

RESOLUTION NO. 2024-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DECLARING ITS INTENTION TO MODIFY THE MANAGEMENT DISTRICT PLAN OF THE HUNTINGTON BEACH TOURISM BUSINESS IMPROVEMENT DISTRICT (HBTBID)

WHEREAS, the City Council of the City of Huntington Beach initially created the Huntington Beach Tourism Business Improvement District (HBTBID) in 2014 by Resolution No. 2014-72; and

WHEREAS, the City Council renewed the HBTBID in 2018 by Resolution No. 2018-84, and adopted the current Management District Plan (MDP) of the HBTBID; and

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq., allows cities to modify the MDP at the request of the Owners' Association; and

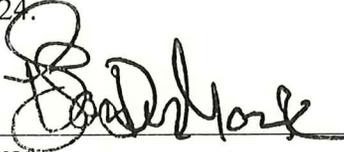
WHEREAS, the HBTBID Owners' Association, Visit Huntington Beach, has requested modification of the MDP.

NOW, THEREFORE, by the City Council of the City of Huntington Beach does hereby resolve as follows:

1. The recitals set forth herein are true and correct.
2. The City Council declares its intention to modify the HBTBID MDP.
3. The proposed modification of the HBTBID MDP will modify the HBTBID assessment rate. The current HBTBID assessment rate is four percent (4%) of gross short-term room rental revenue. The modified assessment rate is six percent (6%) of gross short-term room rental revenue, effective July 1, 2024, or as soon as possible thereafter, and shall continue for the duration of the HBTBID's term.
4. The time and place for a public meeting for comments on the modified HBTBID are set for May 7, 2024, at 6:00 PM, or as soon as possible thereafter as the matter may be heard, at 2000 Main Street, Huntington Beach, CA 92648.
5. The time and place for a public hearing on modification of the HBTBID MDP is set for June 4, 2024, at 6:00 PM, or as soon as possible thereafter as the matter may be heard, at 2000 Main Street, Huntington Beach, CA 92648. The City Clerk is directed to provide written notice to lodging businesses assessed within the modified HBTBID of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code §36623, no later than April 20, 2024.
6. The complete proposed, modified MDP is on file with the City Clerk and may be reviewed upon request.

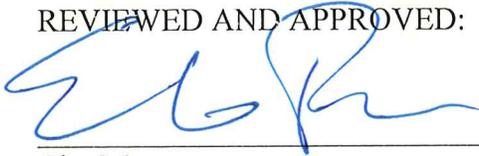
7. At the public meeting and hearing, the testimony of all interested persons for or against the modification of the HBTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the modified HBTBID that will pay more than fifty percent (50%) of the estimated total assessment of the entire HBTBID, no further proceedings to modify the HBTBID shall occur for a period of one (1) year.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of April, 2024.



Mayor

REVIEWED AND APPROVED:



City Manager

APPROVED AS TO FORM:



City Attorney



ATTEST:



City Clerk

INITIATED AND APPROVED:



Director of Community Development

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **April 16, 2024** by the following vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, Kalmick
NOES: None
ABSENT: None
RECUSE: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

2019-2028



**HUNTINGTON BEACH
TOURISM BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT DISTRICT PLAN**

*Prepared pursuant to the Property and Business Improvement District Law of
1994, Streets and Highways Code section 36600 et seq.*

~~October 9,~~
~~2018~~ March 27.

I. OVERVIEW

Developed by Visit Huntington Beach (VHB) and Huntington Beach lodging businesses, the renewed Huntington Beach Tourism Business Improvement District (HBTBID) is an assessment district that will continue to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed lodging businesses. The HBTBID was formed in 2014 for a five (5) year term; assessed lodging businesses ~~now wish to renew it~~subsequently renewed it for an additional nine (9) years and five (5) months.

Location: The renewed HBTBID includes all lodging businesses located within the boundaries of the City of Huntington Beach, as shown on the map in Section V.

Services: The HBTBID is designed to provide specific benefits directly to payors by increasing room night sales. Tourism ~~E~~enhancement Pprograms, ~~including Marketing & Public Relations and; Group Sales , and Visitor Services Enhancements,~~ will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Budget: The total HBTBID annual assessment budget for each full year of operation ~~is anticipated to be was~~ approximately \$5,000,000. The initial “year” of operation ~~will be was~~ a partial year consisting of five (5) months, for which the ~~anticipated assessment budget is was~~ approximately \$2,083,333. Beginning ~~April~~ July 1, 2024, or as soon as possible thereafter, due to the modified assessment rate, the total HBTBID assessment budget for each full year of operation is anticipated to be approximately \$10,000,000. The initial “year” of the modified assessment rate is a partial year consisting of (0) months, for which the anticipated assessment budget is approximately \$.

Cost: The initial annual assessment rate ~~is was~~ four percent (4%) of gross short-term room rental revenue. This Management District Plan (Plan) has been modified to increase the assessment rate to six percent (6%) of gross short-term room rental revenue. The modified assessment rate is effective beginning on ~~April~~ July 1, 2024, or as soon as possible thereafter, and shall continue for the duration of the HBTBID’s term. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any federal or State of California officer or employee when on official business; and stays by any officer or employee for a foreign government who is exempt by reason of express provision of federal law or international treaty.

Collection: The City will be responsible for collecting the assessment on a monthly or quarterly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the HBTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.

Duration: The renewed HBTBID ~~will have has~~ a nine (9) year and five (5) month life, beginning February 1, 2019 through June 30, 2028. Once per year, beginning on the anniversary of HBTBID renewal, there is a thirty (30) day period in which owners paying fifty percent (50%) or more of the assessment may protest and initiate a City Council hearing on HBTBID termination. The proposed time for implementation and

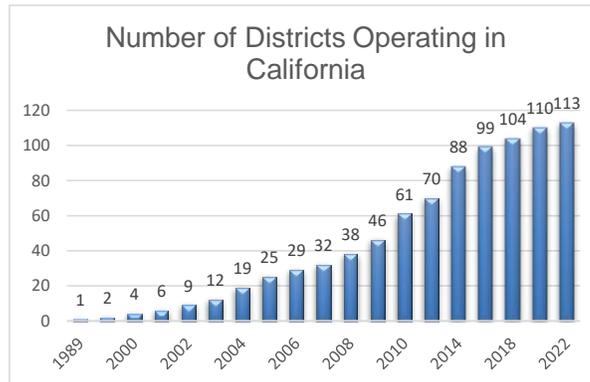
completion of this ~~Management District~~ Plan is February 1, 2019 through June 30, 2028. ~~The modified assessment rate is set to take effect April~~ July 1, 2024, or as soon as possible thereafter, and shall continue for the duration of the HBTBID's term. After the nine (9) year and five (5) month term, the HBTBID may be renewed for up to ten (10) years if lodging business owners support continuing the programs.

Management: Visit Huntington Beach will continue to serve as the HBTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the City Council.

II. BACKGROUND

TBIDs are an evolution of the traditional Business Improvement District. The first TBID was formed in West Hollywood, California in 1989. Since then, over one hundred California destinations have followed suit. In recent years, other states have begun adopting the California model – [Massachusetts](#), Montana, South Dakota, Washington, Colorado, Texas and Louisiana have adopted TBID laws. Several other states are in the process of adopting their own legislation. The cities of Wichita, Kansas and Newark, New Jersey used an existing business improvement district law to form a TBID. And, some cities, like Portland, Oregon and Memphis, Tennessee have utilized their home rule powers to create TBIDs without a state law.

California's TBIDs collectively raise over ~~\$250–300~~ million annually for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Huntington Beach lodging businesses continue to invest in stable, lodging-specific marketing programs.



TBIDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase room night sales. Lodging business owners within the TBID pay an assessment and those funds are used to provide services that increase room night sales.

In California, TBIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TBIDs:

- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government use;
- TBIDs are customized to fit the needs of payors in each destination;
- TBIDs allow for a wide range of services;
- TBIDs are designed, created and governed by those who will pay the assessment; and
- TBIDs provide a stable, long-term funding source for tourism promotion.

III. IMPETUS TO RENEW THE HBTBID

The existing HBTBID was established in 2014 with an assessment rate of three percent (3%) on overnight lodging revenues in Huntington Beach. While the HBTBID has been successful, there ~~is~~ was still opportunity for growth in overnight visitation and room night sales revenue, especially during non-peak periods. ~~Currently~~ At the time of HBTBID renewal in 2019, the City of Huntington Beach ~~provides~~ provided VHB with funding from Transient Occupancy Tax revenues, equal to one percent (1%) of overnight lodging revenues in Huntington Beach, pursuant to an MOU between the City and VHB. The City and VHB ~~intend to terminate~~ have terminated the MOU and ~~entered into~~ a new. ~~It is the intent of VHB to develop~~ a long-term agreement with the City that includes the City retaining 100% of all TOT revenues. ~~The~~ In the renewal of the HBTBID, the assessment rate ~~in the renewed HBTBID will be~~ was increased initially to four percent (4%) of gross short-term room rental revenue to ensure that tourism promotion funding ~~was~~ is not decreased during the term of the renewed HBTBID. To continue to ensure that tourism promotion funding is adequate to remain competitive with other popular destinations, this Plan has been modified to increase the assessment rate to six percent (6%) of gross short-term room rental revenue. The modified assessment rate is effective beginning on ~~April~~ July 1, 2024, or as soon as possible thereafter, and shall continue through the duration of the HBTBID's term. There are several reasons to ~~renew~~ modify this Plan ~~the HBTBID~~. The most compelling reasons are:

1. *The Need to Maintain/Increase Competitiveness, Occupancy and Overall Visitation*

As the number of overnight accommodations grow in Orange County, as well as in competitive California cities and counties, it is crucial that Huntington Beach maintains and increases its competitiveness, occupancy levels and visitation from targeted markets.

These goals can be accomplished by increasing the HBTBID assessment rate from ~~three-four~~ three percent (3%) to ~~four-six~~ four percent (4%), which will ~~continue to~~ generate approximately \$510,000,000 per each full year in dedicated HBTBID funding for improvements and activities to increase room rentals for assessed lodging businesses located within the ~~renewed~~ modified HBTBID. Additional HBTBID funds will continue to be used to implement new Tourism Enhancement Programs above and beyond those that are currently provided with the existing funding level:

1. Increase funding for destination sales and marketing programs, which will target key visitor markets, including markets that generate substantial overnight visitation to Huntington Beach and related visitor spending throughout the year, especially during non-peak seasons; and
2. Increase funding for the innovative HBTBID Visitor Services Enhancements program that adds new and/or repurposed projects to Huntington Beach's current brand offerings, which will increase year around overnight visitation by improving the overall HBTBID brand experience, the number of reasons for visitors to stay longer, and offer more reasons for visitors to return more often to Huntington Beach.

2. *An Opportunity for Increasing City Revenues*

As an indirect result of the ~~renewed~~ modified HBTBID, it is expected that as occupancy rates and overall visitation numbers increase, so too will the City's Transient Occupancy Tax revenue. Greater occupancy rates will also generate an indirect increase in sales tax revenues from tourist spending.

3. *Stable Funding for Destination Marketing*

The current HBTBID was formed pursuant to the Property and Business Improvement District Law of 1994. The law allows a district to be renewed for up to ten (10) years without the need for City Council's annual approval to continue levying the assessment. Stakeholders ~~have~~ elected to renew the HBTBID for a nine (9) year five (5) month term. The renewed term ~~will provide~~ provides stable funding for destination marketing, visitor services enhancements, and management through June 30, 2028 and aligns the HBTBID's fiscal year to the City's fiscal year. This ~~may will~~ provide stable funding for destination marketing, visitor services enhancements, and management.

Many of Huntington Beach's competitors are at or exceeding the level of funding available for destination marketing in Huntington Beach. The table below lists the funding raised by tourism improvement districts for ~~several other competitors~~ VHB's current comparative set.

Location	Amount Raised	Assessment Rate	TOT Rate	Total Guest Charge
Costa Mesa	\$3,350,000	3% room revenue	8%	41%
Laguna Beach	\$2,040,000	2% room revenue	12%	44%
Irvine	\$3,100,000	2% room revenue	8%	40%
Anaheim	\$19,830,000 \$17,500,000	2% room revenue	15%	17%
Mammoth Lakes	\$10,800,000	1% room revenue	13%	14%
Newport Beach	\$10,500,000	3% room revenue	10%	13%
Palm Springs	\$17,000,000	1% room revenue	14%	15%
San Diego	\$41,000,000	2% room revenue	10%	12%
San Luis Obispo	\$10,400,000	1% room revenue	10%	11%
Santa Barbara	\$10,700,000	2% room revenue	12%	14%
Long Beach	\$6,000,000	3% room revenue	12%	15%
Torrance	\$1,090,000	1% room revenue	11%	12%
Santa Monica	\$4,130,000	\$1.50 – \$5.25 per night	14%	14% + \$5.25
Oceanside	\$690,000	1.5% room revenue	10%	11.5%
Santa Barbara	\$3,770,000	\$0.75 – \$4.00 per night	14%	14% + \$4.00
Newport Beach	\$8,430,000	3% room revenue	10%	13%
Mammoth Lakes				
Dana Point				
San Luis Obispo				

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*As of ~~September 2018~~ August 2023

IV. ACCOMPLISHMENTS (2019 – 2023)

Assessed Lodging Business Revenue

Assessed lodging business revenue has increased 27% since the HBTBID assessment was increased from 3% to 4% in 2019. Increases in assessed lodging business revenue by fiscal year are listed below:

<u>Fiscal Year</u>	<u>% Increase</u>	<u>Note</u>
<u>FY 18-19</u>	<u>17%</u>	
<u>FY 19-20</u>	<u>(23%)</u>	<u>(Covid hit in last quarter of fiscal year)</u>
<u>FY 20-21</u>	<u>(6%)</u>	
<u>FY 21-22</u>	<u>41%</u>	
<u>FY 22-23</u>	<u>6%</u>	

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Marketing & Public Relations

2019/2020

- To adapt to the pandemic shutdowns, VHB revised its marketing mix from a more international/national blend of effort towards a more hyper local (Los Angeles/Orange County) and regional CA drive market focus.
- In partnership with the City of Huntington Beach, launched *OneHB Clean & Safe* and *Masks Up Surf City* campaigns as part of its COVID-19 Recovery Plan.
- Produced 360 virtual reality content and an *Open for Business* map as part of VHB's COVID-19 Recovery Plan.
- Participated in Virtual Trade Show: 10 pre-scheduled appointments from larger agencies and groups (AAA Northeast, HelmsBriscoe) to smaller agencies (Preferred Choice Travel, TravelStore Pasadena) in partnership with the Hyatt Regency Huntington Beach Resort & Spa.
- Date a Destination: Week-long event held by Gate 7 with the major Australian travel companies in Australia (Helloworld, Flight Centre), destination reps, and virtual one-on-one meetings.
- Promoted Huntington Beach during the 2019 *Great Pacific Airshow* as a VIP Chalet sponsor.

