

## **AMENDED** **City Council Adjourned Regular Meeting**

**Thursday, May 21, 2020**

**8:00 AM**

**City Council Chambers**



### **ELECTED OFFICIALS**

**Mayor** Richard Montgomery

**Mayor Pro Tem** Suzanne Hadley

**Councilmember** Hildy Stern

**Councilmember** Steve Napolitano

**Councilmember** Nancy Hersman

**City Treasurer** Tim Lilligren

### **EXECUTIVE TEAM**

**City Manager** Bruce Moe

**City Attorney** Quinn Barrow

**City Clerk** Liza Tamura

**Community Development Director** Carrie Tai

**Finance Director** Steve Charelian

**Fire Chief** Daryn Drum

**Human Resources Director** Lisa Jenkins

**Interim Information Technology Director** Patrick Griffin

**Parks and Recreation Director** Mark Leyman

**Police Chief** Derrick Abell

**Public Works Director** Stephanie Katsouleas

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### **MISSION STATEMENT:**

Our mission is to provide excellent municipal services,  
preserve our small beach town character, and enhance the quality of life for our  
residents, businesses and visitors.

**May 21, 2020**

**City Council Meeting Agenda Packet:**

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**MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!**

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at [www.citymb.info](http://www.citymb.info), the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Chapter Spectrum), Channel 35 (Frontier Communications), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

**CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this amended notice/agenda was posted on Tuesday, May 19, 2020, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

**BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED.****A. CALL MEETING TO ORDER****B. ROLL CALL****C. CEREMONIAL CALENDAR****D. APPROVAL OF AGENDA, AND DETERMINATION PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) TO ADD ITEMS TO THE AGENDA**

This is the time for the City Council to (a) notify the public of any changes to the agenda; (b) rearrange the order of the agenda; or (c) add items to the agenda pursuant to the Brown Act. Pursuant to Government Code Section 54954.2(b)(2), the Council may add an item to the agenda if the Council determines, by a 2/3 vote, that there is a need to take immediate action and that the need for action came to the attention of the Council subsequent to the posting of the agenda.

**MOTION TO APPROVE AGENDA, AND MAKE ABOVE DETERMINATION TO ADD ITEMS 7(a) AND 7(b) TO THE AGENDA.**

## E. PUBLIC COMMENTS

Pursuant to Governor Newsom's Executive Orders No. N-25-20 and No. N-29-20, City Council Chambers is not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 7:30 PM, May 21, 2020 (the day of the meeting), via:

- 1) eComment at <http://www.citymb.info/ecomment>;
- 2) email to [cityclerk@citymb.info](mailto:cityclerk@citymb.info); or
- 3) telephone message recorded at (310) 802-5030.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting:

If you wish to speak on any item on the agenda, please register in advance by clicking the following link:  
<https://citymb.seamlessdocs.com/f/publiccomment>

- 1) Join Zoom Meeting via the internet:  
Direct URL: <https://zoom.us/j/91589988764>, Meeting ID: 915-8998-8764

During the meeting you will need to use the "raise hand" button through Zoom at the time the Mayor invites the public to provide comments.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):  
Phone Number: (669) 900-6833, Meeting ID: 915-8998-8764

During the meeting you will need to enter \*9 on the phone's dial pad at the time the Mayor invites the public to provide comments.

## F. CONSENT CALENDAR

### 1. City Council Minutes:

[20-0104](#)

This Item Contains Minutes of the Following City Council Meetings:

- a) City Council Adjourned Regular Meeting Minutes of April 24, 2020
- b) City Council Adjourned Regular Meeting Minutes of April 27, 2020  
(City Clerk Tamura).

**APPROVE**

Attachments: [City Council Adjourned Regular Meeting Minutes of April 24, 2020](#)  
[City Council Adjourned Regular Meeting Minutes of April 27, 2020](#)

2. Consideration of Approving Assessment Engineer's Report for Annual Levy of Street Lighting Assessments for Fiscal Year 2020-2021 (Finance Director Charelian). [20-0078](#)

**ADOPT RESOLUTION NO. 20-0053**

Attachments: [Resolution No. 20-0053](#)  
[Engineers Report LLMD FY20-21](#)  
[Lighting and Landscape Assessment Districts Map](#)

3. Declaration of Intention to Provide for Annual Levy and Collection of Assessments for Street Lighting Maintenance and Setting of Public Hearing for June 16, 2020 (Finance Director Charelian). [20-0079](#)

a) **ADOPT RESOLUTION NO. 20-0054**

b) **SET PUBLIC HEARING DATE FOR JUNE 16, 2020**

Attachments: [Resolution No. 20-0054](#)  
[Engineers Report 2020-2021](#)  
[Lighting and Landscape Assessment Districts Map](#)

**G. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**H. PUBLIC HEARING**

**I. GENERAL BUSINESS**

4. Consider Adopting a Resolution Approving Memorandum of Understanding with Oceanographic Teaching Stations for a Six-Month Pilot Program Authorizing the Use of the Roundhouse for Fundraising Events (Parks and Recreation Director Leyman). [20-0163](#)

**ADOPT RESOLUTION NO. 20-0043**

Attachments: [Resolution No. 20-0043](#)  
[Memorandum of Understanding – Oceanographic Teaching Stations, Inc.](#)

5. Proposed Review and Notification Protocol for COVID-19 Testing Events (Community Development Director Tai). [20-0196](#)

**DISCUSS AND PROVIDE DIRECTION**

6. City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.

7. City Council to Consider Additional Measures to Address COVID-19.

a) Consider Advocating for Businesses to Re-Open.

b) Consider Directing Staff to Change Parking Regulations on a Temporary Basis.

c) Additional Measures.

8. Future Agenda Items.

**J. CLOSED SESSION**

**I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)**

**Agency Negotiators:**

**Bruce Moe, City Manager**

**Lisa Jenkins, Human Resources Director**

**Employee Groups:**

**Manhattan Beach Firefighters' Association**

**Manhattan Beach Fire Management Association**

**Manhattan Beach Police Officers Association**

**Manhattan Beach Police Management Association**

**Manhattan Beach Mid-Management Employee Association**

**Manhattan Beach Part-Time Employees' Association**

**Unrepresented (Executive, Management and Confidential)**

**Teamsters Local 911**

**II. RECESS INTO CLOSED SESSION**

**III. RECONVENE INTO OPEN SESSION**

**IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION**

**K. ADJOURNMENT**



**CITY OF MANHATTAN BEACH**  
1400 Highland Avenue Manhattan Beach, CA 90266  
[www.citymb.info](http://www.citymb.info) • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 5/21/2020

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Liza Tamura, City Clerk

Martha Alvarez, Senior Deputy City Clerk

**SUBJECT:**

City Council Minutes:

This Item Contains Minutes of the Following City Council Meetings:

- a) City Council Adjourned Regular Meeting Minutes of April 24, 2020
- b) City Council Adjourned Regular Meeting Minutes of April 27, 2020  
(City Clerk Tamura).

**APPROVE**

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**RECOMMENDATION:**

The attached minutes are for City Council approval:

Attachment(s):

- 1. City Council Adjourned Regular Meeting Minutes of April 24, 2020
- 2. City Council Adjourned Regular Meeting Minutes of April 27, 2020





# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Friday, April 24, 2020

8:00 AM

City Council Chambers

## City Council Adjourned Regular Meeting

### *ELECTED OFFICIALS*

*Mayor Richard Montgomery*  
*Mayor Pro Tem Suzanne Hadley*  
*Councilmember Hildy Stern*  
*Councilmember Steve Napolitano*  
*Councilmember Nancy Hersman*

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:**

**[www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes)**

**A. CALL MEETING TO ORDER**

*At 8:00 AM, Mayor Montgomery called the meeting to order.*

**B. ROLL CALL**

**Present** 5 - Mayor Montgomery, Mayor Pro Tem Hadley, Councilmember Stern, Councilmember Napolitano and Councilmember Hersman

**Teleconference by all Councilmembers.**

**C. PUBLIC COMMENTS**

*Management Services, Senior Deputy City Clerk Martha Alvarez confirmed that the following public comments were received by the City for the April 24, 2020, City Council Adjourned Regular Meeting.*

*Matt Domyancic  
Phil Reimert  
Rachel Judson  
Gary Osterhout  
Tiffany Levy  
Tim Burger  
Julia Adema  
Robert Bush  
Paul Traughber  
David  
Paul Sullivan  
Cecilia G.*

**D. GENERAL BUSINESS**

**1. City Manager Report on EOC (Emergency Operations Center).**

*City Manager Bruce Moe reported on the EOC (Emergency Operations Center).*

**2. Discuss and Provide Direction Regarding City's Existing Anti-Eviction Urgency Ordinance, and Consider Additional Provisions.**

*City Attorney Quinn Barrow provided the staff report.*

*City Attorney Barrow and City Manager Bruce Moe responded to City Council questions.*

*City Council gave direction to staff to do public outreach and remind the public regarding the City's existing anti-eviction Urgency Ordinance.*

**3. City Council to Consider Additional Measures to Address COVID-19.**

*City Manager Bruce Moe responded to City Council questions.*

**4. Future Agenda Items.**

*City Manager Bruce Moe and City Attorney Quinn Barrow responded to City Council questions.*

*City Council gave direction to staff to notify businesses serving food of the prohibition of providing any customer with alcohol prior to providing the meal prepared.*

*Mayor Montgomery announced that starting with the week of May 4, 2020, City Council meetings will take place every Tuesday at 6:00 PM and every Thursday at 8:00 AM.*

**E. ADJOURNMENT**

*At 9:16 AM, Mayor Montgomery adjourned the meeting to an 8:00 AM, Adjourned Regular Meeting on Monday, April 27, 2020, in the City Council Chambers.*

\_\_\_\_\_  
**Martha Alvarez**  
**Recording Secretary**

\_\_\_\_\_  
**Richard Montgomery**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Liza Tamura**  
**City Clerk**



# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Monday, April 27, 2020

8:00 AM

City Council Chambers

## City Council Adjourned Regular Meeting

### *ELECTED OFFICIALS*

*Mayor Richard Montgomery*  
*Mayor Pro Tem Suzanne Hadley*  
*Councilmember Hildy Stern*  
*Councilmember Steve Napolitano*  
*Councilmember Nancy Hersman*

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[www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes)

**A. CALL MEETING TO ORDER**

*At 8:00 AM, Mayor Montgomery called the meeting to order.*

**B. ROLL CALL**

**Present** 5 - Mayor Montgomery, Mayor Pro Tem Hadley, Councilmember Stern, Councilmember Napolitano and Councilmember Hersman

**Teleconference by all Councilmembers.**

**C. PUBLIC COMMENTS**

*Management Services, Senior Deputy City Clerk Martha Alvarez confirmed that the following public comments were received by the City for the April 27, 2020, City Council Adjourned Regular Meeting.*

<i>Michelle Murdoka</i>	<i>Denny Gregory</i>
<i>Dana Bagdasarian</i>	<i>Robert Draves</i>
<i>Louise Farmer</i>	<i>Stephen Schwartz</i>
<i>Jeanne Draves</i>	<i>Susan McTigue</i>
<i>Hansen Family</i>	<i>Francis M.</i>
<i>Cecilia Agraz</i>	<i>Joe Franklin</i>
<i>Millissa Sears</i>	<i>Laura Kiely</i>
<i>Teddy Sears</i>	<i>Stuffs Onsale</i>
<i>Rachel Judson</i>	<i>Randy Feldman</i>
<i>Lynne Gross</i>	<i>Nicole Andrews</i>
<i>Anne Timmer</i>	<i>Matt Domyancic</i>
<i>M. Pocapalia</i>	
<i>Sana Radville</i>	
<i>Paul Olsen</i>	
<i>Omkar Kulkarni</i>	
<i>Wendy Gilbert</i>	
<i>Lynne Mueller</i>	
<i>Ilene</i>	
<i>Pelin Guo</i>	
<i>Erika Schlarmann</i>	
<i>Monica Jackson</i>	
<i>James Smith</i>	
<i>Amanda Baxter</i>	
<i>Mike Michalski</i>	

## D. CONSENT CALENDAR

**A motion was made by Councilmember Hersman, seconded by Councilmember Stern, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Mayor Montgomery, Mayor Pro Tem Hadley, Councilmember Stern, Councilmember Napolitano and Councilmember Hersman

2. Financial Reports: [20-0178](#)

- a) Schedule of Demands April 16, 2020
- b) Investment Portfolio for the Month Ending March 31, 2020
- c) Month End Report for March 31, 2020  
(Finance Director Charelian).

### ACCEPT REPORTS AND DEMANDS

The recommendation for this item was approved on the Consent Calendar.

