

RESOLUTION NO. 202570

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH A PARKING AND BUSINESS IMPROVEMENT AREA, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL BUSINESS LICENSE TAX AND ANNUAL AD VALOREM SPECIAL ASSESSMENT THEREIN, AND FIXING A TIME AND PLACE OF HEARING TO CONSIDER ESTABLISHMENT OF SUCH AREA, THE SCOPE AND NATURE OF THE FACILITIES TO BE ACQUIRED AND CONSTRUCTED IN SAID BUSINESS AND IMPROVEMENT AREA, THE FINANCING OF THE CONSTRUCTION, MAINTENANCE AND OPERATION OF THE FACILITIES, THE PROPOSED BUDGET FOR THE FIRST YEAR OF OPERATION, THE ASSESSED VALUE OF EACH PARCEL OF PROPERTY, THE CREDITS TO BE ALLOWED AND THE ACTUAL RATE OF THE AD VALOREM SPECIAL ASSESSMENT WHICH IS TO BE LEVIED.

WHEREAS, on March 31, 1970, the City Council of The City of San Diego adopted Ordinance No. 10257 (New Series) establishing additional powers and procedures in connection with the establishment of a "parking and business improvement area" in the City of San Diego, hereinafter referred to as "City," under and pursuant to the Parking and Business Improvement Area Law of 1965 (Part 5 of Division 18, commencing with Section 36000, of the Streets and Highways Code, hereinafter sometimes referred to as "said Law"), reference being made to said Law as supplemented by said ordinance for the powers of this City Council and the procedures established for carrying out said powers; and

WHEREAS, this City Council proposes to establish a method of providing funds for the acquisition by purchase of public off-street parking facilities designed to serve and be of benefit to the area hereinafter described; and

WHEREAS, since the City proposes to permit parking in said facilities without charge, it is necessary and desirable to establish a method of providing moneys to acquire said facilities; and

WHEREAS, this City Council recognizes the need for the formation of an improvement area in the North Park commercial area to promote and upgrade the appearance and economic well-being of that certain area of San Diego; and

WHEREAS, the City Council proposes to form a parking and business improvement area in the North Park commercial area of San Diego pursuant to said Law and said Ordinance No. 10257 (New Series); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

Section 1. That this City Council hereby declares its intention to establish a "parking and business improvement area" under said Law and said Ordinance No. 10257 (New Series).

Section 2. That the boundaries of the proposed area are generally described as bounded by Polk Street on the north, by Boundary Street on the east, by Gunn Street on the South, and by Idaho Street on the west, such boundaries being more particularly described and depicted on a map on file in the office of the City Clerk of The City of San Diego as Document No. 735772, said document being incorporated herein and made a part hereof as though fully set forth.

Section 3. That this City Council, acting pursuant to powers and procedures established by the Parking and Business

Improvement Area Law of 1965 (Part 5 of Division 18, commencing with Section 36000 of the Streets and Highways Code), proposes that in addition to the general business license tax imposed upon businesses within the City of San Diego (said tax sometimes referred to as a business license fee and defined as a tax upon a particular business, trade or profession practiced within said City, the exact amount of which being found in the schedule of license fees within the San Diego Municipal Code), there be imposed upon said businesses located within that area generally described in Section 2 above, as finally established hereafter, an additional business license tax of five times the amount of that business license tax ordinarily paid for each particular business, so that the total business license tax paid for each business within the above described area shall be six times the general business license tax imposed on all similar businesses within the City outside said above described area. Said additional business license tax shall be based upon the same classifications and shall be computed, levied, collected and enforced in the same manner, at the same times, and with the same penalties and interest, as in the case of the general business license tax. In no instance shall the additional business license tax exceed an amount in excess of \$125 plus \$10 per employee, nor in any instance shall an individual licensee be required to pay an amount in

excess of \$125 plus \$10 per employee regardless of the number of business licenses required of that licensee at that location.

Section 4. That the proposed uses to which the additional business license tax, as described in Section 3 above, shall be put are for the acquisition, construction and maintenance of public off-street parking facilities and structures designed to serve and be of benefit to the area as finally established, and no more than fifteen percent (15%) of the funds raised by said additional business license tax to be used for the:

- A. Decoration of public places in the area;
- B. Promotion of public events which are to take place within the area;
- C. Furnishing of music in public places in the area; and
- D. The general promotion of retail trade activities in the area;

and said revenues and proceeds shall be used for no other purpose.

