



Elmwood Advisory Board

PUBLIC HEARING  
July 13, 2010

To: Honorable Mayor and Members of the City Council  
From: Elmwood Advisory Board  
Submitted by: Dave Fogarty, Secretary to the Advisory Board for the Elmwood Theater Business Improvement Area  
Subject: Renewal: Elmwood Theater Business Improvement Area Assessments

RECOMMENDATION

Conduct a public hearing and upon conclusion, if no majority protest exists, adopt a Resolution to confirm the Annual Assessment Report for the Elmwood Theater Business Improvement Area for FY 2010 and levy assessments in the Area for FY 2011.

FISCAL IMPACTS OF RECOMMENDATION

Assessment revenue of approximately \$20,000-\$21,000 per year (General Fund, account code 010-3302-312-0600) is used to recover City loans made to the Elmwood Theater Foundation in May 1993 and July 2008. With an approximate \$63,000 total balance outstanding at the end of FY 2010, both loans will be repaid by the time the assessment district, the Elmwood Theater Business Improvement Area, expires in May 2014.

CURRENT SITUATION AND ITS EFFECTS

On June 1, 2010, the City Council approved Resolution No. 64,897–N.S. that approved the Annual Assessment Report for FY 2010, stated an intention to levy assessments for FY 2011, and set a public hearing for July 13, 2011. If no majority protest exists, approval of the Resolution renews the assessments for 2011.

BACKGROUND

From May 1993 until July 2008, assessment revenues were dedicated exclusively to repayment of the \$215,000 loan at 6% interest made to the Elmwood Theater Foundation that allowed it to purchase the theater building. However, in line with a recommendation from the Advisory Board, on July 22, 2008 the Council approved Resolution No. 64,159–N.S. to make physical improvements to the Elmwood Theater an allowed purpose of the Elmwood Theater Business Improvement Area in addition to repayment of the 1993 loan. The same Resolution allocated “assessment revenues not needed for the existing purpose of retiring the loan” to physical improvements to the theater and made an additional loan of \$40,000 to the Elmwood Theater Foundation for that purpose. The remaining balance from the original loan plus the new loan together

amount to a current total balance of \$63,000 as of June 30, 2010; an amount that can comfortably be repaid by the assessment by the time it expires in May 2014.

Further information on the background to the Elmwood Theater Improvement Area, the details of the assessment formula, and the operations of the Elmwood Theater may be found in the Annual Assessment Report for 2010 that is attached to Resolution No. 64,897–N.S. of June 1, 2010.

RATIONALE FOR RECOMMENDATION

Renewal of the assessment is necessary to recover City loans by the time the Improvement Area expires in May 2014.

ALTERNATIVE ACTIONS CONSIDERED

Alternatives are restricted by the limited purpose of this assessment district, which is only for the purpose of recovering loans for acquisition and improvement of the Elmwood Theater. The Annual Assessment Report contains recommendations on changes to businesses to be charged the business license surcharge. These have been incorporated in Exhibit C.

CONTACT PERSON

Dave Fogarty, Secretary to the Elmwood Advisory Board, Office of Economic Development, 981-7534

Attachments:

1: Resolution

Exhibit A: Elmwood Theater Business Improvement Area Annual Assessment Report 2010

B. Assessment role

C: Business License Assessment role

2: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE ANNUAL ASSESSMENT REPORT FOR THE ELMWOOD THEATER BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 2010 AND LEVYING ASSESSMENTS IN THE AREA FOR FISCAL YEAR 2011

WHEREAS, on July 20, 1993, the City Council adopted its Resolution No. 57,086–N.S., Resolution Overruling Protests, Establishing the Elmwood Theater Business Improvement Area and Levying Assessments for Fiscal Years 1993-94; and

WHEREAS, on the same date the City Council adopted its Resolution No. 57,086A–N.S., Authorizing Execution of a Loan Agreement with the Elmwood Theater Foundation to be Repaid Through a Levy of Special Assessments in the Elmwood Theater Business Improvement Area; and

