

RESOLUTION NO.

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH DECLARING THE INTENTION OF THE CITY COUNCIL TO ESTABLISH THE LONG BEACH TOURISM BUSINESS IMPROVEMENT AREA (LBTBIA) AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the Long Beach Area Convention and Visitors Bureau (LBCVB) is interested in establishing the Long Beach Tourism Business Improvement Area (LBTBIA) and levy an assessment on hotels within the Long Beach Tourism Business Improvement Area; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the Long Beach Tourism Business Improvement Area (LBTBIA) have requested the Long Beach City Council to establish such an improvement area; and

WHEREAS, the LBCVB and the City of Long Beach desire to have LBCVB manage the activities provided by the proposed LBTBIA;

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

Section 1. The recitals set forth herein are true and correct.

Sec. 2. The City Council declares its intention to establish the Long Beach Tourism Business Improvement Area and to levy and collect assessments within the LBTBIA boundaries pursuant to the Parking and Business Improvement Area Law

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333 West Ocean Boulevard  
Long Beach, California 90802-4664  
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1 of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the  
2 LBTBIA shall be the Airport District and the Downtown District located within the City of  
3 Long Beach as illustrated on the attached map (Exhibit A). The Airport District is  
4 bounded by Redondo Ave., Carson Street, Bellflower Blvd., and E Stearns Street. The  
5 Downtown District is bounded by 3<sup>rd</sup> Street, Alamitos Ave., Queensway Bay (including  
6 the Queen Mary, excluding Queensway Harbor and the Long Beach Marina), and  
7 Highway 710. Please see the attached map (Exhibit A) for assessed businesses.

8                   Sec. 3.        The name of the area shall be the Long Beach Tourism  
9 Business Improvement Area.

10                   Sec. 4.        The LBCVB proposes to administer marketing programs to  
11 promote the City of Long Beach as a tourism destination and to fund projects,  
12 programs, and activities that benefit hotels within the boundaries of the area.

13                   Sec. 5.        The proposed LBTBIA will include all hotels, with greater  
14 than 30 rooms, within the LBTIA boundaries which include the Airport District and the  
15 Downtown District. The assessment is proposed to be levied on all hotel businesses,  
16 existing and future, with greater than 30 rooms, within the City of Long Beach based  
17 upon 3% of the gross short term room rental revenue. Except where funds are  
18 otherwise available, an assessment will be levied annually to pay for the improvements  
19 and activities within the area. The assessment will be collected monthly based on 3%  
20 of the gross short term room rental revenues for the previous month. New hotel  
21 businesses within the boundaries will not be exempt from the levy of assessment  
22 pursuant to Section 36531. Pursuant to the City of Long Beach's transient occupancy  
23 tax ordinance, assessments pursuant to the LBTBIA shall not be included in gross room  
24 rental revenue for purpose of determining the amount of the transient occupancy tax.  
25 As used in this Resolution, the phrase "short term room rental" shall mean occupancies  
26 that last less than 15 consecutive days and shall not include occupancies related to  
27 state and federal government business by state and federal government employees  
28 and shall not include occupancies paid by LA County Social Service vouchers and shall

1 not include airline crew room occupancies. Because the tourism promotion programs  
2 are directed at larger properties, lodging establishments with 30 rooms or less shall not  
3 be assessed.

4           Sec. 6.       The LBTBIA proposed annual assessment in year one totals  
5 approximately \$3,000,000. The funds raised shall be spent to promote tourism, and  
6 pay for related administrative costs, within the boundaries of the LBTBIA. Funds  
7 remaining at the end of any LBTBIA term may be used in subsequent years in which  
8 LBTBIA assessments are levied as long as they are used consistent with the  
9 requirements of this Resolution.

10           Sec. 7.       The City of Long Beach will collect the assessments monthly  
11 from hotel businesses within the boundaries of the LBTBIA. Hotel businesses shall be  
12 the businesses that operate the hotels within the boundaries of the LBTBIA. The City  
13 of Long Beach will collect the assessment on the same form as that used for the  
14 collection of Transient Occupancy Tax receipts.

15           Sec. 8.       The LBTBIA advisory board shall submit an annual report,  
16 which shall include a budget for operations and an identification of the marketing efforts  
17 to be undertaken by the LBTBIA for the ensuing calendar year, to the Long Beach City  
18 Council pursuant to Section 36533. The LBTBIA shall begin on August 1, 2005 and its  
19 fiscal year shall be from October 1 through September 30.