1. City Council Minutes: [20-0112](#)

This Item Contains Minutes of the Following City Council Meeting(s):

- a) City Council Special Meeting Minutes (Closed Session) of March 13, 2020
- b) City Council Special Meeting Minutes (Closed Session) of March 16, 2020
- c) City Council Special Meeting Minutes (Closed Session) of March 17, 2020
- d) City Council Adjourned Regular Meeting Minutes (Closed Session) of March 17, 2020
- e) City Council Adjourned Regular Meeting (Closed Session) (Cancelled) of March 20, 2020  
(City Clerk Tamura).

### APPROVE

The recommendation for this item was approved on the Consent Calendar.

## E. GENERAL BUSINESS

### 1. City Manager Report on EOC (Emergency Operations Center).

*City Manager Bruce Moe reported on the EOC (Emergency Operations Center) and responded to City Council questions.*

**2. Consider Farmers Market Proposal to Re-Open on a Limited Basis, Subject to Restrictions.**

*City Manager Bruce Moe provided a brief report.*

*City Manager Moe and Downtown Manhattan Beach Business and Professional Association, Executive Director Jill Lamkin responded to City Council questions.*

*City Council direction for City Manager Moe, Executive Director Lamkin and Councilmember Hersman to discuss the questions and concerns City Council has regarding the proposed re-opening plan for Farmer's Market and return at a future meeting with those answers.*

**3. City Council to Consider Additional Measures to Address COVID-19.**

*Mayor Montgomery provided a brief statement regarding the County's plan for a limited re-opening of the beaches and harbors.*

*City Manager Bruce Moe and Fire Chief Daryn Drum responded to City Council questions.*

*Mayor Pro Tem Hadley requested consideration to discuss the re-opening of Bruce's Beach this week.*

**4. Future Agenda Items.**

*Mayor Pro Tem Hadley requested an update on a plan for re-opening City Hall.*

*Councilmember Napolitano requested an update on a plan for re-opening all parks in the City.*

*City Manager Bruce Moe responded to City Council questions.*

**F. ADJOURNMENT**

*At 10:05 AM, Mayor Montgomery adjourned the meeting to an 8:00 AM, Adjourned Regular Meeting on Wednesday, April 29, 2020, in the City Council Chambers.*

\_\_\_\_\_  
**Martha Alvarez**  
**Recording Secretary**

\_\_\_\_\_  
**Richard Montgomery**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Liza Tamura**  
**City Clerk**





**Agenda Date:** 5/21/2020

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Steve S. Charelian, Finance Director  
Henry Mitzner, Controller

**SUBJECT:**

Consideration of Approving Assessment Engineer's Report for Annual Levy of Street Lighting Assessments for Fiscal Year 2020-2021 (Finance Director Charelian).

**ADOPT RESOLUTION NO. 20-0053**

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**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 20-0053 approving the Assessment Engineer's report for the annual levy of Street Lighting Assessments for the Fiscal Year 2020-2021.

**FISCAL IMPLICATIONS:**

The assessment rates remain unchanged from fiscal year 2019-2020. The total assessment for fiscal year 2020-2021 in accordance with the Assessment Engineer's Report is \$377,688 and is reflected in the proposed fiscal year 2020-2021 budget.

**BACKGROUND:**

At the April 10, 2020 City Council meeting, Resolution No. 20-0045 was adopted, ordering the preparation of the Assessment Engineer's Report. This report, submitted by the firm of Harris & Associates, has been prepared in accordance with the Street Lighting and Landscaping Act of 1972. The method for the allocation of assessments, which remains unchanged from fiscal year 2019-2020, is discussed in Part D of the attached Engineer's Report.

Two separate Resolutions and reports regarding the annual levy and collection of street lighting assessments are presented for City Council consideration. Resolution No. 20-0053 requests City Council approval of the Assessment Engineer's report, which is a required step in the process. Resolution No. 20-0054 declares the City's intention to levy and collect assessments and sets a public hearing in order for the City Council to provide final direction on the matter. Both Resolutions must be adopted in order to proceed with the process.

**DISCUSSION:**

Assessments are levied on the basis of benefit. The basic unit for allocation of benefit is the single family home which is equal to one Equivalent Dwelling Unit (EDU). All other land use is converted into this measure based on dwelling units or lot size of the parcel.

The Engineer has established six zones of benefit to allocate assessments, five of which employ the EDU method of benefit measure. For zone 10, which includes certain downtown business properties, the Assessment Engineer has determined that frontal footage is the best measure of benefit and uses the Adjusted Front Footage (AFF) basis.

The Assessment Engineer was supplied with revenue, cost estimates and estimated opening fund balance. The preliminary total assessment of \$377,688 is based on the property tax roll as of March 2020. Upon receipt of the final roll for fiscal year 2020-2021, which will reflect final parcel changes for the new fiscal year, Harris & Associates will recalculate the total assessment using the rates as shown in the report. Based on history, the difference between the total assessment for the prior year and current year is typically less than \$1,000.

The report includes assessment and corresponding operation and maintenance for each zone. Since approximately 10% of the Zone 10 Streetscape area is bounded by City Hall, the City assesses itself 10% (\$12,230) of the Streetscape expenditure. Each zone is in a deficit position and is subsidized by a General Fund transfer. Please refer to Estimate of Cost Schedule of the Engineer's Report.

In the report to City Council of April 10, 2020, staff indicated that there is no opening balance for the Street Lighting and Landscaping Fund and that subsidies for all zones (zones 1-9 for street lighting and zone 10 for downtown streetscape) will be required. For fiscal year 2020-2021, total revenues are \$389,918 and total expenditures are \$575,720 leaving a deficit of \$185,802. This amount is subsidized by the General Fund as follows: \$183,235 for zones 1-9 and \$2,567 for zone 10 (Downtown Streetscape) for a total of \$185,802. This subsidy will be ongoing and will increase in future years if assessments remain fixed while costs continue to rise. Assessments, which were last adjusted in 1996, can only be increased through a Proposition 218 vote.

**PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**CONCLUSION:**

Subject to City Council approval of Resolution Nos. 20-0053 and 20-0054, a public hearing will be held on June 16, 2020, after which City Council will be asked to adopt a resolution providing for the levy and collection of street lighting assessments. The assessments are collected with the consolidated property tax bills issued in October of each year.

**ATTACHMENTS:**

1. Resolution No. 20-0053
2. Engineers Report LLMD FY20-21
3. Lighting and Landscape Assessment Districts Map

RESOLUTION NO. 20-0053

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL  
APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR  
2020-21 IN CONNECTION WITH MANHATTAN BEACH  
LANDSCAPING AND STREET LIGHTING MAINTENANCE  
DISTRICT NO. 99

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND  
ORDERS AS FOLLOWS:

Section 1. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (the "Act"), the Manhattan Beach City Council adopted Resolution No. 20-0045 on April 10, 2020, initiating proceedings for the levy of an assessment for fiscal year 2019-20 in connection with Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99 (the "District") and directed the assessment engineering firm of Harris and Associates to prepare and file a written report in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Act.

Section 2. The Engineer has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, a report that is titled "Engineer's Report for Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99, "Fiscal Year 2020-21" (the "Report").

Section 3. The City Council has carefully examined and reviewed the Report, and the Report is approved as filed.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall reflect the presentation of the Report.

PASSED, APPROVED AND ADOPTED MAY 21, 2020.

\_\_\_\_\_  
RICHARD MONTGOMERY  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk



**CITY OF MANHATTAN BEACH**  
FINAL ENGINEER'S REPORT  
LANDSCAPING AND STREET LIGHTING  
MAINTENANCE ASSESSMENT DISTRICT  
FISCAL YEAR 2020-2021  
LOS ANGELES COUNTY, CALIFORNIA

**May 8, 2020**

*PREPARED BY*



*22 Executive Park, Suite 200  
Irvine, CA 92614  
[www.weareharris.com](http://www.weareharris.com)*

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# ENGINEER'S CERTIFICATION

**AGENCY:** THE CITY OF MANHATTAN BEACH

**PROJECT:** LANDSCAPING AND STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT

**TO:** THE CITY COUNCIL OF THE  
CITY OF MANHATTAN BEACH  
STATE OF CALIFORNIA

## ENGINEER'S REPORT FOR FISCAL YEAR 2020-21

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the annual levy of assessment within the Landscaping and Street Lighting Maintenance District of the City of Manhattan Beach to provide lighting and landscaping services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2020-21. Services will be provided through June 30, 2021.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), and in accordance with the City of Manhattan Beach's Resolution being adopted by the City Council for:

### **LANDSCAPING AND STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT**

(Hereinafter referred to as the "District"),

I, K. Dennis Klingelhofer, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following five (5) parts and Appendices:

#### **PART I**

**Overview:** Provides the background and reason for the District.

#### **PART II**

**Plans and Specifications:** Plans and specifications for the existing and ultimate improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and are incorporated herein by reference.

**PART III**

**Cost Estimate:** An estimate of the costs of the maintenance and/or servicing of the existing and ultimate improvements for Fiscal Year 2020-21, including incidental costs and expenses in connection therewith.

**PART IV**

**Method of Apportionment of the Assessments:** The method of apportionment of assessments, indicating the proposed assessment of the total amount of the costs and expenses of the improvements upon the several lots and parcels of land within the District, in proportion to the estimated benefits to be received by such lots and parcels. The Assessment Roll is filed in the office of the City Clerk of the City of Manhattan Beach and by reference is made a part hereof.

**Appendices**

Appendix A – Assessment Diagram of the Landscaping and Street Lighting Maintenance Assessment District

Appendix B – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided.

DATED May 8, 2020

 Harris & Associates

K. Dennis Klingelhofer, P.E., Assessment Engineer  
R.C.E. No. 50255  
Engineer of Work  
County of Los Angeles  
State of California





## **PART I – OVERVIEW**

The City of Manhattan Beach formed the Landscaping and Street Lighting Assessment District in the early 1970's pursuant to the requirements of the Landscaping and Lighting Act of 1972, Part 2, Division 15, Sections 22500 through 22679, of the Streets and Highways Code of the State of California. The District is being renewed annually. This report, as signed and presented to the Council for approval, has been prepared according to the methodology and rates approved by the City Council when the district was formed in the 1970's. Article XIID of the California Constitution (Proposition 218) which was approved by the voters in 1996 exempted certain assessments which were in existence prior to the passage of Proposition 218. The City has determined that all of the improvements and the annual assessments for the District are for the maintenance and operation of lighting and landscaping within the public street right-of-way. As such, the current assessment is exempt from the procedures and approval process set forth in Article XIID Section 4 of the California State Constitution.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be constructed, operated, maintained and serviced by the District for FY 2020-21, provides an estimated budget for the District, and lists the proposed assessments to be levied upon each assessable lot or parcel within the District. Following the approval of the report, either as submitted or as modified, the City Council will hold a Public Hearing to provide an opportunity for any interested person to be heard. All property owners must be noticed in accordance with Section 22626 of the Streets and Highways Code prior to the Public Hearing. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified.

Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Tax Collector's office to be included on the Fiscal Year 2020-21 tax roll.

This year's report includes projected costs, and is submitted for City Council's determination of the assessment for Fiscal Year 2020-21. No increase in the assessment rate is proposed for Fiscal Year 2020-21.

This Report is being prepared to authorize the existing district's levy of assessments for the 2020-21 Fiscal Year (FY).

Payment for the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes for each Property.

This report contains the necessary data required to conduct the proceedings and is submitted to the Clerk of the City for filing.



## PART II – PLANS AND SPECIFICATIONS

The installation of planting, landscaping, irrigation systems, lighting and the construction of appurtenant facilities to be operated, serviced and maintained, is more specifically described herein whereas, the landscaping and lighting facilities have been and/or will be provided by developers as a condition of subdivision of land, and in commercial areas, are part of the Conditional Use review and approval process. The facilities to be maintained and serviced are more generally described as follows:

The proposed improvements for FY 2020-21 may be generally described as the continued operation, servicing and maintenance of landscaping, lighting and appurtenant facilities that are located in and along such streets and sidewalks within the District, including but not limited to, personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services described as follows:

### Landscaping

Landscaping includes: plantings, shrubbery, trees, turf, irrigation systems, entry monuments, hardscapes, walls, fencing, drainage detention facilities, drainage structures, including percolation wells and appurtenant facilities within public street and sidewalk rights-of-way and easements, including parkways and medians, within the proposed boundary of said District.

### Lighting

Lighting includes: Poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public streets and sidewalk rights-of-way and easements, including parkways and medians, within the proposed boundaries of said District, both gas and electric.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities, and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities, or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities, or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping, or appurtenant facilities.



The plans and specifications for the improvements, showing the general nature, location, and the extent of the improvements, are on file in the office of the City Clerk and are incorporated herein by reference.



