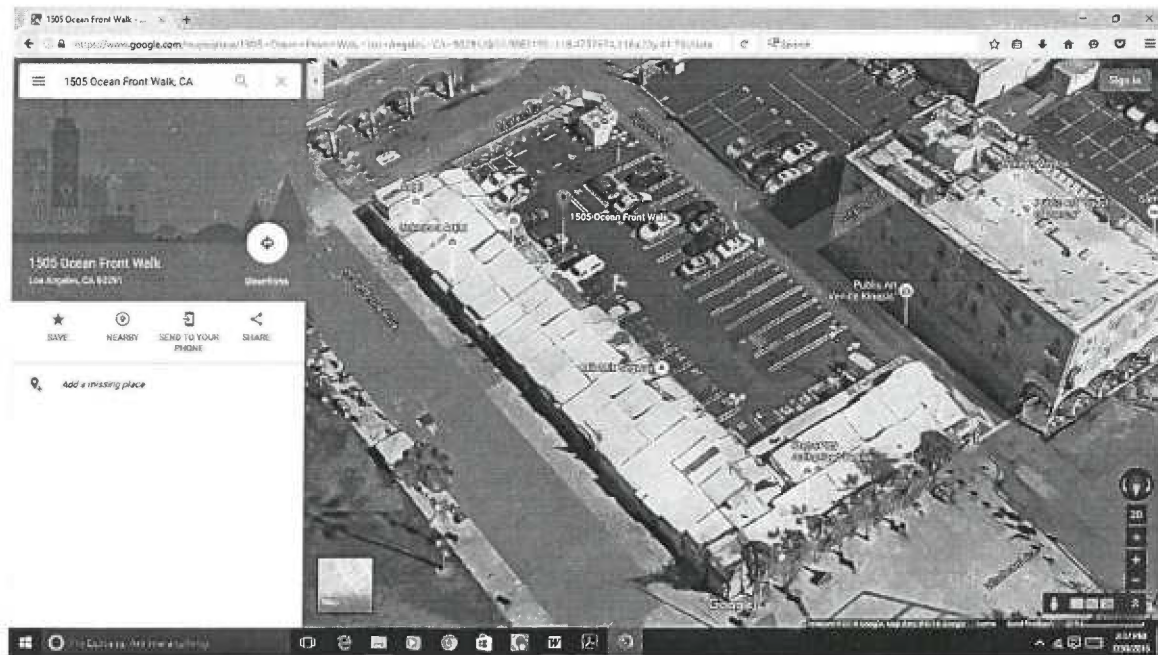
of customer will use more BID services than those with fewer customers.

My property should not be assessed. When Its minimal use of BID services is compared proportionally with the enormous utilization of BID services by properties and businesses along Ocean Front Walk, it does not receive special benefits.

As an example:

My property was assessed by the BID for **\$2,150.52** (p39 Engineers Report.)

A similar sized property in the heart of the Boardwalk, 1505 Ocean Front Walk, is assessed for **\$2,069** (Engineer report p38). (The lot size on both properties is 30ft x 100ft.) But as shown below, there are between 6 and 8 shops and probably 10 parking spaces on that particular property. And 16 million **customers** a year pass by. (The whole block as seen in the picture has over 30 businesses and over 40 parking spaces).



My property has no customers. Its proportional distribution of benefits compared to those used by this property would be \$0.00013. $\$2,150.52 \text{ divided by } 16 \text{ million} = \0.00013 .

The whole point in creating the BID was to provide services "which are intended to attract more customers, users, visitors, employees, tenants and investors." "BID programs, services and improvements are designed to increase business volumes, sales transactions, commercial occupancies, commercial rental income and return on investments." (Engineer Report p13). For that very reason, the State excluded residential properties from BIDs.

CONCLUSION

My property is the **only** single family residential property in the proposed BID. The residential properties around me are **not** in the BID and are not assessed. My property is presumed not to benefit

from services and programs from the BID. My property will not receive proportional special benefits from the BID.

The City Council (a) should exclude my property from the BID, and (b) find my property receives no special benefits and should not be assessed.

Oct 31, 2016

A handwritten signature in cursive script, appearing to read "John J. [unclear]", written in dark ink.