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2020/2021

HBTBID Management District Plan
~~October 9, 2018~~ **March 27, 2024, 2023**



- Continued *OneHB Clean & Safe* and *Masks Up, Surf City* pandemic safety campaigns.
- Developed a *Clean & Safe* video series for each of the HB Collection properties that showcased their flexible meeting & events meeting spaces with 40% of its total square footage being outdoors and reiterated their commitment to ensuring a safe environment for their guests.
- Incorporated Project Brief template to use for ideation and outlining all proposed large VHB projects.
- Launched inaugural *12 Blocks of Cheer Campaign* bringing together the four downtown resorts, Pacific City, and Downtown Main Street for a holiday campaign promoting local shops, businesses, and events. 40 participating businesses; 62 events/photo ops; 35 deals; 3,000+ map views.
- Participated in Visit California's *Calling All Californians* Co-op Marketing Program designed to jump start the California economy and drive responsible in-state travel. From August – November, VHB rolled out advertising on travel-focused digital platforms. Campaign generated more than 9.6M impressions, 2,600 room nights with a gross booking value of \$555.9K.
- Launched social media advertising campaign on Facebook and Pinterest targeting in-state travelers, complementing the *Calling All Californians* digital campaign. Garnered 3.2M impressions, over 82.7K video play-throughs, and over 15K clicks.
- Media/PR efforts focused on garnering media coverage from hyper local outlets and influencers.
- Authored 17 blogs with listicle themes (ex: Three Reasons to Travel to Huntington Beach During the Week).
- Website Enhancements: Content Optimization and Navigation Architecture; SEO/SEM; Transitioned website to becoming ADA compliant.
- Revamped paid social media program to align with the heavy audience shift to social media during the pandemic, leveraging the 24/7 cycle of the platforms to promote all relevant VHB marketing programs. Communities and engagement increased on Facebook and Instagram by 25% YoY.
- Launched Datafy geo-location reporting dashboard tool which gains visitor and visitation insights from unique mobile device IDs that are observed while in destination.
- Revised Visitor Guide with a 2020 pandemic lens and *Rediscover Your Glow* and *Travel Responsibly* themes.
- Secured in-market agency representation in Canada, United Kingdom/Ireland, and Mexico. 790 total travel agents across all markets trained on selling Huntington Beach as a destination. 103 one-on-one trade show appointments with key international travel agents and tour operators.
- Launched CA STAR Visit CA Training Tool used to train groups of travel agents and tour operators via an online course.
- Brand USA Agent Training in Mexico City (200+ attendees).
- Familiarization Tours with Air Canada, Discover North America (UK), British Airways (UK), and Virgin Holidays (UK).
- Updated FILM HB Landing pages. FILM HB Data: 14 Film inquiries and 11 permitted shoots.

2021/2022

- In February 2021, launched inaugural *Show Your HB Love* campaign to highlight various businesses throughout Huntington Beach.
- Launched *#BeHere Marketing Campaign* encouraging visitation and overnight stays in an open, outdoor, safer environment. The campaign's initial launch was during the summer and the

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second *BeHere 2.0* flight leveraged Huntington Beach’s elongated summer weather and events that extend well into the Fall, Winter and Spring seasons providing an opportunity for a second wave of summer leisure marketing- Summer 2.0 – which overlays with the destination’s needs period. Campaign garnered 15.2M impressions 32K clicks, reached 2.7M households and 122 cities. The booking component of the campaign generated 2.2M impressions, and 9,200 room nights with a gross booking value of \$2.4M.

- Participated in Visit California’s *What If* Co-op Marketing Program: Launched in Spring 2021, the multi-layered campaign helped to stimulate California’s tourism economy and inspire domestic travel.
- The 2021 *WSL US Open of Surfing* presented by *Shisedo* Marketing Campaign spotlighted Huntington Beach to over 15 countries around the globe. The campaign garnered \$241.1K in media value, 110M social media impressions, 3.4M video plays, 1.3M live video views, 80K page views to landing page, and 1,000 pieces of media coverage media.
- Promoted Huntington Beach during the 2021 *Pacific Airshow* as a Chalet partner, hosting meeting planners and select VIP clients to promote HB as a meetings and events destination.
- Social Media program resulted in Facebook and Instagram communities increasing by 15% YoY, and social media engagement levels surpassing VHB 15% benchmark increase by as much as 135%.
- Launched Crowdriff- visual content marketing software for travel and hospitality brands to help source, manage, and publish user-generated content and short-form video from Huntington Beach locals and visitors.
- Launched a TikTok page in October 2021.
- Launched a Group Sales e-newsletter targeting meeting & event planners. Built a database of over 2,900 recipients with an open rate of 19.1%.
- Launched a UGC (user generated content) program encouraging locals and visitors to share their content with us for use on our social platforms and other materials. Generated 869 pieces of content.
- Launched digital advertising program that sells banner ad space on heavily trafficked pages of the VHB website, as well as paid opportunities on other VHB digital platforms (social media, e-newsletter, et al).
- Launched robust, content-calendar-based blog program to build more relevant, SEO- & SEM-friendly content on the VHB website. 60 blogs authored.
- Launched a quarterly photoshoot program developed to fill in imagery needs for all of VHB’s marketing initiatives. Quarterly Sessions: Outdoor Activities around the Pier, Action Sports, Laidback Luxury, and Select Service Hotel Properties.
- Partnered with four Orange County DMOs to form the *Orange County Coastal Tourism Alliance* in response to the Orange County Coastal oil spill. Developed a website to serve as a central communication hub for elected officials, the City, media, tourism industry and the public to share the most current information and accurate, factual updates about the spill impacts and recovery.
- In January 2022, launched quarterly Visitor Intercept Surveys. The data collected over calendar year 2022 will be included as insight in the 2022 Resident Sentiment Report and the 2022 Economic Impact Report.
- Hosted 13 journalists and 15 influencers, including “Travel Mom” influencer Emily Kaufman. Garnered national and local coverage including Forbes Magazine, Conde Nast Traveler, JustLuxe, CNN, Fox 11 News, Brides, and Orange County Register.
- Produced *Surf City USA® Uncovered*- a 20-episode series featuring unknown or “hidden” gems within Huntington Beach. The series targeted visitors and locals encouraging them to explore.

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- Revised Visitor Guide with the 2022 themes of *Be Here* and *Clean & Safe* and inspiring messaging sensitive to travel in a (transitioning) pandemic era.
- FILM HB Data: 45 Film inquiries and 63 permitted shoots.

