

#50

(0-94-125)

ORDINANCE NUMBER O- 18087 (NEW SERIES)

ADOPTED ON JUL 11 1994

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. 0-16479 WHICH ESTABLISHED THE ADAMS AVENUE BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF MODIFYING ASSESSMENTS WITHIN A PORTION OF THE DISTRICT TO FINANCE THE MAINTENANCE OF LANDSCAPING AND PUBLIC IMPROVEMENTS WITHIN THE DISTRICT.

WHEREAS, under and pursuant to the provisions of the Parking and Business Improvement Area Law of 1979 (said "Law"), the Council of The City of San Diego (the "Council") approved the formation of the Adams Avenue Business Improvement District ("BID") by Ordinance No. 0-16479 on July 29, 1985; and

WHEREAS, on May 31, 1994, by Resolution No. R-283998, the Council declared its intention to modify the Adams Avenue BID zones and assessment amounts to finance the maintenance of landscaping and public improvements within the District, and fixed the time and place for the hearing thereof; and

WHEREAS, as specified in Resolution No. R-283998, a hearing concerning the modification of the Adams Avenue BID was held before this Council on June 28, 1994, at the hour of 10:00 a.m. in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, at said hearing, all protests, both written and oral, made or filed, were considered and duly overruled and denied and this Council determined that there was no majority protest within the meaning of Section 36523 of said Law; and

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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

136/11-23

WHEREAS, Council desires to amend the original ordinance to provide for maintenance of streetscape improvements; NOW, THEREFORE,

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

Section 1. Pursuant to said Law, a parking and business improvement area is hereby established, to be known as "Adams Avenue Business Improvement District," herein called "District." The area to be included in the District includes the Normal Heights community area within the following address ranges:

<u>Street Name</u>	<u>Address Range</u>	<u>Business Improvement District Zone No.</u>
Adams Avenue	3350 - 3465	ZONE 1
Hawley Boulevard	4700 - 4732 (even numbers only)	ZONE 1
Adams Avenue	2400 - 3349 and 3466 - 3999	ZONE 2
Arizona Street	4600 - 4799	ZONE 3
Hamilton Street	4600 - 4799	ZONE 3
Oregon Street	4600 - 4799	ZONE 3
Idaho Street	4600 - 4799	ZONE 3
Utah Street	4600 - 4799	ZONE 3
Kansas Street	4600 - 4799	ZONE 3
30th Street	4600 - 4799	ZONE 3
Ohio Street	4600 - 4799	ZONE 3
Boundary Street	4600 - 4799	ZONE 3
West Mountain View Drive	4600 - 4799	ZONE 3
Iowa Street	4600 - 4799	ZONE 3
32nd Street	4600 - 4799	ZONE 3
Bancroft Street	4600 - 4799	ZONE 3
33rd Street	4600 - 4799	ZONE 3
Felton Street	4600 - 4799	ZONE 3
34th Street	4600 - 4799	ZONE 3
Hawley Boulevard	4600 - 4699, 4701 - 4731 (odd numbers only), and 4733 - 4799	ZONE 3
Mansfield Street	4600 - 4799	ZONE 3
35th Street	4600 - 4799	ZONE 3
Wilson Street	4600 - 4799	ZONE 3

36th Street	4600 - 4799	ZONE 3
Cherokee Street	4600 - 4799	ZONE 3
East Mountain View Drive	4600 - 4799	ZONE 3
39th Street	4600 - 4799	ZONE 3

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

Section 2. The purpose of forming the aforementioned District is to provide revenue to defray the cost of any of the following:

A. The acquisition, construction, or maintenance of parking facilities, landscaping and other street right-of-way improvements for the benefit of the area.

B. Decoration of any public place in the area.

C. Promotion of public events which are to take place on or in public places in the area.

D. Furnishing of music in any public place in the area.

E. The general promotion of business activities in the area.

The specific services and programs to be provided are streetscape maintenance as well as those listed in Exhibit B, which is attached hereto and by this reference made a part hereof, and the services and programs listed thereon are the uses to which the revenue generated by the charges to be levied will be put.

Section 3. All businesses operating in the above-described area will be charged a share of the costs of the aforementioned services and programs 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 property fronting on Adams Avenue from Felton Street to Mansfield Street. Businesses in this area will receive the benefit of the installation and maintenance of public improvements, landscaping and upgraded electrical facilities within the street right-of-way. Businesses in this area will also receive the greatest benefit from the promotional activities of the District.

2. ZONE 2 is Adams Avenue from Texas Street to Felton Street and from Mansfield Street to 40th Street. Businesses in this area will receive the greatest benefit from the promotional activities of the District.

3. ZONE 3 is the commercial side streets one block north and one block south of Adams Avenue from Texas Street to 40th Street. It is anticipated that businesses in this Zone will still receive a benefit, but not of the same magnitude as those directly on Adams Avenue.