WHEREAS, assessments levied through the Elmwood Theater Business Improvement Area (hereafter, “the Area”) have allowed repayment of the loan for seventeen years including, for eleven of those years, principal repayment beyond scheduled loan amortization; and

WHEREAS, by Resolution No. 64,159–N.S. on July 22, 2008, the City Council approved use of assessment revenues not needed to retire the 1993 loan to support physical improvements to the theater and made an additional loan for this purpose; and

WHEREAS, on June 1, 2010 the City Council by Resolution No. 64,897–N.S. approved the Annual Assessment Report for the Area for Fiscal Year 2010; and

WHEREAS, said Annual Assessment Report and materials on file with the City Clerk contain a detailed description of the boundaries of the Area as well as the Core Benefit Zone and the Broad Benefit Zone established within it (including a map entitled “Boundaries of Elmwood Theater Business Improvement Area”); and

WHEREAS, said Annual Assessment Report and Exhibits on file with the City Clerk also contain information on the method and basis for levying the assessment and a recommendation that this method and basis be continued for Fiscal Year 2011 at the same rates as in prior years; and

WHEREAS, the City Clerk has published Resolution No. 64,897–N.S. in a newspaper of general circulation declaring the Council’s intent to levy assessments in the Area for Fiscal Year 2011 and noticing a public hearing on these matters before the City Council for July 13, 2010; and

WHEREAS, the City Council has now held said public hearing on the levy of assessments for Fiscal Year 2011.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

1. The City Council finds that protests were filed by property owners and business licensees representing less than fifty percent (50%) of the assessments hereby levied. All such protests are hereby overruled.
2. The City Council confirms the Annual Assessment Report (Exhibit A).
3. The City Council hereby levies the real property assessments hereunder for the Fiscal Year 2011 upon the properties and in the amounts shown on the assessment roll attached hereto as Exhibit C and by reference incorporated herein.

BE IT FURTHER RESOLVED that the City Council also hereby levies the business license assessments on businesses in the Core Area as set forth in Exhibit D. The amount of each business license assessment shall be calculated at the time of application for business license renewal and shall be collected at the same time and in the same manner as the City business license tax.

#### Exhibits

A: Elmwood Theater Business Improvement Area Annual Assessment Report 2010

B. Assessment role

C: Business License Assessment role



Elmwood Advisory Board

## EXHIBIT A

### ELMWOOD THEATER BUSINESS IMPROVEMENT AREA ANNUAL ASSESSMENT REPORT, 2010

On July 20, 1993, the City Council approved Resolution No. 57,086-N.S. establishing the Elmwood Theater Business Improvement Area and levying assessments for FY 1994. On the same date, the City council approved Resolution No. 57,086A-N.S., authorizing execution of a loan agreement for \$215,000 with the Elmwood Theater Foundation to be repaid through the levy of special assessments in the Elmwood Theater Business Improvement Area (hereafter “the Area). The assessments repay the \$215,000 loan at 6% interest over twenty years. In 2008, the City Council modified the purposes of the Area to allow assessment revenues to be spent on improvements to the Theater in addition to the existing purpose of loan repayment. At the same time, the Council appropriated \$40,000 for improvements and increased the loan principal by the same amount. However, assessment revenues are projected to be sufficient to repay the loan by its due date of May 2014, the same date the assessment levied through the Elmwood Theater Business Improvement Area is scheduled to expire.

Ordinance No. 6164-N.S., “Business Improvement Area Assessments,” Section 17, requires an annual assessment report for each fiscal year. Accordingly, City staff has prepared this report covering the seventeenth year of the assessment (FY 2010) for review by the Advisory Board for the Elmwood Theater Business Improvement Area. The report must be filed with the City Clerk and approved by the City Council before the Council levies assessments for the next fiscal year.