2022/2023

- Launched *#BeHere 3.0 Marketing Campaign* encouraging visitation and overnight stays in an open, outdoor, safer environment. This iteration of the campaign targeted Huntington Beach lifestyle pillars of outdoors, wellness, family, active sports, dining, and shopping. Campaign garnered 22.7M impressions 46.7K clicks, outpacing performance by 47%. The booking component of the campaign generated 3,360 room nights.
- In response to Board direction to amplify channels to help boost referral business to hotels for the remainder of the fiscal year, VHB extended its *#BeHere Soft Season Campaign*, a highly targeted media buy investment developed to generate leisure bookings, increase web traffic to SurfCityUSA.com, and increase awareness of the destination, hotel, and resort properties. The extended campaign generated an additional 8.24M total impressions and 11,950 clicks to VHB's campaign landing page. The campaign surpassed performance projections by 53% and is tied to 2,917 unique hotel overnight visitors who saw VHB paid media ads up to 90 days before their stay.
- Launched redesigned website. Website traffic increased 7% YoY with 1.3M sessions and 2.1M Pageviews annually. Won four awards: Hermes Creative Award - Gold; DotComm-Gold Winner; Internet Advertising Competition - Best of Industry Winner; 29th Annual Communicator Awards - Award of Excellence.
- Updated all of VHB's SEM- and SEO-related platforms that track search engine and website performance to be compliant with Google Analytics Version 4 (GA4) platform update before the switch went live on July 1, 2023.
- Produced quarterly destination performance reports for the HB Collection hotel properties, customized with destination-level and hotel-level data per property.
- Promoted the inaugural *A Great Day in the Stoke*, a surfing competition which is open to all, but also happens to be the largest gathering of black surfers. The campaign secured 48 pieces of online media stories, 4 broadcast interviews, and 3 print articles with a collective reach of 29.3M.
- The *2022 ISA World Surfing Games* Marketing Campaign promoted Huntington Beach to over 2.1M LiveStream viewership from over 50 countries. The campaign, which received exposure in the Opening Ceremony, the competition broadcast, and Closing Ceremony and Parade, garnered 2M social media impressions, 132K daily interactions on ISA event page, and media coverage reaching 22K contacts.
- The *2022 WSL Vans US Open of Surfing* Marketing Campaign spotlighted Huntington Beach to over 743M homes in 6 regions around the globe. The campaign garnered a collective 1.3K social media posts, 38M social media impressions, 2M VOD views, 2.9M email impressions, 2.8M live video views, 195K page views to landing page, and 1,000 pieces of media coverage media. VHB also hosted LA28 organizing committee members allowing them to see first-hand HB's capabilities as a top-tier sporting event location.
- Promoted Huntington Beach during the *2022 Pacific Airshow* as a Chalet partner, hosting top meeting and event planners to showcase the destination as a unique place to meet. Along with Destination Analysts, produced *2022 Pacific Airshow Economic Impact Report* that showed it generated a \$70M total direct economic impact for Huntington Beach.
- Secured the *2023 ISA World Para Surfing Championships* to occur in November 2023 (FY 23-24).
- Updated *VHB Brand Style Guide*.

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- Produced *Huntington Beach Tourism Summit* hearing from experts in the tourism, action sports, and entertainment industries, as well as economic forecasts for Huntington Beach and updates on regional infrastructure enhancements.
- Designed new VHB trade show booth which debuted at IMEX 2022, a major trade show.
- Produced the *2022 Resident Sentiment Report* and the *2022 Economic Impact Report*.
- Created a *Major Events in HB Presentation* deck highlighting all the benefits of hosting world-class sporting (and other) events in Huntington Beach.
- Achieved goal of having 1,000 TikTok followers by fiscal year's end, unlocking additional backend features.
- Launched KeyData Reporting Dashboard which tracks Short Term Vacation Rentals performance in the destination.
- Launched Symphony Dashboard which pulls in all sources of economic, demographic, marketing, digital performance numbers into a central location for streamlined and customizable reporting.
- Hosted 16 journalists and 7 influencers. Garnered national and local coverage including *Forbes Magazine, Viator, Inside Hook, Daily Pilot, Travel Awaits, USA Today, and Orange County Register*.
- Hosted the California Cup Golf Invitational 2023. The 4-day long event brought together 75 international travel trade buyers and California suppliers for HB experiences, business development, and industry networking. Each year, CA Cup Invitational gives back to a local charity through funds raised from international and CA auction prizes.
- VHB was the only U.S. destination invited to participate in Air Canada, the Air Canada Foundation, and CAN (Canucks Autism Network) community's inaugural *Autism Aviation Day*. VHB welcomed over 50 individuals including children on the autism spectrum. The event provided an opportunity for youth on the autism spectrum (and their families) to rehearse the entire pre-flight process; the goal is to increase autism accessibility and encourage future travel.
- Conducted 733 total travel agents across all markets trained on selling Huntington Beach as a destination; 137 one-on-one trade show appointments with key international travel agents and tour operators; and 15 international familiarization tours.
- Along with Destination Analysts, produced *2022 Pacific Airshow Economic Impact Report*.
- FILM HB Data: 126 Film inquiries and 111 permitted shoots.

Sales

FY 2019 to present:

- Conference/Meeting leads processed by VHB: 2,900
- Definite contracted/booked room nights by VHB: 176,055
- Economic Impact of Groups to Huntington Beach: \$121 million

Highlighted Group Sales Programs

- Success of HB Collection Beachwides – Annual Future Proof Wealth Festival, inaugural year 2022, taking place every September with over 3,000 room nights to the destination per year within the four HB Collection Resorts and a beachfront event activation.
- Participation in Intermediary Preferred programs including HelmsBriscoe, ConferenceDirect, Prestige, and HPN Global which contributed to a substantial increase in lead development YOY.
- Partnership with Orange County Sport Commission has generated new business opportunities for both our Select Service and Full-Service Hotel/Resort partners.

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Visitor & Partner Services

Visitor Interactions (July 1, 2019 – June 30, 2023)

- Visitor Info Kiosk: 51,644
- VHB Office: 13,173
- Events: 10,017
- Mobile Bicycle Program: 391

Event Information Booths

- 55 events attended
- New branded equipment purchased in 2022 (10x10 pop-up canopy, cafe umbrella, flags, and tablecloths)

Local Pop-up Information Booths

- Launched Summer of 2021
- Pacific City
 - Operated weekends only from 5/29/21-8/29/21
 - 282 interactions
- Bella Terra
 - Operated weekends only from 7/10/21-9/5/21
 - 215 interactions

Publication Distribution

- Design and produce 18 different publications, including the official Huntington Beach Visitor Guide, Visitor Maps, Downtown HB and Sunset Beach Tear Off Maps, Downtown maps in foreign languages, Nightlife Guides, Activity Guides, Historical Walking Tours, and more.
- 7,500+ visitor guides handed out in person
- 100,000+ visitor guides distributed to local businesses
- 150,000+ visitor guides & rack brochures distributed to locations across the Western United States

Partner Services

- Partner Education Series - Launched in 2021; to date the series has held 23 events (15 virtual, 8 in-person) with 466 attendees.
- Partner Outreach Program - Launched 2021; Partner Services staff have connected with HB businesses 946 times. Visitor Services staff have referred visitors to HB businesses 6,921 times.
- CEO/Partner Newsletters - Over 50 e-newsletters have been sent since March 2020, with 1,166 newsletter contacts, a 41% average open rate (20% industry standard), and a 2.82% average click rate (2.25% industry standard).

Visitor Experiences

- Meet in HB Pass - Launched in 2022 for Group Meetings, this program provided deals at 13 local businesses for meeting attendees
- VHB Guided Walking Tours - Launched in 2022, the Historical Downtown HB Walking Tour and the Surf History Walking Tour are led by VHB staff twice a month. Special tours

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are led by Chris Epting a few times a year. To date, 222 tickets have been sold for the VHB led walking tours and the Chris Epting tours have sold out.

- Digital Surf City USA Barrel Trail - Launched in Spring 2022 as a free digital pass with a phone app, this trail provided deals at 15 breweries and distilleries across HB and garnered 566 sign-ups.
- Surf City USA Barrel Trail Passport - Launched in March 2023 as a physical booklet, the new passport is sold online and in-store for \$5. To date, 254 passports have been sold and 2 people have completed the full trail and redeemed the grand prize, a gift card to an HB brewery/distillery of their choice.
- Surf City USA Scavenger Hunt - Launched 2023, the Scavenger Hunt is a printed map targeted to families with young children. Participants redeem their completed Scavenger Hunt for a free coloring book at the Visitor Information Kiosk. In the first two months of the program, 68 participants picked up their free coloring book.
- Surf City USA Snapshots - Launched in May 2023, this digital trail leads visitors and residents to the best Instagrammable photo spots in HB.
- Pedego Pilot Program – Pilot program launched summer of 2022, this mobile visitor information bicycle provided visitor info along the beach path and had 391 interactions over 3 months.
- Major Visitor Information Kiosk Capital Improvements over the last several years.