## **PART III – COST ESTIMATE**

The estimated cost for the operation, servicing and maintenance of landscaping and lighting improvements within the District for FY 2020-21, as described in Part II, are summarized herein and described on the following page table. All costs include administration and utilities where applicable.

The 1972 Act requires that a special fund be set-up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. A cash flow reserve is provided to ensure funding of the operation and maintenance activities prior to the City receiving the assessment funds through the property tax collection process. Section 22569(a) of the Streets and Highways Code specifically permits the inclusion of a reserve for this purpose equal to roughly half of the annual operation and maintenance costs. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

The 1972 Act also has provisions for establishing a separate reserve to fund capital improvements as part of the assessment. However, any increase in the current assessment will require compliance with the provisions of Proposition 218 which would require that a property owner ballot be mailed to each property owner. The assessment could only be increased if a majority of property owners who returned their ballots approved (weighted by assessment amount) the increase in the assessment. Until that approval is gained the rates remain fixed, and any capital improvements or operating shortfall is covered through the General Fund transfer.

**Engineer's Report**  
**Landscaping and Street Lighting Maintenance Assessment District**  
**City of Manhattan Beach**  
**Fiscal Year 2020-21**



**Cost Estimate Table**

	Standard Lighting Zone 1	Gas Light Area Zone 5	The Strand Zone 6	Walkway Streets Zone 7	Arbolado Tract Zone 9	Total Zones 1-9	Business Area Zone 10	Grand Total Zones 1-10
Operation and Maintenance	\$ 309,804	\$ 101,169	\$ 19,856	\$ 18,080	\$ 4,509	\$ 453,418	\$ 122,302	\$ 575,720
General Fund Transfer	\$ (84,154)	\$ (67,661)	\$ (15,785)	\$ (14,032)	\$ (1,603)	\$ (183,235)	\$ (2,567)	\$ (185,801)
City Contribution	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (12,230)	\$ (12,230)
Cashflow Reserves (projected as of 30-Jun) pursuant to Streets & Highways Code Section 22569(a)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Anticipated Delinquencies	\$ 1,981	\$ 647	\$ 127	\$ 116	\$ 29	\$ 2,900	\$ 500	\$ 3,400
Prior Year Delinquency Collections (positive)	\$ (1,981)	\$ (647)	\$ (127)	\$ (116)	\$ (29)	\$ (2,900)	\$ (500)	\$ (3,400)
Surplus Carryover from FY 2019-20 (projected as of 1-Jul-20)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total to Assessment</b>	<b>\$ 225,650</b>	<b>\$ 33,508</b>	<b>\$ 4,071</b>	<b>\$ 4,048</b>	<b>\$ 2,906</b>	<b>\$ 270,183</b>	<b>\$ 107,505</b>	<b>\$ 377,688</b>



## PART IV - METHOD OF APPORTIONMENT

### General

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include operation, maintenance and servicing of street lights, traffic signals, parks and landscaping.

The 1972 Act requires that maintenance assessments be levied according to benefit rather than according to assessed value. Section 22573 provides that:

The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22574). Thus, the 1972 Act requires the levy of a true "benefit assessment" rather than a "special tax."

Excepted from the assessment would be the areas of all publicly owned property in use in the performance of a public function.

### Benefit Determination

**Landscaping** - Trees, landscaping and parks, if well maintained, provided beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

The landscaping maintenance provided by the District is deemed to benefit business properties on Manhattan Beach Boulevard, Highland Avenue and Manhattan Avenue, which are designated as Zone 10.

**Lighting** - Street lighting is for the benefit of all parcels within the District as all property in the City derives benefit from the convenience, safety and protection of people and property they provide.



## Methodology

### **Zones of Benefit**

The District previously consisted of 10 zones of benefit; however, Zones 2, 3, 4 and 8 have been combined with and into Zone 1, as these parcels receive similar types of street lighting levels and service. Therefore, the District currently consists of six (6) zones of benefit, as described as follows:

ZONE 1 - Includes the majority of parcels within the City which have standard levels and types of street lighting.

ZONE 5 - Properties adjacent to street lights utilizing natural gas lighting.

ZONE 6 - Properties adjacent to the Strand.

ZONE 7 - Properties adjacent to walkway streets in the area bounded by 15th Street on the south, 21st Street on the north, Ocean Drive on the west and Live Oak Park on the east.

ZONE 9 - Properties within Tract No. 44884, Arbolado Tract.

ZONE 10 - Business properties adjacent to Manhattan Beach Boulevard from the Strand to Valley Drive, Highland Avenue from 11th Street to 15th Street and Manhattan Avenue from 8th Street to 13th Street.

### **ZONES 1-9**

#### **Equivalent Dwelling Units**

The Equivalent Dwelling Unit method was adopted at the time the district was formed and uses the single family home as the basic unit of assessment. A single family home equals one Equivalent Dwelling Unit (EDU). Every other land-use is converted to EDU's based on an assessment formula appropriate for the City. Multi-family and condominium parcels are converted to EDU's based on the number of dwelling units on each parcel of land; Commercial and Industrial parcels are converted to EDU's based on the lot size of each parcel of land.

**Single Family Residential** - The single family parcel has been selected as the basic unit for calculation of the benefit assessments. This basic unit shall be called an Equivalent Dwelling Unit (EDU). Parcels designated as single family residential per the Los Angeles County land-use code are assessed 1 EDU.

**Multiple Residential** - Multiple family uses, as well as condominiums, are given a factor of .80 EDU per dwelling unit. Based on data from representative cities in Southern California, the multiple residential factor of 80 percent is determined by the statistical proportion of relative trip generation from various types of residential uses, in combination with population density per unit.



**Commercial/Industrial** - Commercial/Industrial properties are designated as commercial, industrial, recreational, institutional or miscellaneous uses per the Los Angeles County land-use codes. In converting improved Commercial/Industrial properties to EDUs, the factor used is the City of Manhattan Beach's highest requirement for a single family residential lot, which is 1 dwelling unit per 7,500 sq. ft., or 5.808 dwelling units per acre. The Commercial/Industrial parcels will be assessed 5.808 EDU for the first acre or any portion thereof, and then 25% of 5.808 EDUs (1.4520) for every additional acre or portion thereof, as the utilization of that portion of non-residential property greater than one acre is reduced and will be treated as vacant land. The minimum number of EDUs per parcel will be 1 EDU.

**Vacant Property**

Vacant property is described as parcels with no improved structures. Because property values in a community are increased when public infrastructure are in place, improved, operable, safe, clean and maintained, all properties, including vacant parcels, receive benefits based on their land, as this is the basis of their value. Based upon the opinions of professional appraisers, appraising current market property values for real estate in Southern California, the land value portion of a property typically ranges from 20 to 30 percent; in Manhattan Beach, we find that the average is about 50 percent. Additionally, the utilization of vacant property is significantly less than improved property and vacant property has a traffic generation rate of 0. Therefore, vacant property is assessed at the rate of 25 percent of improved property.

**Vacant Residential** - Parcels defined as single family residential parcels which do not have structures on the parcels are assessed 25% of a single family dwelling. The parcels will be assessed 0.25 EDU per parcel.

**Vacant Non-Residential** - Parcels defined as parcels which are not single family residential and which do not have structures on the parcel are assessed based upon the acreage of the parcel. The parcels will be assessed at the rate of 25% of the developed non-residential properties, or 1.4520 EDU per acre or any portion thereof, with a minimum of .25 EDU per parcel.

**Exempt** - All publicly owned property and utility rights-of-way are exempt from assessment. Also excepted from assessment is the residential area bounded by Village Drive, Marine Avenue, Redondo Avenue, and Park View Avenue, which has all private streets.

The land-use classification for each parcel has been based on the 2020-21 Los Angeles County Assessor's Roll.

***ZONE 10***

The Zone 10 improvements maintained and operated by the District consist of a higher level of landscaping and lighting facilities than are found in other parts of the City. These facilities increase the aesthetic appeal of the area and promote business in the downtown area. Front footage is the best



approach for this type of improvement, as each parcel's benefit is proportional to its frontage along the improved street. Therefore, assessments for Zone 10 are on an Adjusted Front Footage (AFF) basis.

### Inventory of Parcels

The following information was obtained from the Los Angeles County Assessor's Roll, Assessor's Parcel Maps, and the City of Manhattan Beach's Community Development Department.

Land-Use	Parcels	Dwelling Units	Acres
0. Exempt *	718	---	---
1. Single Family Residential (SFR) Parcels	9,362	9,364	---
2. Multi-Family Residential Parcels	2,497	5,035	---
3. Commercial/Industrial	476	---	282.510
4. Vacant Residential Parcels	37	---	0
5. Vacant Commercial/Industrial Parcels	11	---	1.620
<b>Totals:</b>	<b>13,101</b>	<b>14,399</b>	<b>284.130</b>

\* Exempt parcels include the Manhattan Village and all Public Property

### Assessments

#### ZONES 1-9

The distribution of EDUs per Zone is as follows:

Zone	1	5	6	7	9
EDUs	13,250.14	384.80	387.00	374.85	18.40

Since the assessment rates cannot be increased without conducting a Proposition 218 mailed property owner ballot proceeding, the assessment rates are limited to the rates in effect at the time Proposition 218 was approved.

The following is the budget apportionment for Zones 1-9.

<b>ZONE</b>	<b>FY 20-21 Levy</b>	<b>Parcels</b>	<b>EDUs</b>	<b>FY 20-21 Asmt Rate \$/EDU</b>	<b>FY 19-20 Asmt Rate \$/EDU</b>
<b>1</b> Std Lighting	\$225,650	11,287	13,250.14	<b>\$17.03 / EDU</b>	\$17.03 / EDU
<b>5</b> Gas Light Area	\$33,508	386	384.80	<b>\$87.08 / EDU</b>	\$87.08 / EDU
<b>6</b> The Strand	\$4,071	281	387.00	<b>\$10.52 / EDU</b>	\$10.52 / EDU
<b>7</b> Walkway Streets	\$4,048	298	374.85	<b>\$10.80 / EDU</b>	\$10.80 / EDU
<b>9</b> Arbolado Tract	\$2,906	23	18.40	<b>\$157.93 / EDU</b>	\$157.93 / EDU
<b>Total</b>	<b>\$270,183</b>	<b>12,275</b>	<b>14,415.19</b>		

**ZONE 10**

The following is the budget apportionment for Zone 10.

<b>ZONE</b>	<b>FY 20-21 Levy</b>	<b>Parcels</b>	<b>AFF</b>	<b>FY 20-21 Asmt Rate \$/AFF</b>	<b>FY 19-20 Asmt Rate \$/AFF</b>
<b>10</b> Business Area	\$107,505	108	4,823	<b>\$22.291 / AFF</b>	\$22.291 / AFF

Note: Assessment Rates on for all zones are in effect as of July 1, 1997.

Sample calculations for various zones and land-use types are provided on the following page.

**SAMPLE CALCULATIONS**

<b>ZONE 1 - Standard Lighting (\$17.03/EDU)</b>		<b>EDU</b>	<b>FY 20-21 Asmt</b>
Single Family Residential		1.0	\$17.03
Condominium		0.8	\$13.62
Vacant Residential		0.25	\$4.26
Multi-Family Residential	Duplex	1.6	\$27.25
	Triplex	2.4	\$40.87
Commercial/Industrial	1/4 acre	1.425	\$24.27
	1/2 acre	2.904	\$49.46
	1 acre	5.8	\$98.91
Vacant Commercial/Industrial	1/4 acre	0.363	\$6.18
	1/2 acre	0.726	\$12.36
<b>ZONE 5 - Gas Light Area (\$87.08/EDU)</b>			
Single Family Residential		1.0	\$87.08
Condominium		0.8	\$69.66
Vacant Residential		0.25	\$21.77
Multi-Family Residential	Duplex	1.6	\$139.33
	Triplex	2.4	\$208.99
<b>ZONE 6 - The Strand (\$10.52/EDU)</b>			
Single Family Residential		1.0	\$10.52
Condominium		0.8	\$8.42
Vacant Residential		0.25	\$2.63
Multi-Family Residential	Duplex	1.6	\$16.83
	Triplex	2.4	\$25.25
	4-plex	3.2	\$33.66
	10-unit Apt	8.0	\$84.16
<b>ZONE 7 - Walkway Streets (\$10.80/EDU)</b>			
Single Family Residential		1.0	\$10.80
Condominium		0.8	\$8.64
Vacant Residential		0.25	\$2.70
Multi-Family Residential	Duplex	1.6	\$17.28
	Triplex	2.4	\$25.92
<b>ZONE 9 - Arbolado Tract (\$157.93/EDU)</b>			
Condominium		0.8	\$126.34