20           Sec. 9.       The Long Beach City Council hereby appoints the members  
21 of the Board of Directors of the Long Beach Area Convention & Visitors Bureau as the  
22 Advisory Board as described in Section 36530.

23           Sec. 10.      The time and place for the public hearing to establish the  
24 LBTBIA and the levy of the assessments is set for June 21, 2005 at 5:00 p.m. at the  
25 City of Long Beach, City Council Chambers, 333 W. Ocean Blvd., Long Beach,  
26 California.

27           Sec. 11.      At the public hearing the testimony of all interested persons  
28 for or against the establishment of the area, the extent of the area, or the furnishing of

1 specified types of improvements or activities will be heard.

2           Sec. 12.     A protest against the establishment of the LBTBIA, the  
3 extent of the LBTBIA, and the furnishing of a specified type of improvement or activity,  
4 as provided in Section 36524, may be made in writing. To count in the majority protest  
5 against the LBTBIA, a protest must be in writing. A written protest may be withdrawn  
6 from writing at any time before the conclusion of the public hearing. Each written  
7 protest shall contain a written description of the business in which the person signing  
8 the protest is interested, sufficient to identify the business and its address. If the  
9 person signing the protest is not shown on the official records of the City of Long Beach  
10 as the owner of the business, then the protest shall contain or be accompanied by  
11 written evidence that the person is the owner of the business. If the owner of the  
12 business is a corporation, LLC, partnership or other legal entity, the authorized  
13 representative for the entity shall be authorized to sign the protest. Any written protest  
14 as to the regularity or evidence of the proceedings shall be in writing and clearly state  
15 the irregularity or defect to which objection is made. Written protests must be received  
16 by the City Clerk of the City of Long Beach before the close of the hearing scheduled  
17 herein and may be delivered or mailed to the City Clerk, City of Long Beach, Lobby  
18 Level, 333 W. Ocean Blvd., Long Beach, California, 90802.

19           Sec. 13.     If at the conclusion of the public hearing, there are of record,  
20 written protests by the owners of the businesses within the LBTBIA that will pay fifty  
21 percent (50%) or more of the total assessments of the entire LBTBIA, no further  
22 proceedings to create the LBTBIA shall occur. New proceedings to form the LBTBIA  
23 shall not be undertaken again for a period of at least one (1) year from the date of the  
24 finding of the majority written protest by the City Council. If the majority of written  
25 protests is only as to an improvement or activity proposed, then that type of  
26 improvement or activity shall not be included in the LBTBIA.

27           Sec. 14.     Further information regarding the proposed Long Beach  
28 Tourism Business Improvement Area may be obtained from the City Clerk, City of Long



# **CITY OF LONG BEACH**

## **LONG BEACH TOURISM BUSINESS IMPROVEMENT AREA**

### **ENGINEER'S REPORT FISCAL YEAR 2005/2006**

**May 19, 2005**

**Prepared by  
N|B|S**

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Suite 225  
Temecula, CA 92590  
800.676.7516**

