

ORDINANCE NO. 2922-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ESTABLISHING THE RIVIERA VILLAGE BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF REDONDO BEACH AND LEVYING AN ASSESSMENT

THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

(a) Pursuant to the Parking and Business Area Law of 1989, California Streets and Highways Code Sections 36500 *et seq.* (the "Act"), on October 21, 2003, the City Council adopted Resolution No. CC-0310-112, entitled "A Resolution of the City Council of the City of Redondo Beach, California, Confirming the Report of the Advisory Board in Connection with the Establishment of the Proposed Riviera Village Business Improvement District, Declaring its Intention to Establish the Riviera Village Business Improvement District, Declaring its Intention to Levy an Assessment on Businesses within the Riviera Village Business Improvement District for 2004-05, and Setting a Time and Place for Public Hearing Thereon."

(b) The City caused notice of a public meeting and a public hearing concerning the proposed establishment of the Riviera Village Business Improvement District and the proposed levy of an assessment against businesses for 2004-05 within the proposed District (the "Joint Notice of Public Meeting and Public Hearing") to be duly mailed as provided by law.

(c) A public meeting and a public hearing concerning the proposed establishment of the Riviera Village Business Improvement District and the proposed levy of an assessment against businesses within the proposed District for 2004-05 were held on October 21, 2003, and November 18, 2003, respectively, at the hour of 6:30 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California 90277.

(d) At the public meeting and the public hearing, the testimony of all interested persons for or against the establishment of the proposed Riviera Village Business Improvement District, the extent of the proposed District, or the furnishing of specified types of improvements and activities within the proposed District, and regarding the levy of an assessment against businesses within the proposed District for 2004-05 was heard and considered, and a full, fair and complete meeting and hearing were held.

(e) The City Council finds that the public interest, convenience and necessity require the establishment of the proposed Riviera Village Business Improvement District.

(f) At the Public Hearing, the City Council heard and considered all protests, and all protests, both written and oral, were duly overruled. The City Council hereby determines that there was not a majority protest within the meaning of Section 36525 of the Act.

(g) In the opinion of the City Council, the businesses and the property within the Riviera Village Business Improvement District will be benefited by the activities and improvements to be funded by the assessments. The goal of such improvements and activities is to enhance the area image, prevent economic and physical deterioration, promote vitality of the District and draw more consumers to the District who will patronize District businesses.

(h) This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines sections 15061 (b)(3) in that the action will not have an impact on the environment.

Section 2. Establishment of District. Pursuant to the Act, a business improvement area designated as the "Riviera Village Business Improvement District" (the "District") is hereby created and established.

Section 3. Description of District. The boundaries of the District shall include all of the territory described in Exhibit A, attached hereto and incorporated herein by reference.

Section 4. System of Assessments.

(a) Except where funds are otherwise available, an assessment will be levied annually against all non exempt businesses within the District to pay for all the activities and improvements to be provided within the District, commencing with fiscal year 2004-05. The assessment shall be in addition to any other assessments, fees, charges or taxes imposed by the City.

(b) The method and basis of levying the assessment is set forth in Exhibit B, attached hereto and incorporated herein by reference. Non-profit organizations with documentation of non-profit status shall not be subject to this assessment.

(c) For purposes of the levying and collecting assessments within the District, a fiscal year shall commence on January 1, and end on the following December 31. The assessment for each fiscal year shall be due and payable on the business license renewal date, in conjunction with the annual business license renewal and shall be delinquent 30 days thereafter. Prior to each license renewal date, the City shall provide the business owners within the District with written notice of the amount of the assessment which is owed for that fiscal year.

(d) The assessment shall be subject to the same penalties for nonpayment as the City's business license tax. A payment made by mail shall be deemed received on the date shown on a postage cancellation stamp imprinted on the envelope in which the payment is received, or if payment is made by means other than through the United States Mail, payment shall be deemed received on the date the payment is stamped "received" by the City Treasurer or his or her designee.

(e) The amount of assessment and any penalty imposed by the provisions of this Ordinance shall be deemed a debt to the City. An action may be commenced in any court of competent jurisdiction in the name of the City for the amount of such debt. The conviction and punishment of any person for failure to comply with the provisions of this Ordinance shall not relieve such person from paying any assessment or penalty due and unpaid at the time of such conviction nor shall payment prevent prosecution of a violation of any of the provisions of this Ordinance. All remedies shall be cumulative, and the use of one or more remedies by the City to enforce this Ordinance shall not bar the use of any other remedy.

