

**CITY OF WEST HOLLYWOOD
SANTA MONICA BOULEVARD MAINTENANCE DISTRICT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on **JUNE 7, 2021 at 6:00 P.M.**, or as soon thereafter as the matter may be heard, the City Council of the City of West Hollywood will hold its regular meeting via teleconference and will conduct a public hearing, at which time it will hear and consider information concerning the levy of an assessment for the Santa Monica Boulevard Maintenance District for fiscal year 2021-2022. The following resolution was adopted by the City Council of the City of West Hollywood on May 17, 2021.

RESOLUTION NO. 21-5406

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ENGINEER, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2021-2022 FISCAL YEAR, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. The Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500), authorizes the City Council to levy an assessment against assessable lots and parcels of property to finance certain improvements.

Section 2. In 1998, the City Council adopted Resolution 98-1927 establishing the "Santa Monica Boulevard Maintenance District" (the "District").

Section 3. The boundaries of the District include properties fronting both sides of Santa Monica Boulevard from North Doheny Drive to Croft Avenue (Zone 1); Croft Avenue to Crescent Heights Boulevard (Zone 2); and from Crescent Heights Boulevard to the West Hollywood City limit east of North La Brea Avenue (Zone 3). The boundaries of the District and the zones therein are shown on a map entitled "Assessment Diagram, Santa Monica Boulevard Maintenance District, City of West Hollywood," which is on file with the City Clerk and the Department of Public Works, City Engineer, and open to public inspection.

Section 4. In accordance with Streets and Highways Code Section 22565, the City Engineer, a registered professional engineer certified by the State of California, has prepared and filed with the City Clerk a report in connection with the District for fiscal year 2021-2022 consistent with Section 4 of Article XIID of the California Constitution and with the Act (the "Report"). The Report does not propose new improvements or substantial changes in existing improvements.

Section 5. Upon consideration by the City Council, the Report is hereby approved as filed.

Section 6. Having approved the Report as filed, the City Council hereby declares its intention to levy and collect an assessment against assessable lots and parcels of property within the District for fiscal year 2021-2022, in the same manner and amount as collected during fiscal year 2020-2021 (“Assessment”).

Section 7. The proposed improvements shall generally include the installation, maintenance, operation, and servicing of ornamental structures, including holiday decorations, banners, flags, lights in street trees and appurtenances, and the installation, maintenance, and operation of sidewalks, bus benches, and trash receptacles located in medians and parkways in Santa Monica Boulevard between North Doheny Drive and the West Hollywood city limit east of North La Brea Avenue. The proposed improvements are the same for all three (3) zones. There will be no new improvements or substantial changes to existing improvements for the 2021-2022 fiscal year.

Section 8. Reference is hereby made to the Report, which is on file with the City Clerk and open to public inspection, for a full and detailed description of the improvements, the boundaries of the District and zones contained therein, and the Assessment.

Section 9. Parcels within the District that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California, or the United States shall be assessed unless clear and convincing evidence demonstrates that such lots or parcels receive no special benefit from the proposed improvements. Plummer Park does not receive special benefits because, as a park, it is one of the amenities (infrastructure) provided by the City to the community. Additionally, Plummer Park does not front onto Santa Monica Boulevard the way the other parcels subject to the assessment do and thus, this parcel does not receive the same benefit as those parcels. Plummer Park has an ingress and egress on Santa Monica Boulevard, however the park activities are inside the park and do not face or utilize Santa Monica Boulevard. By analogy, it would have to be determined that the streets receive a special benefit from the improvements in order to find that a park receives a special benefit. The funds raised by the assessment will not contribute to ornamental structures, holiday decorations, banners, flags, and lights in Plummer Park because the ingress and egress to Plummer Park and side of building that fronts Santa Monica Boulevard is only a driveway and is also very narrow. The funds raised by the assessment will not contribute to sidewalks, bus benches, and trash receptacles in Plummer Park because the ingress and egress to Plummer Park and side of building that fronts Santa Monica Boulevard is only a driveway and is also very narrow. Therefore, the government owned parcels listed above, with the exception of the park, will be assessed.

Section 10. NOTICE IS HEREBY GIVEN that the City Council shall hold a public hearing on the 7th day of June, 2021, at the hour of 6:00 p.m. **or as soon thereafter as the matter may be heard, the City Council of the City of West Hollywood will hold its regular meeting via teleconference and will conduct a public hearing** for the hearing of protests or objections to the levy of the proposed Assessment against the lots and parcels of property within the District for the 2021-2022 fiscal year as set forth in the Report.

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 thereof. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 8300 Santa Monica Boulevard, West Hollywood, California 90069. Any written protest which is mailed must be received at City Hall at or prior to the close of the hearing on June 7, 2021.

The City Clerk is hereby authorized and directed to schedule a public hearing for the hearing of protests or objections to the levy of the proposed Assessment on June 7, 2021 at 6:00 p.m. or as soon thereafter as the matter may be heard, the City Council of the City of West Hollywood will hold its regular meeting via teleconference and will conduct a public hearing and to give notice of the public hearing in accordance with the law. The city council agenda and staff report will be available on Wednesday, June 2, 2021 online at www.weho.org. Those wishing to comment on the proposed levy may either call into the meeting to provide comments via phone (*dial-in instructions can be found on the Agenda*) or you may submit written comments to the City Clerk's Office at publiccomment@weho.org.

Section 11. The City Council hereby designates Melissa Crowder, Acting City Clerk, City of West Hollywood, 8300 Santa Monica Boulevard, West Hollywood, California 90069, telephone number (323) 848-6356, to answer inquiries regarding the protest proceedings.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 17th day of May, 2021 by the following vote:

AYES:	Councilmember:	D'Amico, Erickson, Shyne, Mayor Pro Tempore Meister, and Mayor Horvath.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

LINDSEY P. HORVATH, MAYOR

ATTEST:

MELISSA CROWDER, ACTING CITY CLERK

AFFIDAVIT OF POSTING

State of California)
County of Los Angeles)
City of West Hollywood)

I declare under penalty of perjury that I am employed by the City of West Hollywood in the Office of the City Clerk, and that this document was posted on:

Date: May 27, 2021
Signature: \\Alyssa T. Poblador\
Office of the City Clerk