

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO. RES-17-0070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING AN ANNUAL ASSESSMENT REPORT FOR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018 FOR THE FOURTH STREET PARKING AND BUSINESS IMPROVEMENT AREA AND DECLARING ITS INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR THAT FISCAL YEAR

WHEREAS, pursuant to Section 36533 of the California Streets and Highways Code, the Fourth Street Parking and Business Improvement Area Advisory Board has caused a Report to be prepared for October 1, 2017 to September 30, 2018 relating to the Fourth Street Parking and Business Improvement Area ("FSPBIA") which is located generally in that section of the City of Long Beach bounded by Cherry Avenue and Carroll Park North with frontage along Fourth Street and as more specifically described in the Report; and

WHEREAS, said Report contains, among other things, with respect to October 1, 2017 to September 30, 2018 all matters required to be included by the above cited Section 36533; and

WHEREAS, having approved such Report, the City Council hereby declares its intention to:

- A. Confirm levy of and direct collecting within the Area, assessments for the FSPBIA for October 1, 2017 to September 30, 2018. Said assessments are proposed to be levied on such classifications and at such rates as are set forth in Exhibit "A" attached hereto and incorporated herein. These assessments are not proposed to be levied on owners of commercial or residential property;
- B. Provide that each business shall pay the assessment annually, at the

1 same time the business license is due. This is the same collection procedure which
2 occurred in the previous fiscal year; and

3 WHEREAS, to this end, the proposed activities and improvements
4 undertaken by the Area include those generally specified in the establishing Ordinance
5 No. ORD-07-0043, Section 5, as adopted by the City Council on September 18, 2007;
6 and

7 WHEREAS, a copy of the Report is on file with the City Clerk and includes
8 a full description of the activities and improvements to be provided from October 1, 2017
9 to September 30, 2018, the boundaries of the area, and the proposed assessments to be
10 levied on the businesses that fiscal year and all other information required by law; and

11 WHEREAS, it is the desire of this City Council to fix a time and place for a
12 public hearing to be held in the City Council Chamber of the City of Long Beach on
13 September 19, 2017 at 5:00 p.m., regarding the Report, the levy and the proposed
14 program for October 1, 2017 to September 30, 2018;

15 NOW THEREFORE, the City Council of the City of Long Beach resolves as
16 follows:

17 Section 1. That certain Report entitled "Fourth Street Parking and
18 Business Improvement Area Fiscal Year 2017/18 Assessment Report and Service Plan"
19 attached hereto as Exhibit "B" and incorporated herein, for the period October 1, 2017 to
20 September 30, 2018, as filed with the City Clerk is hereby approved.

21 Section 2. On September 19, 2017 at 5:00 p.m., in City Council
22 Chamber, City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City
23 Council of the City of Long Beach will conduct a public hearing on the levy of proposed
24 assessments for October 1, 2017 to September 30, 2018 for the FSPBIA. All concerned
25 persons are invited to attend and be heard, and oral or written protests may be made, in
26 accordance with the following procedures:

27 A. At the public hearing, the City Council shall hear and consider
28 all protests. A protest may be made orally or in writing by any interested

1 person. Any protest pertaining to the regularity or sufficiency of the
2 proceedings shall be in writing and shall clearly set forth the irregularity or
3 defect to which the objection is made.

4 B. Every written protest shall be filed with the City Clerk at or
5 before the time fixed for the public hearing. The City Council may waive
6 any irregularity in the form or content of any written protest and at the public
7 hearing may correct minor defects in the proceedings. A written protest
8 may be withdrawn in writing at any time before the conclusion of the public
9 hearing.

10 C. Each written protest shall contain a description of the
11 business in which the person subscribing the protest is interested sufficient
12 to identify the business and, if a person subscribing is not shown on the
13 official records of the City as the owner of the business, the protest shall
14 contain or be accompanied by written evidence that the person subscribing
15 is the owner of the business. A written protest which does not comply with
16 this section shall not be counted in determining a majority protest.

17 D. Testimony is also invited relating to any perceived
18 irregularities in or protests to previous years' proceedings/assessments.