Other Visitor Enhancement Programs

- Team Surf City USA Volunteer Program
 - Launched June 2023
 - 8 volunteers enrolled in the program
- Wayfinding Program
 - Completed 90% of installation and continue to conduct ongoing maintenance for installed HB branded Wayfinding Program signage throughout Huntington Beach. The \$1 million-plus comprehensive wayfinding system was created in partnership with the City of Huntington Beach after receiving community input.
 - The program remains ongoing with installation of remaining signs, including gateway signs, to take place over the coming years.
 - Installed and maintain digital information kiosk at the HB Pier as part of the Wayfinding Program.
- Summer Beach Restrooms - Provide annual financial support for temporary summer beach restrooms and additional cleaning at the HB Pier. In 2023, VHB covered the entire cost for the program due to City budget cuts.
- Downtown Transportation - Provided financial and marketing support for the launch of the Circuit electric car program in Downtown HB.

Retail Program

- In 2020, VHB launched a Surf City USA® retail program to help visitors promote the brand when they return home. Currently, the store produces 26 items for sale in-store, online, and at pop-up booths, with gross sales of \$33k since inception. Sales increased 88% in the last year.

Pandemic recovery initiatives

- Open For Business Page and Map launched in March 2020 to help residents and visitors find needed resources.

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- OneHB Clean & Safe Pledge Digital Trail launched in October 2020 and garnered 787 pledges from HB businesses.

Advocacy & Community Support

- Provide resources and knowledge to support public policy initiatives that advance brand awareness and reputation of Huntington Beach
- Provide annual funding support for the Downtown Nighttime Ambassador Program, which is now operated by the Downtown Business Improvement District.
- VHB supports local events with community sponsorships for programs including the Waymakers Pier Snowflakes, 4th of July Parade, Blessing of the Waves, HB Surfing Walk of Fame, Cherry Blossom Festival, Great Day in the Stoke, Surf City Splash, Bolsa Chica Wetlands Conservancy, and Amigos de Bolsa Chica.
- VHB staff volunteer on local committees and Boards of Directors, including the HB Chamber of Commerce, Downtown Business Improvement District, HB Surfing Walk of Fame, and the Alzheimer’s Association Walk to End Alzheimer’s.
- VHB staff speak annually at local schools and non-profit organizations providing information about why tourism is a viable job industry and a strong economic support for the community.
- Provide annual funding support for HB International Surfing Museum
- VHB staff volunteer for local events and projects, such as the City of Huntington Beach’s Community Service Day, the Waymaker’s Youth Shelter Annual Gala, the Wetlands & Wildlife Care Center’s Baby Shower, and Project Self Sufficiency’s Thanksgiving and Holiday gift giving program.

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Administration

Awards

- Named one of OC Business Journal’s Best Places to Work in Orange County in 2023.
- Earned FiredUp! Culture’s 2022 Culture Achievement Award, which was awarded to nine organizations nationally across multiple industries who scored the highest on its Team Culture Index Survey.
- Earned a “With Distinction” status with VHB’s 2021 DMAP (Destination Management Accreditation Program) accreditation renewal through Destinations International. The “With Distinction” status has only been awarded to less than 15 organizations globally.

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Operations

- Created new 2023-2026 Strategic Plan, to follow the 2020-2023 Strategic Plan.
- In 2019, relocated VHB office to ground level on 5th Street near PCH to provide better access for visitors. Created Welcome Center and Surf City USA® retail store in new office lobby.
- Continue to perform annual unqualified audits.

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Assessed Lodging Business Revenue

Assessed lodging businesses revenue has increased 45.6% since the HBTBID assessment was increased from 2% to 3% in 2014. Increases in assessed lodging business revenue by fiscal year are listed below:

- FY 14-15 — 9.2%
- FY 15-16 — 9.0%
- FY 16-17 — 13.3%
- FY 17-18 — 15.1% (Oct-Jul)

Marketing & Public Relations

- Produced the destination's most successful PR activation in 2015-16, garnering national and international media exposure for the brand and numerous "best in the travel industry" awards. Huntington Beach's "Epic Big Board Ride" campaign resulted in:
 - Two GUINNESS WORLD RECORDS™ for "Largest surfboard" and "Most people riding a surfboard at once."
 - Total media coverage:
 - 2,017 total placements
 - 500 million impressions
 - \$9.6 million in immediate earned media value
 - 1,306 broadcast segments
- Conducted comprehensive brand perception research study in leisure and group markets in 2015-16, launched updated Surf City USA brand logo, leisure "Wonder" campaign and group "HB Collection" campaign in 2016-17 across all marketing channels—digital, print, broadcast, display, collateral, and visitor information services.
- Re-designed a national award-winning, mobile-centric responsive website in 2016-17, social media integration and expansion initiative and transitioned entire media marketing strategy to a robust digital-based destination marketing program. The result? Qualified visitor user sessions increased 72% from 643,365 in 2014-15 to 1,112,846 in 2017-18, with soaring hotel overnight stay market demand and revenue increases (see above hotel data).
- Granted highly valued official verification on three major social media platforms (*Facebook, Twitter, Instagram*).
- Began covering events and key destination locations live on Facebook, Instagram and Twitter, adding paid social media posting in 2017-18. Results include progressive increases in followers and engagement from 24%—51% across these three key social media channels annually.
- Produced video content promoting the destination that is being used by assessed lodging businesses to help their sales initiatives.
- Launched *Huntington Beach Welcomes You to Dream and Do* campaign that includes videos and print collateral, as well as video promotion with Matador Media to reach 13 million adventure millennial travelers.
- Hosted over 300 journalists from top domestic and international markets from 2014-15 to 2017-18.
- Generated over \$27 million in earned media value and 620 million impressions across top travel publications (online, print and broadcast) from 2014-15 to present.
- Received numerous national and international travel industry marketing and communications awards from the US Travel Association, Hospitality Sales and Marketing Association International, Visit California and the National Web Marketing Association.

Destination Product Development

- Built the world's largest surfboard and an activation event that sparked \$10 million in global media value, as well as produced a lasting community attraction, asset and point of pride.
- Led community input sessions, which helped VHB in designing a million-dollar plus communitywide comprehensive wayfinding system. The signs are currently being installed throughout Huntington Beach.
- Funded capital improvements at HB International Surfing Museum.

Sales

FY 2014-15 to present:

- Conference/Meeting leads processed by VHB: 1,832
- Definite contracted/booked room nights by VHB: 111,270
- Economic Impact of Groups to Huntington Beach: \$111.39 million
- Highlighted Group Sales Programs
 - Launch of *HB Collection* — promoting multiple hotels in Huntington Beach with their walkability aspect to groups that would traditional only consider a convention center.
 - 2016 *Porsche Cars North America* is largest group ever booked into Huntington Beach with 3,700 contracted room nights at assessed businesses and Economic Impact of \$4.1 million.
 - 2018 *Porsche Cars North America* in negotiations to hold multiple programs in Huntington Beach at assessed businesses for a total of 4,100 room nights in 2019

Service

- 2016 Destinations International WOW Award for Surf City USA Ambassador Program.
- 2018 Orange County Certified Tourism Ambassador (CTA) Company of the Year.
- Launched Nighttime Ambassador Program to aid the Huntington Beach Police Department on busy evenings in downtown during Spring Break and summer.
- Took over administration of Daytime Ambassador Program to provide 7 days a week roving hospitality services to guests in downtown Huntington Beach.
- Expanded Surf City USA Shuttle from events only to include summer weekends. Summer weekend Coastal Loop shuttle passenger count by year:
 - 2015: 548 passengers
 - 2016: 955 passengers
 - 2017: 639 passengers
 - 2018: 1,273 passengers (with one more weekend to go)
- Since 2014, hosted 10 Partner Information Meetings each year for a total of 140 businesses.
- In 2017, launched complimentary Event Information Booth service to provide visitor information to attendees at 20 events, including the Fastpitch Softball Tournament in Central Park, Surf City USA Marathon, Airshow, and AVP Championships. In 2017, launched the Surf City USA Volunteer Program to help staff Event Information Booths.