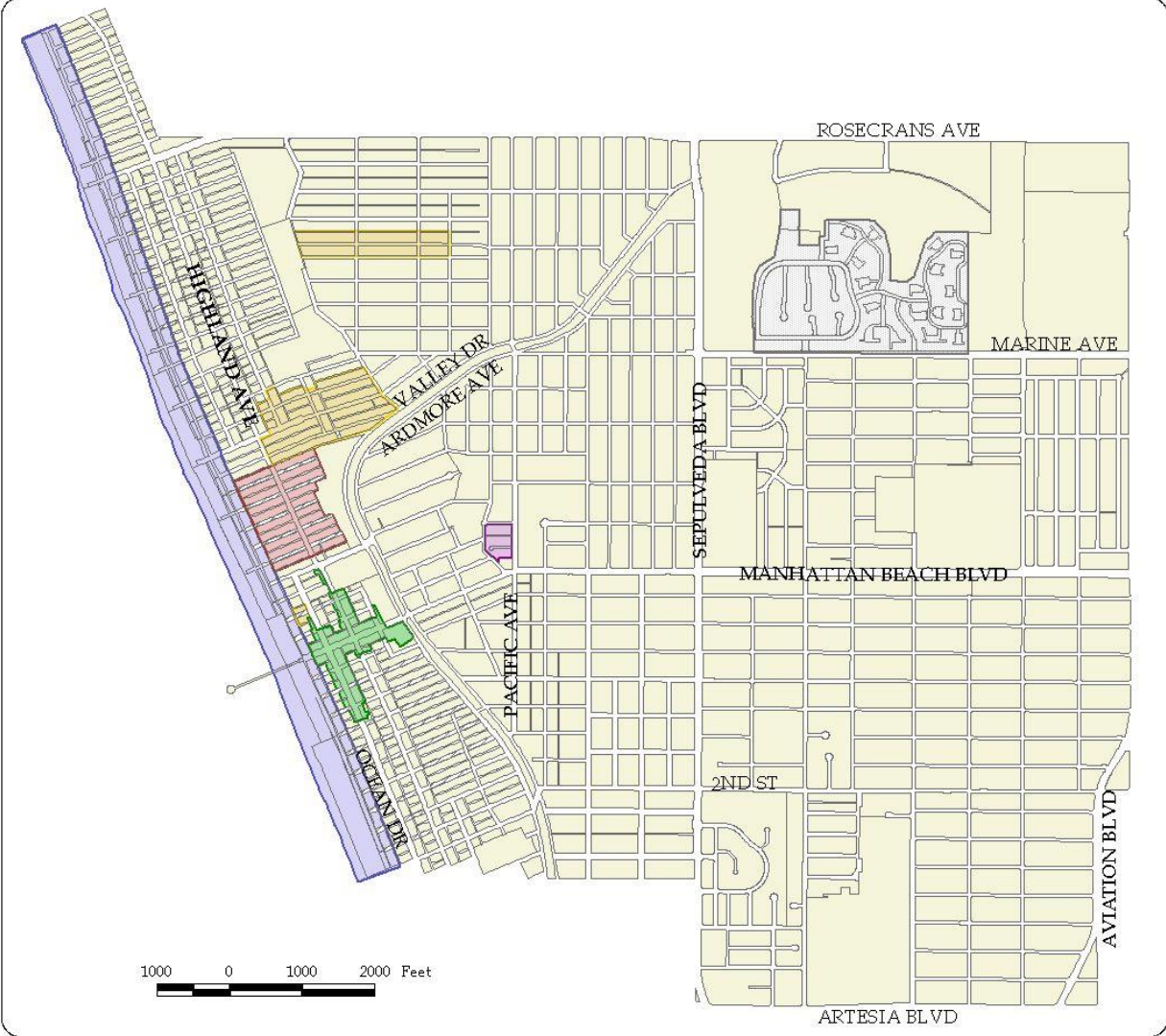


## APPENDIX A – ASSESSMENT DIAGRAM


An Assessment Diagram for the District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles, for the year when the report was prepared, and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram, showing the various Zones of Benefit, is included on the following page.


## City of Manhattan Beach Lighting and Landscape Assessment Districts



		Total Area (Acres)	
Zone 1	General	2231.7	
Zone 5	Gas Lights	39.0	
Zone 6	The Strand	127.5	
Zone 7	Walkway Streets	25.7	
Zone 9	Arbolado Tract	2.9	
Zone 10	Downtown Streetscape	15.4	
	Excepted	82.5	



August 2001





## **APPENDIX B – ASSESSMENT ROLL**

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, for the City of Manhattan Beach, Landscaping and Street Lighting Maintenance Assessment District, Fiscal Year 2020-20, which is incorporated by reference herein and is on file in the office of the City Clerk.

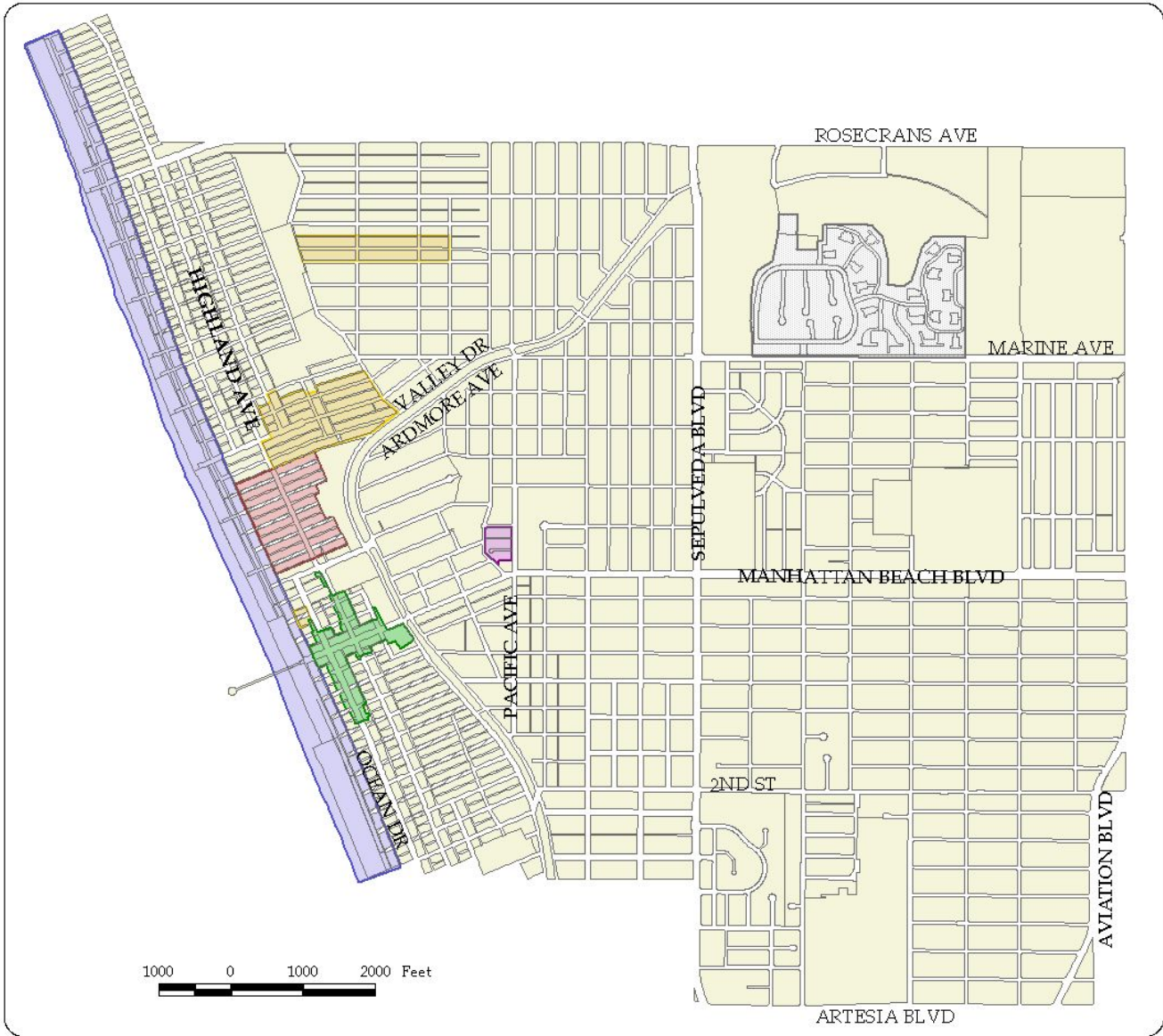
The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, and on the last equalized roll of the Assessor of the County of Los Angeles, which is by reference made part of this report.

Assessments are not levied within the area upon public streets and other public properties, utility easements, right-of-way, public schools, public parks, and common areas.



# Exhibit A

## City of Manhattan Beach Lighting and Landscape Assessment Districts



August 2001

		Total Area (Acres)
Zone 1	General	2231.7
Zone 5	Gas Lights	39.0
Zone 6	The Strand	127.5
Zone 7	Walkway Streets	25.7
Zone 9	Arbolado Tract	2.9
Zone 10	Downtown Streetscape	15.4
	Excepted	82.5









**Agenda Date:** 5/21/2020

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Steve S. Charelian, Finance Director  
Henry Mitzner, Controller

**SUBJECT:**

Declaration of Intention to Provide for Annual Levy and Collection of Assessments for Street Lighting Maintenance and Setting of Public Hearing for June 16, 2020 (Finance Director Charelian).

- a) **ADOPT RESOLUTION NO. 20-0054**
  - b) **SET PUBLIC HEARING DATE FOR JUNE 16, 2020**
- 

**RECOMMENDATION:**

Staff recommends that the City Council:

- 1. Adopt Resolution No. 20-0054 declaring City Council's intention to provide for the annual levy and collection of assessments for the Street Lighting and Landscaping Fund; and
- 2. Set June 16, 2020, for the public hearing.

**FISCAL IMPLICATIONS:**

The assessment rates remain unchanged from fiscal year 2019-2020. In accordance with the Assessment Engineer's Report, the total assessment for fiscal year 2020-2021 is \$377,688 and is reflected in the proposed fiscal year 2020-2021 budget.

**BACKGROUND:**

At the April 10, 2020, City Council meeting Resolution No. 20-0045 was adopted, ordering the preparation of the Assessment Engineer's Report. This report, submitted by the firm of Harris & Associates, has been prepared in accordance with the Street Lighting and Landscaping Act of 1972. The method for the allocation of assessments, which remains unchanged from fiscal year 2019-2020, is discussed in Part D of the attached Engineer's Report.

Two separate Resolutions and reports regarding the annual levy and collection of street lighting assessments are presented for City Council consideration. Resolution No. 20-0053 requests City Council approval of the Assessment Engineer's Report, which is a required step in the process. Resolution No. 20-0054 declares the City's intention to levy and collect assessments and sets a public hearing in order for the City Council to provide final direction on the matter. Both Resolutions must be adopted in order to proceed with the process.

**DISCUSSION:**

Assessments are levied on the basis of benefit. The basic unit for allocation of benefit is the single family home which is equal to one Equivalent Dwelling Unit (EDU). All other land use is converted into this measure based on dwelling units or lot size of the parcel.

The Engineer has established six zones of benefit to allocate assessments, five of which employ the EDU method of benefit measure. For zone 10, which includes certain downtown business properties, the Assessment Engineer has determined that frontal footage is the best measure of benefit and uses the Adjusted Front Footage (AFF) basis.

The Assessment Engineer was supplied with revenue, cost estimates, and estimated opening fund balance. The preliminary total assessment of \$377,688 is based on the property tax roll as of March 2020. Upon receipt of the final roll for fiscal year 2020-2021, which will reflect final parcel changes for the new fiscal year, Harris & Associates will recalculate the total assessment using the rates as shown in the report. Based on history, the difference between the total assessment for the prior year and current year is typically less than \$1,000.

The report includes assessment and corresponding operation and maintenance for each zone. Since approximately 10% of the Zone 10 Streetscape area is bounded by City Hall, the City assesses itself 10% (\$12,230) of the Streetscape expenditure. Each zone is in a deficit position and is subsidized by a General Fund transfer. Please refer to Estimate of Cost Schedule of the Engineer's Report.

In the report to City Council on April 10, 2020, staff indicated that there is no opening balance for the Street Lighting and Landscaping Fund and that subsidies for all zones (zones 1-9 for street lighting and zone 10 for downtown streetscape) will be required. For fiscal year 2020-2021, total revenues are \$389,918 and total expenditures are \$575,720 leaving a deficit of \$185,802. This amount is subsidized by the General Fund as follows: \$183,235 for zones 1-9 and \$2,567 for zone 10 (Downtown Streetscape) for a total of \$185,802. This subsidy will be ongoing and will increase in future years if assessments remain fixed while costs continue to rise. Assessments, which were last adjusted in 1996, can only be increased by a Proposition 218 vote.