B. Description of the District Categories of Benefit:

1. CATEGORY A includes those businesses which will benefit most significantly from the increased awareness of Adams Avenue as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the promotional activities of the District.

The Category includes but is not limited to:

Antique Dealers
Arcades
Auto Dealers
Auto Repair
Banks and Savings Institutions
Bars and Taverns

Dance Schools
Exercise Studios
Galleries
Gasoline Stations
Grocery Stores
Health Clubs
Hotels and Motels
Pawn Shops
Restaurants
Retail Stores
Theatres

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 Adams Avenue as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the promotional activities of the District. The Category includes but is not limited to:

Accountants/Secretarial Services
Advertising Agencies
Apartments of Six or More Units
Architects
Attorneys
Business Management Firms
Dentists
Designers
Dispensing Opticians
Engineers
Film and Video Production Companies
General Contractors
Hair Salons and Barbers
Hospitals/Medical Services/Health Services
Interior Decorators
Investigative Services
Investment Companies
Laboratories
Medical Doctors
Mortuaries/Funeral Homes
Nonprofit Organizations
Nursery Schools
Optometrists
Pet Grooming
Photography Studios
Psychologists
Real Estate Offices
Security Services

Social Workers
Storage Facilities
Utility Companies
Wholesale Manufacturing/Distributors

3. Businesses not specifically identified in CATEGORIES A or B shall be categorized by the City Treasurer upon application for a City general business license.

C. The charges to be imposed for those District businesses by Zone and Category of Benefit are as follows:

	<u>CATEGORY A</u>	<u>CATEGORY B</u>
ZONE 1	\$155.00	\$135.00
ZONE 2	70.00	50.00
ZONE 3	60.00	40.00

The above-described charge is an annual charge 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 general business license. For those businesses licensed for other than an annual license period, the City Treasurer shall determine the charge to be levied upon issuance of the City business license.

The total charge collected from any business under the provisions of the ordinance shall not exceed \$155.00 per annum.

The City will advance an amount not to exceed \$3,800 from the General Fund Unallocated Reserve which will be reimbursed when the District is established.

Section 4. That the Council hereby finds and determines that the public convenience and necessity require the establishment of the area hereinbefore described and that all of the businesses lying within the area will be benefitted by the expenditure of the funds raised by the assessments or charges

proposed to be levied.

Section 5. That all protest, both written and oral, are overruled and denied and the Council finds that there is not majority protest within the meaning of Section 36523 of said Law.

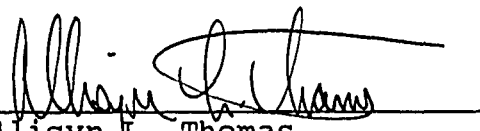
Section 6. That all of the businesses in the area established by this ordinance shall be subject to any amendments to the provisions of the Parking and Business Improvement Area Law of 1979, Section 36500 et seq. of the State of California Streets and Highways Code.

Section 7. That all of the charges imposed pursuant to this ordinance be reviewed by the Council annually.

Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no business licenses for commercial activities inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

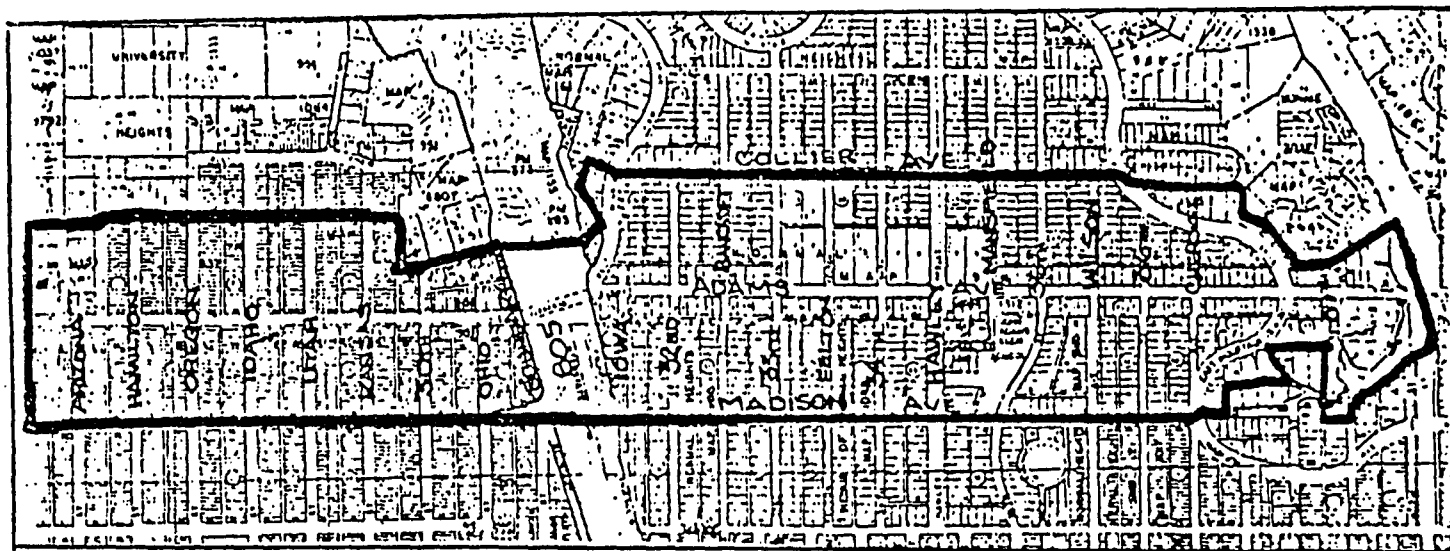
APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