Advocacy & Community Support

- In 2017, launched the summer PCH Cleanup. This roadside cleanup focuses on the gateway to Huntington Beach from the south, between Brookhurst and Beach Blvd along PCH.
 - 2017 & 2018: 268 volunteers picked up 1,430 pounds of trash.
- Developed guidelines for new Community Events Sponsorship Initiative to launch 2018-19.

Administration

- ~~Implemented the CRM (Customer Relationship Management) system for better tracking of assessed business data.~~
- ~~Annually send at least one VHB employee to the Robert Mayer Huntington Beach Leadership Academy program.~~
- ~~Implemented Blackbaud software for improved accounting, budgeting, and transparency.~~
- ~~Established a Reserve Policy consistent with industry practices.~~
- ~~Unqualified audits each year from 2014-15 to present.~~

V. BOUNDARY

The HBTBID will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the City of Huntington Beach.

Lodging business means: any structure, or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, at a fixed location, or other similar structure or portion thereof.

The boundary, ~~as is~~ shown in the map below, ~~currently includes twenty-three (23) lodging businesses.~~ A complete listing of lodging businesses within the renewed HBTBID can be found in Appendix 2.





VI. BUDGET AND SERVICES

A. Annual Service Plan

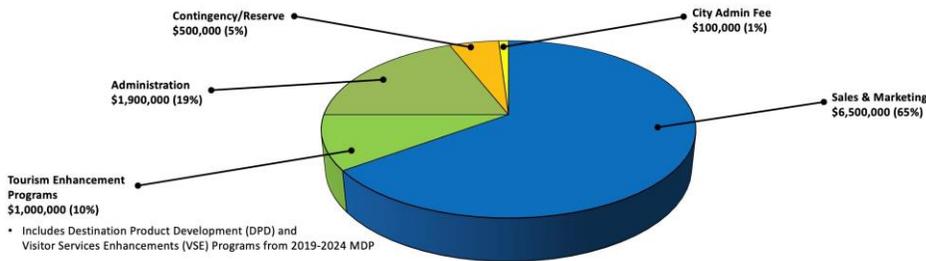
Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits or granting the privileges. The privileges and services provided with the HBTBID funds are marketing, sales and tourism enhancement programs available only to assessed lodging businesses.

A service plan budget has been developed to deliver services that benefit the assessed lodging businesses. A detailed annual budget will be developed and approved by VHB. ~~The table below illustrates the initial annual budget allocations.~~ The total initial full year budget ~~was anticipated to be~~ is \$5,000,000. Fiscal year 2019 ~~covered~~ the five (5) month period from February to June 2019, resulting in a lower anticipated budget for the first five (5) months of HBTBID operation.

The table below illustrates the initial annual budget allocations reflecting the modified assessment rate. Beginning ~~April~~ July 1, 2024, or as soon as possible thereafter, due to the modified assessment rate, the total initial full year assessment budget is anticipated to be approximately \$10,000,000. ~~Fiscal year 2023-2024 covers the three (3) month period from April to June 2024, resulting in a lower budget for the first three (3) months following the assessment rate modification.~~

2024 VHB PROPOSED MODIFIED BUDGET: Annual Assessment Budget \$10,000,000

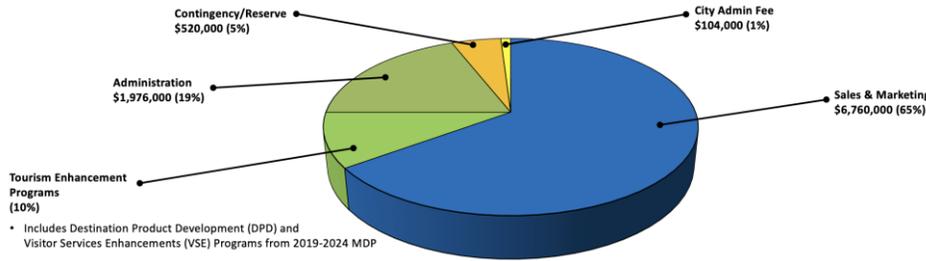
VHB's FY23-24 budget is approximately \$7 million. With a 2% increase in TBID assessments, VHB forecasts its budget to be approximately \$10M. This amount is reflected below. All proposed programs funded by TBID assessments must be approved by the VHB Board during the annual budget process and must adhere to state laws governing these assessment expenditures.



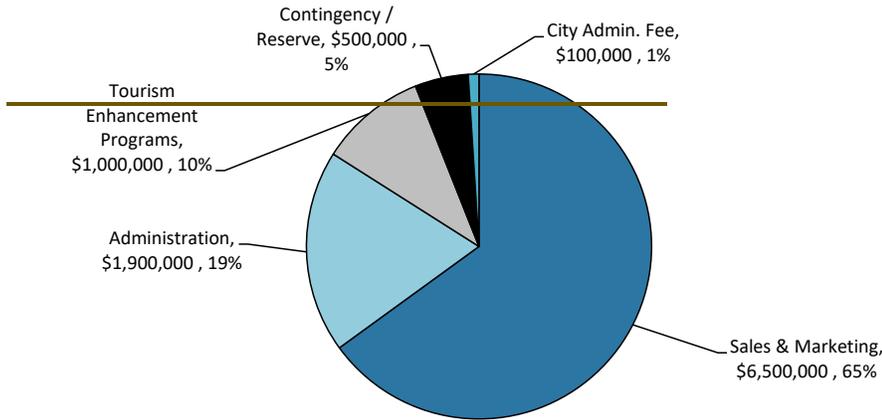
2024 VHB PROPOSED MODIFIED BUDGET: Annual Assessment Budget \$10,000,000**

**VHB's FY23-24 budget is approximately \$7 million. With a 2% increase in TBID assessments, The City forecasts VHB's FY 24-25 budget to be approximately \$10.4M. This amount is reflected below.

All proposed programs funded by TBID assessments must be approved by the VHB Board during the annual budget process and must adhere to state laws governing these assessment expenditures.



Annual Assessment Budget - \$10,000,000



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Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the City and the VHB Board shall have the authority to adjust budget allocations between the categories by no more than re-allocate up to fifteen percent (15%) of the budget allocation within the budgeted categories per year and submitted through the annual report of the total budget per year. For example, if there is increased market competition, \$150,000 from the Tourism Enhancement Programs budget may be reallocated to the Sales & Marketing budget, staying within the authorized 15% reallocation limit. In the event of unforeseeable emergencies or unavoidable catastrophes that interrupt the expected course of business, by agreement of both the VHB Board and the City Manager (or his/her designee), the City and VHB shall have the authority to adjust budget categories by more than fifteen percent (15%) of the budget allocation within the budgeted categories. For example, in the event of a pandemic resulting in an unprecedented decline in tourism, \$3,000,000 from the Sales & Marketing budget may be reallocated to the Tourism Enhancement Programs budget to address unforeseen circumstances, exceeding 15% as allowed under the exceptional circumstances. At least annually, VHB will meet with the City Manager and/or designated staff to review accomplishments and funding priorities for the following year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the HBTBID, any and all assessment funds may be used for the costs of defending the HBTBID.

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Each budget category includes all costs related to providing that service, in accordance with Generally Accepted Accounting Procedures (GAAP). For example, the Tourism Enhancement Programs Sales & Marketing budget includes the cost of staff time dedicated to overseeing and implementing the tourism enhancements sales and marketing programs. Staff time dedicated purely to administrative tasks is allocated to the administration portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories, as appropriate in accordance with GAAP. The staffing levels necessary to provide the services below will be determined by the VHB on an as-needed basis.