19 Section 3. The City Clerk shall give notice of the public hearing called for
20 in Section 2 by causing this Resolution of Intention to be published once in a newspaper
21 of general circulation in the City not less than seven days before the public hearing.

22 Section 4. This resolution shall take effect immediately upon its adoption
23 by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 8, 2017, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price,
Supernaw, Mungo, Andrews,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.


City Clerk

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**Fourth Street Parking and Business
Improvement Area**

**Fiscal Year 2017/18 Assessment
Annual Report and Service Plan**

For the period
October 1, 2017 to September 30, 2018

July 2017



**Fourth Street Parking and Business Improvement Area
2017/18 Assessment Report and Service Plan**

City of Long Beach, California

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I. DISTRICT OVERVIEW

Conceived by a coalition of Fourth Street business owners, the Fourth Street Parking and Business Improvement Area (the "FSPBIA" or the "District") is a benefit assessment district formed on September 11, 2007 by Ordinance 07-0043 to attract customers to the Fourth Street shopping area.

The purpose of the District is to actively promote and market the Fourth Street shopping district as a destination through events, neighborhood clean-ups, community outreach, and advertising. The Fourth Street Business Improvement Association (the "FSBIA" or "4th Street BID") manages the District under contract with the City of Long Beach.

A. Location: Fourth Street between Cherry Avenue and Temple Avenue East. See map in Section II.

B. Services: Marketing, promotions, and cleanliness programs to improve the appearance and attractiveness of the business district.

C. Method of Assessment: Special benefit assessment for marketing and promotion of businesses operating within the District. The estimated 2018 fiscal year revenue from business assessments is \$17,500.

Each business operating within the District will be assessed \$200 per year with the following exceptions:

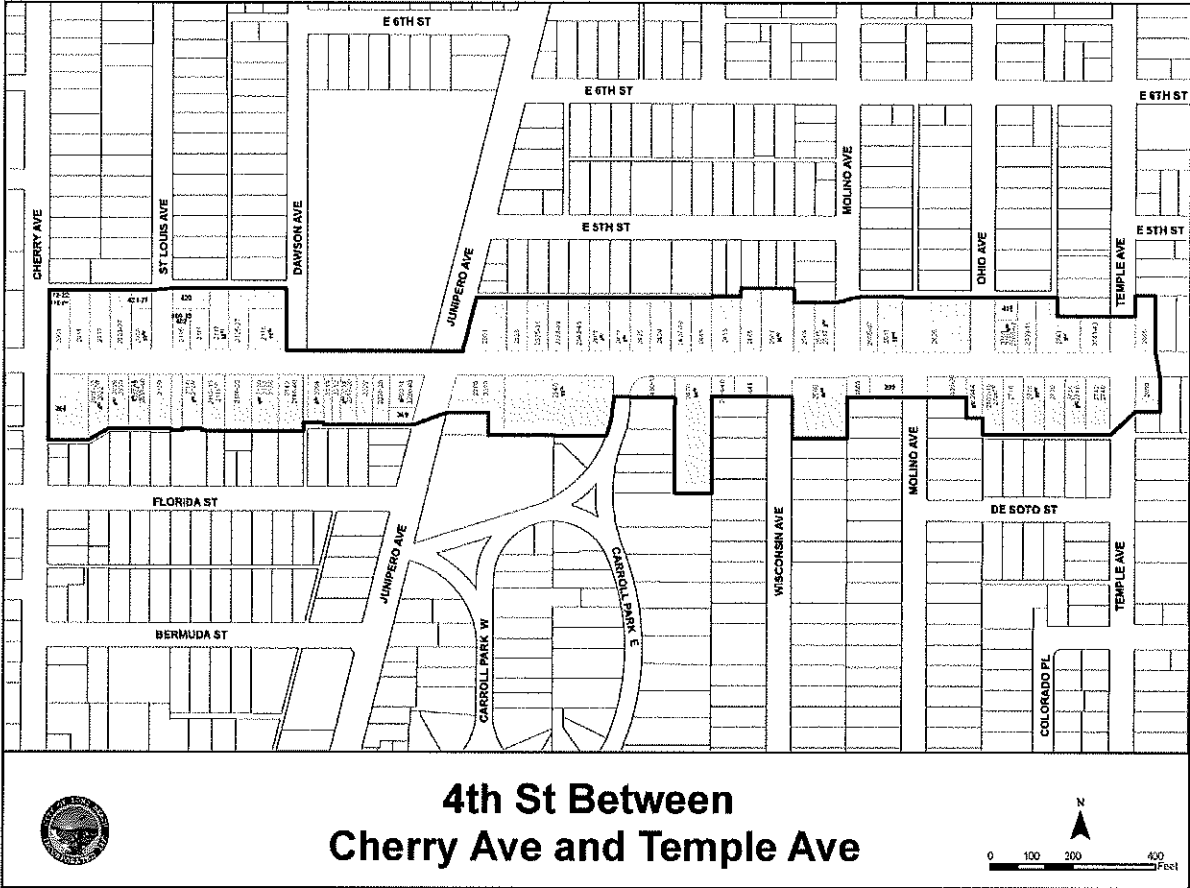
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each non-profit organization is assessed \$100 per year
- Secondary service operator and residential rental licensees are exempt from the assessment