**PUBLIC OUTREACH:**

If the Council adopts Resolution No. 20-0054, the City will provide public notice of the public hearing proposed for June 16, 2020.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the

State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**CONCLUSION:**

Subject to City Council approval of Resolution Nos. 20-0053 and 20-0054, a public hearing will be held on June 16, 2020, after which City Council will consider adopting a resolution providing for the levy and collection of street lighting assessments. The assessments are collected via the consolidated property tax bills issued in October of each year.

**ATTACHMENTS:**

1. Resolution No. 20-0054
2. Engineer's Report 2020-2021
3. Lighting and Landscaping Assessment Districts Map

RESOLUTION NO. 20-0054

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN MANHATTAN BEACH LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 FOR FISCAL YEAR 2020-2021 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Manhattan Beach City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to levy and collect assessments against the lots and parcels of property within an existing assessment district designated "Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99" (the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") for fiscal year 2020-21, commencing July 1, 2020, and ending June 30, 2021, to pay for the costs and expenses of the improvements described below in Section 4.

Section 2. The boundaries of the District are coterminous with the boundaries of the City of Manhattan Beach, with the exception of the area commonly known as Manhattan Village.

Section 3. Reference is made to a map on file in the office of the City Clerk and open for public inspection for a description of the exterior boundaries of the District.

Section 4. The existing improvements may be briefly described as follows: Landscaping and appurtenant facilities generally include trees shrubs, plants, turf, irrigation systems, and necessary appurtenances including curbs, hardscape, monumentation, fencing, drainage detention facilities drainage structure (including percolation wells) located in public rights-of-way, medians, parkways, and/or easements adjacent to public rights-of-way, in and along major thoroughfares and certain designated primary and secondary arterials as defined in the General Plan's Infrastructure Element. Lighting and appurtenant facilities including poles, lighting fixtures, conduits and the necessary equipment to maintain, operate, service and replace a lighting system at designated intersections, in medians, parkways and adjacent to certain public facilities in and along certain streets, rights-of-way and designated lots.

Section 5. The assessments proposed to be levied and collected against the assessable lots and parcels of property within the District for fiscal year 2020-21 are not proposed to increase from the assessments levied and collected for fiscal year 2019-20. The assessments shall be allocated in all zones within the District, except Zone 10, to property owners within the District based upon an Equivalent Dwelling Unit parcel method more completely described in the Report. In Zone 10, the cost will continue to be allocated using the adjusted front footage method.

Section 6. Reference is made to the Report of the Engineer that is titled “Engineer’s Report for City of Manhattan Beach Lighting Maintenance Assessment District No. 1, Fiscal Year 2020-21” (“Report”) on file in the office of the City Clerk for a full and detailed description of the improvements, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District. On May 21, 2020, the City Council adopted Resolution No. 20-0053 approving the Report.

Section 7. NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL APPOINTS JUNE 16, 2020, AT THE HOUR OF 6:00 P.M., IN THE COUNCIL CHAMBERS AT CITY HALL, CITY OF MANHATTAN BEACH, 1400 HIGHLAND AVENUE, AS THE TIME AND PLACE FOR THE HEARING OF PROTESTS OR OBJECTIONS TO THE LEVY OF THE PROPOSED ASSESSMENTS IN CONNECTION WITH THE DISTRICT. All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. The City Council shall consider all oral statements and all written protests made or filed by any interested person.

Section 8. The City Council hereby authorizes and directs the City Clerk to publish a copy of this resolution in the Beach Reporter, a newspaper of general circulation within Manhattan Beach, pursuant to Government Code Section 6061 at least ten days before the date for the Public Hearing.

Section 9. The City Council determines and declares that the proposed assessments constitute a continuation of assessments existing on the effective date of Article XIID, that the assessments are imposed exclusively to finance the maintenance and operation expenses for streets, and that the assessments are exempt from the requirements of Article XIID, Section 4 of the California Constitution.

Section 10. The City Council designates Henry Mitzner, at (310) 802-5563, to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

PASSED, APPROVED AND ADOPTED May 21, 2020.

\_\_\_\_\_  
RICHARD MONTGOMERY  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk



**CITY OF MANHATTAN BEACH**  
FINAL ENGINEER'S REPORT  
LANDSCAPING AND STREET LIGHTING  
MAINTENANCE ASSESSMENT DISTRICT  
FISCAL YEAR 2020-2021  
LOS ANGELES COUNTY, CALIFORNIA

**May 8, 2020**

*PREPARED BY*



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Irvine, CA 92614  
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# ENGINEER'S CERTIFICATION

**AGENCY:** THE CITY OF MANHATTAN BEACH

**PROJECT:** LANDSCAPING AND STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT

**TO:** THE CITY COUNCIL OF THE  
CITY OF MANHATTAN BEACH  
STATE OF CALIFORNIA

## ENGINEER'S REPORT FOR FISCAL YEAR 2020-21

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the annual levy of assessment within the Landscaping and Street Lighting Maintenance District of the City of Manhattan Beach to provide lighting and landscaping services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2020-21. Services will be provided through June 30, 2021.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), and in accordance with the City of Manhattan Beach's Resolution being adopted by the City Council for:

### **LANDSCAPING AND STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT**

(Hereinafter referred to as the "District"),

I, K. Dennis Klingelhofer, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following five (5) parts and Appendices:

#### **PART I**

**Overview:** Provides the background and reason for the District.

#### **PART II**

**Plans and Specifications:** Plans and specifications for the existing and ultimate improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and are incorporated herein by reference.



**PART III**

**Cost Estimate:** An estimate of the costs of the maintenance and/or servicing of the existing and ultimate improvements for Fiscal Year 2020-21, including incidental costs and expenses in connection therewith.

**PART IV**

**Method of Apportionment of the Assessments:** The method of apportionment of assessments, indicating the proposed assessment of the total amount of the costs and expenses of the improvements upon the several lots and parcels of land within the District, in proportion to the estimated benefits to be received by such lots and parcels. The Assessment Roll is filed in the office of the City Clerk of the City of Manhattan Beach and by reference is made a part hereof.

**Appendices**

Appendix A – Assessment Diagram of the Landscaping and Street Lighting Maintenance Assessment District

Appendix B – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided.

DATED May 8, 2020



**Harris & Associates**



K. Dennis Klingelhofer, P.E., Assessment Engineer  
R.C.E. No. 50255  
Engineer of Work  
County of Los Angeles  
State of California



## **PART I – OVERVIEW**

The City of Manhattan Beach formed the Landscaping and Street Lighting Assessment District in the early 1970's pursuant to the requirements of the Landscaping and Lighting Act of 1972, Part 2, Division 15, Sections 22500 through 22679, of the Streets and Highways Code of the State of California. The District is being renewed annually. This report, as signed and presented to the Council for approval, has been prepared according to the methodology and rates approved by the City Council when the district was formed in the 1970's. Article XIID of the California Constitution (Proposition 218) which was approved by the voters in 1996 exempted certain assessments which were in existence prior to the passage of Proposition 218. The City has determined that all of the improvements and the annual assessments for the District are for the maintenance and operation of lighting and landscaping within the public street right-of-way. As such, the current assessment is exempt from the procedures and approval process set forth in Article XIID Section 4 of the California State Constitution.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be constructed, operated, maintained and serviced by the District for FY 2020-21, provides an estimated budget for the District, and lists the proposed assessments to be levied upon each assessable lot or parcel within the District. Following the approval of the report, either as submitted or as modified, the City Council will hold a Public Hearing to provide an opportunity for any interested person to be heard. All property owners must be noticed in accordance with Section 22626 of the Streets and Highways Code prior to the Public Hearing. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified.

Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Tax Collector's office to be included on the Fiscal Year 2020-21 tax roll.

This year's report includes projected costs, and is submitted for City Council's determination of the assessment for Fiscal Year 2020-21. No increase in the assessment rate is proposed for Fiscal Year 2020-21.

This Report is being prepared to authorize the existing district's levy of assessments for the 2020-21 Fiscal Year (FY).

Payment for the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes for each Property.

This report contains the necessary data required to conduct the proceedings and is submitted to the Clerk of the City for filing.



## PART II – PLANS AND SPECIFICATIONS

The installation of planting, landscaping, irrigation systems, lighting and the construction of appurtenant facilities to be operated, serviced and maintained, is more specifically described herein whereas, the landscaping and lighting facilities have been and/or will be provided by developers as a condition of subdivision of land, and in commercial areas, are part of the Conditional Use review and approval process. The facilities to be maintained and serviced are more generally described as follows:

The proposed improvements for FY 2020-21 may be generally described as the continued operation, servicing and maintenance of landscaping, lighting and appurtenant facilities that are located in and along such streets and sidewalks within the District, including but not limited to, personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services described as follows:

### Landscaping

Landscaping includes: plantings, shrubbery, trees, turf, irrigation systems, entry monuments, hardscapes, walls, fencing, drainage detention facilities, drainage structures, including percolation wells and appurtenant facilities within public street and sidewalk rights-of-way and easements, including parkways and medians, within the proposed boundary of said District.

### Lighting

Lighting includes: Poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public streets and sidewalk rights-of-way and easements, including parkways and medians, within the proposed boundaries of said District, both gas and electric.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities, and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities, or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities, or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping, or appurtenant facilities.



The plans and specifications for the improvements, showing the general nature, location, and the extent of the improvements, are on file in the office of the City Clerk and are incorporated herein by reference.



## **PART III – COST ESTIMATE**

The estimated cost for the operation, servicing and maintenance of landscaping and lighting improvements within the District for FY 2020-21, as described in Part II, are summarized herein and described on the following page table. All costs include administration and utilities where applicable.

The 1972 Act requires that a special fund be set-up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. A cash flow reserve is provided to ensure funding of the operation and maintenance activities prior to the City receiving the assessment funds through the property tax collection process. Section 22569(a) of the Streets and Highways Code specifically permits the inclusion of a reserve for this purpose equal to roughly half of the annual operation and maintenance costs. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

The 1972 Act also has provisions for establishing a separate reserve to fund capital improvements as part of the assessment. However, any increase in the current assessment will require compliance with the provisions of Proposition 218 which would require that a property owner ballot be mailed to each property owner. The assessment could only be increased if a majority of property owners who returned their ballots approved (weighted by assessment amount) the increase in the assessment. Until that approval is gained the rates remain fixed, and any capital improvements or operating shortfall is covered through the General Fund transfer.

**Engineer's Report**  
**Landscaping and Street Lighting Maintenance Assessment District**  
**City of Manhattan Beach**  
**Fiscal Year 2020-21**



**Harris & Associates**

**Cost Estimate Table**

	Standard Lighting Zone 1	Gas Light Area Zone 5	The Strand Zone 6	Walkway Streets Zone 7	Arbolado Tract Zone 9	Total Zones 1-9	Business Area Zone 10	Grand Total Zones 1-10
Operation and Maintenance	\$ 309,804	\$ 101,169	\$ 19,856	\$ 18,080	\$ 4,509	\$ 453,418	\$ 122,302	\$ 575,720
General Fund Transfer	\$ (84,154)	\$ (67,661)	\$ (15,785)	\$ (14,032)	\$ (1,603)	\$ (183,235)	\$ (2,567)	\$ (185,801)
City Contribution	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (12,230)	\$ (12,230)
Cashflow Reserves (projected as of 30-Jun) pursuant to Streets & Highways Code Section 22569(a)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Anticipated Delinquencies	\$ 1,981	\$ 647	\$ 127	\$ 116	\$ 29	\$ 2,900	\$ 500	\$ 3,400
Prior Year Delinquency Collections (positive)	\$ (1,981)	\$ (647)	\$ (127)	\$ (116)	\$ (29)	\$ (2,900)	\$ (500)	\$ (3,400)
Surplus Carryover from FY 2019-20 (projected as of 1-Jul-20)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total to Assessment</b>	<b>\$ 225,650</b>	<b>\$ 33,508</b>	<b>\$ 4,071</b>	<b>\$ 4,048</b>	<b>\$ 2,906</b>	<b>\$ 270,183</b>	<b>\$ 107,505</b>	<b>\$ 377,688</b>



## PART IV - METHOD OF APPORTIONMENT

### General

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include operation, maintenance and servicing of street lights, traffic signals, parks and landscaping.

The 1972 Act requires that maintenance assessments be levied according to benefit rather than according to assessed value. Section 22573 provides that:

The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22574). Thus, the 1972 Act requires the levy of a true "benefit assessment" rather than a "special tax."

Excepted from the assessment would be the areas of all publicly owned property in use in the performance of a public function.

### Benefit Determination

**Landscaping** - Trees, landscaping and parks, if well maintained, provided beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

The landscaping maintenance provided by the District is deemed to benefit business properties on Manhattan Beach Boulevard, Highland Avenue and Manhattan Avenue, which are designated as Zone 10.

