



Legislation Details (With Text)

File #: 07-0954 **Version:** 1 **Name:** CD - RESO of Intent - 4th Street PBIA & set hearing
Type: Resolution **Status:** Adopted
File created: 8/15/2007 **In control:** City Council
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Title: Recommendation to adopt Resolution of Intention to form the Fourth Street Parking and Business Improvement Area; set date of hearing for September 11, 2007, at 5:00 p.m.; designate the Advisory Board; authorize City Manager to initiate majority protest proceedings; and authorize City Clerk to receive written protests. (District 2)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. 082107-R-23sr&att.pdf, 2. RES-07-0111.pdf

Date	Ver.	Action By	Action	Result
8/21/2007	1	City Council	approve recommendation and adopt	Pass

Recommendation to adopt Resolution of Intention to form the Fourth Street Parking and Business Improvement Area; set date of hearing for September 11, 2007, at 5:00 p.m.; designate the Advisory Board; authorize City Manager to initiate majority protest proceedings; and authorize City Clerk to receive written protests. (District 2)

Businesses along Fourth Street between Cherry and Carroll Park East have petitioned the City for creation of a business improvement district. The proposed Fourth Street Parking and Business Improvement Area (FSPBIA) will be made up of business licensees within the proposed boundaries.

The Fourth Street Parking and Business Improvement Area Initial Assessment Report and Proposed Service Plan (Assessment Report) details the amount and method of assessment for each business, the FSPBIA boundaries, and improvements for which the funds will be used. The Assessment Report is provided as an exhibit to the Resolution of Intention (attached).

The Fourth Street Improvement Association (FSIA) is an organization of business owners in the area. Through the organization, 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 59 percent of the proposed assessment have signed petitions in support of the district and related assessment.

The Assessment Report describes boundaries, proposed activities and budgetary information, as well as the method and basis for the assessment. The assessment methodology will result in FY 2008 revenue of \$10,800.

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

USE OF FUNDS

FSPBIA funds are to be used to administer marketing programs to promote the Fourth Street shopping area and to fund projects, programs and activities that benefit the individual businesses within the boundaries of the FSPBIA. The FSPBIA will submit quarterly and annual reports on budget and program status.

ADOPTION PROCESS

The attached Resolution of Intention (ROI) and Assessment Report are necessary to establish FSPBIA boundaries, specify its mission and, per state code, describe its allowable improvements and activities. The ROI and Assessment Report also establish the FSPBIA Advisory Board, proposing that the Fourth Street Improvement Association administer marketing and service programs and provide the method and basis of levying the assessment.

The recommended Resolution of Intention 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 September 11, 2007. A copy of the Resolution shall be mailed to each business within the proposed district within seven days of adoption of this resolution of intention. In addition, a copy of the Resolution of Intention 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 intention to begin the FSPBIA proceedings and set a public hearing for September 11, 2007 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 50 percent or more of the proposed FSPBIA assessment payments, and none are withdrawn, no further proceedings to create the district or issue the levy shall be undertaken for one year.

FSPBIA BOUNDARIES AND LEVY

The FSPBIA includes businesses fronting Fourth Street from Cherry Avenue to Carroll Park East.

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

<u>Assessment Rate Per Year</u>	<u>Rate</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
Mise, Rec/Ent, Vend, Mfg., Uniq, Whlsl,	100
Commercial space rental	100
Non-profit business operations	100
Residential property rental	0
All Secondary Licensees	0

ADVISORY BOARD

The ROI and Initial Report and Proposed Service Plan request the City Council to contract with the FSBIA for operation of the district and designate the FSBIA Board as the FSPBIA Advisory Board. The FSPBIA Advisory Board would be responsible for submitting to the City Council for review and approval its annual plans, budgets and status reports. These submissions shall account for operations, and identify proposed activities for the next year.

If the district is established, the FSPBIA shall begin October 1, 2007 for the period October 1, 2007 through September 30, 2008. As previously noted, the City Council will annually review and consider approval of budgets and reports as submitted by the FSPBIA.

This letter was reviewed by Assistant City Attorney Heather Mahood on July 31, 2007, Budget and Performance Management Bureau Manager David Wodynski on August 8, 2007 and the City Treasurer's Office on August 3, 2007.

City Council action is requested on August 21, 2007, to set the date for the public hearing prior to the start of the contract year, which begins on October 1, 2007.

It is expected that the FSPBIA will generate \$10,800 in Fiscal Year 2008 (FY 08) through the proposed assessment and this will fully offset the proposed allocation in SR 132. Assessment funds are additional fees attached to FSPBIA business licenses. The \$10,800 will be included in the first quarterly FY 08 budget adjustment in the Parking and Business Area Improvement Fund (SR 132) in the Department of Community Development (CD).

Approve recommendation.

A RESOLUTION 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 PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

PATRICK H. WEST
DIRECTOR OF COMMUNITY DEVELOPMENT

NAME
TITLE

APPROVED:

ANTHONY W. BATTS
CITY MANAGER