D. Method of Collection District assessments will be invoiced and due with annual City of Long Beach Business License renewal statements. Assessment revenue received will be segregated into a special fund for transfer to the FSPBIA.

E. Authority The FSPBIA is a benefit assessment district formed under the authority of the State of California, Streets and Highways Code Part 6 (commencing with Section 36500) of Division 18; the Parking and Business Improvement Area Law of 1989 (the "District Law").

II. Fourth Street Parking and Business Improvement Area Boundary

A. District Map – 4th Street: Cherry Avenue to Temple Avenue East.



—— Boundary Line

B. General Description

The Fourth Street Business Improvement Association (FSBIA) provides marketing and promotional services for the Fourth Street area with funds received from Fourth Street Parking and Business Improvement Area (FSPBIA) assessments, as well as funds received from the operation of a metered parking lot located on the SE corner of 4th Street and Cherry Ave.

C. Board of Directors

Officers

President..... Chris Giaco, inretrospect
Vice-President Johanna Moynahan, Far Outfit
Secretary..... Porter Gilberg, The Center
Treasurer..... Kathleen Schaaf, Meow

Directors

Stephanie Blakeslee, Art du Vin
Chris Giaco, inretrospect
Porter Gilberg, The Center
Jennifer Hill, Songbird
Kerstin Kansteiner, Portfolio Coffeehouse
Kelli Koller, Seventh Wave Surf
Johanna Moynahan, Far Outfit
Luis Navarro, Lola’s Mexican Cuisine
Sophia Sandoval/Jim Ritson, 4th Street Vine
Kathleen Schaaf, Meow

Monthly Board Meetings

1st Tuesday of the month at Portfolio Coffeehouse at 2300 E 4th Street, Long Beach, CA 90814

8:30am

Monthly General Meetings

2nd Thursday of the month at The Center at 2017 E 4th Street, Long Beach, CA 90814

8:30am

III. SERVICE PLAN AND BUDGET

A. The Year in Review – 2016/2017 Events

Colloquially nicknamed “Retro Row,” the area along Fourth Street between Cherry and Temple Avenues is known regionally as well as internationally for its eclectic style and storefronts, independent spirit, and retro-inspired mix of shops and services.

Ten years after the inception of the Business Improvement District, the FSBIA continues to evolve, expanding its already unique mix of shopping, dining, and entertainment experiences. Since the eastward expansion of the District to Temple Ave in 2015, FSBIA continues to actively solicit the participation of new affiliate member businesses with an eye toward possible westward expansion in the coming years. The Association continues to actively encourage participation of existing members through monthly meetings, regular and transparent communications, and improved access to BID resources. Building on the recent successes of a new and improved 4th Street logo, a revamped website, and an overall re-branding effort, the BID continues to grow and improve its social media outreach and improve marketing efforts both locally and beyond. Using Retro Row’s established reputation for diverse and unique offerings, additional emphasis is being placed on street-wide events and attractions in order to broaden its appeal to a changing shopping demographic, and to creatively manage the ever-increasing effects of online shopping habits on traditional retail sectors.