**800.434.8349**

**870 Market Street  
Suite 901  
San Francisco, CA 94102**

**CITY OF LONG BEACH**  
**LONG BEACH TOURISM BUSINESS IMPROVEMENT AREA**

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**MAYOR**

Beverly O'Neill

**CITY COUNCIL**

Bonnie Lowenthal, First District

Dan Baker, Second District

Frank Colonna, Third District

Patrick O'Donnell, Fourth District

Vice Mayor, Jackie Kell, Fifth District

Laura Richardson, Sixth District

Tonia Reyes Uranga, Seventh District

Rae Gabelich, Eight District

Val Lerch, Ninth District

**CITY STAFF**

Gerald R. "Jerry" Miller, City Manager

Michael A. Killebrew, Director of Financial Management

Heather Mahood, Chief Assistant City Attorney

David Nakamoto, Treasurer

Elsa Castaneda, Senior Administrative Analyst

**CITY OF LONG BEACH**  
**LONG BEACH TOURISM BUSINESS IMPROVEMENT AREA**

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**LBTBIA ADVISORY BOARD**

Terry Antonelli, CEO, Del L'Opera Restaurant Group  
Kristy Ardizzone, Manager Government Affairs-Western Region, JetBlue Airways Corporation  
Greg Bonbard, President, Catalina Express  
Reuben Brasser, Owner, Lord Mayor's Inn  
Laurence W. Jackson, President & CEO, Long Beach Transit  
Jeff Kulek, General Manager, Hilton Long Beach & EMC  
Jim Michaelian, President & CEO, Grand Prix Association of Long Beach  
John Morris, Owner/President, Smooth's Sports Grille  
Jane J. Netherton, President & CEO, International City Bank  
Joachim Ortmyer, General Manager, Renaissance Long Beach Hotel  
Dennis Patel, Owner, Travelodge Convention Center  
Hitu Patel, Owner, Rodeway Inn  
Bill Peterson, Managing Director, Home Depot Center  
Ken Pilgrim, General Manager, The Westin Long Beach  
Joseph Prevratil, President, RMS Foundation, Inc., The Queen Mary  
Mitchell Rouse, President & CEO, Taxi Systems, Inc.  
Richard Sandoval, General Manager, The Coast Long Beach Hotel  
Patricia Schille, General Manager, Residence Inn by Marriott  
Dr. Jerry R. Schubel, President & CEO, Aquarium of the Pacific  
William Simmons, President & CEO, City Light & Power, Inc.  
Jerry Slatton, General Manager, Long Beach Marriott  
Doug Smith, General Manager, Courtyard by Marriott  
Steven J. Smith, General Manager, Hyatt Regency Long Beach  
Adrian Valencia, CHA, General Manager, Holiday Inn Long Beach Airport

**N|B|S**

Greg Ghironzi, Director  
Mike Stearns, Project Engineer



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## **1. ENGINEER'S LETTER**

**WHEREAS**, on \_\_\_\_\_ the City Council of the City of Long Beach adopted a resolution to establish a Parking and Business Improvement Area named the Long Beach Tourism Business Improvement Area (the "LBTBIA") per the *Parking and Business Improvement Area Law of 1989* (Section 36500 et seq.) of the *California Streets and Highways Code*;

**WHEREAS**, on \_\_\_\_\_, the City Council of the City of Long Beach held a public hearing to establish the LBTBIA and the levy of assessments;

**WHEREAS**, the Advisory Board of the LBTBIA (the "Board") directed NBS to prepare and file an engineer's report. 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.

**NOW THEREFORE**, according to the *Parking and Business Improvement Area Law of 1989* (Section 36500 et seq.) of the *California Streets and Highways Code* an assessment is made to cover the following Improvements and/or Activities;

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following; parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains.

"Activities" means, but is not limited to, all of the following; promotion of public events which benefit businesses in the area and which take place on or in public places within the area, furnishing of music in any public place in the area, promotion of tourism within the area, activities which benefit businesses located and operating in the area.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report has been prepared and assessments computed in accordance with the order of the City Council of the City of Long Beach and the Advisory Board of the LBTBIA.

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NBS

## **2. MISSION STATEMENT OF THE LBTBIA**

The purpose of the LBTBIA is to administer marketing programs to promote the City of Long Beach as a tourism destination and to fund projects, programs, and activities that benefit hotels within the boundaries of the LBTBIA.

### ***Scope of Tasks***

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The LBTBIA will provide the following Improvements and/or Activities;

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following; parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains.

"Activities" means, but is not limited to, all of the following; promotion of public events which benefit businesses in the area and which take place on or in public places within the area, furnishing of music in any public place in the area, promotion of tourism within the area, activities which benefit businesses located and operating in the area.

### ***Other Incomes***

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The LBTBIA will search out grants and other funding sources whenever possible to accomplish its goal of promoting tourism within the area.

### **3. ESTIMATE OF COSTS**

The following estimate of costs is made to cover the LBTBIA's first Fiscal Year, being the period from August 1, 2005 through September 30, 2006. All subsequent Fiscal Years will begin October 1 and end September 30. The estimate covers costs associated with the promotion of tourism within the LBTBIA boundary and may include the following Improvements and/or Activities;

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following; parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains.

"Activities" means, but is not limited to, all of the following; promotion of public events which benefit businesses in the area and which take place on or in public places within the area, furnishing of music in any public place in the area, promotion of tourism within the area, activities which benefit businesses located and operating in the area.