ALT:lc
06/13/94
Or.Dept:Mgr./EDS
O-94-125
Form=o.bid

EXHIBIT A



0-18087

0-16479

EXHIBIT B

Number of Businesses

450

Projected Income

\$ 50 Average Assessment

\$ 22,500.00

Operating Expenses

Office

\$ 600.00

Telephone

Donated

Part-time staff (\$200/mo x 12)

\$ 2,400.00

Part-time clerical

Donated

Office Supplies

\$ 400.00

Total Operating Expenses

\$ 3,400.00

Promotion Expenses

Advertising/Promotion

\$ 12,500.00

Special Events (3 @ \$1200)

3,600.00

Newsletter (\$100/mo x 12)

1,200.00

Business Development Brochure

1,800.00

Total Promotion Expenses

\$ 19,100.00

Total Projected Expense
(Operating and Promotion
for 1st Year

\$ 22,500.00

NOTES TO PROPOSED BUDGET

- (1) Budget assumes that telephone and clerical assistance will be donated
- (2) Staff will be responsible for placing ads, arranging events, coordinating newsletter, preparing publications, and generally overseeing the business of the association.
- (3) Special events will include the Street Fair; special sales events (in cooperation with the antique dealers), and holiday decorations.

O 18087

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struke-Out~~
 NEW LANGUAGE: Shaded

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- Advertising Agencies
- Apartments of Six or More Units
- Architects
- Attorneys
- Business Management Firms
- Dentists
- Designers
- Dispensing Opticians
- Engineers
- Film and Video Production Companies
- General Contractors
- Hair Salons and Barbers
- Hospitals/Medical Services/Health Services
- Interior Decorators
- Investigative Services
- Investment Companies
- Laboratories

Medical Doctors
 Mortuaries/Funeral Homes
 Nonprofit Organizations
 Nursery Schools
 Optometrists
 Pet Grooming
 Photography Studios
 Psychologists
 Real Estate Offices
 Security Services
 Social Workers
 Storage Facilities
 Utility Companies
 Wholesale Manufacturing/Distributors

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Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no business licenses for commercial activities inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

ALT:lc
06/13/94
Or.Dept:Mgr./EDS
SO-94-125
Form=o.bid

JUL 11 1994

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

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<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"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By *Mary Cepeda*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on
JUN 28 1994, and on JUL 11 1994

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 18087 Adopted JUL 11 1994

CERTIFICATE OF PUBLICATION

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CITY CLERK'S OFFICE
94 JUL 27 AM 10: 18
SAN DIEGO, CALIF. 96

OFFICE OF THE CITY CLERK
2ND FLOOR CITY ADMIN BLDG
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO
AMENDING ORDINANCE NO 0-16479 WHICH ESTABLISHED THE...

ORDINANCE NUMBER 0-18087 (NEW SERIES)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. 0-16479 WHICH ESTABLISHED THE ADAMS AVENUE BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF MODIFYING ASSESSMENTS WITHIN A PORTION OF THE DISTRICT TO FINANCE THE MAINTENANCE OF LANDSCAPING AND PUBLIC IMPROVEMENTS WITHIN THE DISTRICT.

This ordinance amends Ordinance No. 0-16479, which established the Adams Avenue Business Improvement Association, to modify the assessment for the purpose of financing the maintenance of landscaping and public improvements within the Business Improvement District.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Passed and adopted by the Council of The City of San Diego on July 11, 1994 by the following vote:

YEAS: MATHIS, ROBERTS, KEHOE, STEVENS, WARDEN, STALLINGS, MCCARTY, VARGAS, MAYOR GOLDING.

NAYS: NONE.

NOT PRESENT: NONE.

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MARY CEPEDA, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 0-18087 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said Ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on June 28, 1994 and on July 11, 1994.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By: MARY CEPEDA

Pub. July 25

297922

STACY L. MARTIN

I, STACY L. MARTIN, 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

ORDINANCE NUMBER 0-18087 (NEW SERIES)

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:

JULY 25

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

Dated at San Diego, California this 25th day of JULY, 19 94.

Stacy L. Martin

(Signature)

4 3/8" x 2 = \$ 117.76