



CITY OF LONG BEACH

H-2

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

October 8, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, adopt the Resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2013 through September 30, 2014; authorize the City Manager to extend the agreement with the Fourth Street Business Improvement Association for a one-year term; and declare the Ordinance amending the boundaries of the FSPBIA read the first time and laid over to the next regular meeting for final reading. (District 2)

DISCUSSION

The Fourth Street Business Improvement Association (FSBIA) uses business license assessment funds to promote and market the commercial area along Fourth Street on behalf of businesses located in the Fourth Street Parking and Business Improvement Area (FSPBIA). The FSBIA governs the assessment to be collected. To continue the assessment levy, State law requires that a public hearing be held on the proposed program and assessment.

The Assessment Report, attached to the Resolution as Exhibit A, describes boundaries, proposed activities and budgetary information, as well as the method and basis for continuation of the assessment. The Assessment Report proposes no change in the basis and method of levying the assessment and no significant change in proposed activities.

The Assessment Report requests a change in the District boundaries to include businesses located easterly on Fourth Street to Temple Avenue. The FSPBIA board petitioned the businesses located within the boundaries of the proposed expansion via US mail, and they conducted outreach by walking door-to-door. As a result, 65 percent of the total number of businesses located within the proposed additional area expressed support for the District expansion. Of the number of business owners who responded to the petition, 87 percent are in support of the expansion. It is requested that the City Council adopt the ordinance amending Ordinance No. ORD-07-0043 modifying the Fourth Street Parking and Business Improvement Area boundary as shown on the attached vicinity map.

HONORABLE MAYOR AND CITY COUNCIL

October 8, 2013

Page 2

At its September 3, 2013 meeting, City Council approved Resolution Number RES-13-0077, granting approval of the Assessment Report, declaring the intention of the City Council to levy the assessment, and set October 8, 2013 as the date of the public hearing. A hearing notice, including a copy of the resolution, was published in local media.

State law further provides that the City Council shall hear and consider all protests against the assessment, program, boundaries of the area, and/or any benefit zone as proposed in the Assessment Report. The Fiscal Year 2014 Assessment Report, transmitting the recommendations of the FSPBIA Advisory Commission, proposes the following assessment rates:

<u>Business License Category</u>	<u>Annual Assessment</u>
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
Misc, Rec/Ent, Vend, Manf, Uniq, Whlsl,	100
Commercial space rental	100
Non-profit business operations	100
Residential property rental	0
All Secondary Licensees	0

The law provides that protests may be made orally or in writing. Protests regarding the regularity or sufficiency of the proceedings shall be in writing. If written protests are received from area business owners representing 50 percent or more of the proposed assessments, the City Council shall not levy the assessment. If protests in such quantity are directed against a specific portion of the program, the City Council shall eliminate that portion.

On December 12, 2007, the City entered into an Agreement for Funding with the FSBI setting forth the duties and delegations of the parties. This Agreement is automatically extended on a year-by-year basis upon approval of the annual Assessment Report and related levy of assessments by City Council.

This matter was reviewed by Deputy City Attorney Amy Webber on August 29, 2013 and Budget Management Officer Victoria Bell on September 17, 2013.

TIMING CONSIDERATIONS

City Council action is requested on October 8, 2013 to allow purchase order and contract modifications to be completed so that Fiscal Year 2014 (FY 14) assessment transfers may be made as required by the Agreement for Funding with the FSBI.


FISCAL IMPACT

It is estimated that the FSPBIA will generate \$15,800 in FY 14 through the proposed assessment due to the boundary expansion. Assessment funds are collected through additional fees attached to FSPBIA business licenses and passed directly through to the Fourth Street Improvement Association for implementation of annual programs. Sufficient appropriation is budgeted in the FY 14 Budget in the Parking and Business Area Improvement Fund (SR 132) in the Department of Public Works (PW). Approval of this recommendation will provide continued support to the local economy.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