Tourism Enhancement Programs Sales & Marketing

The Tourism Enhancement Program will promote and provide activities and improvements to assessed lodging businesses through the implementation of two sub-programs: sales and marketing and visitor services enhancements. A summary of each sub-program is provided below:

Sales & Marketing

The sales and marketing program will promote assessed lodging businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting the Huntington Beach destination brand as a desirable place for overnight visits. The program will have the goal of increasing overnight visitation and room night sales at assessed lodging businesses, and may include the following activities which are designed to drive overnight visitation and room sales to assessed lodging businesses:

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Increased advertising and promotional programs in print, online, social media, and television targeted at potential visitors to drive overnight visitation and room sales;

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Increased advertising and promotional programs in print, online, social media, and television targeted at potential visitors to drive overnight visitation and room sales;

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Website enhancements and updates;

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- Strategic advertising and marketing agency support;
- Contract with third party marketing and sales partners;
- Public relations, sales blitzes, missions, and calls;
- Familiarization tours targeting key decision makers;
- Preparation and production of collateral promotional materials such as visitor guides, brochures, flyers, and maps;
- Video development for destination experiences and visuals;
- Attendance at professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists, leisure visitors, and group events to Huntington Beach;
- Partnerships with targeted special events that attract overnight visitors; and
- Cooperation with local agencies and film commission programs that attract overnight visitors.

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Tourism Enhancement Programs

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The Tourism Enhancement Program (TEP) will enhance the brand image and visitor experience while in destination, providing a benefit for guests of assessed lodging businesses by encouraging an increased length of stay and appealing to target niche markets based on demographic and current travel data. An incidental benefit also improves the resident experience throughout the year.

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Visitor Services Enhancements

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The Visitor Services Enhancements (VSE) program/TEP will provide funding for programs and initiatives in destination in accordance with VHB's current strategic plan. VHB will work with the City Manager and designated city staff to identify and prioritize any key public-private programs and initiatives, as detailed in the Management Agreement with the City and VHB, to be funded and implemented following subject to approval of the VHB budget by the VHB Board of Directors and approval of the City budget by City Council. based on criteria to be developed by VHB and reviewed and approved with the City. The focus for the VSE/TEP program will be on the entire destination brand footprint to ensure a consistent brand experience throughout Huntington Beach. VSE/TEP may include the following programs which are designed to drive increased overnight visitation and room sales to assessed lodging businesses:

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- A Support of a long-term ambassador and/or security program with trained staff that supplement the current level of police presence to improve the overall destination experience

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and encourage overnight visitation ~~or a fulltime dedicated police officer to ensure tourism safety;~~

- Welcome center, event-based visitor information booths, and visitor information kiosk improvements including new-current technology-driven visitor information enhancements;
- Support of Signature Events that provide a proven positive economic impact and extend Surf City USA’s brand reach, including programs and events that lead up to the LA28 Olympic games;
- Support of other community events and programs that uphold the authenticity of the Surf City USA experience and create a greater sense of community for residents;
- Team Surf City USA Volunteer Program to help community members become experienced event volunteers;
- Pedestrian improvements linking the hotels and Downtown;
- Brand-centric visitor services training program for both public and private sector staff; and
- A Support of a Trolley or transportation program connecting hotels to downtown Huntington Beach, The Pier, or other attractions; and
- Development of activities and/or products designed to keep visitors in the destination for an increased duration of time, including Historical Walking Tours, Scavenger Hunt, Barrel Trail, Surf City USA Snapshots, and other activities.

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• Additional future TEP programs may include destination product development programs to provide support for public-private capital improvement projects in partnership with the City of Huntington Beach. If such a project is proposed, VHB will work collaboratively with the City Manager and Public Works. Such projects, which are all aimed to attract overnight visitors, may include:

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Surf City USA Destination Product Development

~~The Destination Product Development (DPD) program will provide funding to assist in the building or financing of well-vetted capital improvement projects which attract overnight visitors to assessed businesses. The program costs may be allocated up to ten percent (10.0%) of the annual budget. Working collaboratively with the City Manager, VHB will develop specific DPD funding criteria and an award process. The City working with VHB, shall have equal input to make recommendations to the VHB Board for final project approval. Both the funding and awarding criteria will be developed in collaboration with the City Manager’s office and other key community stakeholder groups. These DPD projects may include:~~

~~Destination product development projects to provide support for public-private capital improvement projects in partnership with the City of Huntington Beach. If a new project is proposed, VHB will work collaboratively with the City Manager and Public Works in accordance with the TBID Management Agreement terms. Such projects may include:~~

- Additional wayfinding signage system enhancements including gateways and parking signage;
- Pedestrian improvements linking the beachfront hotels, Pacific City, Main Street, and 5th Street; Comprehensive and integrated wayfinding signage system enhancements including signage to parking decks and lots;
- Art and cultural improvements, such as a public art trail; Art and cultural projects, to attract overnight visitors;
- Gateway enhancements including on Pacific Coast Highway, to attract overnight visitors;

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- ~~Bicycle and surfboard storage improvements;~~
- ~~Enhancements to wetlands experiences which attract overnight visitors, such as the Bolsa Chica Ecological Reserve and the Huntington Beach Wetlands (between Newland Street and the Santa Ana River) that expose visitors to the value of the vital ecosystems;~~
- ~~Improvements to existing parks and sports facilities utilized by overnight visitors;~~
- ~~Safe and fun entertainment complex for young teens and adults utilized by overnight visitors;~~
- ~~Live music venue which attracts overnight visitors;~~
- ~~Infrastructure improvements that enhance Huntington Beach’s competitive position to attract desirable special events year-round and attract overnight visitors;~~
- Partnership with the City on mutually agreed upon projects that promote overnight visitor stays to Huntington Beach. Examples may include: Improvements to pier plaza, existing parks and sports facilities, Huntington Beach International Surfing Museum, the Surfing Walk of Fame, and creation of a new live music venue, and/or entertainment complex;~~Huntington Beach International Surfing Museum, and summer beach restroom porter cleaning assistance;~~
- Destination product development research and master planning, and design of approved destination product development projects and;
- ~~Infrastructure improvements that enhance Huntington Beach’s competitive position to attract desirable special events year-round (e.g., improvements to beach restrooms, parking structures/lots, lighting, and summer beach restroom porter cleaning).~~Infrastructure improvements that enhance Huntington Beach’s competitive position to attract desirable special events year-round, and attract additional overnight visitors from niche emerging markets, for example the cycling, physically disabled, and neurodivergent markets; and
- ~~Improvements to the City’s downtown parking deck that make the overnight visitor experience more desirable.~~

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Administration

The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, advocacy, and other general administrative costs such as insurance, legal, and accounting fees.

Contingency/Reserve

The budget includes a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program, administration, or renewal costs at the discretion of the VHB Board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the VHB Board.

City Administration Fee

The City of Huntington Beach shall retain a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration.

B. Annual Budget

The total nine (9) year and five (5) month improvement and service plan budget ~~is was~~ projected at approximately \$5,000,000 annually, or \$47,083,333 cumulatively through 2028. Beginning on April July 1, 2024, or as soon as possible thereafter, due to the modified assessment rate, the total



HBTBID assessment budget for each subsequent full year of operation is projected to be approximately \$10,000,000, or approximately \$71,901,015 cumulatively through 2028. The initial “year” of the modified assessment rate is a partial year consisting of () months, for which the anticipated assessment budget is approximately \$. This amount may fluctuate as sales and revenue increase or decrease at assessed lodging businesses, but is not expected to change significantly over the term.

