

ORDINANCE NO. ORD-07-0043

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ESTABLISHING THE FOURTH
STREET PARKING AND BUSINESS IMPROVEMENT AREA
(FSPBIA), FIXING THE BOUNDARIES THEREOF,
PROVIDING FOR THE LEVY OF AN ADDITIONAL
BUSINESS LICENSE TAX TO BE PAID BY BUSINESSES IN
SUCH AREA AND ESTABLISHING AN ADVISORY BOARD

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

Section 1. This Ordinance is made and enacted pursuant to the provisions of the Parking and Business Improvement Area Law of 1989 (Sections 36500, et. seq., of the Streets and Highways Code) (the "law").

A. On August 21, 2007, the City Council of the City of Long Beach adopted Resolution No. RES-07-0111 entitled, "A Resolution of Intention of the City Council of the City of Long Beach Declaring the Intention of the City Council to Establish the Fourth Street Parking And Business Improvement Area (FSPBIA) and Fixing the Time and Place of a Hearing Thereon and Giving Notice Thereof".

B. Pursuant to said Resolution, a hearing concerning the formation of said area was held before the City Council of the City of Long Beach on September 11, 2007, at 5:00 p.m. in the Council Chambers of the City Hall of the City of Long Beach.

C. All written and oral protests made or filed were duly heard, evidence for and against the proposed action was received, a full, fair and complete hearing was granted and held.

D. All protests, both written and oral, made or filed were duly

1 overruled and denied and the City Council determined that there was no
2 majority protest within the meaning of Section 36525 of the law.

3 E. That following such hearing, the City Council hereby finds that
4 the businesses lying within the area herein created, in the opinion of the
5 City Council, will be benefitted by the expenditures of funds raised by the
6 assessment or charges proposed to be levied hereunder.

7 Section 2. That pursuant to said law, the Fourth Street Parking And
8 Business Improvement Area (FSPBIA) is hereby established in the City of Long Beach as
9 herein set forth and that all businesses in the area established by this ordinance shall be
10 subject to any amendments made hereafter to said law or to other applicable laws.

11 Section 3. The boundaries of the FSPBIA are described in Section III of
12 the Fourth Street Parking and Business Improvement Area Initial Report and Proposed
13 Service Plan ("Report"), attached as Exhibit "A."

14 Section 4. That the City Council hereby levies and imposes and orders
15 the collection of, along with the City's usual annual business license fee, an additional
16 assessment to be imposed upon persons occupying business premises in the proposed
17 area described above, which shall be calculated pursuant to the Report, attached as
18 Exhibit "A." Such levy shall begin on October 1, 2007, and its fiscal year shall be from
19 October 1 through September 30.

20 Section 5. That the proceeds of the additional business license tax shall
21 be spent for the purposes set forth in the Report, attached as Exhibit "A," within the
22 boundaries of the FSPBIA. Funds remaining at the end of any FSPBIA term may be
23 used in subsequent years in which FSPBIA assessments are levied as long as they are
24 used consistent with the requirements of this Section.

25 The City Council of the City of Long Beach shall have sole discretion as to
26 how the revenue derived from said additional business license tax is to be used within the
27 scope of the above purposes; however, it shall consider recommendations as to the use
28 of said revenue made by the Advisory Board created by Section 6 of this Ordinance.

Section 6. That the Board of Directors of the Fourth Street Improvement Association is hereby appointed as the Advisory Board for the area pursuant to Section 36530 of the law.

Section 7. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of September 18, 2007, by the following vote:

Ayes: Councilmembers: S. Lowenthal, O'Donnell, Schipske,
Andrews, Reyes Uranga, Gabelich,
Lerch, B. Lowenthal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.


City Clerk

Approved: 9/24/07
(Date)



Mayor

EXHIBIT "A"



**Fourth Street Parking and Business
Improvement Area Initial**

**Initial Assessment Report and
Proposed Service Plan**

For the period

October 1, 2007 to September 30, 2008

August 2007

Fourth Street Parking and Business Improvement Area 2008 Initial Report and Proposed Service Plan

City of Long Beach, California

Contents

- I. District Overview
 - A. Location
 - B. Services
 - C. Method of Assessment
- II. Fourth Street Parking and Business Improvement Area Boundary
 - A. District Map
 - B. General Description
- III. Service Plan and Budget
 - A. District Needs and Purpose
 - B. Service Plan
 - C. Service Plan Budget
- IV. Assessments
 - A. Methodology
 - B. CPI Adjustment
 - C. Time and Manner for Collecting Assessments
- V. District Governance and Administration
 - A. The Fourth Street Association
 - B. Disestablishment

Appendix 1 - Fourth Street Parking and Business Improvement Area Business Assessment Roll

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 proposed to attract customers to the Fourth Street shopping area. The purpose of the district will be to promote and market the Fourth Street shopping district through events and advertising. The Fourth Street Improvement Association (the "FSIA") under contract with the City of Long Beach will manage the District.