#### **Status of the Activity Financed by the Assessment**

The Activity financed in the Area “...is the purchase of the Elmwood Theater, 2966 College Avenue, and its preservation as an operating motion picture theater.” (Resolution No. 57,086-N.S.) The City loan of \$215,000 provided permanent financing for the Elmwood Theater Foundation’s purchase of the theater. When the City financing was in place, the Foundation borrowed approximately \$425,000 from private lenders, secured by a first deed of trust on the theater property, to finance repair, seismic upgrade and improvements to the theater that were necessary before it could be reopened. Most of the lenders were individuals who live and/or work in the Elmwood area. These lenders are being repaid through revenues the Theater Foundation receives by leasing the theater to a movie theater operator. The monthly lease payments from the theater operator are used to repay principal and interest on the debt to the lenders. The theater restoration project therefore included a combination of public financing (through the City loan repaid through the assessment district) and private financing (money borrowed by the Foundation and money and equipment invested by the theater operator).

The Elmwood Theater reopened on October 22, 1994, and operated successfully until October, 2004, when it was closed for repairs to the downstairs auditorium caused by water damage from a blocked sewer line on adjacent property. Since there was a possibility that raw sewage had contaminated the theater, the project has entailed complete removal and replacement of seats, rugs, wooden flooring and

even the concrete under-floor. Fortunately, the theater operator had liability insurance that is paying for this work.

Because the theater was closed for repairs anyway, the Elmwood Theater Foundation decided to perform at the same time additional seismic work that had been requested by the City of Berkeley. This work was financed by an additional loan from the City of Berkeley for a total of \$170,000 at an interest rate of 5%. Work included strengthening of the support for the roof trusses and the front of the theater to make the building safe in the event of an earthquake. The City of Berkeley now considers that the Elmwood Theater conforms to the City's codes for the seismic safety of buildings in its occupancy class.

The second City loan of \$170,000 is being repaid through lease revenues from the theater operator.

After restoration of the interior and additional seismic work the theater reopened in October, 2005, and has operated on a regular schedule since then.

In June 2007, the Elmwood Theatre Foundation leased the theater to a new operator, Rialto Cinemas. In addition to improving the quality of films shown at the Elmwood, the principals of Rialto Cinemas, Ky J. Boyd and Michael O'Rand, invested over \$25,000 in physical improvements to the upstairs theater auditoriums as well as non-structural improvements to projection and sound equipment, the concession stand and other features. In standard commercial real estate practice the landlord, the Elmwood Theatre Foundation, would be responsible for sharing in the cost of permanent physical improvements to the theater building. The Theater Foundation, however, has no financial reserves and its only income, lease payments from the theater operator, are used entirely to service two debts: \$400,000 it borrowed from private lenders to repair and seismically retrofit the theater in 1993-1994 and an additional \$170,000 it borrowed from the City of Berkeley when the Building and Safety Division required additional seismic work in 2005. Since the Theater Foundation had no resources, the Advisory Board agreed to discuss using assessment revenues to finance part of the cost of physical improvements to the theater.

At the Advisory Board meeting of August 30, 2007, Ky Body and Michael O'Rand reviewed the improvements to the seating and sightlines in the upper auditorium, and proposed additional improvements that they wanted to make if funds were available. These included two illuminated "Elmwood" signs on the marquee, porthole windows in the entrance doors (to avoid collisions as the doors opened), and a possible painted "Welcome to the Elmwood" sign on the upper north side of the theater building. After hearing this report, the Advisory Board voted unanimously (M/S Salk-Kidson; Yes: Salk, Moudry, Moriarty, Leyhe, Kidson; Absent: Harvey ) to recommend to the City Council:

to allocate up to three years of the principal portion of loan repayments from assessment revenues to existing and proposed improvements to the theater, on condition that interest payments on the loan balance continue to be made from assessment revenues and that Elmwood Theater Business Improvement Area remain on schedule to repay the loan by its due date of May 2014.

On July 22, 2008, the City Council approved the Advisory Board's recommendation to make a grant of \$40,000 to the theater operator, Rialto Cinemas/Elmwood, for improvements to the theater. This amount was added to the loan balance, creating a new balance of approximately \$80,000. With annual assessment payments of approximately \$20,000-\$21,000, this balance will easily be repaid by May 2014, the date when the Elmwood assessment expires.

In 2009, Rialto Cinemas/Elmwood installed the illuminated “Elmwood” signs on the marquee and installed porthole windows in the entrance doors.