**Lighting** - Street lighting is for the benefit of all parcels within the District as all property in the City derives benefit from the convenience, safety and protection of people and property they provide.



## Methodology

### **Zones of Benefit**

The District previously consisted of 10 zones of benefit; however, Zones 2, 3, 4 and 8 have been combined with and into Zone 1, as these parcels receive similar types of street lighting levels and service. Therefore, the District currently consists of six (6) zones of benefit, as described as follows:

ZONE 1 - Includes the majority of parcels within the City which have standard levels and types of street lighting.

ZONE 5 - Properties adjacent to street lights utilizing natural gas lighting.

ZONE 6 - Properties adjacent to the Strand.

ZONE 7 - Properties adjacent to walkway streets in the area bounded by 15th Street on the south, 21st Street on the north, Ocean Drive on the west and Live Oak Park on the east.

ZONE 9 - Properties within Tract No. 44884, Arbolado Tract.

ZONE 10 - Business properties adjacent to Manhattan Beach Boulevard from the Strand to Valley Drive, Highland Avenue from 11th Street to 15th Street and Manhattan Avenue from 8th Street to 13th Street.

### **ZONES 1-9**

#### **Equivalent Dwelling Units**

The Equivalent Dwelling Unit method was adopted at the time the district was formed and uses the single family home as the basic unit of assessment. A single family home equals one Equivalent Dwelling Unit (EDU). Every other land-use is converted to EDU's based on an assessment formula appropriate for the City. Multi-family and condominium parcels are converted to EDU's based on the number of dwelling units on each parcel of land; Commercial and Industrial parcels are converted to EDU's based on the lot size of each parcel of land.

**Single Family Residential** - The single family parcel has been selected as the basic unit for calculation of the benefit assessments. This basic unit shall be called an Equivalent Dwelling Unit (EDU). Parcels designated as single family residential per the Los Angeles County land-use code are assessed 1 EDU.

**Multiple Residential** - Multiple family uses, as well as condominiums, are given a factor of .80 EDU per dwelling unit. Based on data from representative cities in Southern California, the multiple residential factor of 80 percent is determined by the statistical proportion of relative trip generation from various types of residential uses, in combination with population density per unit.



**Commercial/Industrial** - Commercial/Industrial properties are designated as commercial, industrial, recreational, institutional or miscellaneous uses per the Los Angeles County land-use codes. In converting improved Commercial/Industrial properties to EDUs, the factor used is the City of Manhattan Beach's highest requirement for a single family residential lot, which is 1 dwelling unit per 7,500 sq. ft., or 5.808 dwelling units per acre. The Commercial/Industrial parcels will be assessed 5.808 EDU for the first acre or any portion thereof, and then 25% of 5.808 EDUs (1.4520) for every additional acre or portion thereof, as the utilization of that portion of non-residential property greater than one acre is reduced and will be treated as vacant land. The minimum number of EDUs per parcel will be 1 EDU.

**Vacant Property**

Vacant property is described as parcels with no improved structures. Because property values in a community are increased when public infrastructure are in place, improved, operable, safe, clean and maintained, all properties, including vacant parcels, receive benefits based on their land, as this is the basis of their value. Based upon the opinions of professional appraisers, appraising current market property values for real estate in Southern California, the land value portion of a property typically ranges from 20 to 30 percent; in Manhattan Beach, we find that the average is about 50 percent. Additionally, the utilization of vacant property is significantly less than improved property and vacant property has a traffic generation rate of 0. Therefore, vacant property is assessed at the rate of 25 percent of improved property.

**Vacant Residential** - Parcels defined as single family residential parcels which do not have structures on the parcels are assessed 25% of a single family dwelling. The parcels will be assessed 0.25 EDU per parcel.

**Vacant Non-Residential** - Parcels defined as parcels which are not single family residential and which do not have structures on the parcel are assessed based upon the acreage of the parcel. The parcels will be assessed at the rate of 25% of the developed non-residential properties, or 1.4520 EDU per acre or any portion thereof, with a minimum of .25 EDU per parcel.

**Exempt** - All publicly owned property and utility rights-of-way are exempt from assessment. Also excepted from assessment is the residential area bounded by Village Drive, Marine Avenue, Redondo Avenue, and Park View Avenue, which has all private streets.

The land-use classification for each parcel has been based on the 2020-21 Los Angeles County Assessor's Roll.

***ZONE 10***

The Zone 10 improvements maintained and operated by the District consist of a higher level of landscaping and lighting facilities than are found in other parts of the City. These facilities increase the aesthetic appeal of the area and promote business in the downtown area. Front footage is the best

approach for this type of improvement, as each parcel's benefit is proportional to its frontage along the improved street. Therefore, assessments for Zone 10 are on an Adjusted Front Footage (AFF) basis.

## Inventory of Parcels

The following information was obtained from the Los Angeles County Assessor's Roll, Assessor's Parcel Maps, and the City of Manhattan Beach's Community Development Department.

Land-Use	Parcels	Dwelling Units	Acres
0. Exempt *	718	---	---
1. Single Family Residential (SFR) Parcels	9,362	9,364	---
2. Multi-Family Residential Parcels	2,497	5,035	---
3. Commercial/Industrial	476	---	282.510
4. Vacant Residential Parcels	37	---	0
5. Vacant Commercial/Industrial Parcels	11	---	1.620
<b>Totals:</b>	<b>13,101</b>	<b>14,399</b>	<b>284.130</b>

\* Exempt parcels include the Manhattan Village and all Public Property

## Assessments

### ZONES 1-9

The distribution of EDUs per Zone is as follows:

Zone	1	5	6	7	9
EDUs	13,250.14	384.80	387.00	374.85	18.40

Since the assessment rates cannot be increased without conducting a Proposition 218 mailed property owner ballot proceeding, the assessment rates are limited to the rates in effect at the time Proposition 218 was approved.

The following is the budget apportionment for Zones 1-9.

<b>ZONE</b>	<b>FY 20-21 Levy</b>	<b>Parcels</b>	<b>EDUs</b>	<b>FY 20-21 Asmt Rate \$/EDU</b>	<b>FY 19-20 Asmt Rate \$/EDU</b>
<b>1</b> Std Lighting	\$225,650	11,287	13,250.14	<b>\$17.03 / EDU</b>	\$17.03 / EDU
<b>5</b> Gas Light Area	\$33,508	386	384.80	<b>\$87.08 / EDU</b>	\$87.08 / EDU
<b>6</b> The Strand	\$4,071	281	387.00	<b>\$10.52 / EDU</b>	\$10.52 / EDU
<b>7</b> Walkway Streets	\$4,048	298	374.85	<b>\$10.80 / EDU</b>	\$10.80 / EDU
<b>9</b> Arbolado Tract	\$2,906	23	18.40	<b>\$157.93 / EDU</b>	\$157.93 / EDU
<b>Total</b>	<b>\$270,183</b>	<b>12,275</b>	<b>14,415.19</b>		

**ZONE 10**

The following is the budget apportionment for Zone 10.

<b>ZONE</b>	<b>FY 20-21 Levy</b>	<b>Parcels</b>	<b>AFF</b>	<b>FY 20-21 Asmt Rate \$/AFF</b>	<b>FY 19-20 Asmt Rate \$/AFF</b>
<b>10</b> Business Area	\$107,505	108	4,823	<b>\$22.291 / AFF</b>	\$22.291 / AFF

Note: Assessment Rates on for all zones are in effect as of July 1, 1997.

Sample calculations for various zones and land-use types are provided on the following page.

**SAMPLE CALCULATIONS**

<b>ZONE 1 - Standard Lighting (\$17.03/EDU)</b>		<b>EDU</b>	<b>FY 20-21 Asmt</b>
Single Family Residential		1.0	\$17.03
Condominium		0.8	\$13.62
Vacant Residential		0.25	\$4.26
Multi-Family Residential	Duplex	1.6	\$27.25
	Triplex	2.4	\$40.87
Commercial/Industrial	1/4 acre	1.425	\$24.27
	1/2 acre	2.904	\$49.46
	1 acre	5.8	\$98.91
Vacant Commercial/Industrial	1/4 acre	0.363	\$6.18
	1/2 acre	0.726	\$12.36
<b>ZONE 5 - Gas Light Area (\$87.08/EDU)</b>			
Single Family Residential		1.0	\$87.08
Condominium		0.8	\$69.66
Vacant Residential		0.25	\$21.77
Multi-Family Residential	Duplex	1.6	\$139.33
	Triplex	2.4	\$208.99
<b>ZONE 6 - The Strand (\$10.52/EDU)</b>			
Single Family Residential		1.0	\$10.52
Condominium		0.8	\$8.42
Vacant Residential		0.25	\$2.63
Multi-Family Residential	Duplex	1.6	\$16.83
	Triplex	2.4	\$25.25
	4-plex	3.2	\$33.66
	10-unit Apt	8.0	\$84.16
<b>ZONE 7 - Walkway Streets (\$10.80/EDU)</b>			
Single Family Residential		1.0	\$10.80
Condominium		0.8	\$8.64
Vacant Residential		0.25	\$2.70
Multi-Family Residential	Duplex	1.6	\$17.28
	Triplex	2.4	\$25.92
<b>ZONE 9 - Arbolado Tract (\$157.93/EDU)</b>			
Condominium		0.8	\$126.34

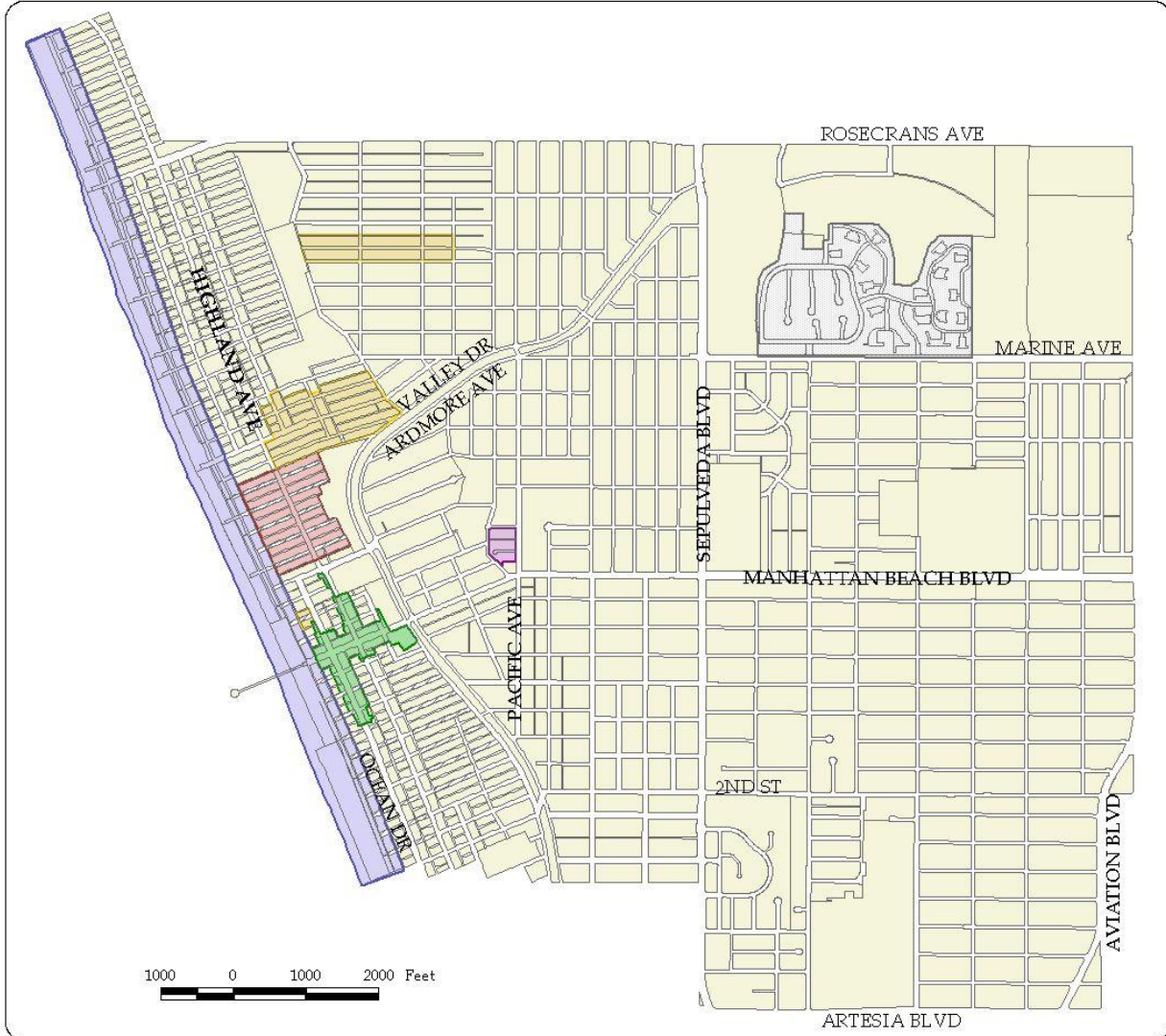


## **APPENDIX A – ASSESSMENT DIAGRAM**

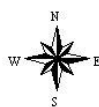
An Assessment Diagram for the District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles, for the year when the report was prepared, and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram, showing the various Zones of Benefit, is included on the following page.