ARA MALOYAN, PE
ACTING DIRECTOR OF PUBLIC WORKS

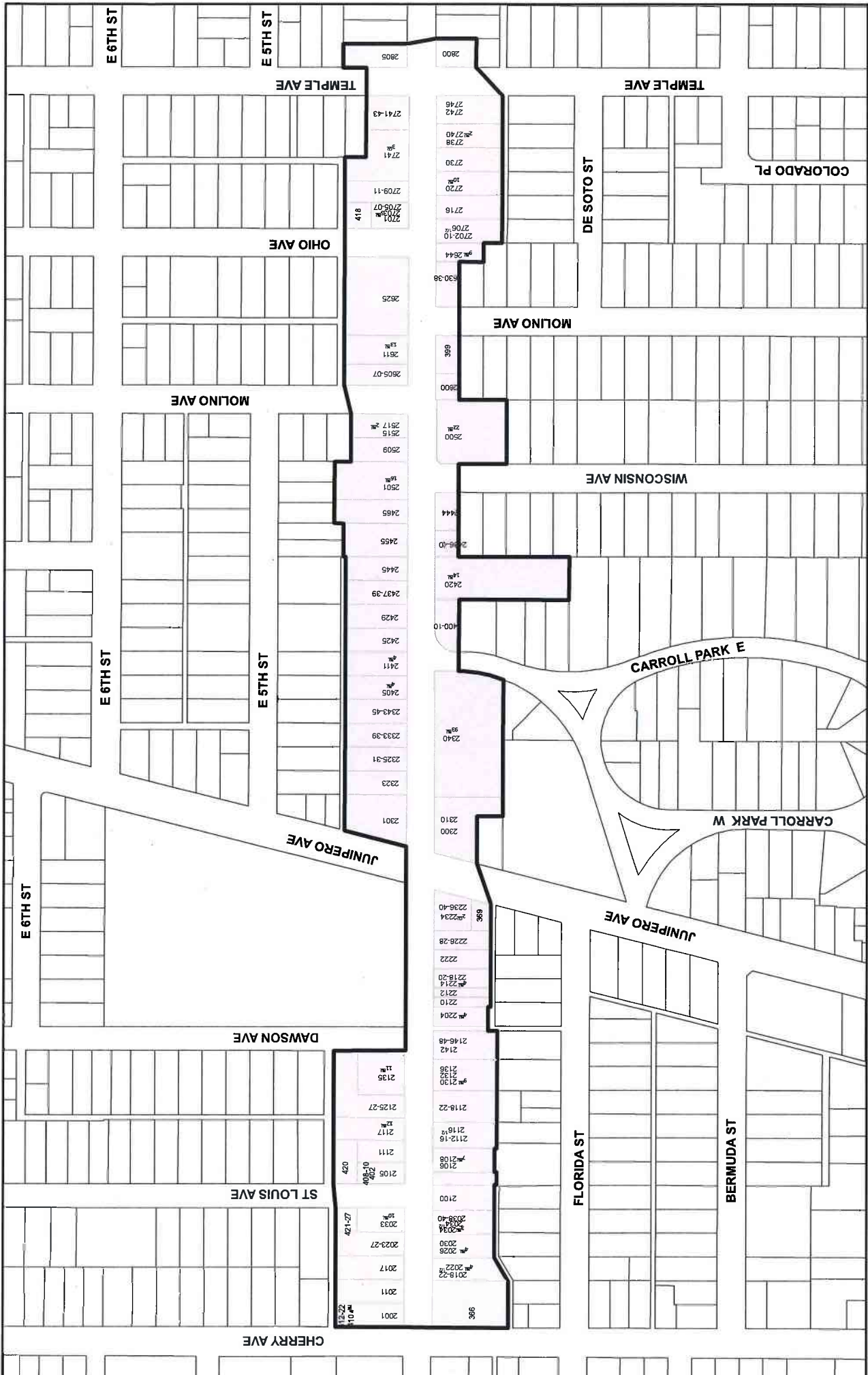
APPROVED:



PATRICK H. WEST
CITY MANAGER

AM:VSG:jsf
P:4th St PBIA Pub Hrng v4

Attachments: - Vicinity Map
Resolution Confirming Annual Report and Levy of Assessment
Ordinance to Amend ORD-07-0043



4th St Between Cherry Ave and Temple Ave



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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONFIRMING, FOLLOWING HEARING, THE ANNUAL ASSESSMENT REPORT OF THE FOURTH STREET PARKING AND BUSINESS IMPROVEMENT AREA ADVISORY COMMISSION, CONTINUING THE LEVY OF ANNUAL ASSESSMENT AS SET FORTH IN SAID REPORT AND SETTING FORTH OTHER RELATED MATTERS

