

(R-90-1291)

RESOLUTION NUMBER R- 275211

ADOPTED ON FEB 26 1990

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO ESTABLISH THE LA JOLLA BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989, AS AMENDED.

WHEREAS, the Council of The City of San Diego desires to form a parking and business improvement area to be know as "La Jolla Business Improvement District" pursuant to the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code Section 36500, et seq.), in accordance with the wishes of the many businesses in the area; NOW, THEREFORE,

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

1. The Council hereby declares its intention to form a parking and business improvement area to be know as "La Jolla Business Improvement District" (the "District") pursuant to the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code Section 36500, et seq.).

2. The area to be included in the District includes the La Jolla community area within the following address ranges:

| <u>Street Name</u> | <u>Address Range</u> | <u>Business Improvement District Zone No.</u> |
|--------------------|----------------------|---|
| Cave Street | 1216 - 1315 | ZONE 1 |
| Coast Blvd. | 100 - 1327 | ZONE 1 |
| Fay Avenue | 7761 - 7855 | ZONE 1 |
| Girard Avenue | 7600 - 8040 | ZONE 1 |
| Prospect Place | 7982 | ZONE 1 |
| Prospect Street | 200 - 1445 | ZONE 1 |
| Bishops Lane | 7730 - 7748 | ZONE 2 |
| Fay Avenue | 7500 - 7760 | ZONE 2 |
| Girard Avenue | 7400 - 7599 | ZONE 2 |
| Herschel Avenue | 730 - 7966 | ZONE 2 |
| Ivanhoe Avenue | 1910 - 7979 | ZONE 2 |
| Kline Street | 709 - 1135 | ZONE 2 |
| La Jolla Blvd. | 7345 - 7607 | ZONE 2 |
| Pearl Street | 410 - 1014 | ZONE 2 |
| Roslyn Lane | 1200 - 1299 | ZONE 2 |
| Silver Street | 705 - 747 | ZONE 2 |
| Silverado Street | 715 - 1296 | ZONE 2 |
| Torrey Pines Road | 1000 - 1199 | ZONE 2 |
| Wall Street | 1006 - 1140 | ZONE 2 |

A map depicting the District is attached hereto as Exhibit A and incorporated herein by reference.

3. The purpose of forming the District as a parking and business improvement area under the Business and Improvement Area Law is to provide revenue to defray the costs of improvements and activities as defined in Sections 36510 and 36573 respectively which will benefit businesses in the area. The specific improvements and activities to be provided in the first year are those listed in Exhibit A, which is attached hereto and by this reference made a part hereof.

4. All businesses operating in the above-described area will be annually assessed a share of the costs of the improvements and activities according to the type of business and the benefit to be received as determined by the following:

A. Description of the District Zones:

1. ZONE 1 is along Prospect Street and Coastal Boulevard south, and portion of Fay Avenue and Girard Avenue. Businesses in this area will receive the greatest benefit from the activities of the District.

2. ZONE 2 is the surrounding area including Silverado Street, Ivanhoe Avenue, Herschel Avenue, Torrey Pines Road, Wall Street, Pearl Street, Kline Street, Silver Street and La Jolla Boulevard. It is anticipated that businesses in this Zone will still receive a benefit, but not of the same magnitude as those in the core area of the La Jolla business District.

B. Description of the District Categories of Benefit:

1. CATEGORY A includes those businesses which will benefit most significantly from the increased awareness of La Jolla as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the activities of the District. The Category includes but is not limited to:

Restaurants
Grocery stores
Bakeries/Food stores
Liquor stores
Drugstores
Gasoline stations
General clothing stores
Specialty/Variety/Retail
Hardware/Garden supplies
Other Retail
Optical Sales

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2. CATEGORY B includes those businesses which interact with the public to a lesser extent than CATEGORY A, but these businesses will benefit from the increased awareness of La Jolla as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the activities of the District. The Category includes but is not limited to:

- Building/Paint supplies
- Photo studios
- Auto rentals
- Video equipment and rentals
- Real estate offices
- Taxi/Limo services
- Printing/Publishing
- Furniture/Appliance sales
- Television/Music/Radio/Audio sales

3. CATEGORY C includes those businesses which interact with the public to a lesser extent than CATEGORIES A or B, and are predominantly service related. The Category includes but is not limited to:

- Auto Services and repairs
- Carpet/Janitorial services
- Accounting/Tax services
- Beauty/Barber
- Amusement/Recreation
- Movie theaters
- Advertising
- Other Business services
- Parking lots
- Fitness facilities
- Misc. Personal services
- Laundry/Cleaners

4. Businesses not specifically identified in CATEGORIES A, B, or C shall be categorized by the City Treasurer based on the appropriate PBAC upon the application from the City business tax certificate.