## City of Manhattan Beach Lighting and Landscape Assessment Districts



		Total Area (Acres)	
Zone 1		General	2231.7
Zone 5		Gas Lights	39.0
Zone 6		The Strand	127.5
Zone 7		Walkway Streets	25.7
Zone 9		Arbolado Tract	2.9
Zone 10		Downtown Streetscape	15.4
		Excepted	82.5



August 2001





## **APPENDIX B – ASSESSMENT ROLL**

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, for the City of Manhattan Beach, Landscaping and Street Lighting Maintenance Assessment District, Fiscal Year 2020-20, which is incorporated by reference herein and is on file in the office of the City Clerk.

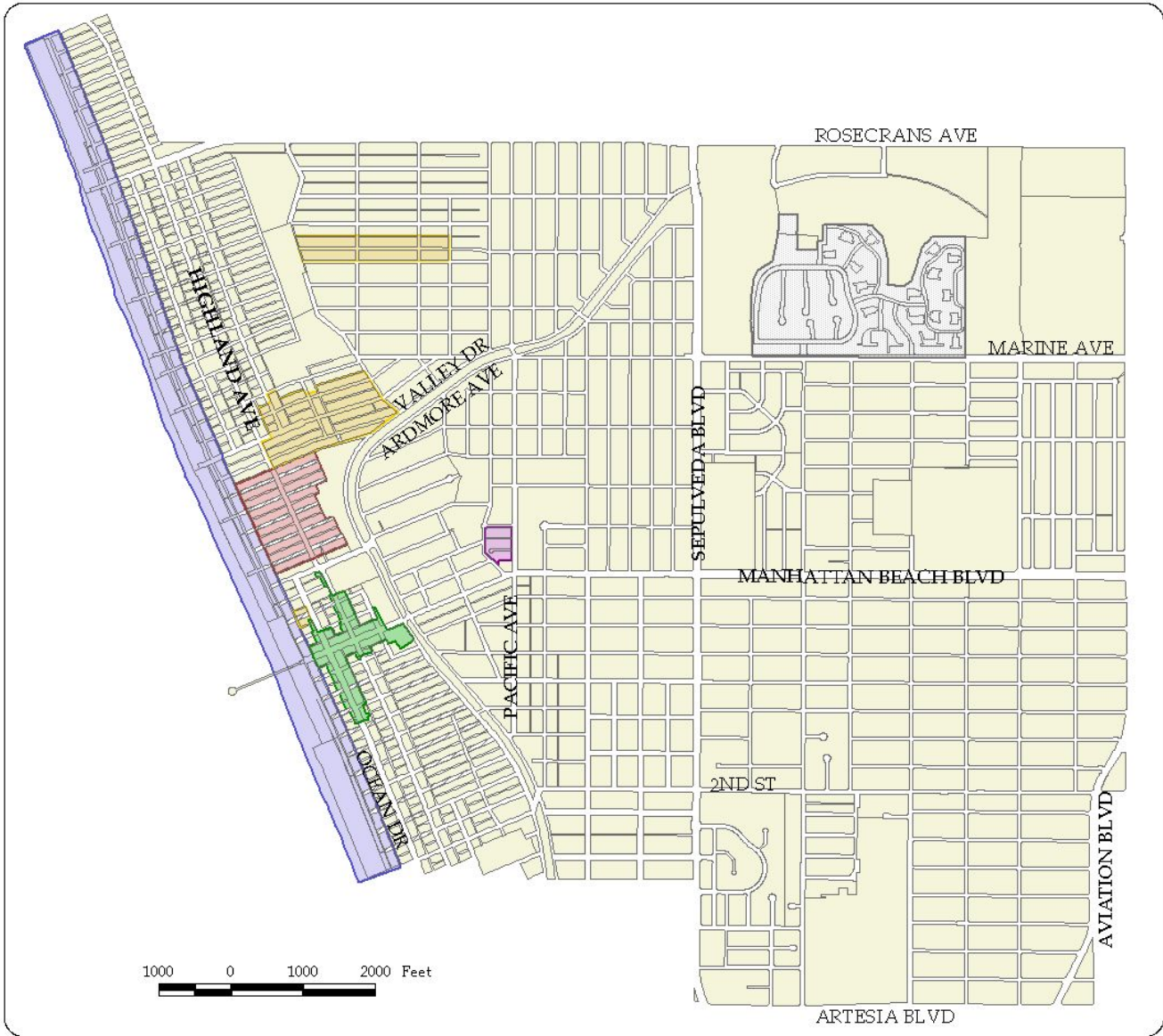
The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, and on the last equalized roll of the Assessor of the County of Los Angeles, which is by reference made part of this report.

Assessments are not levied within the area upon public streets and other public properties, utility easements, right-of-way, public schools, public parks, and common areas.



# Exhibit A

## City of Manhattan Beach Lighting and Landscape Assessment Districts



August 2001

		Total Area (Acres)
Zone 1	General	2231.7
Zone 5	Gas Lights	39.0
Zone 6	The Strand	127.5
Zone 7	Walkway Streets	25.7
Zone 9	Arbolado Tract	2.9
Zone 10	Downtown Streetscape	15.4
	Excepted	82.5







**Agenda Date:** 5/21/2020

---

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Mark Leyman, Park and Recreation Director  
Linda Robb, Management Analyst

**SUBJECT:**

Consider Adopting a Resolution Approving Memorandum of Understanding with Oceanographic Teaching Stations for a Six-Month Pilot Program Authorizing the Use of the Roundhouse for Fundraising Events (Parks and Recreation Director Leyman).

**ADOPT RESOLUTION NO. 20-0043**

---

**RECOMMENDATION:**

Staff recommends that the City Council consider approving a Memorandum of Understanding (MOU) with Oceanographic Teaching Stations (OTS) for a Six-Month Pilot Program authorizing the use of the Roundhouse for fundraising events.

**FISCAL IMPLICATIONS:**

If the agreement is approved, OTS must pay the City 15% of the aggregate amount of all "License Fees" received from the use of the Roundhouse for authorized events. Fees received from OTS will be allocated to the State Pier and Parking Lot Fund.

**BACKGROUND:**

Staff met with OTS board members to draft the attached MOU. The OTS is seeking permission from the City to license the use of the Roundhouse for various events to generate revenue to support the educational activities of OTS.

**DISCUSSION:**

The attached MOU will allow OTS to license third parties to use the Roundhouse for certain events, including the serving of alcohol at those events for the purpose of generating revenue for the OTS.

The events are subject to the following conditions:

1. OTS shall enter into a license agreement with the event sponsor.
2. Permissible events include birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings.
3. OTS shall provide at least three business days advanced notice.
4. All events shall occur between the hours of 6:00 pm and 10:30 pm during the winter period (November to April), and between the hours of 8:00 pm and 10:30 pm for summer events (May-October)
5. Maximum Occupancy: 40
6. Private security is required for events of twenty or more people.
7. No event may block access to any part of the Pier at any time without prior written approval from the City.
8. There shall be no driving on the pier, no smoking, no gasoline or other combustibles, no cooking, no animals, nothing may be attached to walls or display tanks, no access to office or lab areas, no use of plastic straws or bags, and no tents or pop-ups on the pier and no feeding of the fish and other sea specimens.
9. The City shall have the right to use the Roundhouse up to ten times per year for special functions. City events shall take precedence over any authorized events.
10. In order to allow alcohol service at events, OTS agrees to maintain liquor liability insurance, to be verified by the City's Risk Manager. No alcoholic beverages are to be sold during any event.

Based on the following conditions, staff recommends a six-month trial period for OTS fundraising events. Staff will evaluate and return to the City Council with recommendations following the trial period.

**It is important to note that the events at the OTS are subject to any and all limitations and protocols from the State and County Health Officers with regard to COVID-19.**

**PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has approved the agreement as to form.

**ATTACHMENTS:**

1. Resolution No. 20- 0043
2. Memorandum of Understanding - Oceanographic Teaching Stations, Inc.

RESOLUTION NO. 20-0043

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MANHATTAN BEACH AND OCEANOGRAPHIC TEACHING STATIONS, INC. FOR A SIX-MONTH PILOT PROGRAM AUTHORIZING THE USE OF THE ROUNDHOUSE FOR FUNDRAISING EVENTS

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby approves and adopts the MOU between the City of Manhattan Beach and Oceanographic Teaching Stations, Inc. dated May 21, 2020, for a six-month pilot program authorizing the use of the Roundhouse for fundraising event.

SECTION 2. The City Manager or his designee shall administer the terms of the MOUs on behalf of the City.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on May 21, 2020.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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RICHARD MONTGOMERY  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk

## MEMORANDUM OF UNDERSTANDING

### AUTHORIZING USE OF THE ROUNDHOUSE FOR FUNDRAISING EVENTS

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into on this \_\_\_\_\_, 2020, by and between the City of Manhattan Beach, a California municipal corporation (“CITY”) and Oceanographic Teaching Stations, Inc., a nonprofit corporation incorporated under the laws of the State of California (“OTS”) with respect to the following facts:

- A. CITY and OTS have entered into that certain Contract Agreement dated December 4, 2018 (“Contract Agreement”), regarding the use of the Roundhouse located at the end of the Manhattan State Beach Pier; and
- B. Pursuant to Section 2.D of the Contract Agreement, OTS may plan, organize, and implement fundraising programs to acquire contributions to support the educational activities of OTS; and
- C. OTS seeks to license third parties to use the Roundhouse for various events, and to generate revenue from such events to support the educational activities of OTS; and
- D. Pursuant to Section 8 of the Contract Agreement, alcohol is prohibited on the Pier or inside the Roundhouse, but this restriction may be waived by the City Council for special events held within the Roundhouse, on a case-by-case basis, in the sole discretion of CITY; and
- E. OTS has requested that the City Council waive the alcohol prohibition, subject to the terms and conditions of this MOU; and
- F. CITY and OTS wish to enter into this MOU, setting forth the parameters for a six-month pilot program under which OTS may authorize third parties to use the Roundhouse for certain events, including the serving of alcohol at those events, for purposes of generating revenue for OTS.

In consideration of the mutual promises set forth below, CITY and OTS agree as follows:

1. CONTRACT AGREEMENT TO CONTROL
  - A. This MOU is subject to the Contract Agreement. All defined terms herein, as indicated by initial capitalization, shall have the means ascribed in the Contract Agreement unless otherwise indicated.
  - B. The use of the Roundhouse pursuant to this Agreement is subject to all requirements of the Contract Agreement, including but not limited to the Insurance and Indemnity provisions in Section 20 of the Contract Agreement.

- C. OTS acknowledges and agrees that the Indemnity in Section 20.E of the Contract Agreement applies to all activities of OTS and its agents, officers, employees, or subcontractors pursuant to this MOU, including all acts or failures to act of any party that enters into a license agreement with OTS pursuant to Section 3.

2. TERM

The initial term of this MOU shall be six months, ending on \_\_\_\_\_, 2020, unless earlier terminated pursuant to Section 7. Any extension of the term requires the consent of the City Council, which the City Council may grant or deny in its sole discretion.

3. USE RESTRICTIONS

OTS may authorize use of the Roundhouse by third parties for certain events (“Authorized Events”), for purposes of generating revenue to fund OTS programs, subject to the requirements of this Section.

A. **License Agreement:** OTS shall enter into a license agreement with the event sponsor. The license agreement shall include at a minimum:

1. a provision requiring compliance with the requirements of this MOU;
2. a provision requiring compliance with all applicable laws and regulations, including all rules, orders, regulations or requirements of CITY’s Police and Fire Departments;
3. a provision requiring the payment of a fee or fees for use of the facility and the provision of any services provided by OTS, in the amount(s) determined by OTS;
4. notwithstanding paragraphs B and C of Section 1, if the license agreement contains an indemnity in favor of OTS, the indemnity shall also name CITY and State and their officers, employees, and/or agents as indemnified parties;
5. notwithstanding paragraphs B and C of Section 1, if the license agreement requires insurance policies, such insurance policies shall contain an endorsement naming State and CITY, and their officers, employees, agents and volunteers as additional insureds; and
6. any other provisions deemed appropriate by OTS.

B. **Permissible Events; Authorized Events:** Permissible events include birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings. For purposes of this MOU, an “Authorized Event” shall be one of the foregoing events for which OTS has entered into a license agreement with a third party pursuant to paragraph A of this Section.