A. Location: Fourth Street between Cherry Avenue and Carroll Park North. 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 2008 fiscal year revenue from business assessments is \$10,800.

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

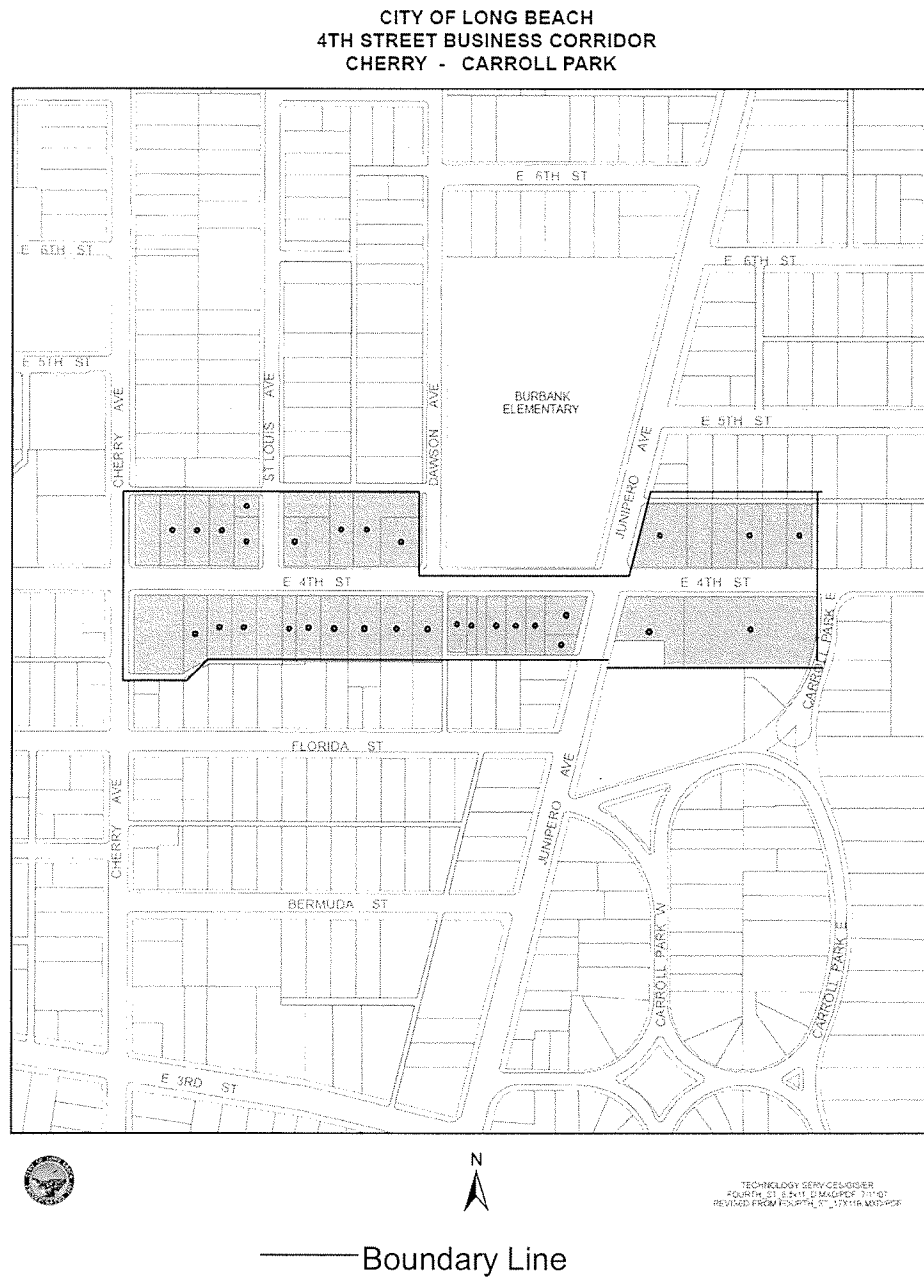
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each Non profit organization is assessed \$100 per year
- Secondary service operator and residential rental licensees are exempt from the assessment

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 Parking and Business Improvement Area Boundary