C. Except where funds are otherwise available, an assessment will be levied annually to pay all improvements and activities within the area. The assessments to be imposed for those District Businesses by Zone and Category of Benefit are as follows:

| | <u>CATEGORY A</u> | <u>CATEGORY B</u> | <u>CATEGORY C</u> |
|--------|-------------------|-------------------|-------------------|
| ZONE 1 | \$350 | \$300 | \$35 |
| ZONE 2 | \$300 | \$250 | \$35 |

The above-described assessment is an annual charge on all businesses including those new to the area and shall be levied, collected and enforced in the same manner, at the same time, and with the same penalties and interest as in the case of the business tax.


The total assessment collected from any business under the provisions of the ordinance shall not exceed \$350 per annum.

D. Notice is hereby given that on April 3, 1990, 1990, at the hour of 10:00 a.m., in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when and where any and all interested persons having a desire to be heard may

appear and state their views for or against the establishment of the area, the extent of the area or the furnishing of specific types of improvements or activities.

E. The City Clerk is hereby directed to give notice of the mentioned hearing by both publication and mailing pursuant to Section 36523 of the Streets and Highways Code.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn I. Thomas
Deputy City Attorney

ALT:pev
02/06/90
Or.Dept:Prop.
R-90-1291
Form=r.none

#138

FEB 26 1990

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Abbe Wolfsheimer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ron Roberts | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| John Hartley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Wes Pratt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda Bernhardt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| J. Bruce Henderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Filner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275211* Adopted **FEB 26 1990**

RECEIVED

90 FEB 15 PM 3:05

CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

9 MAR 20 1990 44

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101

IN THE MATTER OF
A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO DECLARING ITS INTENTION TO ESTABLISH THE LA JOLLA
BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND
BUSINESS IMPROVEMENT AREA LAW OF 1989, AS AMENDED

NO.

**RESOLUTION NUMBER R-275211
ADOPTED ON FEB 26 1990**

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

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- The area to be included in the District includes the La Jolla community area within the following address ranges:

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| Girard Avenue | 7400 - 7599 | ZONE 2 |
| Herschel Avenue | 730 - 7986 | ZONE 2 |
| Ivanhoe Avenue | 1910 - 7979 | ZONE 2 |
| Kline Street | 709 - 1135 | ZONE 2 |
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I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

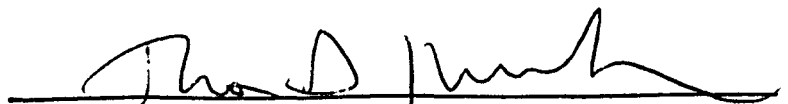
RESOLUTION NUMBER R-275211 ADOPTED ON FEB 26 1990

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAR. 12

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 12 day of MAR, 1990


(Signature)

14 3/8 x 2 = 340.40
Pg 1 of 2

B. Description of the District Categories of Benefit:
1. CATEGORY A includes those businesses which will benefit most significantly from the increased awareness of La Jolla as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the activities of the District. The Category includes but not limited to:

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- Drugstores
- Gasoline stations
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- Hardware/Garden supplies
- Other Retail
- Optical Sales

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E. The City Clerk is hereby directed to give notice of the mentioned hearing by both publication and mailing pursuant to Section 38523 of the Streets and Highways Code.

Passed and adopted by the Council of The City of San Diego on February 28, 1990 by the following vote:

YEAS: Wolfshelmer, Roberts, Hartley, Pratt, Bernhardt, Henderson, McCarty, Filmer.

NAYS: None.
 NOT PRESENT: O'Connor.

AUTHENTICATED BY:
 MAUREEN O'CONNOR
 Mayor of the City of San Diego, California
 CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California

(SEAL) By: ELLEN BOVARD, Deputy
 Pub. March 12, 1990 17899

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