- C. **Advance Notice:** OTS shall provide at least three business days advance notice to CITY of each Authorized Event, via email, to the following individuals: City Manager (bmoe@citymb.info), Parks and Recreation Director (mleyman@citymb.info), Community Development Director (ctai@citymb.info), Police Lt. ([aharrod@citymb.info](mailto:aharrod@citymb.info)). The advance notice shall be accompanied by an application in the form attached hereto as **Exhibit A**.
- D. **City Permit(s):** Upon receipt of an advance notice and completed application, CITY shall approve the Roundhouse Fundraising Event Permit, provided that the proposed event complies with the terms and conditions of this MOU.
- E. **Hours for events:** All such events shall occur between the hours of 6:00 pm and 10:30 pm during the winter period (November to April), and between the hours of 8:00 pm and 10:30 pm for summer events (May- October).
- F. **Maximum Occupancy for Events:** 40
- G. **Security:** At least one security officer shall be on duty at the Roundhouse for events of twenty or more people. Each such security guard shall at a minimum: (i) possess a valid and current security guard registration card, with photo identification, as issued pursuant to the State of California, Department of Consumer Affairs, Bureau of Security and Investigative Services; (ii) possess at least twelve (12) months experience as a security guard or security officer; and (iii) have the ability to fluently speak and write English. The security guard shall be unarmed. OTS shall ensure that each such security guard or officer gives undivided attention to their duties and given responsibilities.
- H. **Pier Access:** No event may block public access to any part of the Pier at any time without prior written approval from CITY.
- I. **Additional Restrictions on Use:** OTS shall cause all Authorized Events to comply with the following restrictions on use: (i) no disruption to public use of the pier; (ii) no driving on the pier; (iii) no smoking; (iv) no gasoline, acetylene or other combustibles; (v) no cooking (other than sterno heating); (vi) no animals; (vii) nothing may be attached or taped to the walls or the display tanks; (viii) no access to the office or lab areas; (ix) no use of plastic straws or bags; (x) no tents or pop-ups on the pier; and (xi) no feeding of the fish and other sea specimens.
- J. **CITY Events:** OTS acknowledges that, per Section 7.H of the Contract Agreement, CITY shall have the right to use the Roundhouse up to ten times per year for special functions. All such CITY events shall take precedence over any Authorized Events.

4. ALCOHOL

- A. OTS may permit the serving of alcohol at Authorized Events, if OTS maintains in force the liquor liability insurance specified in Paragraph B. OTS shall not permit any

alcoholic beverages to be sold during any Authorized Event, and shall cause all such events to comply with the requirements of Business and Professions Code Section 23399.1.

B. Prior to any event where alcohol is served, OTS or the event sponsor shall have procured, through its general liability policy or through a separate policy, liquor liability insurance with a limit of no less than \$1,000,000 per occurrence, and CITY's Risk Manager shall have approved the evidence of such insurance. The policy of liquor liability insurance must comply with all requirements of Paragraphs B, C and D of Section 20 of the Contract Agreement.

5. REVENUE; CONTRIBUTION TO PIER IMPROVEMENT FUND

A. OTS shall pay to CITY a sum equal to 15% of the aggregate amount of all License Fees received by OTS from the use of the Roundhouse for Authorized Events ("Pier Improvement Fund Contribution"). License Fees shall mean all revenue received by OTS for any such event, including any license fee, rental fee, or other fee or charge, but shall not include any service fees charged by OTS as reimbursement for expenses incurred or advanced by OTS in connection with the Authorized Event.

B. OTS shall pay the Pier Improvement Fund Contribution to CITY quarterly. The first payment is due \_\_\_\_\_ [insert date (3 months + 15 days after date of agmt)]; the second payment is due \_\_\_\_\_ [insert date 180 + 15 days after date of agmt]. Each such payment shall be accompanied by an accounting form, in a format acceptable to CITY's Finance Director, that sets forth the Gross Receipts from Authorized Events occurring during the preceding three calendar months. The accounting form shall be signed by an officer of OTS, and shall include the following statement: "I hereby certify under penalty of perjury that the above information is correct and the Pier Improvement Fund Contribution calculations are true to the best of my knowledge".

6. FINANCIAL RECORDS

A. OTS shall maintain financial records for the use of the Roundhouse as authorized by this MOU, which shall be kept in accordance with State and federal law, and in keeping with good business practices. OTS shall separately account for all revenue derived from use of the Roundhouse pursuant to this MOU.

B. OTS shall make financial records for the operation available for the inspection by CITY at any reasonable time. CITY may, on reasonable notice, audit the financial records.

C. OTS may expend the excess revenue over costs derived from Authorized Events only for the purpose of accomplishing the educational activities of OTS and for the purpose of carrying out the terms of this MOU.

7. TERMINATION OF MOU

- A. CITY reserves the unqualified right to terminate this MOU, should such termination be required by the State, whether pursuant to the Operating Agreement (including termination of the Operating Agreement) or otherwise. Subject to applicable legal restrictions, CITY shall endeavor to provide OTS reasonable notice of any action by the State that would require CITY to terminate this MOU, and the effective date of such termination.
- B. This MOU shall automatically terminate upon the expiration or earlier termination of the Contract Agreement.
- C. CITY further may terminate this MOU for a failure by OTS to remit the Pier Improvement Fund Contribution and required accounting form pursuant to Section 5, upon giving OTS 10 days' written notice of intent to terminate if any and all breaches identified in the notice are not cured. Termination shall be effective at the end of that period if the identified breaches have not been cured.
- D. CITY further may terminate this MOU for material breach by OTS of any of the non-monetary provisions hereof, upon giving OTS 30 days' written notice of intent to terminate if any and all breaches identified in the notice are not cured. Termination shall be effective at the end of that period if the identified breaches have not been cured, provided that, if OTS provides documentation to CITY demonstrating that it has initiated in good faith action to cure the identified breaches during the 30-day period and the identified breaches cannot reasonably be cured within 30 days, then OTS shall have an additional 30 days to cure such breaches.
- E. CITY further may terminate this MOU should OTS serve alcohol, or permit the serving of alcohol at the Roundhouse without compliance with the requirements of Section 4. Termination shall be effective 10 days after written notice of termination from CITY.

8. WAIVER

Waiver of a breach of this MOU by either party shall not be construed as a waiver of any subsequent breach of the same or any other provision.

9. AMENDMENTS

No amendment or modification of this MOU shall have an effect whatsoever, unless the same is in writing and signed by each of the parties hereto.

10. MOU ASSIGNMENT

OTS shall not assign its rights under this MOU or any interest herein, or any part thereof, to any party.

11. NOTICES



Any notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, postage prepaid, and addressed as follows:

OTS

Oceanographic Teaching Stations, Inc.  
P.O. Box 1  
Manhattan Beach, California 90266

CITY

City Manager  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, California 90266

<p>City of Manhattan Beach, a California municipal corporation</p> <p>By: _____ Title: _____</p> <p>ATTEST:</p> <p>_____ Liza Tamura, City Clerk</p> <p>APPROVED AS TO FORM:</p> <p>_____ Quinn M. Barrow, City Attorney</p>	<p>Oceanographic Teaching Stations, Inc., a California nonprofit corporation</p> <p>By: _____ Title: President</p>
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**EXHIBIT A**

**ROUNDHOUSE FUNDRAISING EVENT PERMIT**



City of Manhattan Beach

EVENT DATE: \_\_\_\_\_

**ROUNDHOUSE FUNDRAISING EVENT PERMIT**

**EVENT INFORMATION**

EVENT TITLE: \_\_\_\_\_

Sponsoring Organization: \_\_\_\_\_ Phone: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Event Description: \_\_\_\_\_

Names and Titles of any invited speakers or special guests: \_\_\_\_\_

Number of attendees: \_\_\_\_\_

- Amplified Sound (requires separate permit)
- Live Music (requires separate permit)
- Alcohol
- Signs

Security Company:(1 guard required if over 20 guests) \_\_\_\_\_

Security Contact Phone: \_\_\_\_\_

**REQUIRED: ON-SITE CONTACT PERSON ON THE DAY OF THE EVENT**

Name: \_\_\_\_\_ Cell: \_\_\_\_\_

Roundhouse representative \_\_\_\_\_ Signature \_\_\_\_\_

Hours for events: 6:00pm-10:30pm for Winter events; 8:00pm-10:30pm for Summer events

Maximum occupancy for Events: 40

Restrictions on use: No disruption to public use of the pier; no driving on the pier; no smoking; no gasoline, acetylene or other combustibles; no cooking (other than sterno heating), no animals, no use of plastic straws or bags

The event organizer/sponsor shall indemnify, defend and hold harmless, the City of Manhattan Beach, its elected officials, officers, agents and employees, from and against any liability and expense, including attorneys fees and court costs and claims for damages of any nature whatsoever, including, but not limited to, bodily or personal injury, death or property damage arising from any negligent or intentional act or omission by permittee or event organizer/sponsor, its subcontractors, officers, agents, employees and authorized street vendors, in the conduct of the event.

**DO NOT WRITE BELOW—CITY USE ONLY**

CLEARANCES				REQUIRED PERMITS/INSPECTIONS			
DEPARTMENT	REQ	CLEARED BY	DATE	PERMIT/INSPECTION TYPE	REQ	CLEARED BY	DATE
Alcoholic Beverage Control				Electrical			
Community Development				Building/Structural			
Fire Department				Occupancy			
Police Department				Amplified Sound			
Risk Management							

04/2020



**Agenda Date:** 5/21/2020

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Carrie Tai, Community Development Director

**SUBJECT:**

Proposed Review and Notification Protocol for COVID-19 Testing Events (Community Development Director Tai).

**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**

Staff recommends that the City Council discuss a review and notification protocol for COVID-19-related medical testing at non-residential, privately-owned facilities.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with this proposed protocol. Staff can integrate this into the regular course of staff coordination as well as notification.

**BACKGROUND:**

At the April 17, 2020 City Council meeting, Councilmember Montgomery requested protocols for any temporary COVID-19-related medical testing event at non-medical facilities to ensure that the City was notified in advance and that the event would not negatively impact the City. Councilmember Hadley concurred with this request.

**DISCUSSION:**

Since the declaration of a State public health emergency on March 4, 2020 and local emergency on March 13, 2020, there have been a few COVID-19-related medical testing events proposed or held in the City on private properties that did not house existing medical facilities. The shortage of testing in the region initially created the potential for these temporary events to attract high demand in such a manner that would create conditions such as traffic and circulation issues, impacts on existing uses or neighborhoods.

To respond to potential concerns with testing facilities, staff proposes a review and notification protocol for temporary medical testing facilities on private property that is not currently operating as a medical facility.

The COVID-19-Related Medical Testing Review and Notification Protocol is as follows:

- 1) Email request to [COVID-19Questions@citymb.info](mailto:COVID-19Questions@citymb.info) <<mailto:COVID-19Questions@citymb.info>>:
  - a. Property owner approval (only privately-owned properties in non-residential zones with non-residential uses are eligible);
  - b. An operational plan containing:
    - i. Maximum number of clients
    - ii. Proof of mandatory online appointment and registration (no unscheduled drive-ups or walk-ins)
    - iii. Number of personnel
    - iv. Social distancing protocols
    - v. Time and date
    - vi. Duration of event
    - vii. Hours of operation; and
    - viii. Site plan that demonstrates vehicular queueing and circulation.
- 2) Community Development Department will coordinate review with City Departments. Scope of review will assess impacts the public right-of-way, adjacent uses, or other uses that may be occurring simultaneously on the same site (such as multi-tenant center). If no objections are found, notification will be provided informing the City Council, Code Enforcement Division, and Public Safety, of an upcoming event.
- 3) During operations, if any impacts to the public right-of-way, adjacent uses, or other uses on the same site are observed, the operation will be required to cease operations immediately.

Note that the presence of this review process and notification, and any testing event themselves, does not and will not signify the approval of a new or changed land use, business, or operation at the location. The City acknowledges that testing events are part of the COVID-19 pandemic response, and that the primary focus is to ensure that the City is notified and that no negative impacts will occur.



**CITY OF MANHATTAN BEACH CITY HALL**

1400 Highland Avenue, Manhattan Beach, CA 90266

**WEBSITE:** [www.citymb.info](http://www.citymb.info) • **PHONE:** (310) 802-5000

## **AGENDA ITEM NO. 6**

City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response and Update on COVID-19 Response.





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## **AGENDA ITEM NO. 7**

City Council to Consider Additional Measures to Address COVID-19.

- a) Consider Advocating for Businesses to Re-Open.
- b) Consider Directing Staff to Change Parking Regulations on a Temporary Basis.
- c) Additional Measures.







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## **AGENDA ITEM NO. 8**

Future Agenda Items.