A. District Map – 4th Street; Cherry Avenue to Carroll Park East



B. General Description

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

III. SERVICE PLAN AND BUDGET

A. District Needs and Purpose

The area along Fourth Street between Cherry Avenue and Carroll Park East offers a truly 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 have made strides in promoting the district in recent years. Working together informally, they have held regular meetings, gained the participation of the majority of the businesses in the area and carried out marketing and promotional programs such as:

- Sidewalk sales
- Holiday Open House event
- Street Fairs
- Regular street clean-ups
- "Garden Walk Development"
- Business listing brochure
- Street safety and business education
- Joint advertising

Formation of an assessment district will enable the FSIA to improve their ability to hold special events and increase funding for promotional activities while maintaining local control and accountability. Proposed additional services and programs include:

- Continue 4th Street Fair
- Development of 4th Street Retro Row website
- 4th Street Retro Row Street banners
- Regular street cleaning of 4th Street Retro Row
- Implementation of adopt a tree program on 4th Street Retro Row
- Development of a business outreach committee on 4th Street Retro Row
- Pursue the development of a pocket park on the vacant lot on 4th Street and Cherry Avenue

B. Service Plan

The FSPBIA Service Plan provides for funding for marketing and promoting and maintaining the cleanliness and attractiveness of the shopping area. Services to be provided are:

1. Marketing Media and Materials

Amount: \$1,275

2. Promotional Events**Amount: \$1,275****3. Streetscape and Cleanliness****Amount: \$1,275****C. Services Budget**

Services are based on the following estimated allocation of FSPBIA revenue totaling \$10,800 in the first year of the district. The first year budget includes \$1000 for District formation services. This is a one-time expense for legal and consulting costs associated with district formation. This revenue will be available for programs in future years.

Budget item	Amount
Programs	
Marketing Media/ Materials	\$1,275
Promotional Events	1,275
Streetscape and Cleanliness	1,275
Administration	
District Formation Services	1000
Accounting	500
Annual Incorporation Fee	800
Tel./Fax	130
Insurance	2,000
Supplies	500
Postage	150
Newsletter/Brochure	1,100
Contingency	795
Total	\$10,800

IV. ASSESSMENTS**A. Methodology**

Improvements and activities identified in the Service Plan are designed to improve the appearance of pedestrian areas, improve safety and make the area more attractive to customers. All businesses in the district will benefit from these improvements, but 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 for their business. Therefore, these

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

First year revenue is estimated at \$10,800.

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 County. The annual increase shall not exceed three (3%) percent 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.

VII. DISTRICT GOVERNANCE

A. The Fourth Street 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 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 assesseees 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 assesseees who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.

REVIEWED BY:

DATE:

Mark Christoffels, City Engineer

APPROVED BY:

DATE:

