

RESOLUTION NO. 2025 - _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
BURBANK DECLARING RESULTS OF MAJORITY
PROTEST PROCEEDINGS AND RENEWAL OF THE
BURBANK TOURISM BUSINESS IMPROVEMENT
DISTRICT (TBID)

THE COUNCIL OF THE CITY OF BURBANK FINDS:

WHEREAS, the City created the TBID on September 20, 2011, by Resolution No. 28,403, for a five (5) year term, which ended on June 30, 2016; and

WHEREAS, the TBID was renewed on May 24, 2016, by Resolution No. 16-28,841, for a ten (10) year term, which ends on June 30, 2026; and

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City of Burbank (City) to renew business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the district; and

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the TBID, have petitioned the City Council of the City of Burbank (Council) to renew the TBID; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that describes the proposed assessment to be levied on lodging businesses, existing and in the future, with twenty-five (25) rooms or more, within the TBID, to pay for sales & marketing, destination development programs, and other improvements and activities set forth in the Plan; and

WHEREAS, the assessed lodging businesses within the TBID will receive a specific benefit from the activities and improvements as set forth in the Plan; and

WHEREAS, a public meeting was held on September 9, 2025 at 6:00 PM at the Council Chambers located at 275 E Olive Ave, Burbank, CA 91502, in which Council adopted a Resolution of Intention, Resolution No. 25-29,642; and

WHEREAS, the public meeting and public hearing to consider the renewal of the TBID have been properly noticed in accordance with Streets and Highways Code §36623; and

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WHEREAS, a public hearing was held on October 14, 2025 at 6:00 PM at the Council Chambers located at 275 E Olive Ave, Burbank, CA 91502, regarding the renewal of the TBID, in which Council heard and received objections and protests, if any, to the renewal of the TBID and the levy of the proposed assessment. No protests were received at this public hearing; and

WHEREAS, a public hearing was held on November 18, 2025 at 6:00 PM at the Council Chambers located at 275 E Olive Ave, Burbank, CA 91502, regarding the renewal of the TBID, and Council heard and received all objections and protests, if any, to the renewal of the TBID and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the renewed TBID which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business; and

WHEREAS, the City bears the burden of proving by a preponderance of the evidence that an assessment imposed for a specific benefit or specific government service is not a tax, that the amount is no more than necessary to cover the costs to the City in providing the specific benefit or specific government service, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the specific benefits or specific government services received by the payor.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The recitals set forth herein are hereby adopted as findings and deemed true and correct.

2. Pursuant to Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., sufficient written or oral protest was not received from businesses in the district which pay fifty (50) percent or more of the assessment.

3. The TBID is hereby renewed for a ten (10) year term, beginning July 1, 2026, or as soon as possible thereafter, and ending ten (10) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.

4. The Plan dated August 22, 2025 is hereby adopted and approved.

5. The activities to be provided to benefit businesses in the TBID will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the TBID; to provide activities or improvements outside the TBID; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the TBID

boundaries to create a specific benefit to the assessed businesses may be provided, but shall be limited to marketing or signage pointing to the TBID.

6. The following findings are hereby made by Council:

- a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the TBID that is not provided to those not paying the assessment.
- b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
- c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
- d) Assessments imposed pursuant to the TBID are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the "TBID Assessment" or "Tourism Assessment" as specified in the Plan.

7. The assessments levied for the TBID shall be applied towards sales & marketing and destination development programs to market Burbank lodging businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Plan.

8. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase sleeping room rentals, an assessment based on gross short-term sleeping room rental revenue is the best measure of benefit.

9. The annual assessment rate is one and three quarters percent (1.75%) of gross short-term sleeping room rental revenue. During the TBID term, the assessment rate may be increased by the Burbank Hospitality Association to a maximum rate of three percent (3%) of gross short-term sleeping room rental revenue for assessed lodging businesses. If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one half of one percent (0.5%) of gross short-term room rental revenue.

Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any person as to whom, or any occupancy as to

which, it is beyond the power of the City; stays by any Federal or State officer or employee while on official business only and when payment for such occupancy is made directly to the operator by duly authorized voucher payment from a governmental accounting office; and stays by any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty.

10. The assessments for the entire TBID will total approximately \$2,275,000 in year one (1).

11. Bonds shall not be issued to fund the TBID.

12. The TBID shall include all lodging businesses, existing and in the future, with twenty-five (25) rooms or more, available for public occupancy located within the boundaries of the City of Burbank. A boundary map is attached hereto and incorporated herein by reference.

13. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the TBID assessment is levied so long as they are used consistent with the requirements set forth herein.

14. The assessments to fund the activities and improvements for the TBID will be collected by the City, on a monthly basis, and in accordance with Streets and Highways Code §36631.

15. The Council, through adoption of this Resolution and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the TBID as defined in Streets and Highways Code §36612. The Council has determined that Burbank Hospitality Association shall be the TBID Owners' Association.

16. Burbank Hospitality Association, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the TBID.

17. The TBID renewed pursuant to this Resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

18. The City Manager, or his or her designee, is authorized to sign any documents necessary to effectuate this Resolution.

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19. The City Clerk, or his or her designee, is authorized and directed to take all necessary actions to complete the renewal of the TBID and to levy the assessments.

20. The formation of the TBID has no potential for resulting in a direct or reasonably foreseeable indirect physical change to the environment and falls outside the definition of a “project” under the California Environmental Quality Act (CEQA) and is therefore not subject to CEQA review pursuant to § 15378 of Title 14 of the California Code of Regulations (CEQA Guidelines).

21. This Resolution shall take effect immediately upon its adoption by the Council.

PASSED and ADOPTED this __ day of _____, 2025.

Nikki Perez
Mayor

Approved as to Form:
Office of the City Attorney

Attest:

By: _____
Ray Johal
Senior Assistant City Attorney

Kimberley Clark, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Kimberley Clark, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of _____ 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kimberley Clark, City Clerk

Boundary Map