C. California Constitutional Compliance

The HBTBID assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term ‘assessments’ to levies on real property.¹ Rather, the HBTBID assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the HBTBID, a “specific benefit” and a “specific government service.” Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, “a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.”² The activities and improvements in this Plan are designed to provide targeted benefits directly to assessed lodging businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific lodging businesses within the HBTBID. The activities described in this Plan are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the HBTBID, and are narrowly tailored. HBTBID funds will be used exclusively to provide the specific benefit of increased room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging businesses in HBTBID programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

The assessment imposed by this HBTBID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in room night sales. The specific benefit of an increase in room night sales for assessed lodging businesses will be provided only to lodging businesses paying the HBTBID assessment, with tourism enhancement programs promoting lodging businesses paying the HBTBID assessment. The tourism enhancement programs will be designed to increase room night sales at each assessed lodging businesses. Because they are necessary to provide the tourism enhancement programs that specifically benefit the assessed lodging businesses, the administration and contingency/reserve programs also provide the specific benefit of increased room night sales to the assessed lodging businesses.

Although the HBTBID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, “A specific benefit is not excluded from classification

¹ *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

² Cal. Const. art XIII C § 1(e)(1)

as a 'specific benefit' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor.”³

2. Specific Government Service

The assessment may also be utilized to provide, “a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.”⁴ The legislature has recognized that marketing and promotions services like those to be provided by the HBTBID are government services within the meaning of Proposition 265. Further, the legislature has determined that “a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor.”⁶

3. Reasonable Cost

HBTBID services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the VHB, and reports submitted on an annual basis to the City. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from HBTBID-funded activities, be featured in lodging-specific advertising campaigns, and benefit from other HBTBID-funded programs. Non-assessed lodging businesses will not receive these, nor any other, HBTBID-funded services and benefits.

The HBTBID-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed lodging businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-HBTBID funds. HBTBID funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental room nights for non-assessed businesses.

D. Assessment

The initial annual assessment rate ~~is~~ was four percent (4%) of gross short-term room rental revenue. This Plan has been modified to increase the assessment rate to six percent (6%) of gross short-term room rental revenue. The modified assessment rate is effective beginning on ~~April~~ July 1, 2024, or as soon as possible thereafter, and shall remain in effect until the end of the HBTBID's term. -Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any federal or State of California officer or employee when on official business; and stays by any officer or employee for a foreign government who is exempt by reason of express provision of federal law or international treaty.

The term “gross room rental revenue” as used herein means: the consideration charged, whether or not received, for the occupancy of space in a lodging business valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross room rental revenue shall

³ Government Code § 53758(a)

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code § 53758(b)

⁶ Government Code § 53758(b)

not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The assessment is levied upon and a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. If the HBTBID assessment is identified separately it shall be disclosed as the “HBTBID Assessment.” As an alternative, the disclosure may include the amount of the HBTBID assessment and the amount of the assessment imposed pursuant to the California Tourism Marketing Act, Government Code §13995 et seq. and shall be disclosed as the “Tourism Assessment.” The assessment is imposed solely upon, and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purpose, including calculation of transient occupancy taxes.

Bonds shall not be issued.

E. Penalties and Interest

The HBTBID shall reimburse the City of Huntington Beach for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent HBTBID assessment are sought to be recovered in the same collection action by the City, the HBTBID shall bear its pro rata share of such collection costs. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency:* Any lodging business that fails to remit any assessment imposed within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. *Continued Delinquency:* Any lodging business that fails to meet any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. *Fraud:* If the City determines that the non-payment of any remittance due is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in subparagraphs 1 and 2 of this subsection E.
4. *Interest:* In addition to the penalties imposed, any lodging business that fails to remit any assessment imposed shall pay interest at the rate of one-half of one percent (0.5%) per month, or fraction thereof, on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
5. *Penalties Merged with Assessment:* Every penalty imposed and such interest as accrues shall become a part of the assessment herein required to be paid.
6. *City not Responsible for Uncollected Amounts:* The City shall not be responsible for uncollected amounts.

F. Time and Manner for Collecting Assessments

The HBTBID assessment will be implemented beginning February 1, 2019 and will continue for nine (9) years and five (5) months through June 30, 2028. The City will be responsible for collecting the assessment on a monthly or quarterly basis (including any delinquencies, penalties and interest) from each lodging business. The City shall take all reasonable efforts to collect the assessments from each lodging business. The City shall forward the assessments collected to VHB.

VII. GOVERNANCE

A. Owners' Association

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the HBTBID as defined in Streets and Highways Code §36612. The City Council has determined that Visit Huntington Beach will continue to serve as the Owners' Association for the HBTBID, upon execution of a renewed contract between the City and VHB.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the VHB board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

C. Annual Report

The VHB shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- 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.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

*** THIS DOCUMENT IS CURRENT THROUGH THE 2018 SUPPLEMENT ***
(ALL 2017 LEGISLATION)

**STREETS AND HIGHWAYS CODE
DIVISION 18. PARKING
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994**

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
 - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
 - (2) Job creation.
 - (3) Business attraction.
 - (4) Business retention.
 - (5) Economic growth.
 - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
 - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.
 - (2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the

incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. “Activities”

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. “Assessment”

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. “Business”

“Business” means all types of businesses and includes financial institutions and professions.

36608. “City”

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. “City council”

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. “Clerk”

“Clerk” means the clerk of the legislative body.

36609.5. “General benefit”

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

36610. “Improvement”

“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:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

36611. “Management district plan”; “Plan”

“Management district plan” or “plan” means a proposal as defined in Section 36622.

36612. “Owners’ association”

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

36614. “Property”

“Property” means real property situated within a district.

36614.5. “Property and business improvement district”; “District”

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

36614.6. “Property-based assessment”

“Property-based assessment” means any assessment made pursuant to this part upon real property.

36614.7. “Property-based district”

“Property-based district” means any district in which a city levies a property-based assessment.

36615. “Property owner”; “Business owner”; “Owner”

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. “Special benefit”

“Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

36616. “Tenant”

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board



of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
 - (1) A map showing the boundaries of the district.
 - (2) Information specifying where the complete management district plan can be obtained.
 - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
 - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
 - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

- (e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.
- (f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.
- (g) The time and manner of collecting the assessments.
- (h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
- (i) The proposed time for implementation and completion of the management district plan.
- (j) Any proposed rules and regulations to be applicable to the district.
- (k)
 - (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
 - (2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
- (l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.
- (m) In a property-based district, the total amount of general benefits, if any.
- (n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
- (o) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

- (a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
- (b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay

50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in Section 36625.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

- (a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may

classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500))

or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

- (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
- (2) The improvements, maintenance, and activities to be provided for that fiscal year.
- (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
- (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
- (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- (6) The estimated 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 owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

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, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

- (a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
- (b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
- (c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

- (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
 - (1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
 - (2) During the operation of the district, there shall be a 30-day period each year in which assesseses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
- (b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

- (a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.
- (b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

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<u>STR-2023-0186</u>	<u>124 Main Street 303 Huntington Beach CA 92648</u>	Formatted: Left
<u>STR-2024-0015</u>	<u>8021 Mermaid Circle Huntington Beach CA 92646</u>	Formatted: Left
<u>STR-2024-0025</u>	<u>115 7th Street, Huntington Beach CA 92648</u>	Formatted: Left
<u>STR-2024-0032</u>	<u>516 Huntington Street Huntington Beach CA 92648</u>	Formatted: Left

*As of September 2018 March 2024 ~~2023~~

** The list was developed with the most reliable information provided; however, the list may contain discrepancies. This list shall include any future to-be opened lodging businesses. Any lodging business that may have been missed in this list, but is still within the boundaries of the HBTBID, shall also be subject to assessment.

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