Legislation Details (With Text)

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Type:	Resolution			**Status:**	Adopted
File created:	3/8/2010			**In control:**	City Council
On agenda:	3/23/2010			**Final action:**	3/23/2010
Title:	Recommendation to adopt Resolution of Intention to form the East Anaheim Street Parking and Business Improvement Area, to set the date for public hearing for April 20, 2010 at 5:00 p.m., and to designate the Advisory Board; authorize City Manager to initiate majority protest proceedings; increase appropriations in the Parking and Business Area Improvement Fund (SR 132) in the Department of Community Development (CD) for $33,178; and authorize City Clerk to receive written protests. (Districts 3,4)				
Sponsors:	Community Development				
Indexes:					
Code sections:					
Attachments:	1. 032310-R-21sr&att.pdf, 2. RES-10-0031.pdf				

Date	Ver.	Action By	Action	Result
3/23/2010	1	City Council	approve recommendation and adopt	Pass

Recommendation to adopt Resolution of Intention to form the East Anaheim Street Parking and Business Improvement Area, to set the date for public hearing for April 20, 2010 at 5:00 p.m., and to designate the Advisory Board; authorize City Manager to initiate majority protest proceedings; increase appropriations in the Parking and Business Area Improvement Fund (SR 132) in the Department of Community Development (CD) for $33,178; and authorize City Clerk to receive written protests. (Districts 3,4)

The Parking and Business Improvement Area Law of 1989 of the California Streets and Highways Code allows for the creation of Business Improvement Areas, allowing business owners to voluntarily levy an assessment upon themselves to provide for improvements and or activities.

Businesses along Anaheim Street, between Junipero Avenue and Pacific Coast Highway, have petitioned the City for creation of a business improvement district, Le., the East Anaheim Street Parking and Business Improvement Area (EASPBIA). The new business improvement district shall be comprised of business licensees within the proposed boundaries, as described later in this report.

The EASPBIA Initial Assessment Report and Proposed Service Plan (Assessment Report) details the boundaries of the EASBPIA, the amount and method of assessment for each business, and the improvements for which the assessment funds will be used. The assessment methodology will generate approximately $132,710 in revenue during the first year.

In order to form the EASPBIA in a timely manner, the initial term will be for the period July 1, 2010 through September 30, 2010. Estimated revenue for the initial term is $33,178. The Assessment Report is provided as an exhibit to the attached Resolution of Intention (ROI).

The East Anaheim Street Business Association (EASBA) is an organization of business owners in the

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same general vicinity as the proposed EASPBIA. Through the EASBA, the business community has implemented programs to increase the attractiveness of the area, promote their unique products and services, reduce crime, and improve the economic vitality of area businesses. Business owners totaling more than 50 percent of the proposed assessment area have signed petitions in support of the EASPBIA and related assessment.

Use of Funds

EASPBIA funds shall be used to administer marketing programs to promote the Anaheim Street shopping area and to fund projects, programs and activities that benefit the individual businesses within the boundaries of the EASPBIA. The EASBA, the managing entity of the EASPBIA, shall be required by contract to submit quarterly and annual financial and program reports.

Adoption Process

The ROI and Assessment Report are necessary to establish the EASPBIA's boundaries, specify its mission and, per State Code, describe its intended improvements and activities. The ROI and Assessment Report also establish the EASPBIA Advisory Board, proposing that the East Anaheim Street Business Association administer marketing and service programs and provide the method and basis of levying the assessment.

The recommended ROI grants approval of the Assessment Report, declares the intention of the City Council to levy the assessment for proposed activities, and sets the date of the public hearing for April 20, 2010. A copy of the ROI shall be mailed to each business within the proposed district within seven days of adoption. In addition, a copy of the ROI shall be published in a newspaper of general distribution in Long Beach at least seven days in advance of the hearing.

The adoption of the ROI would declare the City Council's intent to begin the EASPBIA proceedings and to set a public hearing for April 20, 2010 at 5:00 p.m. The City Council shall receive written or oral protests at the public hearing. Protests must be filed in writing with the City Clerk and must contain sufficient detail to identify the business and evidence allowing the City to substantiate ownership, so as to obtain a count in determining a majority protest. If the owner is a corporation, limited partnership or other legal entity, the authorized representative for the entity shall be authorized to sign the protest. Prior to the close of the scheduled hearing, the City Clerk must receive all written protests.

If valid written protests are received from business owners comprising of 50 percent or more of the proposed EASPBIA assessment payments, and none are withdrawn, no further proceedings to create the district or issue the levy shall be undertaken for one year.

EASPBIA Boundaries and Levy

The EASPBIA shall include businesses fronting Anaheim Street, from the west side of Junipero Avenue to the east side of Pacific Coast Highway, between 11th and 14th Streets. A map is included in the Initial Assessment Report and Proposed Service Plan.

Each business operating within the district shall be assessed as shown in the following table:

- Tvpe 1 Businesses

Retail, recreation and entertainment, and unique businesses shall pay the following annual assessment fees:

- Base Fee - $300 per year, except that secondary licensees in these classes are exempt; and
- Employee Fee - $15 per employee up to $300 maximum.

- Type 2 Businesses

Service, vending, professional, wholesale, contractor, manufacturing and miscellaneous mobile businesses shall pay the following annual assessment fees:

- Base Fee - $200 per year, except that secondary licensees in these classes are exempt; and
- Employee Fee - $15 per employee up to $300 maximum

- Type 3 Businesses

Non-residential space rental businesses shall pay the following annual assessment fees:

- Base Fee - Employee Fee

- $120 per year - Not applicable

Advisory Board

The ROI and Assessment Report request the City Council to contract with the EASBA for operation of the district and to designate the EASBA Board as the EASPBIA Advisory Board. The EASPBIA Advisory Board shall be responsible for submitting its annual plans, budgets and status reports to the City Council for review and approval. These submissions shall account for operations, and identify proposed activities for the following year.

If established, the EASPBIA shall commence on July 1, 2010, for the period July 1, 2010 through September 30, 2010. As previously noted, the City Council will annually review and consider approval of budgets and reports as submitted by the EASPBIA.

This letter was reviewed by Assistant City Attorney Heather Mahood on March 2, 2010, Budget Officer Victoria Bell on March 5, 2010 and the City Treasurer's Office on February 25, 2010.

City Council action is requested on March 23, 2010, to set the date for the public hearing on April 20, 2010 to allow assessments to begin on July 1, 2010.

It is expected the EASPBIA will generate $33,178 for the balance of Fiscal Year 2010 (FY 10) through the proposed assessment and this will fully offset the proposed allocation for EASBA management costs of EASPBIA programs under contract with the City. This activity is not currently budgeted; therefore, an appropriation increase in the Parking and Business Area Improvement Fund (SR 132)

in the Department of Community Development (CD) is requested as part of the recommended action. There is no fiscal impact to the General Fund.

Approve recommendation.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH DECLARING THE INTENTION OF THE CITY COUNCIL TO ESTABLISH THE EAST ANAHEIM STREET PARKING AND BUSINESS IMPROVEMENT AREA (EASPBIA) AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

DENNIS J. THYS
DIRECTOR, COMMUNITY DEVELOPMENT DEPARTMENT

NAME
TITLE

APPROVED:

PATRICK H. WEST
CITY MANAGER

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