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, 2012 through September 30, 2014 relating to the Fourth Street Parking and Business Improvement Area ("FSPBIA"); and

WHEREAS, said Report contains, among other things, all matters required to be included by the above cited Section 36533; and

WHEREAS, on October 8, 2013 at 5:00 p.m., the City Council conducted a public hearing relating to that Report in accordance with its Resolution of Intention No. RES-13-0077, adopted September 3, 2013, at which public hearing all interested persons were afforded a full opportunity to appear and be heard on all matters relating to the Report; and

WHEREAS, a majority protest not having been received, it is the City Council's desire to confirm the Report as originally filed and impose and continue the levy of the Annual Assessment as described in the Report;

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

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

1 Section 1. A public hearing having been conducted on October 8, 2013
2 at 5:00 p.m., and all persons having been afforded an opportunity to appear and be
3 heard, the City Council hereby confirms the Report of the Fourth Street Parking and
4 Business Improvement Area Advisory Board, previously filed and approved by Resolution
5 No. RES-13-0077, adopted September 3, 2013, as originally filed, and declares that this
6 resolution shall constitute the levy of the Assessment referred to in the Report for
7 October 1, 2013 through September 30, 2014, as more specifically set forth in Exhibit
8 "A".

9 Section 2. This resolution shall take effect immediately upon its adoption
10 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

11 I hereby certify that the foregoing resolution was adopted by the City
12 Council of the City of Long Beach at its meeting of _____, 2013, by the
13 following vote:

14	Ayes:	Councilmembers:	_____
15			_____
16			_____
17			_____
18	Noes:	Councilmembers:	_____
19			_____
20	Absent:	Councilmembers:	_____
21			_____
22			_____
23			_____
24			_____
25			_____
26			_____
27			_____
28			_____

City Clerk



Fourth Street Parking and Business Improvement Area

**Fiscal Year 2013/14 Assessment
Report and Service Plan**

For the period

October 1, 2013 to September 30, 2014

July 2013



**Fourth Street Parking and Business Improvement Area
2013/14 Assessment Report and Service Plan**

City of Long Beach, California

Contents

- I. District Overview
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 - B. Disestablishment

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. **We are requesting to expand our District to Temple Avenue along 4th Street.**

The purpose of the district is to promote and market the Fourth Street shopping district as a destination through events, clean-ups and advertising. The Fourth Street Improvement Association (the "FSIA") 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 2014 fiscal year revenue from business assessments is \$15,800.

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

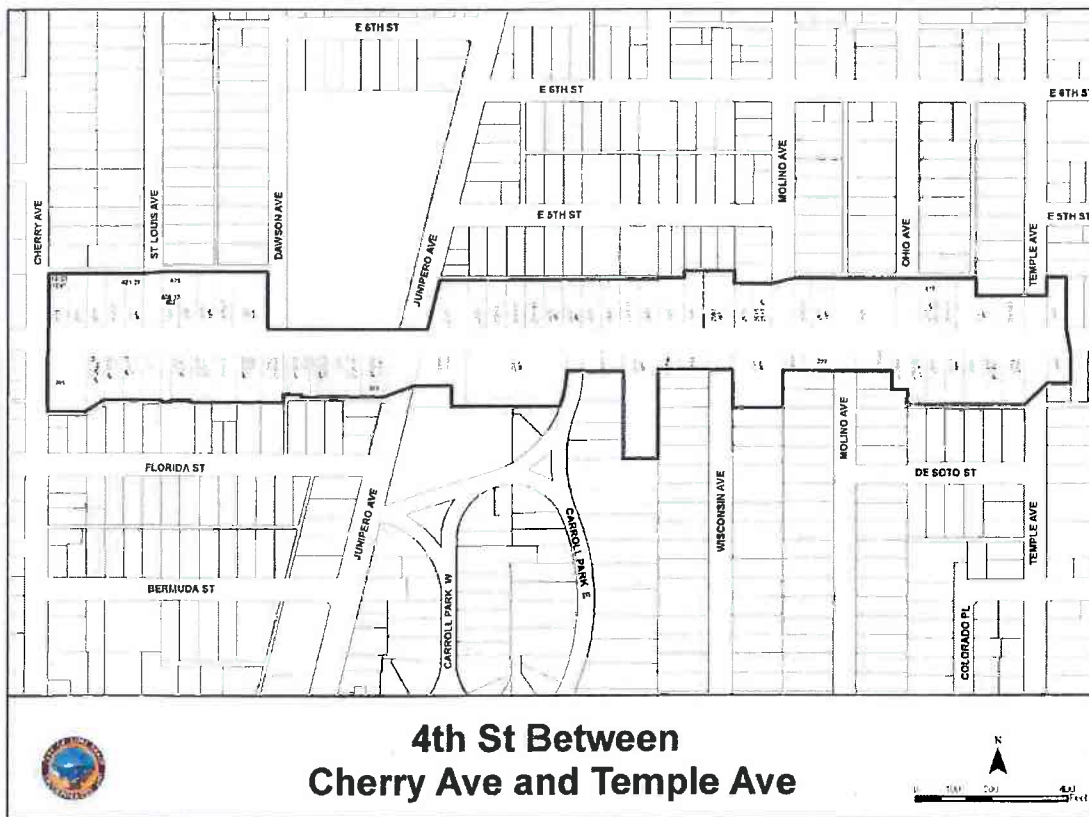
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each non-profit organization is assessed \$100 per year
- Secondary service operator and residential rental licensees are exempt from the assessment

