

ORDINANCE NO. _____

An ordinance repealing Ordinance of Intention (No. 184382) and Ordinance of Establishment (adopted August 24, 2016), and adopting a new Ordinance of Intention to establish and levy assessments in a Property and Business Improvement District to be known as the "Venice Beach Business Improvement District" pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

WHEREAS, the Property and Business Improvement District Law of 1994 authorizes cities to establish Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes;

WHEREAS, based on all documents contained in Council File No. 16-0749, which are incorporated by reference herein, property owners in the Venice Beach business community who will pay more than 50 percent of the total amount of assessments to be levied, filed written petitions requesting that the City Council establish a district to be named the Venice Beach Business Improvement District;

WHEREAS, the Management District Plan and Engineer's Report supporting the establishment of the proposed Venice Beach Business Improvement District were reviewed and approved by the Office of City Clerk;

WHEREAS, the Ordinance of Intention, No. 184382, to consider the establishment of the Venice Beach Business Improvement District was adopted by City Council on June 29, 2016;

WHEREAS, On August 23, 2016, the City Council held a public hearing to determine whether to establish the Venice Beach Business Improvement District and at the conclusion of the public hearing the City Clerk tabulated all the assessment ballots. On August 24, 2016, the results of the tabulation were announced and the City Council adopted the Ordinance of Establishment of the District;

WHEREAS, concerns were expressed that not all stakeholders or members of the public were able to testify during the public hearing; and

WHEREAS, the City has decided to repeal Ordinance of Intention No. 184382 and the Ordinance of Establishment, adopted August 24, 2016, and to initiate a new Ordinance of Intention and hold a new public hearing.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Ordinance of Intention, No. 184382, adopted on June 29, 2016, is hereby repealed in its entirety.

Sec. 2. Ordinance of Establishment, adopted on August, 24, 2016, in Council File 16-0749, is hereby repealed in its entirety upon its effective date.

Sec. 3. DECLARATION. Pursuant to the provisions of Property and Business Improvement District Law of 1994, Section 36600 *et seq.*, of the Streets and Highways Code (Act), the City Council declares its intention to consider the establishment of a Property and Business Improvement District to be named Venice Beach Business Improvement District (District), and levy assessments on property owners.

Sec. 4. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby adopts, approves and confirms the Engineer's Report and the Management District Plan included in Council File No. 16-0749.

Sec. 5. BENEFIT TO PARCELS WITHIN THE DISTRICT. The City Council hereby affirms its finding that all parcels within the District will receive a special benefit from the improvements and activities funded by the assessments to be levied. The City Council also reaffirms all the findings and recommendations of the City Clerk report dated June 24, 2016.

Sec. 6. DISTRICT BOUNDARIES. The City Council hereby declares that the boundaries of the proposed District are as detailed in the Management District Plan. The proposed Venice Beach area excludes parcels zoned solely residential and is described generally to consist of government parcels along the western edge facing Ocean Front Walk, excluding beach/sand, between Barnard Way on the north and North Venice Blvd. on the south; then along North Venice Blvd., Center Ct. and South Venice Blvd. between the easternmost government parcels facing Ocean Front Walk on the west to Abbot Kinney Blvd. on the east; then back around toward the west along North Venice Blvd. and 20th Pl.; then north along Ocean Front Walk, Speedway, across on 17th Pl. and 18th Ave., north on Pacific Ave., along Venice Way and crossing to Grand Blvd. to Windward Ave., and north to Westminster Ave. to Abbot Kinney Blvd. to Brooks Ave., then north to the alley between Vernon Ave. and Sunset Ave., then to 4th Ave. and north to Rose Ave., then west to Hampton Dr., and north and cutting across to Marine Ct., then south to Rose Ave., then south on Main St. to Sunset Ave., to Pacific Ave., then south and cutting across to Thornton Pl., then south on Main St. to Clubhouse Ave., west to Pacific Ave., south to Westminster Ave., over to Park Row, then across to Pacific Ave. and south to Horizon Ct., west to Speedway and continuing north on Speedway and Ocean Front Walk to Barnard Way.

All properties zoned solely residential within the approximate boundaries described above are excluded from the proposed District.

There are 464 parcels owned by 349 stakeholders in the proposed District. The map included in the District's Management District Plan gives sufficient detail to locate each parcel of property within the proposed District.

Sec. 7. IMPROVEMENTS AND ACTIVITIES. The City Council hereby declares that the proposed activities and improvements to be funded by the levy of assessments on property within the District are detailed in the Management District Plan. They include, but are not limited to, Clean and Safe Services, District Identity and Special Projects, and Administration and Management.

Sec. 8. ANNUAL ASSESSMENTS AND DURATION. The District's total assessment for five (5) years is estimated to be \$10,339,113. The District's total annual assessment for the first year is estimated to be \$1,871,119. It is proposed that the District be established for a five (5) year period. The District will not issue bonds.

Sec. 9. COLLECTION OF ASSESSMENTS. The City Council hereby declares that to the extent possible, assessments shall be collected at the same time and in the same manner as County ad valorem property taxes and shall be subject to all laws providing for the collection and enforcement of assessments. For properties that do not appear on the County tax rolls or for assessments for any years in which the City is unable to transmit the assessment information to the County in sufficient time for the County to collect the assessments with the County ad valorem property taxes, the City Clerk may bill and collect the assessments by mailing assessment notices (Statement of Assessment Due) to each property owner within the District at the address shown on City records. Assessments billed by the City Clerk are due 45 calendar days after the Statement of Assessment Due.

Sec. 10. NOTICE, PROTESTS AND HEARING PROCEDURES. The City Clerk shall follow the notice, protest, and hearing procedures prescribed in Section 36623 of the California Streets and Highway Code and in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 *et seq.*).

Sec. 11. PUBLIC HEARING. The City Council will hold a public hearing to determine whether to establish the District and levy assessments on _____ at 10:00 a.m., or as soon thereafter as City Council business permits, and on any hours and days for continued hearing as ordered by the City Council, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012. At the hearing, all interested persons will be permitted to present written or oral testimony, and the City Council will consider all objections or protests to the proposed assessment.

Sec. 12. TABULATION OF ASSESSMENT BALLOTS. At the conclusion of the public hearing, the City Clerk shall tabulate all assessment ballots that have been submitted and not withdrawn. To be included in the tabulation, assessment ballots must be received by the City Clerk either at the address indicated in the notice required by Government Code Section 53753 or at the site of the public hearing prior to the

conclusion of the public hearing. The City Clerk will certify the results of the tabulation to the City Council during its meeting on _____ at 10:00 a.m., or as soon thereafter as City Council business permits, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012.

Sec. 13. Sec. SEVERABILITY. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 14. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the Main Street entrance to City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
CHRISTY NUMANO-HIURA
Deputy City Attorney

Date 9/2/2016

File No. CF 16-0749