Section 5. That this City Council, acting pursuant to powers and procedures established by said Law and by said Ordinance No. 10257 (New Series) and acting pursuant to Section 79 of the Charter of The City of San Diego which provides for special assessments upon property specially benefited, also proposes to provide for the levy and

collection, after plans and financing for said public off-street parking facilities have been developed and approved by the City, of an annual ad valorem special assessment upon the taxable real property within said area as finally established. The proposed initial rate of said ad valorem special assessment shall not exceed \$5.00 per each \$100 of assessed valuation as shown on the San Diego County Assessment roll for such year. The actual rate of the ad valorem special assessment contemplated by Section 79 of the Charter of The City of San Diego for the first year in which said rate is levied shall be established during the hearing specified within Section 9 of this resolution. Said proposed ad valorem special assessment shall not be levied for more than 30 consecutive fiscal years beginning with the fiscal year 1971-72. The term "taxable real property within said area" means land and improvements on land (but not personal property) located within the boundaries of said area as finally established and which are subject to the general ad valorem property taxes levied by the City. Unless the resolution establishing the area, as regularly adopted or as later amended, provides otherwise, all ad valorem special assessments so levied within said area shall be levied, collected and enforced in the same manner, at the same times, and with the same penalties and interest, as in the case of general ad valorem property taxes levied by the City. Said ad valorem special assessment shall be subject to the provisions hereinafter stated.

Section 6. That this City Council acting pursuant to the powers and procedures established by said Law and by said Ordinance No. 10257 (New Series), further proposes that credits be allowed annually as hereinafter specified against the ad valorem special assessment. Said credits are to be construed as an adjustment of the amount of the annual ad valorem special assessment based upon an analysis of the special benefit to each parcel of property within said area, as finally established. Any parcel of property receiving full credits will have an ad valorem special assessment of zero (0). The ad valorem special assessment shall be annually adjusted for the entire area, as finally established, to reflect said credits, said annual adjustment to occur at a public hearing noticed in the same manner as required for formation of this District under said Law and said Ordinance No. 10257 (New Series), said hearing, among other things, to determine any change in credit status for each parcel of property. Said annual adjustment shall fix the rate of that year's ad valorem special assessment based on the special benefit accruing to parcels for that year considering the scope and nature of the facilities to be acquired and constructed in said business and improvement area, the financing of the construction, maintenance and operation of the facilities, the proposed budget for that year, any change in the assessed value of each parcel of property and the credits allowed at said public hearing.

Section 7. Credits shall be allowed only as follows:

A. Full credits where the parcel of property to be assessed is used solely for parking purposes where said parking spaces are constructed and maintained in compliance with applicable City standards and laws, have access to a public right of way, are unrestricted as to use, and are located within the parking and business area herein described, thereby receiving no special benefit.

B. Full credits where the parcel of property to be assessed is used solely for residential purposes, thereby receiving no special benefit.

C. Partial credits where the owner of the parcel of property to be assessed has provided parking spaces in excess of four (4), constructed and maintained in compliance with applicable City standards and laws, having access to a public right of way, unrestricted as to use and located on or within 30 feet of the parcel of property to be assessed. Said partial credits as set forth above shall be computed based on the parking requirements of the C-1-zone of the City of San Diego, as more fully set forth in Section 101.0430.1E of the Municipal Code of The City of San Diego, or as the same may be amended, modified or substantially re-enacted from time to time and shall be determined by the ratio parking provided bears to parking required as set forth above, provided that in no event shall

partial credits be allowed in excess of 90% of the ad valorem special assessment which would have been assessed had no credits been allowed.

Section 8. That the proposed uses to which the proceeds of the ad valorem special assessment shall be put is solely for the payment of the cost of acquisition of the public off-street parking facilities and structures built which were designed to serve and to be of benefit to the area finally established, and said revenues and proceeds shall be used for no other purpose.

Section 9. That notice is hereby given that the 10th day of June, 1971, at the hour of 9:30 o'clock a. m. is the time when, and the Council Chamber of this City Council in the Community Concourse of said City is the place where, a hearing will be held by this City Council to consider establishment of the parking and business improvement area, the scope and nature of the facilities to be acquired and constructed in said business and improvement area, the financing of the construction, maintenance and operation of the facilities, the proposed budget for the first year of operation, the assessed value of each parcel of property, the credits to be allowed and the actual rate of the ad valorem special assessment which is to be levied, all as herein proposed. Any operator of a business within the proposed area, any owner of real property therein or any other interested person, having any objection to the establishment of said area or to any other action proposed herein, may file a written protest with the City Clerk of said City no later than the hour so fixed for hearing.



Section 10. That the City Clerk shall cause this resolution to be published once in the City official Newspaper, a newspaper of general circulation in said City, and shall cause a complete copy of this resolution to be mailed, postage prepaid, to each business in the proposed area, to each person to whom taxable real property in the proposed area is assessed as shown on the last equalized County assessment roll, at his address as shown on said roll, and to each person having any interest in any taxable real property in the proposed area whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk. Such publication and mailing shall be completed at least ten (10) days prior to the time of the hearing.

Section 11. The City Clerk shall certify to the adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

APPROVED: JOHN W. WITT, City Attorney

By   
Peter D. Bulens, Deputy

PDB:clh  
4/28/71  
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Passed and adopted by the Council of The City of San Diego on APR 29 1971,  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE

1971 APR 29 AM 8:41  
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN  
 Mayor of The City of San Diego, California.  
 EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Darlene Stinson, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 202570 Adopted APR 29 1971