(f) The assessment formula set forth in Exhibit B is hereby adopted by the City Council.

Section 5. Fund. There is hereby created a special fund designated as the "Riviera Village Business Improvement District Fund" into which all revenue derived from assessments levied pursuant to this Ordinance shall be placed, and such funds shall be used only for the purposes specified in this Ordinance. This fund shall be subject to an annual independent audit.

The types of improvements to be funded by the levy of an assessment against businesses within the District are the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more. The types of activities to be funded by the levy of an assessment against businesses are activities which benefit businesses located in and operating in the District.

The revenue derived from the levy of the assessments shall not be used to provide activities outside the District or for any purpose other than the purposes specified in Resolution No. CC-0310-112.

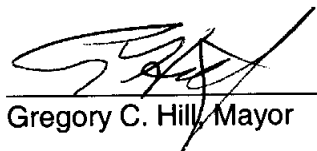
Section 6. Contract Services. The City may contract with a separate entity to administer the improvements and activities described in Section 5 above. Any agency that holds funds in trust for purposes related to the contract shall, at no expense to the City, provide an annual independent audit report by a Certified Public Accountant of these funds. The audit may be funded from assessment proceeds as part of the general administration of the District. At all times the City shall reserve full rights of accounting of these funds.

Section 7. Amendments. Businesses within the District established by this Ordinance shall be subject to any amendments to the Act.

Section 8. Certification. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published or posted in the manner prescribed by law.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Redondo Beach hereby declares that it would have passed and does hereby pass this Ordinance and each section, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this 2 day of December, 2003.



Gregory C. Hill, Mayor

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

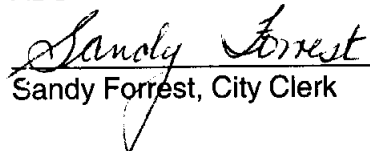
I, Sandy Forrest, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Ordinance No. 2922-03 was duly introduced by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 18th day of November, 2003, and was duly approved and adopted at a regular meeting of said Council held on the 2nd _____ day of December, 2003, by the following roll call vote:

AYES: Bisignano, Cagle, Szerlip, Schmalz, Parsons

NOES: None

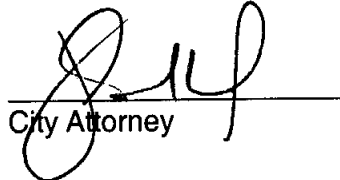
ABSENT: None

ABSTAIN: None



Sandy Forrest, City Clerk

APPROVED AS TO FORM:



City Attorney

Exhibit A
District Boundaries

The exterior boundaries of the Riviera Village Business Improvement District are all operating businesses within the area generally described as follows:

Beginning at the NW corner of Catalina Avenue and Palos Verdes Blvd and proceeding north to include both sides of Catalina Avenue up to and including the north side of Ave I, proceeding east to South Elena Avenue, north on South Elena Avenue up to but not including the MJ Building (1611 South Elena Avenue) on the west side, south on Elena from and including the service station located at 1630 South Elena Avenue to Catalina Avenue and north on Catalina Avenue back to Palos Verdes Blvd. Businesses located at 102 Via Valencia, 104 Via Valencia and 245 Palos Verdes Boulevard are not included within the BID boundary, and specifically described as:

A BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF REDONDO BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, THE BOUNDARIES OF WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 7, BLOCK 17, TRACT 2546, AS RECORDED IN MAP BOOK 26, PAGES 4 AND 5, IN SAID COUNTY RECORDER'S OFFICE, THENCE; WESTERLY, 141.15 FEET, ALONG THE NORTHERLY PROPERTY LINE OF SAID LOT 7 TO THE NORTHWESTERLY CORNER OF SAID LOT 7, THENCE; NORTHERLY, ALONG THE WESTERLY PROPERTY LINE OF SAID LOT 7 AND LOT 6, SAID BLOCK 17, TO THE POINT OF INTERSECTION OF SAID WESTERLY PROPERTY LINE OF SAID LOT 6, AND THE EASTERLY PROLONGATION OF THE NORTHERLY PROPERTY LINE OF LOT 12, SAID BLOCK 17, THENCE; WESTERLY, ALONG SAID PROLONGATION OF THE NORTHERLY PROPERTY LINE OF SAID LOT 12, TO THE NORTHEASTERLY CORNER OF SAID LOT 12, THENCE; WESTERLY ALONG THE NORTHERLY PROPERTY LINE OF SAID LOT 12, LOTS 13 AND 14, SAID BLOCK 17, LOTS 2 AND 1, PARCEL MAP 8099, AS RECORDED IN PARCEL MAP BOOK 82, PAGE 38, IN SAID COUNTY RECORDER'S OFFICE, LOTS 17, 18, 19, 20, 21, 22, 23 AND 24, SAID BLOCK 17, TO THE NORTHWESTERLY CORNER OF SAID LOT 24, THENCE; SOUTHERLY, ALONG THE WESTERLY PROPERTY LINE OF SAID LOT 24 TO THE POINT OF INTERSECTION OF SAID WESTERLY PROPERTY LINE OF SAID LOT 24 AND THE EASTERLY PROLONGATION OF THE NORTHERLY PROPERTY LINE OF LOT 25, SAID BLOCK 17, THENCE; WESTERLY, 150 FEET, ALONG SAID NORTHERLY PROPERTY LINE OF SAID LOT 25 TO THE NORTHWESTERLY CORNER OF SAID LOT 25, THENCE; NORTHWESTERLY, TO THE NORTHEASTERLY CORNER OF LOT 1, TRACT 32347, AS RECORDED IN MAP BOOK 1033, PAGES 21 THRU 24 INCLUSIVE, IN SAID COUNTY RECORDER'S OFFICE, THENCE; WESTERLY, 150.07 FEET, ALONG THE NORTHERLY PROPERTY LINE OF SAID LOT 1, SAID TRACT 32347, TO THE NORTHWESTERLY CORNER

OF SAID LOT 1, SAID TRACT 32347, THENCE SOUTHERLY, 135.03 FEET, ALONG THE WESTERLY PROPERTY LINE OF SAID LOT 1, SAID TRACT 32347, TO THE SOUTHWESTERLY CORNER OF SAID LOT 1, SAID TRACT 32347, THENCE; SOUTHERLY, TO A POINT ON THE WESTERLY PROPERTY LINE OF LOT 3, BLOCK "A", TRACT 10303, AS RECORDED IN MAP BOOK 152, PAGES 34 THRU 37 INCLUSIVE, IN SAID COUNTY RECORDER'S OFFICE, SAID POINT BEING 100.08 FEET NORTHERLY, ALONG SAID WESTERLY PROPERTY LINE OF SAID LOT 3, SAID BLOCK "A", FROM THE SOUTHWESTERLY CORNER OF SAID LOT 3, SAID BLOCK "A", THENCE; SOUTHERLY, 100.08 FEET FROM SAID POINT TO THE SOUTHWESTERLY CORNER OF SAID LOT 3, SAID BLOCK "A", THENCE; EASTERLY, 115.60 FEET, ALONG THE SOUTHERLY PROPERTY LINE OF LOTS 3, 2 AND 1, SAID BLOCK "A", TO THE SOUTHEASTERLY CORNER OF SAID LOT 1, SAID BLOCK "A", THENCE; SOUTHERLY, 20.14 FEET, TO THE NORTHWESTERLY CORNER OF LOT 2, TRACT 11920, AS RECORDED IN MAP BOOK 256, PAGES 21 AND 22, IN SAID COUNTY RECORDER'S OFFICE, THENCE; SOUTHERLY, 637.63 FEET, ALONG THE WESTERLY PROPERTY LINE OF LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12, SAID TRACT 11920, TO THE SOUTHWESTERLY CORNER OF SAID LOT 12, SAID TRACT 11920, THENCE; SOUTHERLY, TO THE NORTHWESTERLY CORNER OF LOT 1, BLOCK "I", SAID TRACT 10303, THENCE; S 26°26'10" E, 590.00 FEET, ALONG THE WESTERLY PROPERTY LINE OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19, SAID BLOCK "I", TO THE POINT OF INTERSECTION OF THE SOUTHEASTERLY PROLONGATION OF THE WESTERLY PROPERTY LINE OF SAID LOT 19, SAID BLOCK "I", AND THE NORTHERLY PROPERTY LINE OF LOT 20, SAID BLOCK "I", THENCE, S 63°33'50" W, 20 FEET FROM SAID POINT OF INTERSECTION, ALONG THE NORTHERLY PROPERTY LINE OF SAID LOT 20, SAID, BLOCK "I", THENCE; S 31°22'28" W, 28.16 FEET, ALONG THE NORTHWESTERLY PROPERTY LINE OF SAID LOT 20, SAID BLOCK "I", THENCE; SOUTHEASTERLY, ALONG THE SOUTHWESTERLY PROPERTY LINE OF SAID LOT 20, SAID BLOCK "I", TO THE POINT OF INTERSECTION OF THE SOUTHEASTERLY PROLONGATION OF SAID SOUTHWESTERLY PROPERTY LINE OF SAID LOT 20, SAID BLOCK "I", AND THE SOUTHERLY BOUNDARY LINE OF THE CITY OF REDONDO BEACH, SAID TRACT 10303, THENCE; NORTHEASTERLY ALONG SAID BOUNDARY LINE TO THE POINT OF INTERSECTION OF SAID BOUNDARY LINE AND THE SOUTHEASTERLY PROLONGATION OF SOUTHWESTERLY PROPERTY LINE OF LOT 20, BLOCK "B", SAID TRACT 10300, THENCE; NORTHWESTERLY ALONG SAID SOUTHEASTERLY PROLONGATION OF SAID SOUTHWESTERLY PROPERTY LINE OF SAID LOT 20, SAID BLOCK "B", TO THE NORTHWESTERLY CORNER OF SAID LOT 20, SAID BLOCK "B", THENCE; S 40°18'16" W, ALONG THE NORTHWESTERLY PROPERTY LINE OF LOTS 20, 21, 22, 23, 24, 25 26, 27 28,

