

C 6646

ORDINANCE NO. C- 6646

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

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

Section 1. This ordinance is made and enacted pursuant to the provisions of the Parking and Business Improvement Area Law of 1979 (Part 6 of Division 18, commencing with Section 36500, of the Streets and Highways Code, hereinafter sometimes referred to as "said law" or "the law").

A. On August 29, 1989, the City Council of the City of Long Beach adopted Resolution No. C-24703 entitled, "A Resolution of Intention of the City Council of the City of Long Beach Declaring the Intention of the City Council to Establish a Parking and Business Improvement Area in the Bixby Knolls Area of the City of Long Beach, Fixing the Time and Place of a Hearing Thereon and Giving Notice Thereof".

B. Said Resolution No. C-24703 was published and copies thereof were duly mailed and posted, all as provided by said law and said Resolution No. C-24703.

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1 C. Pursuant to said Resolution No. C-24703 a hearing
2 concerning the formation of said area was held before the City
3 Council of the City of Long Beach on August 29, 1989 at the hour
4 of 10:30 a.m. in the Council Chambers of the City Hall of the
5 City of Long Beach.

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

10 E. All protests, both written and oral, made or filed
11 were duly overruled and denied and the City Council of the City
12 of Long Beach determined that there was no majority protest
13 within the meaning of Section 36523 of the Streets and Highways
14 Code.

15 F. That following such hearing, the City Council did
16 and does hereby find that the businesses lying within the
17 business and improvement area herein created, in the opinion of
18 the City Council, will be benefitted by the expenditures of
19 funds raised by the assessment or charges proposed to be levied
20 hereunder.

21
22 Sec. 2. That pursuant to said law a parking and
23 business improvement area is hereby established in the City of
24 Long Beach as herein set forth and that all business in the area
25 established by this ordinance shall be subject to any amendments
26 made hereafter to said law or to other applicable laws.

27
28 Sec. 3. That the boundaries of the parking and

1 business improvement area shall be as follows:

2
3 All that certain real property located in the
4 City of Long Beach, County of Los Angeles, State of
5 California as shown on that certain map incorporated
6 in this resolution as Exhibit "A" and more particu-
7 larly bounded as follows:

8 Beginning at the intersection of the southerly line of
9 Del Amo Boulevard and the easterly line of Orange
10 Avenue; thence southerly along the easterly line of
11 Orange Avenue to the northern boundary of the City of
12 Signal Hill; thence westerly along said northern
13 boundary to the western boundary of Signal Hill;
14 thence southerly along said western boundary to the
15 northeasterly line of the San Diego Freeway (405);
16 thence northwesterly along said northeasterly line to
17 the northerly line of Wardlow Road; thence easterly
18 along said northerly line to the westerly line of Long
19 Beach Boulevard; thence northerly along said westerly
20 line to the southwesterly line of Virginia Road;
21 thence northwesterly along said southwesterly line to
22 the northwesterly line of San Antonio Drive; thence
23 northeasterly along said northwesterly line to the
24 westerly line of Long Beach Boulevard; thence
25 northerly along said westerly line to the westerly
26 prolongation of the northerly line of Scherer Park;
27 thence easterly and northerly along said northerly
28 line and westerly prolongation to the southerly line
of Del Amo Boulevard; thence easterly along said
southerly line to the point of beginning.

20 The boundaries shall include all real properties,
21 including all licensed businesses located in shopping centers,
22 which are contiguous to the west side of Long Beach Boulevard
23 and the east side of Orange Avenue.

25 Sec. 4. That the City Council hereby levies and
26 imposes and orders the collection of, along with the City's
27 usual annual business license fee as set forth in Resolution No.
28 C-22519, as amended, an additional annual assessment to be

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1 imposed upon persons occupying business premises in the proposed
2 parking and business improvement area described above. Such
3 additional annual assessment shall be equal to the annual base
4 business license fee paid to the City of Long Beach by such
5 business in effect at the time of adoption of this resolution
6 and shall be adjusted annually based on the "CPI" in the same
7 manner as the business license tax.

8 The additional annual assessment shall be payable to
9 the City of Long Beach in the manner and at the time the usual
10 annual business license fee is due. The penalty for nonpayment
11 of the assessment on the due date shall be as set forth in
12 Section 3.80.422 of the Long Beach Municipal Code. Any business
13 establishment holding more than one annual business license
14 issued by the City of Long Beach shall, for purposes of assess-
15 ment hereunder, pay the highest base annual business license fee
16 among such licenses held.

17
18 Sec. 5. That the proposed uses to which the proceeds
19 of the additional annual business license tax shall be put are
20 as follows:

21 A. The payment of any costs, including any and all
22 costs of debt service, incurred by the City for the acquisition,
23 construction or maintenance of parking facilities for the
24 benefit of the area;

25 B. To decorate any public place in the area;

26 C. To promote public events which are to take place
27 on or in public places in the area;

28 D. To furnish music in any public place in the area;

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1 E. For the general promotion of business activities
2 in the area.

3 The City Council of the City of Long Beach shall have
4 sole discretion as to how the revenue derived from said addi-
5 tional business license tax is to be used within the scope of
6 the above purposes; provided, however, it shall consider recom-
7 mendations as to the use of said revenue made by the Advisory
8 Board created by Section 6 of this ordinance.

