

ATTACHMENT C

RESOLUTION NO. 2020-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DECLARING ITS INTENTION TO RENEW THE CORONA DEL MAR BUSINESS IMPROVEMENT DISTRICT AND LEVY ASSESSMENTS FOR THE FISCAL YEAR OF JULY 1, 2020 TO JUNE 30, 2021, AND FIX THE TIME AND PLACE OF A PUBLIC HEARING

WHEREAS, the Corona del Mar Business Improvement District (“CdM BID”) was established in 1997 pursuant to the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code, Sections 36500 *et seq.*, (“1989 Law”), which requires an annual report to be filed and approved by the City Council for each fiscal year;

WHEREAS, the advisory board, known as the CdM BID Board of Directors, has prepared an annual report for the 2019-2020 fiscal year which is on file in the City Clerk’s Office (“CdM BID Annual Report”); and

WHEREAS, on June 9, 2020, the CdM BID Annual Report was filed with and approved by the City Council.

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

Section 1: The City Council hereby declares its intention to renew the CdM BID for fiscal year July 1, 2020 to June 30, 2021, pursuant to the 1989 Law.

Section 2: The City Council hereby declares its intention to levy assessments for the CdM BID for the fiscal year July 1, 2020 to June 30, 2021, pursuant to the 1989 Law. Such benefit assessment shall be as follows:

A. Banks and financial institutions that are exempt from City business license regulations shall be assessed Five Hundred Dollars (\$500) per year.

B. Insurance agencies that are exempt from City business license regulations shall be assessed Two Hundred Fifty Dollars (\$250) per year.

C. Persons operating one of the following types of businesses as an independent contractor in an establishment owned by another person shall be exempt from this assessment:

1. Hair stylists;
2. Nail technicians; and
3. Real estate agents.

D. The assessment for all other businesses within the CdM BID shall be seventy percent (70%) of the annual business license tax as established pursuant to Chapter 5.08 of the Newport Beach Municipal Code.

Section 3: The penalty for delinquent payments shall be equal to that established for delinquent business license fees pursuant to Chapter 5.04 of the Newport Beach Municipal Code, providing that the penalty to be added shall in no event exceed fifty percent (50%) of the assessment amount due.

Section 4: The benefit assessments shall be collected by the City, or its designee, in one annual installment. The assessment for new businesses shall be prorated according to the number of full months remaining in the CdM BID's fiscal year.

Section 5: The improvements and activities to be funded by the benefit assessments shall include only the following:

- A. Marketing, advertising, and public relations;
- B. Public area improvements and maintenance programs;
- C. Promotion of public events that are to take place on or in any public places in the area;
- D. General promotion of retail trade activities; and
- E. Administration.

The implementation of these actions is described in the CdM BID Annual Report, which is on file with the City Clerk's Office located at 100 Civic Center Drive, Bay 2E, Newport Beach, CA 92660. Given the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID 19, City Hall may be closed, so a copy of the report has been posted online on the City Clerk's website <https://www.newportbeachca.gov/government/departments/city-clerk>, and the City Clerk will provide a copy to any interested person. Please contact the City Clerk at 949-644-3005 or cityclerk@newportbeachca.gov if you would like to receive a copy of the report.

Section 6: The location of the CdM BID will remain the same: Generally located on East Coast Highway from Hazel Drive to Avocado Avenue, as set forth with greater specificity in the map attached as Exhibit A, and incorporated herein by reference.

Section 7: The time and place for a public hearing on the CdM BID renewal is set for 7:00 p.m. or as soon thereafter as the matter may be heard on June 23, 2020, at the Council Chambers located at 100 Civic Center Drive, Newport Beach, CA 92660. Given the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID 19, this meeting may occur telephonically. Anyone wishing to attend the public hearing should check the June 23, 2020, meeting agenda on the City's webpage at newportbeachca.gov/agendas or contact the City Clerk at 949-644-3005 or cityclerk@newportbeachca.gov, during normal business hours, to receive information on how to attend this meeting.

Section 8: During the public hearing, the City Council shall hear and consider all protests against the establishment area, or the furnishing of specified types of improvements or activities within the area. Protests may be made orally or in writing, but if written shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest. If written protests are received by the owners of the businesses within the CdM BID which pay fifty percent (50%) or more of the total assessments to be levied, no further proceedings to renew the CdM BID shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specific type or types of improvements or activity or benefit within the CdM BID, those types of improvements or activities or benefit zones shall be eliminated. Given the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID 19, this meeting may occur telephonically; however, written protests may be emailed to the City Clerk at or before the time fixed for the hearing at cityclerk@newportbeachca.gov.