<b>DESCRIPTION</b>	<b>AMOUNT</b>
Total FY 2005/2006 Estimated Costs	\$3,000,000.00
FY 2004/2005 Surplus/Deficit	0.00
Contributions	0.00
Total FY 2005/2006 Estimated Assessment	\$3,000,000.00

## **4. ASSESSMENTS**

### **4.1. Basis of Assessment**

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The proposed LBTBIA will include all hotels, with greater than 30 rooms, within the LBTBIA boundaries which include the Airport District and the Downtown District. The assessment is proposed to be levied on all hotel businesses, existing and future, with greater than 30 rooms within the boundaries of the LBTBIA. The assessment is calculated based upon 3% of the gross short term room rental revenue. Except where funds are otherwise available, an assessment will be levied annually to pay for the improvements and activities within the area. The assessment and will be collected monthly based on 3% of the gross short term room rental revenues for the previous month. New hotel businesses within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Long Beach's transient occupancy tax ordinance, assessments pursuant to the LBTBIA shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. For purposes of this assessment, the phrase "short term room rental" shall mean occupancies that last less than 15 consecutive days and shall not include occupancies related to state and federal government business by state and federal government employees and shall not include occupancies paid by LA County Social Service vouchers and shall not include airline crew room occupancies. Because the tourism promotion programs are directed at larger properties, lodging establishments with 30 rooms or less shall not be assessed.

The assessment is proposed to be levied in perpetuity, commencing August 1, 2005.

## **5. PROTEST PROCEEDING**

### **5.1. Procedural Requirements**

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A protest against the establishment of the LBTBIA, the extent of the LBTBIA, and the furnishing of a specified type of improvement or activity, as provided in Section 36524, may be made in writing. To count in the majority protest against the LBTBIA, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Long Beach as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. If the owner of the business is a corporation, LLC, partnership or other legal entity, the authorized representative for the entity shall be authorized to sign the protest. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Long Beach before the close of the hearing scheduled herein and may be delivered or mailed to the City Clerk, City of Long Beach, Lobby Level, 333 W. Ocean Blvd., Long Beach, California, 90802.

If at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LBTBIA that will pay fifty percent (50%) or more of the total assessments of the entire LBTBIA, no further proceedings to create the LBTBIA shall occur. New proceedings to form the LBTBIA shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LBTBIA.

## **6. LBTBIA BOUNDARY MAP**

The boundaries of the LBTBIA shall be the Airport District and the Downtown District located within the City of Long Beach as illustrated on the following map. The Airport District is bounded by Redondo Ave., Carson Street, Bellflower Blvd., and E Stearns Street. The Downtown District is bounded by 3<sup>rd</sup> Street, Alamitos Ave., Queensway Bay (including the Queen Mary, excluding Queensway Harbor and the Long Beach Marina), and Highway 710.