9
10 Sec. 6. That an Advisory Board of persons doing busi-
11 ness within the area described in Section 3 above, of a total
12 number to be determined by Resolution of the City Council, be
13 appointed by the Mayor as herein provided and confirmed by the
14 City Council to make recommendations to the City on the manner
15 in which the funds obtained pursuant to this ordinance shall be
16 expended. The membership of such Advisory Board may be limited,
17 in whole or in part, to officers and members of the Bixby Knolls
18 Area Business Association. However, no expenditure of such
19 revenues shall take place without the prior approval of the City
20 Manager and City Council.

21
22 Sec. 7. If any section, subsection, sentence, clause
23 or phrase of this ordinance is for any reason held to be invalid
24 or unconstitutional by the decision of any court of competent
25 jurisdiction, such decision shall not affect the validity of the
26 remaining portions of the ordinance. The City Council hereby
27 declares that it would have passed this ordinance and each
28 section, subsection, sentence, clause and phrase hereof, irres-

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1 pective of the fact that any one or more of the sections.
2 subsections, sentences, clauses or phrases hereof be declared
3 invalid or unconstitutional.
4

5 Sec. 8. The City Clerk shall certify to the passage
6 of this ordinance by the City Council and cause it to be posted
7 in three conspicuous places in the City of Long Beach, and it
8 shall take effect on the thirty-first day after it is approved
9 by the Mayor.

10 I hereby certify that the foregoing ordinance was
11 adopted by the City Council of the City of Long Beach at its
12 meeting of September 19, 1989, by the following
13 vote:

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14 Ayes: Councilmembers: Braude, Edverton, Hall, Clark,
15 Robbins, Grabinski, Kellogg,
16 Harwood.

17 Noes: Councilmembers: None.

18 Absent: Councilmembers: Smith.

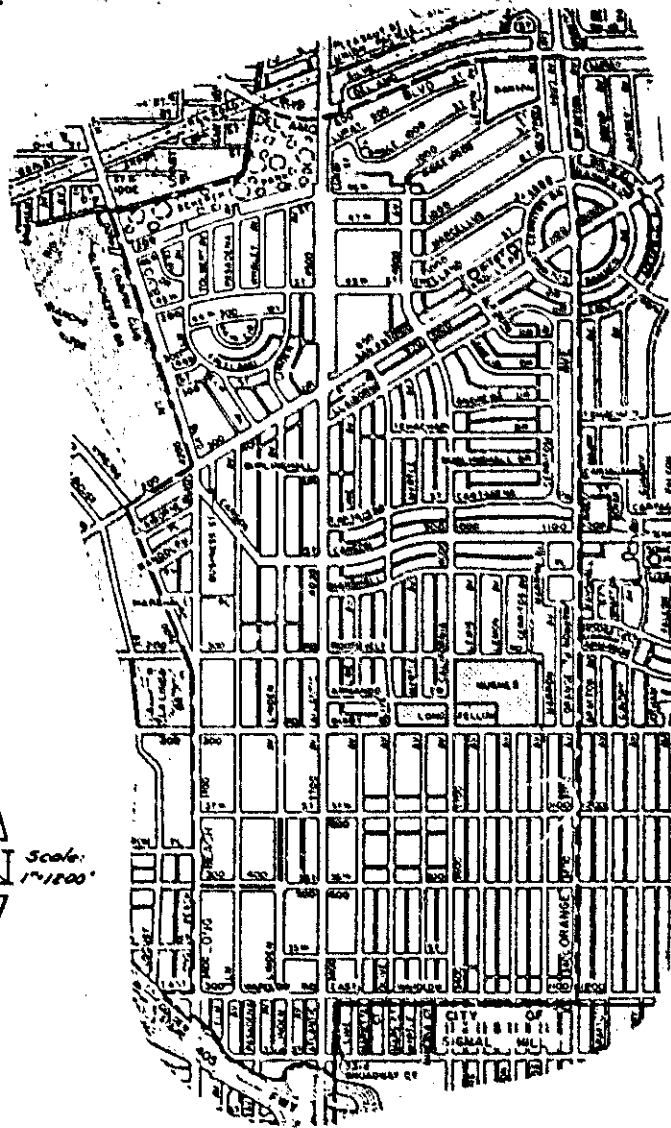
19 Shelba Powell
20 City Clerk

21
22 Approved: 9 21 89
23 (Date)

24 E. Kelly
25 Mayor

26 MHK/am
27 09/05/89
28 REV: 09/07/89
29 OR\59.BKA

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Scale: 1"=100'

A-1548

<i>J. K. Duhamel 7/14/00</i> CHIEF SURVEYOR L.S. 4336	FIELD WORK			CITY OF LONG BEACH - CALIFORNIA DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU MAP OF PROPOSED BIXBY KNOLLS PARKING AND BUSINESS IMPROVEMENT ASSESSMENT DISTRICT EXHIBIT "A"
	BOOK	PAGE	DATE	
				PREPARED _____ CHECKED _____ DRAWING NO. _____
DRAWINGS				
DWG. NO.	PAGE	DATE		