29, 32, 33 AND 36, SAID BLOCK "B", TO THE POINT OF INTERSECTION OF THE NORTHEASTERLY PROLONGATION OF SAID NORTHWESTERLY PROPERTY LINE OF SAID LOTS 20, 21, 22, 23, 24, 25, 26, 27 28, 29, 32, 33 AND 36, SAID BLOCK "B", AND THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY PROPERTY LINE OF LOT 2, SAID BLOCK "B", THENCE; NORTHWESTERLY ALONG SAID SOUTHWESTERLY PROPERTY LINE OF SAID LOT 2, SAID BLOCK "B", 65 FEET, THENCE; N 36°41'13" E, 139.65 FEET, TO A POINT ON THE SOUTHWESTERLY PROPERTY LINE OF LOT 19, BLOCK "A", SAID TRACT 10300, THENCE; SOUTHEASTERLY ALONG SAID SOUTHWESTERLY PROPERTY LINE OF SAID LOT 19, SAID BLOCK "A" TO THE SOUTHERLY BOUNDARY LINE OF THE CITY OF REDONDO BEACH, THENCE; NORTHEASTERLY ALONG SAID BOUNDARY LINE TO THE POINT OF INTERSECTION OF SAID BOUNDARY LINE AND THE WESTERLY BOUNDARY LINE OF PACIFIC COAST HIGHWAY, SAID WESTERLY BOUNDARY LINE OF PACIFIC COAST HIGHWAY BEING A CURVE CONCAVE TO THE NORTHEAST, CONCENTRIC WITH AND HAVING A RADIUS 100 FEET LONGER THAN THE SOUTHWESTERLY BOUNDARY LINE OF BLOCK 4, TRACT 12836, AS RECORDED IN MAP BOOK 254, PAGES 25 THRU 28 INCLUSIVE, IN SAID COUNTY RECORDER'S OFFICE, THENCE; NORTHWESTERLY, ALONG SAID WESTERLY BOUNDARY LINE OF PACIFIC COAST HIGHWAY, TO THE POINT OF INTERSECTION OF SAID WESTERLY BOUNDARY LINE OF PACIFIC COAST HIGHWAY AND THE EASTERLY PROLONGATION OF THE NORTHERLY PROPERTY LINE OF SAID LOT 7, SAID BLOCK 17, THENCE; WESTERLY, ALONG SAID EASTERLY PROLONGATION OF THE NORTHERLY PROPERTY LINE OF SAID LOT 7, SAID BLOCK 17 TO THE POINT OF BEGINNING.