## **Assessment Revenues**

Assessments levied in the Elmwood Theater Business Improvement Area were originally intended to repay a City loan of \$215,000 at six percent (6%) interest over twenty years. Given these terms, the assessments need to raise at least \$18,744.68 per year.<sup>1</sup> (As explained above, in practice the yield has been somewhat higher, and one property owner paid its entire 20-year assessment as a lump sum. Since loan repayment was ahead of schedule, the Council made a grant for theater improvements that increased the loan balance by \$40,000.)

The Advisory Board recommended, and the Council approved, an assessment that included two benefit zones intended to reflect the degree of benefit businesses and properties would receive from restoration of the movie theater:

- The “Core Benefit Zone” is coterminous with the Elmwood Commercial district C1B(E) that extends for approximately two blocks on College Avenue plus a few addresses on Ashby, Russell and Webster. Within this district real property was assessed at the rate of five cents (\$.0.05) per square foot. The assessment on commercial property within the Core Benefit Zone was projected to raise \$9,314.00.
- The “Broad Benefit Zone” consists of territory beyond the Core Benefit Zone but within 1,600 feet of the Elmwood Theater, Commercial property within this district was assessed at twenty percent (20%) of the rate established for real property in the Core Benefit Zone. In practice, the Broad Benefit Zone includes Alta Bates Hospital and nearby medical office buildings. The property tax-based assessment in the Broad Zone was expected to raise \$6,432.27.

The real property assessment in both zones was therefore projected to raise a total of \$15,746.27.

In addition, the Advisory Board recommended, and the Council approved, an annual assessment on business licenses of businesses operated after 6 p.m. more than two (2) nights per week within the Core Benefit Zone. Businesses classified as Eating and Drinking Places (Industry Group 58) were assessed an amount equal to 25% of their business license tax payment. Businesses open 24 hours per day, including financing institutions with automatic teller machines were assessed 40% of the business license tax. (Financial institutions exempt from the City business license tax pay an in-lieu business license assessment equal to three times the real property assessment.) Finally, all other businesses open after 6 p.m. more than two nights per week were to pay an amount equal to 12.5% of their business license tax payment. While the exact amount raised by the assessment on business licenses would depend on gross receipts reported by the individual businesses (i.e., the basis for the business license tax payment), the assessment was projected to yield more than \$4,000. This added to the amount raised by the real property assessment would yield the requisite \$18,744.68 per year.

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<sup>1</sup> As explained above, in practice the yield has been somewhat higher, in the range of \$20,000-\$21,000 since about 1997. In addition, Wells Fargo Bank paid its entire 20-year assessment in advance as a lump sum. These two factors meant that loan amortization was well ahead of schedule until 2008. At that time, the City Council granted \$40,000 for improvements to the theater and added this amount to the loan balance. The new balance of approximately \$80,000 will be repaid by the time the assessment expires in May 2014.

## **Assessment Revenues as of March 31, 2010**

As of March 31, 2010, collections for the 2009/10 fiscal year are incomplete. For the property-based assessment, the City billed \$16,051.78 of which only the first installment, \$8,101.80 had been received by the end of March. As of the same date, 33 businesses had paid \$5,175.47 for the business license surcharge bringing total collections from both revenue sources to \$13,277.27. However, when the second installment of the property tax assessment is received in late May or early June, total collections are likely to exceed last year's total of \$21,053.65. While revenue from the property tax assessment remains approximately the same each year, revenue from the business license surcharge generally increases (and this year has already reached last year's level with payments from five businesses still outstanding).

For the first few years of the assessment, revenues fell slightly under the target amount of \$18,744.68 per year because some businesses, particularly Wells Fargo Bank, refused to pay. However, on January 15, 1997, Wells Fargo Bank made a lump-sum payment of \$24,127 to the City of Berkeley as settlement for its refusal to pay the in-lieu business license assessment. The bank had contended that it was exempt from all municipal taxes, including the in-lieu business license assessment. While the bank did not formally alter its position, it paid the amount owed, including back payments of \$1,898.85 for 1994, 1995 and 1996 and the Net Present Value of future payment out to the end of the 20-year assessment.