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 FSIA.

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 Business Improvement Area Boundary

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



—— Boundary Line

B. General Description

The Fourth Street Improvement Association (FSIA) delivers marketing and promotional services for the Fourth Street area with funds received from Fourth Street Parking and Business Improvement Area (FSPBIA) assessments.

C. Board of Directors

Officers

President.....	Kerstin Kansteiner, Portfolio Coffeehouse
Vice President.....	Kathleen Schaaf, Meow
Secretary.....	Barbara Brunner
Treasurer.....	Kathleen Schaaf, Meow

Directors

Barbara Brunner
 Kerstin Kansteiner, Portfolio Coffeehouse
 Steven Sarinana, Trebor Nevets
 Kathleen Schaaf, Meow
 Sophia Sandoval, 4th Street Vine
 David Eaton/Chris Giaco, Inretrospect
 Luis Navarro, Lolas Mexican Cuisine
 Chris Reece, The Pike Bar and Restaurant

Monthly Board meetings

1st Tuesday of the month at Kafe Neo at 2800 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 – 2013 events

Known as “Retro Row,” the area along Fourth Street between Cherry Avenue and Carroll Park East offers a unique shopping area. This relatively small area is known regionally as well as internationally for its eclectic shops and hip product selection.

Fourth Street businesses continue making strides in promoting the district. Working together during the sixth year of the business improvement district, the FSIA has continued with regular meetings, gained the participation of new additional affiliate member businesses and increased the scope and impact of marketing and promotional programs. Programs conducted during 2012 included:

- **Two Sidewalk Sales “Retro Ramble”(summer and fall event)**
 - The street held two sidewalk sales with different themes. Both proved highly successful and attracted visitors from the neighborhood as well as neighboring cities.
- **One Holiday Open House Event (December)**
 - The Holiday Open House event started off the shopping season for this district and promoted a *shop local, shop independent* slogan.
- **Regular Street Clean-Ups (daily and monthly)**
 - The regular sweeping, graffiti reporting and code enforcement efforts are vital to make 4th Street BIA attractive and safe.
- **Maintenance of Sprinkler System in “Garden Walk” (Summer)**
 - The Garden Walk (along Burbank Elementary School at 4th and Junipero) was planted over 10 years ago with a NPP grant. The 4th Street BIA has maintained the planter beds and sprinkler system to this day. The recent re-greening of the area with native and drought tolerant plants makes the street look more attractive and cared for.
- **4th Street – Creation of BFBD**
- Retro Row became a Bike-Friendly Business District. A BFBD committee was established with business owners to explore the possibilities of becoming more bike friendly. All events on 4th Street now include bike-friendly parking options.
- **Maintenance and Update of 4th Street Retro Row Website (monthly)**
 - As print media is fading more and more in the background of our marketing efforts, online presence is where the association will be focusing in the future.
 - The association completely overhauled its website and integrated it with its current FB and other online marketing tactics.
- **Business Outreach Committee on for 4th Street Retro Row (ongoing)**
 - We have created an outreach committee to welcome new businesses and actively recruit businesses to locate to 4th Street.