Exhibit B
Assessment Formula
(Method and Basis of Assessment)

The proposed method and basis of levying the assessment for funding the improvements and activities of the Riviera Village Business Improvement District shall be that all license holders (with the exception of non-profit organizations who elect not to participate in the BID) will annually be assessed a base fee of \$100 plus a fee of \$29 per employee per year to a maximum assessment of \$1000 per year. Those licensees who are property owners and are assessed on their business license fees on a per unit basis shall pay BID assessments of \$100 plus \$29 per rental unit per year with a maximum assessment of \$1000 per year. For purposes of this assessment the number of employees will be that reported on City Business Licenses.

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principle clerk of the printer of the

The Beach Reporter

a newspaper of general circulation, printed and published Weekly

In the City of Manhattan Beach

County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the

date of December 29, 1983

Case Number C 474258; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/11/03

in the year 2003.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Manhattan Beach

California, this 11th day of Dec. 2003.


Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of



ORDINANCE NO. 2922-03 - an ordinance of the city council of the city of redondo beach, california, establishing the riviera village business improvement district in the city of redondo beach, california, and levying an assessment the city council of the city of redondo beach, california, does hereby ordain as follows: Section 1. Findings. (a) Pursuant to the Parking and Business Area Law of 1989, California Streets and Highways Code Sections 36500 et seq. (the "Act"), on October 21, 2003, the City Council adopted Resolution No. CC-0310-112, entitled "A Resolution of the City Council of the City of Redondo Beach, California, Confirming the Report of the Advisory Board in Connection with the Establishment of the Proposed Riviera Village Business Improvement District, Declaring its Intention to Establish the Riviera Village Business Improvement District, Declaring its Intention to Levy an Assessment on Businesses within the Riviera Village Business Improvement District for 2004-05, and Setting a Time and Place for Public Hearing Thereon." (b) The City caused notice of a public meeting and a public hearing concerning the proposed establishment of the Riviera Village Business Improvement District and the proposed levy of an assessment against businesses for 2004-05 within the proposed District (the "Joint Notice of Public Meeting and Public Hearing") to be duly mailed as provided by law. (c) A public meeting and a public hearing concerning the proposed establishment of the Riviera Village Business Improvement District and the proposed levy of an assessment against businesses within the proposed District for 2004-05 were held on October 21, 2003, and November 18, 2003, respectively, at the hour of 6:30 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California 90277. (d) At the public meeting and the public hearing, the testimony of all interested persons for or against the establishment of the proposed Riviera Village Business Improvement District, the extent of the proposed District, or the furnishing of specified types of improvements and activities within the proposed District, and regarding the levy of an assessment against businesses within the proposed District for 2004-05 was heard and considered, and a full, fair and complete meeting and hearing were held. (e) The City Council finds that the public interest, convenience and necessity require the establishment of the proposed Riviera Village Business Improvement District. At the Public Hearing, the City Council heard and considered all protests, both written and oral, were duly overruled. The City Council hereby determines that there was not a majority protest within the meaning of Section 36525 of the Act. (f) In the opinion of the City Council, the businesses and the property within the Riviera Village Business Improvement District will be benefited by the activities and improvements to be funded by the assessments. The goal of such improvements and activities is to enhance the area image, prevent economic and physical deterioration, promote vitality of the District and draw more consumers to the District who will patronize District businesses. (g) This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines sections 15061 (b)(3) in that the action will not have an impact on the environment. Section 2. Establishment of District. Pursuant to the Act, a business improvement area designated as the "Riviera Village Business Improvement District" (the "District") is hereby created and established. Section 3. Description of District. The boundaries of the District shall include all of the territory described in Exhibit A, attached hereto and incorporated herein by reference. Section 4. System of Assessments. (a) Except where funds are otherwise available, an assessment will be levied annually against all non exempt businesses within the District to pay for all the activities and improvements to be provided within the District, commencing with fiscal year 2004-05. The assessment shall be in addition to any other assessments, fees, charges or taxes imposed by the City. 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