To 405 FWY

LONG BEACH FWY

BIKE PATH

GOLDEN SHORE AVE

MAINE AVE

DAISY AVE

MAGNOLIA AVE

CHESTNUT AVE

CEDAR AVE

PACIFIC AVE

PINE AVE

City Place

Transit Mall

5TH ST  
4TH ST  
3RD ST

ELM AVE  
LINDEN AVE  
ATLANTIC AVE  
LIMIT AVE  
OLIVE AVE

ALAMITOS

BOWTIE AVE

CERRITOS AVE

Renaissance LB Hotel

Best Western

Inn of Long Beach

World Trade Center/  
Long Beach Area  
Convention &  
Visitors Bureau

Edison Theater

Greenleaf Hotel

to San Pedro  
4 miles

Hilton LB

The Weslin

Terrace Theater

Travelodge CC

Catalina Express Terminal

Shoreline Park  
Visitors Center

Convention and Entertainment Center

Courtyard by Marriott

Rodeway Inn

Aquarium of the Pacific

Hyatt Regency

Shoreline Village

Downtown Marina

710

QUEEN'S WAY  
SHORELINE DR  
QUEEN'S WAY BRIDGE

Queensway Bay

The Coast LB Hotel

HARBOR PI AZA

HARBOR SCENIC DR

Catalina Express Terminal

Queen Mary  
Seaport

Queen Mary Hotel

PANORAMA DR

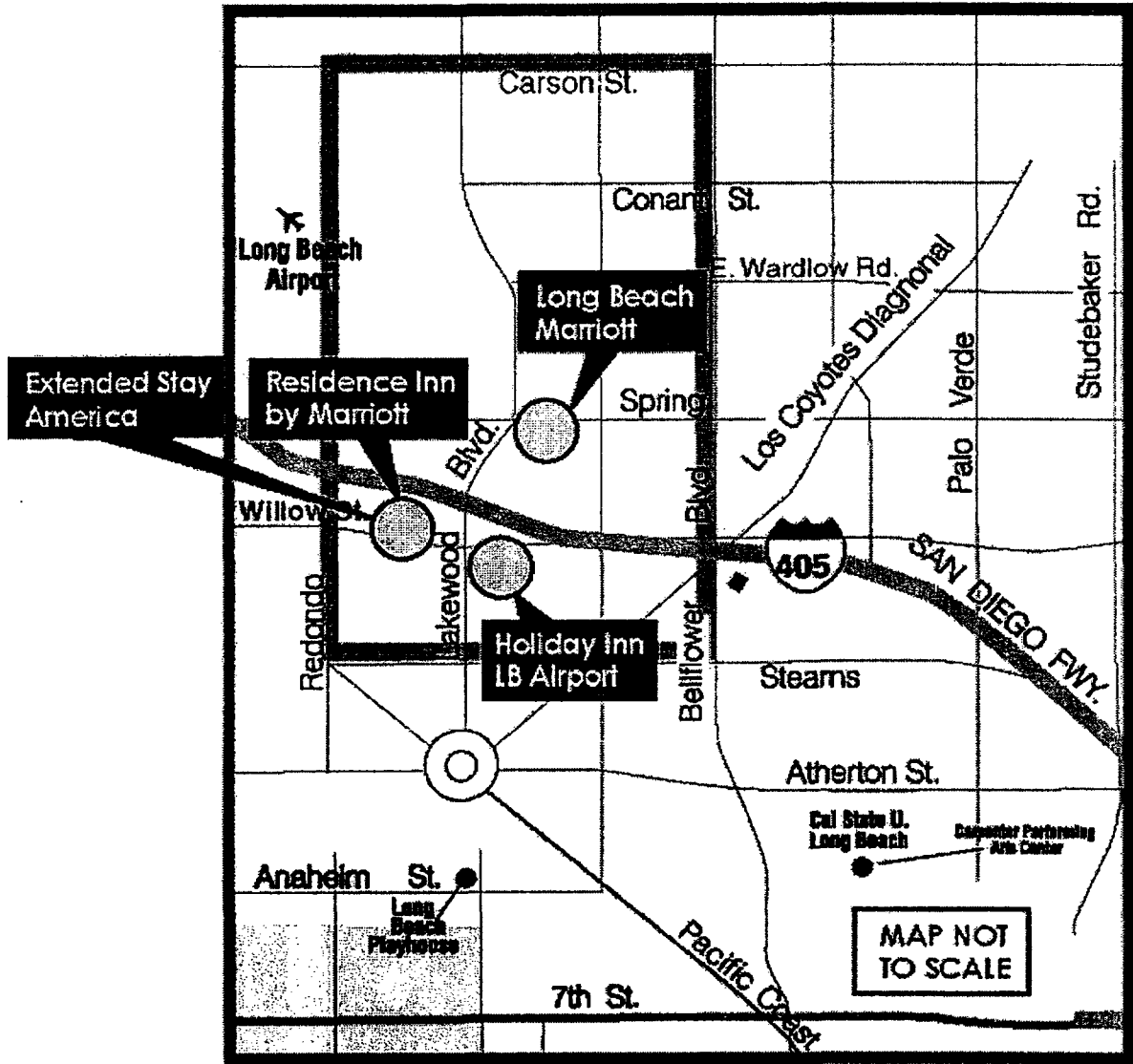
QUEEN'S HWY

HAR

Long Beach Cruise Terminal at the Queen Mary

MAP NOT TO SCALE





## **7. BUSINESS LISTING**

The Fiscal Year 2005/2006 Estimated Assessments were prepared and delivered to the City of Long Beach. Financial information regarding individual businesses is considered private and confidential information and will not be part of this public record. If you have a question related to your business's proposed annual assessment amount, please contact the City Clerk, City of Long Beach, Lobby Level, 333 W. Ocean Blvd., Long Beach, California, 90802.

<u>Property #</u>	<u>Hotel Name</u>	<u>Address</u>
1	Best Western Convention Center	517 E 1 <sup>st</sup> Street
2	Courtyard by Marriott	500 E 1 <sup>st</sup> Street
3	Extended Stay America	4105 E Willow
4	Hilton Long Beach	701 W Ocean
5	Holiday Inn LB Airport	2640 Lakewood
6	Hyatt	200 S Pine
7	Inn of Long Beach	185 Atlantic
8	Long Beach Marriott	4700 Airport Plaza
9	Queen Mary	1126 Queens Way
10	Renaissance Hotel	111 E Ocean
11	Residence Inn by Marriott	4111 E Willow
12	Rodeway Inn	50 Atlantic
13	The West Coast LB Hotel	700 Queens Way
14	Travelodge	80 Atlantic
15	Westin	333 E Ocean
16	Greenleaf Hotel	63 Lime Ave
17	City Center Hotel	255 Atlantic Ave