Programs Conducted During the 2016-2017 Period:

- **2nd Annual Pour on Fourth Event-** A ticketed four-hour “stroll and sip” event held on **October 15, 2016** featured craft beer and wine samples available at over 25 participating businesses along the Retro Row corridor. The event attained sold-out capacity with 500 tickets sold, and raised over \$8,500.00 for BID-related improvement projects.
- **Annual Holiday Open House Event-** Commencing with Small Business Saturday on November 26, the District’s seasonal campaign promoted a *shop local, shop independent* theme, effectively leading up to its annual Holiday Open House event on Thursday **December 15, 2016** which featured multiple Santa photo-ops, art openings, and seasonal food and drink specials, as well as a caroling marching band. Street-wide seasonal décor was also in place, supplemented by individual storefront décor, which was further highlighted by a window-by-window representation of Dickens’ classic *A Christmas Carol*.

- **Monthly Fourth Fridays On Fourth 4th Events-** April 2017 saw the inaugural event for 4th Fridays on 4th, a planned recurring and ongoing monthly event taking place the 4th Fridays of every month from 6-9pm. Conceived as a means to further encourage evening foot traffic and visitors along the Retro Row corridor, the event features live music, pop-up shops, art openings, food & beverage specials, as well as complimentary bike valet and trolley rides.
- **Regular Street Clean-Ups and Branding (Ongoing)-** The regular sweeping, quarterly street-wide clean-ups, graffiti reporting, and code enforcement efforts are vital to keep the 4th Street BID attractive and safe. The Association also earmarked funds from its successful *Pour on Fourth* event to apply Fourth Street Logo street stencils on over 30 crosswalk ramps along the corridor.
- **Maintenance of Landscaping in “Garden Walk” and 4th and Cherry Parking Lot (Monthly)-** The 4th Street BIA continues to maintain both The Garden Walk (along the Burbank Elementary School at 4th and Junipero), and the general landscaping in and around the 4th and Cherry Parking lot. Regular maintenance of these common areas makes the street look more attractive and safe, in addition to helping prevent vagrancy, littering, and vandalism.
- **Maintenance and Update of 4th Street/Retro Row Website (Ongoing)-** The Association has made significant changes to its website design and underlying infrastructure in order to stay relevant and user-friendly. Additionally, a BID “Stakeholder” tab has been added to provide a centralized location for 4th Street logos and collateral, meeting notes, and other vital information for BID Members.
- **Hiring Of A Dedicated Social Media Specialist (April 2017)-** Recognizing the ever-increasing importance of social media platforms as integral to the success of local business districts, the BID approved the hiring of a dedicated, locally-based Social Media Specialist. In short order, the caliber and frequency of posts and engagement with our Facebook, Instagram, and Twitter accounts have dramatically increased. Educating and training individual merchants on how to maximize their social media knowledge and how to best engage with the larger 4th Street platforms is also a priority.

Planned FY 2017/18 Activities and Areas of Focus:

- Two Annual Street-Wide Events:
 1. 3rd Annual “Pour on Fourth Event” [October 2017]
 2. “Fourth Street Fair” [June 2018]
- Annual Holiday Open House Event [December 2017]
- Ongoing monthly “Fourth Fridays” evening event [2017-2018]
- Design and implementation of 4th Street pole banner program prominently featuring the 4th Street logo and “*I am 4...*” marketing campaign [Summer 2017]
- Design and implementation of two 4th Street “murals” by local artist Dave Van Patten to identify the East (4th and Temple) and West (4th and Cherry parking lot) boundaries of Retro Row [Summer 2017]
- Increased focus on creative social media outreach and marketing efforts with the goal of increasing engaged and active followers, and driving foot traffic to the district.
- Increased outreach and partnership with surrounding neighborhood associations with the goal of increasing local awareness about the district.
- Explore possibilities for creative uses of the 4th and Cherry Parking Lot consistent with the focus of the street. Such possibilities might include farmer’s markets, bicycle-related events, flea markets, and electric vehicle charging stations.
- Promote, maintain, and expand the Street’s resources and reputation as a bike and pedestrian-friendly district through events such as Beach Streets and Parking Day, encouraging the use of bike share stations, strategic placement and realignment of bike racks, and working with the District Office to explore the possibilities of crosswalks, parklets, and other vehicular traffic-slowing measures.
- Renewed focus on encouraging business participation and corridor beautification efforts in the Association, especially at the respective intersections of both Cherry and Temple Avenues, while also exploring the feasibility of expanding the BID westward to include Hermosa Ave. and beyond.
- Renewed outreach and marketing efforts to promote event rentals, filming, parking lot rentals, and other possible revenue-generating opportunities.
- Explore options and feasibility of a 4th Street/Retro Row loyalty card program to encourage both 4th Street employees and surrounding neighbors to shop and support the businesses along the corridor.