With the Wells Fargo prepayment, repayment of the loan was ahead of schedule. In addition, since 1997 annual revenue has surpassed the target amount of \$18,744.68 without even counting the prepayment. This can be attributed to the increased number of businesses, particularly restaurants, open after 6 pm and therefore subject to the business license surcharge.

As explained above, in 2008 the Council made a grant of \$40,000 for improvements to the theater and increased the loan balance by the same amount to approximately \$80,000. This amount can easily be amortized by the date the assessment expires in May 2014.

## **Recommendations**

The Advisory Board recommends that the City levy special assessments for Fiscal Year 2011 in the Elmwood Theater Business Improvement Area within the same boundaries, and on the same basis and method as they were levied for Fiscal Years 1994 – 2010. The Board notes the following new businesses appear to be open after 6 pm more than two nights per week: Ashby Market, 2642 Ashby; Dailey Method, 2631B Ashby; Summer Kitchen, 2944 College Avenue; Vintage Berkeley, 2949 College Avenue; and Goorin Brothers Hats, 2926 College Avenue but urges staff to work with the License and Collections staff to identify any other new businesses that meet the qualification and similarly charge them the surcharge.

## Elmwood BID Property Assessment- Legend 816

APN	Name	Address	Assessment	Note
052-1563-020-07	Montclair Mountain LLC	2733 Woolsey St.	\$68.60	
052-1563-082	Kim James Y & Joanne	3185 College Ave.	\$79.50	
052-1563-083	Cohn Sigmund S & Joan M	3167 College Ave.	\$37.60	
052-1563-085	Vernon Park Grop Partners	3155 College Ave.	\$14.76	
052-1567-017	ATC Building Company	2959 College Ave.	\$632.96	
052-1567-018	Gilmore Roger D	2947 College Ave.	\$291.50	
052-1567-019	Cianciarulo Trust	2941 College Ave.	\$165.70	
052-1567-020	Kesslernoble Cristina	2935 College Ave.	\$177.30	
052-1567-021	McNab William H & Gloria J	2921 College Ave.	\$210.50	
052-1567-022	Bennett Susan L	2917 College Ave.	\$149.50	
052-1567-023	Bennett Susan L	2905 College Ave.	\$221.76	
052-1567-024-01	White Catherine Y	2901 College Ave.	\$476.40	
052-1567-062-06	Odonnell Katharine P	2705 Webster St.	\$107.30	
052-1567-063-02	Odonnell Katharine P	2999 College Ave. A.	\$136.50	
052-1567-064-02	Odonnell Katharine P	2995 College Ave.	\$241.20	
052-1567-066	Hibbard Lisbeth A	2979 College Ave.	\$112.86	
052-1567-067	Harris Rebecca B	2973 College Ave	\$180.00	
052-1567-068	Kidson Jeremy & Jamie	2961 College Ave.	\$291.60	
052-1567-086	Dinapoli William W	2985 College Ave.	\$56.66	
052-1567-087	Barrett William S.	2987 College Ave	\$56.56	
052-1567-088	Dinapoli William W	2989 College Ave.	\$70.86	
052-1567-089	Berger Miles L	2991 College Ave.	\$74.10	
052-1567-090	Dinapoli William W	2993 College Ave	\$78.00	
052-1568-005-02	Hamerler H J & Emmy W & Trianto	2910 College Ave.	\$227.00	
052-1568-006-02	Gordon John K.	2924 College Ave.	\$216.56	
052-1568-009	Srue Corporation & Mar & Dan Co	2942 College Ave.	\$136.10	
052-1568-011-01	EWC College Avenue	2944 College Ave.	\$1,196.00	
052-1568-012-01	EWC Ashby Avenue	2629 Ashby Ave.	\$738.50	
052-1568-045	Derbedrossian L & Baghdassaria	2936 College Ave.	\$138.80	
052-1568-046	Hunka Robert	2940 College Ave	\$138.80	
052-1568-048	2900 College Associates LLC	2900 College Ave	\$104.16	
052-1568-049	Twenty Nine O Four College Avenue	2904 College Ave.	\$49.96	
052-1568-050	Twenty Nine O Four College Avenue	2906 College Ave.	\$49.96	
052-1568-051	2900 College Associates LLC	2908 College Ave.	\$50.96	
052-1569-015	Gunther Ellen TRS	2615 Ashby Ave	\$28.50	
052-1570-014	Eckhard Daniel C	2519 Ashby Ave.	\$28.88	
052-1570-017	Girard Nancy L Trust & John B	2507 Ashby Ave.	\$19.64	
052-1571-015	Smith, Leslie & Ann	2459 Ashby Ave	\$20.14	
052-1573-002	Elmwood Theatre Foundation	2966 College Ave	\$392.06	
052-1573-004-01	Wu Yan P & Shufang	2982 College Ave.	\$232.70	
052-1573-006	Tulanian James H & Eileen & Dick D.	2992 College Ave.	\$135.16	
052-1573-014	Gallardo James F. & Albert J.	2632 Ashby Ave.	\$223.96	
052-1573-015	Gallardo James F. & Albert J.	2642 Ashby Ave.	\$145.80	
052-1573-031	Bavafa Hosien S.	2620 Ashby Ave.	\$24.64	
052-1573-047-01	Marsh Trust	2500 Ashby Ave.	\$75.16	
052-1573-051-02	Huntmont Medical Building	2999 Regent St. 103	\$630.90	
052-1573-066	Greenbaum A L	2435 Webster St. A	\$91.74	
052-1573-076-01	Whitgob Stephen J & Barbara J	2414 Ashby Ave.	\$36.36	
052-1573-078-02	Alta Bates Hospital	2420 Ashby Ave.	\$21.74	
052-1573-087-07	Alta Bates Hospital	2450 Ashby Ave.	\$3,377.30	
052-1573-088	Lewin Yvonne M	2644 Ashby Ave.	\$87.66	
052-1573-089	Lee Peter Y	2646 Ashby Ave.	\$70.66	
052-1573-090	Goodhue N B & Diane C Trusts & Plan	2648 Ashby Ave.	\$93.20	
052-1573-091	Goodhue N B & Diane C Trusts & Plan	2960 College Ave.	\$124.46	
052-1573-093	Elmwood Properties	2974 College Ave.	\$79.06	
052-1573-094	Elmwood Properties	2974 College Ave.	\$142.56	
052-1573-095	Elmwood Properties	2974 College Ave.	\$35.00	

