

ORDINANCE NO. 1989

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT PURSUANT
TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW
OF 1989

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER
AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. Manhattan Beach has a central business district known as Downtown Manhattan Beach; and
- B. The owners of the Downtown businesses would like to sponsor services and activities which will promote the Downtown area for the general benefit of all Downtown businesses; and
- C. A mechanism is required for the Downtown businesses to fund these services and activities; and
- D. A majority of the businesses owners within the Downtown area support the establishment of a Downtown Manhattan Beach Business Improvement District as a mechanism to tax themselves to support activities that benefit their businesses; and
- E. The existing Downtown Parking & Business Improvement District was created pursuant to the Parking & Business Improvement Area Law of 1965 which is restrictive with respect to the use of funds; and
- F. The new Business Improvement District is now subject to a more recent legislation, The Parking and Business Improvement Area Law of 1989. This legislation is much more flexible and will allow the business owners to utilize the funds for a broader range of services and activities that will promote and enhance Downtown Manhattan Beach; and
- G. This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15061(b)(3) and 15320(a) in that the action will not have an impact on the environment and consists only in establishing a district.

SECTION 2. The Downtown Business Improvement District is proposed to be amended pursuant to Streets and Highways Code Section 36500 et. seq. (SB 1424 - Parking & Business Improvement Law of 1989, Chapter 2).

SECTION 3. The new Business Improvement District shall be known as the Downtown Manhattan Beach Business Improvement District (herein referred to as District).

SECTION 4. The exterior boundaries of said District are all operating businesses within the general area bounded by the Southwest corner of 15th Street and Ocean Drive, the Southwest corner of 8th Street and Ocean Drive, the Northwest corner of 8th Street and Valley Drive, and the Northwest corner of 15th Street and Valley Drive. The specific legal description is as follows:

Beginning at the intersection of the southerly line of 15th Street with the westerly line of Highland Avenue; thence southerly along said westerly line of Highland Avenue to the southerly line of 13th Place; thence easterly along the prolongation of said southerly line of 13th Place; which prolongation is the southerly line of Tract 2541, to the westerly line of Valley Drive; thence southerly along said

1 westerly line of Valley Drive to the northerly line of 10th Place; thence westerly along said northerly line
 2 of 10th Place to the easterly line of Morningside Drive; thence northerly along said easterly line of
 3 Morningside Drive to the southerly line of 11th Place; thence westerly along said southerly line of 11th
 4 Place to the westerly line of Crest Drive thence southerly along said westerly line of Crest Drive to the
 5 northerly line of 11th Street; thence westerly along said northerly line of 11th Street to the westerly line of
 6 Bayview Drive; thence southerly along said westerly line of Bayview Drive to the northerly line of 8th
 7 Street; thence westerly along said northerly line of 8th Street to the southwesterly corner of Lot 10, Block
 8 9 Manhattan Beach Tract; thence northerly to the southwesterly corner of Lot 10, Block 12 Manhattan
 9 Beach Tract, said corner being on the northerly line of 11th Street; thence westerly along said northerly
 10 line of 11th Street to the easterly line of Ocean Drive; thence northerly along said easterly line of Ocean
 11 Drive to the northerly line of Center Place; thence easterly along said northerly line of Center Place to
 12 the southwesterly corner of Lot 15, Block 13 Manhattan Beach Division No. 2; thence northerly to the
 13 northerly line of 12th Street; thence easterly along said northerly line of 12th Street to the southwesterly
 14 corner of Lot 11, Block 14, Manhattan Beach Division No. 2; thence northerly to the southerly line of 13th
 15 Street; thence easterly along said southerly line of 13th Street to the easterly line of Manhattan Avenue;
 16 thence southerly along said easterly line of Manhattan Avenue to the northerly line of 12th Street; thence
 17 easterly along said northerly line of 12th Street to the southwesterly corner of Lot 10, Block 65,
 18 Manhattan Beach Division No. 2; thence northerly to the northwesterly corner of Lot 13, Block 65,
 19 Manhattan Beach Division No. 2; thence northerly to the southwesterly corner of Lot 10, Block 64,
 20 Manhattan Beach Division No. 2; thence northerly to the northwesterly corner of said Lot 10; thence
 21 northwesterly to the southwesterly corner of Lot 34, Verano Beach Tract; thence northerly to the
 22 northwesterly corner of Lot 2 Verano Beach Tract, said corner being on the southerly line of 15th Street;
 23 thence easterly along the southerly line of 15th Street to the point of beginning.

24 A map identifying the specific, legal boundary for the Manhattan Beach Downtown
 25 Business Improvement District is available for review in the Office of the City Clerk.

26 SECTION 5. All businesses within the boundaries of said District as described herein
 27 are subject to the provisions of the additional assessment imposed by this ordinance which will be
 28 levied annually to pay for all improvements and activities within the District.

29 SECTION 6. The assessment methodology for funding the services and activities of
 30 the Manhattan Beach Downtown Business Improvement District shall be a surcharge of 80% on the
 31 business license tax, not to exceed \$500.00 per business license.

32 SECTION 7. The funds generated by the business license surcharge shall be used for
 the following improvements and activities:

Parking & Transportation
 Marketing and Promotions
 Special Events
 Management Services

33 SECTION 8. The City Council will contract with the Downtown Manhattan Beach
 34 Business and Professional Association to administer the funds and provide the improvements and
 35 activities. This contract will be reviewed annually.

36 SECTION 9. The City Council shall carry over the funds collected from the existing BIA
 37 in 1998 totaling \$61,464.77. These funds will be added to the contract with the Downtown Manhattan
 38 Beach Business and Professional Association to provide the improvements and activities.

39 SECTION 10. The City Council shall upon the adoption of this Ordinance dissolve the
 40 existing Downtown Parking & Business Improvement District that was created pursuant to the Parking &
 41 Business Improvement Area Law of 1965. All remaining assets of the existing Downtown Parking &
 42 Business Improvement District, including the reimbursement of \$340,334 scheduled for Fiscal Year
 43 1999-00 shall remain in the Parking Facilities Fund with the provision that the funds may only be used
 44 for the creation of additional public parking within the Downtown area.

1 SECTION 11. If any section, subsection, sentence, clause, or phrase of this ordinance is
2 for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction,
3 such decision shall not affect the validity of the remaining portions of the ordinance. The City Council
4 hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause,
5 and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,
6 clauses, or phrases be declared invalid or unconstitutional.

7 SECTION 12. Any provisions of the Manhattan Beach Municipal Code, or appendices
8 thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance,
9 and no further, are hereby repealed.

10 SECTION 13. This notice shall be published by one insertion in *The Beach Reporter*,
11 the official newspaper of the City, and this ordinance shall take effect and be in full force and operation
12 thirty (30) days after its final passage and adoption.


13 SECTION 14. The City Clerk shall certify to the adoption of this ordinance; shall cause
14 the same to be entered in the book of original ordinances of said City; shall make a minute of the
15 passage and adoption thereof in the records of the meeting at which the same is passed and adopted;
16 and shall within fifteen (15) days after the passage and adoption thereof cause the same to be
17 published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly
18 newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby
19 designated for that purpose.

20 PASSED, APPROVED and ADOPTED this 6th day of October, 1998.

21 Ayes: Jones, Napolitano, Wilson, Lilligren, Mayor Cunningham
22 Noes: None
23 Absent: None
24 Abstain: None

25 
26 Mayor, City of Manhattan Beach, California

27 ATTEST:

28 
29 City Clerk