B. Service Plan

The FSPBIA Service Plan provides for funding for marketing, promoting and maintaining the cleanliness and attractiveness of the shopping district. Although a relatively small BID with a relatively small number of participants, the Association continues to aggressively and creatively manage a modest budget to facilitate and promote events, as well as to maintain the overall cleanliness and “curb appeal” of the Retro Row corridor. Effective January 2016, the FSPBIA became the official lessee of the parking lot at the corner of 4th and Cherry, which was previously managed directly by the City of Long Beach. The installation of a new parking meter in combination with adjusted parking rates have resulted in approximately \$4,000 in additional monthly revenue for the BID.

Budgeted services to be provided are:

1. Social Media & Marketing Services **Amount: \$12,400.00**

The BID has retained the services of Curated media services at a \$700 monthly rate to manage all social media content, updates, and postings for the 4th Street Instagram, Facebook, and Twitter platforms to promote Retro Row and its affiliated merchants in conjunction with existing marketing and advertising efforts.

2. Promotional Events **Amount: \$19,000.00**

A significantly increased portion of our 2018 budget will be invested in 4th Street events, including our annual “Pour on Fourth” fall event, a larger scale street-wide “Fourth Street Fair” in early summer 2018, as well as an annual Holiday event. Additionally, the BID has recently introduced a monthly and ongoing “Fourth Fridays on Fourth” event to great success.

3. Landscape Maintenance & Parking Lot Rental **Amount: \$26,000.00**

The majority of these budgeted funds are committed to the \$2,000 monthly rental of the 4th & Cherry parking lot, with continued dedicated funding retaining the monthly services of a landscaping company to maintain the parking lot at the corner of 4th and Cherry, and the Garden Walk alongside Burbank Elementary School.

4. Administrative Expenses **Amount: \$8,100.00**

Aside from ongoing insurance and accounting service expenses, the Association retains a dedicated administrative position to take and post monthly meeting notes, maintain and update email contact lists, research and submit grants and sponsorships, and perform basic website maintenance updates for a \$350 monthly fee.

C. Service Plan Budget

Services will be provided based on the following estimated allocation of FSPBIA revenue totaling \$17,500 from business assessments, plus an estimated \$48,000 in parking meter revenue from the 4th & Cherry parking lot for FY 2017/18, for a total annual operating budget of approximately \$65,500. No Consumer Price Index adjustment is applied to assessment fees for FY 2017/18. Areas of focus include:

- **Two annual street-wide events (fall & summer), plus one annual Holiday event**
- **Ongoing Fourth Fridays monthly events**
- **Continued updates of 4th Street / Retro Row brochures and website**
- **Increased social media marketing, messaging, and outreach**
- **Continued street cleaning and beautification efforts, including street pole banners and two Retro Row-themed murals**
- **Continued maintenance and landscaping of 4th and Cherry Parking Lot**
- **Working with Burbank school and Rose Park Neighborhood Association on maintenance and beautification efforts along shared property lines.**
- **Ongoing efforts to maintain a bike & pedestrian friendly business corridor, and to explore auto traffic mitigation options with 2nd District Council Office**
- **Develop creative and viable uses for 4th and Cherry parking lot, including rental opportunities, or additional event programming**

Annual Programming Budget-2017/18

Marketing

Social Media Management	\$ 8,400.00
Website Maintenance & Updates	\$ 800.00
Marketing Collateral & Design	\$ 1,200.00
Advertising	\$ 2,000.00