## Elmwood BID Property Assessment- Legend 816

APN	Name	Address	Assessment	Note
052-1573-096	Oram George S	2974 College Ave.	\$33.86	
052-1573-097	Oram Mary E.	2974 College Ave.	\$37.66	
052-1573-098	Pay Phyllis	2974 College Ave.	\$66.50	
052-1573-099	Elmwood Properties	2974 College Ave.	\$81.00	
052-1573-100	Elmwood Properties	2980 College Ave.	\$79.70	
052-1573-101	Kanemoto Ames J & James A & Mario	2980 College Ave. 9	\$23.40	
052-1574-010	Simon Justin	3001 Dana St.	\$20.84	
052-1574-011	Bistrain Antonio M & Nancy	2426 Webster St.	\$12.52	
052-1574-012	Olesen Richard S. & Kathleen C	2430 Webster St.	\$16.72	
052-1574-014-04	Colby Street Medical Center	3000 Colby St.	\$476.78	
052-1574-033	Rothman Alfred J & Arlyss A	3021 Dana St.	\$38.24	
052-1574-044	Chong Young M Deborah	3028 Regent St.	\$47.52	
052-1574-046-01	Eom Kui O	3036 Regent St.	\$14.04	
052-1574-059-08	Alta Bates Hospital	3001 Colby St.	\$1,116.60	
052-1574-064-01	White Lawrence W.	2510 Webster St.	\$58.32	
053-1591-010	Kaplan, George & Patricia Tr	2435 Russell St	\$22.50	
053-1695-011	Ludwig, Donald & Elaine	2832 College Ave	\$174.46	
053-1695-012-01	Ludwig, Donald & Elaine	2832 College Ave	\$0.00	Not assessed/no BSF
053-1595-012-02	Durst, Mose & Esther	2838 College Ave	\$156.00	
053-1696-015	Miottel Ward J. Jr.	2887 College Ave.	\$454.80	
053-1596-019	Parker, Beulah TR	2811 College Ave	\$24.52	