Pat West, Director
Director of Community Development

Fourth St. PBIA Assessment Roll

Appendix 1

BUSINESS NAME	BUS ADDRESS	BUSINESS CLASS	BUSINESS DESCRIPTION	ASSESSMENT
2020 FITNESS	2020 E 4TH ST	SERVICE	INSTRUCTOR/PERSONAL TRNR	\$ 200
A LITTLE OF THIS A LITTLE OF THAT	2116 E 4TH ST	RETAIL	RETAIL SALES - USED MERCH	\$ 200
ACCENT PIECES	2218 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
AIDS ASSISTANCE THRIFT STORE	2011 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 100
ART THEATRE	2025 E 4TH ST	UNIQUE BUSINESSES	MOVIE/LIVE THEATER	\$ 200
ARTISTIC EDGE ART AND FRAMING	2105 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
ASSISTANCE LEAGUE THRIFT AND VINTAGE	2100 E 4TH ST	RETAIL	RETAIL SALES - USED MERCH	\$ 100
ATKINSON CORPORATION	369 JUNIPERO AVE	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
ATLANTIC STUDIO INC	2310 E 4TH ST	SERVICE	BARBER/BEAUTY SHOP OWNER	\$ 200
BRAL, RAMIN	2018 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
BROWN, CHAKRIYA	2030 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
CARLOS DE AVILA	2228 E 4TH ST	RETAIL	ARTIST STUDIO (RESID)	\$ 200
CHACHKAAS	2218 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200
CRAVE COLLECTION	410 ST LOUIS AVE	RETAIL	RETAIL SALES	\$ 200
CRAZY OUTLET	2018 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
CURTIS WILSON INTERIORS	2114 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200
DEJA VU	2238 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200
DOT NEWSMAGAZINE	2017 E 4TH ST	SERVICE	WRITING	\$ 200
EAST 4TH SKATE	2120 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
ELAN INTERIORS	408 ST LOUIS AVE	RETAIL	ANTIQUE STORE	\$ 200
EXOTICA	402 ST LOUIS AVE	RETAIL	RETAIL SALES	\$ 200
FFD FURNITURE	2001 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
GARY TESCH MASONRY	2240 E 4TH ST	CONTRACTOR	CONTRACTING - MASONRY	\$ 100
GOLDEN BURGER	2301 E 4TH ST	RETAIL	RESTAURANT/READY TO EAT	\$ 200
GUMM, DAVIN & MARTA	2118 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
HAN, HUI TONG (AKA DAVID)	2011 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
HARRIS, BENJAMIN C	2105 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
HAWLEYWOODS	2234 E 4TH ST B	RETAIL	RETAIL SALES	\$ 200
HAWLEYWOODS	2234 E 4TH ST B	SERVICE	BARBER/BEAUTY SHOP OWNER	\$ 200
HOROWITZ, DAVID & ARLENE TRUST	2220 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
IMONNI	2106 E 4TH ST	RETAIL	RETAIL SALES - USED MERCH	\$ 200
INTERNATIONAL SOURCING & MANUFACTURING	2310 E 4TH ST	SERVICE	IMPORT/EXPORT -OFFICE USE	\$ 200
J 1 PROPERTIES LLC	2142 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
JOYERIA ARCOIRIS	2027 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
KROLL, MEYER E AND PEARL	2234 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
LA BOMBA	2222 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
LIBERTY ON 4TH ST	2146 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
LINN, HOWARD AND FLORENCE	2025 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
LOPEZ INK-VUDU CLOTHING	2148 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
Belmont Heights Bike Shop	1906 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
MARTINEZ, RAQUEL	2132 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
MEOW	2210 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
NANA-LA	2112 E 4TH ST	RETAIL	RETAIL SALES - USED MERCH	\$ 200
PARK'S THRIFT GIFT SHOP	2142 E 4TH ST	RETAIL	RETAIL SALES - USED MERCH	\$ 200
PORTFOLIO GALLERY & EXPRESSO CAFE	2300 E 4TH ST	RETAIL	RESTAURANT/READY TO EAT	\$ 200
QUINTERO, ESPERANZA	2108 E 4TH ST 7	MISC MOBILE	JANITORIAL SERVICE	\$ 100
REPEAT BOO-TEEK ETC	2136 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200
RETRO FURNITURE (OPEN Bookstore)	2226 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200
RUBY'S GUEST HOME INC	2125 E 4TH ST	SERVICE	RESIDENTIAL CARE FACILITY	\$ 200
RUDRA YOGA CENTER	2038 E 4TH ST	SERVICE	PERSONAL SERVICES - OTHER	\$ 100
SALEMI, MICHAEL & MARTIN, JANET	2300 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
SANDERS, FREDERICK CORNWELL	2135 E 4TH ST	PROFESSIONAL	ARCHITECTURE	\$ 100
SCHAAF, R L	2210 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
SIREN	2240 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
SNEAKY TIKI BOUTIQUE	2234 E 4TH ST A	RETAIL	RETAIL SALES - USED MERCH	\$ 200
STARLITE ROOM	2220 E 4TH ST	RETAIL	RETAIL SALES	\$ 200
THE CENTER LONG BEACH AND	2017 E 4TH ST	SERVICE	BUSINESS OFFICE	\$ 200
THE VINTAGE COLLECTIVE	2122 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200
THU HAIR SHOP	2022 E 4TH ST	SERVICE	BARBER/BEAUTY SHOP OWNER	\$ 200
UNCLE MORTY'S DELI	2030 E 4TH ST	RETAIL	RESTAURANT WITH ALCOHOL	\$ 200
VAN BLOM WOODWORKING	369 JUNIPERO AVE	SERVICE	BUSINESS OFFICE	\$ 200
VINTAGE CLOTHES STORE	2118 E 4TH ST	RETAIL	RETAIL SALES - USED MERCH	\$ 200
WAFFLE, VERNE T AND M LAVERNE	2116 E 4TH ST	NON-RES SPACE RENTL	COMM/INDUST SPACE RENTAL	\$ 100
XCAPE	2236 E 4TH ST	RETAIL	ANTIQUE STORE	\$ 200

BUSINESS NAME

BUS ADDRESS

BUSINESS CLASS

BUSINESS DESCRIPTION

ASSESSMENT

\$ 10,800