Section 9: Further information regarding the proposed CdM BID renewal may be obtained at the City Clerk's Office, 100 Civic Center Drive, Bay 2E, Newport Beach, CA 92660, (949-644-3005 or cityclerk@newportbeachca.gov).

Section 10: The City Clerk is directed to provide notice of the public hearing in accordance with Streets and Highways Code Sections 36523 and 36541.

Section 11: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 12: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 13: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 14: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 9th day of June, 2020.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment(s): Exhibit A (Boundary Map)



Corona del Mar Business Improvement District

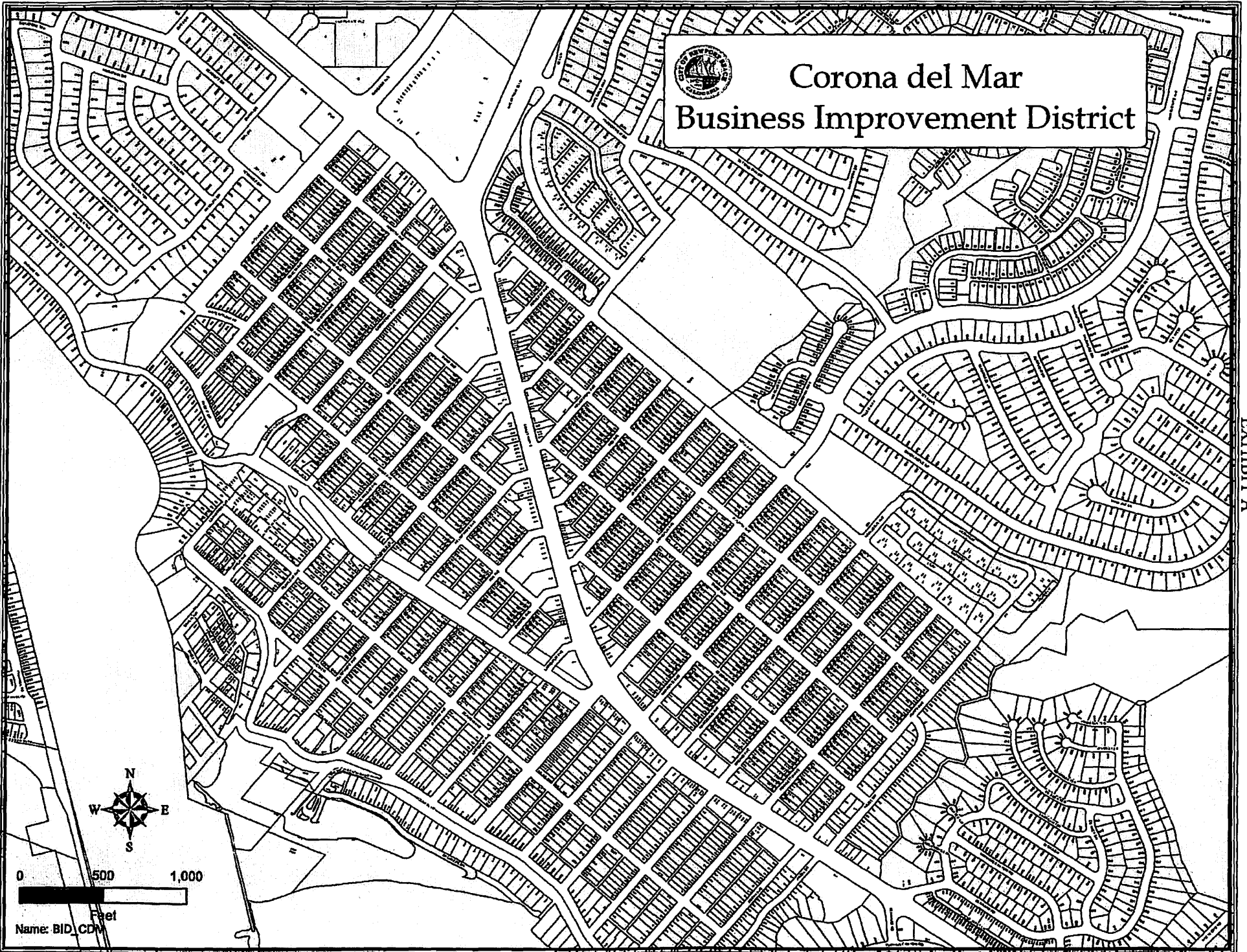


EXHIBIT A

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