<b>Parcels in BID</b>	78	<b>Total</b>	<b>\$16,051.78</b>
<b>Parcels Assessed</b>	77		

EXHIBIT C

## BUSINESS LICENSES OF BUSINESSES OPERATED AFTER 6 PM IN CORE ZONE

1. 25% of Business License Tax

Eating and Drinking Places (SIC Industry Group 581)

Espresso Roma	2960	College Avenue
Gordo Taqueria	2989	College Avenue
La Mediterranee	2936	College Avenue
The Beanery	2935	College Avenue
Filippo's Pasta	2930	College Avenue
Shen Hua	2914	College Avenue
Holy Land	2965	College Avenue
House of Curry	2984	College Avenue
La Cascada	2975	College Avenue
King Yen	2995	College Avenue
Flame	2985	College Avenue
Trattoria Siciliana	2993	College Avenue
Mampukus Restaurant	2977	College Avenue
Far Leaves Tea	2979	College Avenue
Ici Ice Cream	2948	College Avenue
Nabolom Bakery	2708	Russell Street
One Love Café	2900	College Avenue
Possible new restaurant	2629-2635	Ashby Avenue

Food Stores (SIC Industry Group 54) selling food for immediate consumption

Dream Fluff Donuts	2637	Ashby Avenue
A. G. Ferrari Delicatessen	2905	College Avenue
Summer Kitchen	2944	College Avenue

2. 40% of Business License Tax (or in-lieu fee if exempt from business license)

Businesses open 24-hours

Seven-Eleven Food Store	2887	College Avenue
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3. 12.5% of Business License Tax

Other businesses open after 6 pm

Mrs.Dalloways	2904	College Avenue
Beauty Center	2987	College Avenue
Launderland	2887	College Avenue
Sweet Dreams	2921	College Avenue
Elmwood Theater	2966	College Avenue
Elements	2937	College Avenue
Elmwood Garden Gallery	2991	College Avenue
Dry Clean Club	2887	College Avenue
C&C Cleaners	2942	College Avenue
Arlenes Cleaners	2986	College Avenue
Elmwood Nails	2836	College Avenue
Great Lengths	2946	College Avenue

Exhibit C

Vintage Berkeley	2949 College Avenue
Goorin Brothers Hats	2926 College Avenue
Moonshadow	2634 Ashby
Panache	2928 College Avenue
Supercuts	2634 Ashby
Lulu Lemon	2956 College Avenue
Copy Central or replacement	2980 College #2
La Tour	2941 College Avenue
Elmwood Village Shoes	2915 College Avenue
Dailey Method (yoga studio)	2631B Ashby
Proposed new businesses	2629-2635 Ashby
Ashby Market	2642 Ashby

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**RENEWAL OF ELMWOOD THEATER BUSINESS IMPROVEMENT  
AREA ASSESSMENTS FOR 2011**

The Elmwood Advisory Board is proposing to renew assessments for the Elmwood Theatre Business Improvement Area at the existing rate for 2011.

The hearing will be held on July 13, 2010 at 7:00 p.m in the City Council chambers, 2134 Martin Luther King, Jr. Way.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **July 8, 2010**.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet. Comments received no later than Monday, July 5, 2010 will be included in Council agenda packets. Comments received thereafter will be submitted to Council as supplemental communications at the meeting. For further information, contact Deanna Despain, City Clerk, 981-6900. FAX: (510) 981-6901. TDD: (510) 981-6903.

For further information, please contact Dave Fogarty, Secretary to the Elmwood Advisory Board, at 981-7534.

**Published:** July 2, 2010 as required by BMC 7.84.080A

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 8, 2010.



Deanna Despain, City Clerk