Sub Total	\$12,400.00
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Street-Wide Promotional Events

Summer Fourth Street Fair	\$ 3,000.00
Fall Pour-On-Fourth Event	\$ 3,000.00
Holiday Open House	\$ 1,000.00
Fourth Fridays Monthly Events	\$12,000.00

Sub Total	\$19,000.00
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Streetscape and Maintenance

Annual Parking Lot Rent	\$ 24,000.00
Annual Parking Lot Maintenance	\$ 1,800.00
Annual Garden Walk Maintenance	\$ 200.00

Sub Total	\$26,000.00
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TOTAL PROGRAMMING	\$57,400.00
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Administrative Expenses

Administrative Duties	\$ 4,200.00
Annual Insurance Premiums	\$ 2,500.00
Accounting Services	\$ 700.00
Office & Events Supplies	\$ 500.00
Contingency	\$ 200.00

Sub Total	\$ 8,100.00
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GRAND TOTAL FY 2018 BUDGET	\$ 65,500.00
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IV. ASSESSMENTS

A. Methodology

Improvements and activities identified in the Service Plan are designed to improve the appearance of pedestrian areas and safety, thereby making the area more attractive to customers. All businesses in the District will benefit from these improvements, although retail, financial, professional and service businesses are expected to benefit more than miscellaneous, wholesale, manufacturing or other businesses that do not rely upon foot traffic; therefore, these latter businesses pay a reduced assessment. The proposed assessment rate for each business operating within the District is shown in the following table.

Fourth Street Parking and Business Improvement Area Assessment Methodology:

Business License Category	Annual Rate
Financial/Banking & Insurance	\$200
Service: Real Estate Offices	\$200
Retail: Restaurant w/Alcohol & RTE	\$200
Retail: Other	\$200
Consulting	\$200
Construction Contractor	\$200
Professional	\$200
Service: Other	\$200
Miscellaneous: Rec/Ent, Vend, Manf, Uniq, Whlsl,	\$100
Commercial Space Rental	\$100
Non-profit Business Operations	\$100
Residential Property Rental	n/a
All Secondary Licensees	n/a

Estimated FY 2017/2018 assessment revenue is \$17,500.00

B. CPI Adjustments

The assessment may be increased each year to reflect the annual change in the Consumer Price Index for All Urban Consumers in Los Angeles-Riverside-Orange Counties. The annual increase shall not exceed three percent (3%) of the previous year's assessment. The annual Consumer Price Index variance will be calculated in March and applied in July of each year. The District will have a fiscal year of October 1 through September 30.

C. Time and Manner for Collecting Assessments

Business operator assessments will be invoiced and due with annual City of Long Beach Business License renewal statements. Assessment revenue received will be segregated into a special fund for transfer to the FSBIA.

V. DISTRICT GOVERNANCE AND ADMINISTRATION

A. The Fourth Street Business Improvement Association

1. The Fourth Street Business Improvement Association shall manage the FSPBIA and shall exercise the powers of the Advisory Board set forth in the District Law including the following.

- (a) The Advisory Board shall cause to be prepared a report for each fiscal year (October 1 through September 30) 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 parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses, if a classification is used
- (b) The report shall be filed with the clerk and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following:
 - (1) Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area.
 - (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 business owner to estimate the amount of the assessment to be levied against his or her business 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 the Advisory Board or may modify any particular contained in the report and approve it as modified. 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 assessments.

2. The Fourth Street Business Improvement Association board will serve and the FSPBIA Advisory Board and shall be appointed by the City Council as required by District Law.
3. The FSPBIA Advisory Board shall comply with the Brown Act when discussing or acting on matters within the subject matter of the district (e.g. annual report assessment methodology, boundaries, budget and Service Plan).

B. Disestablishment

According to State law, any district where there is no outstanding indebtedness may be disestablished by resolution of the City Council. This may occur if the City Council finds that funds have been improperly used or if the assessees request disestablishment. There will be a thirty-day window every year beginning on the one-year anniversary of the establishment of the District-in which business owners may petition to disestablish the District. If the assessees who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.