- **Business Listing Brochure**
 - The marketing brochure received a full makeover in 2013 and shines with a new design and updated content.
- **Welcome Brochure for New Businesses**
 - This new brochure gives all new (and old) BIA members access to necessary phone numbers, websites and grants available to start a new business on 4th Street.

Planned FY 2013/14 activities will include:

- **2 Sidewalk Sales “Retro Rambles”**
- **Expansion of Retro Ramble in the spring 2014 to include a music festival**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning**
- **Maintenance of a business outreach committee**
- **Maintenance of Parking Lot at 4th and Cherry**
- **Maintenance of a bike friendly business corridor**
- **Implementation of a Bike Rental Kiosk**
- **Implementation of an electric car charging station**

B. Service Plan

The FSPBIA Service Plan provides for funding for marketing, promoting and maintaining the cleanliness and attractiveness of the shopping area. Although we are a new organization, with relatively few participants, we have amassed a modest budget that will enable us to plan and promote events, as well as contribute to the overall cleanliness of our area.

Services to be provided are:

1. Marketing Media and Materials Amount: \$5800

These services will include the new development and continuous updating of the 4th Street website as well as print advertising for our special events and general pieces to promote the street.

Social media promotion has become a large part of 4th Street’s marketing efforts and we will continue to strengthen our efforts in this regard.

2. Promotional Events

Amount: \$7100

The largest portion of this budget will go towards regular 4th Street events, such as Sidewalk Sales (Retro Ramble), Holiday Open House and other promotional events.

3. Streetscape and Cleanliness

Amount: \$1700

In an ongoing effort to maintain the cleanliness of our street, we have earmarked funds for streets scaping and cleanliness. A landscaping company has been hired to maintain not only the parking lot (at 4th and Cherry), but also the Garden Walk alongside Burbank Elementary School.

C. Services Budget

Services will be provided based on the following estimated allocation of FSPBIA revenue totaling \$15,800 for FY 2012/13. No Consumer Price Index adjustment is applied to assessment fees for FY 2013/14.

- **2 Sidewalk Sales/“Retro Rambles”**
- **Expansion of Retro Ramble in the spring to include music festival**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning**
- **Maintenance of a business outreach committee**
- **Maintenance of Parking Lot at 4th and Cherry**
- **Maintenance of a bike-friendly business corridor along 4th Street**
- **Implementation of a Bike Rental Kiosk**
- **Implementation of an electric car charging station**

Annual Programming

Marketing	
PR Services	3000

Marketing Collateral (Ongoing)	1400
Advertising	1400

Sub Total	5800
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Promo Events	
Sidewalk Sales (2)	3800
Holiday Open House	1000
Other promotional events (e.g., Car Show events)	2300

Sub Total	7100
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Streetscape and Maintenance

Landscaping Supplies	200
Parking Lot Maintenance	1000
Garden Walk Maintenance	500

Sub Total	1700
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Total Programming	14,600
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Administrative Expenses

Accounting	700
Insurance	400
Contingency	100

Sub Total	1200
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Grand Total	\$15,800
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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, but 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.

Business License Category	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
Misc: Rec/Ent, Vend, Manf, Uniq, Whlsl,	100
Commercial Space Rental	100
Non-profit Business Operations	100
Residential Property Rental	0
All Secondary Licensees	0

Estimated FY 2013/ 2014 assessment revenue is \$15,800.

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 FSIA.

V. DISTRICT GOVERNANCE

A. The Fourth Street Business Improvement Association

1. The Fourth Street 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.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING ORDINANCE NO.
ORD-07-0043 MODIFYING THE BOUNDARIES OF THE
FOURTH STREET PARKING AND BUSINESS
IMPROVEMENT AREA

The City Council of the City of Long Beach ordains as follows:

Section 1. A public hearing having been duly called pursuant to
Resolution of Intention No. RES-13-0077, adopted September 3, 2013, Section 3 of
Ordinance No. ORD-07-0043, is amended to read as follows:

Section 2. That the boundaries of the Fourth Street Parking and
Business Improvement Area are set forth in Exhibit "A" attached hereto.

Section 3. The City Clerk shall certify to the passage of this ordinance by
the City Council and cause it to be posted in three (3) conspicuous places in the City of
Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
Mayor.

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

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

EXHIBIT A



4th St Between Cherry Ave and Temple Ave

