

ORDINANCE NUMBER O- **18208** (NEW SERIES)

ADOPTED ON **SEP 11 1995**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE OLD TOWN BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 AND LEVYING AN ASSESSMENT AND CHARGE THEREIN FOR UPGRADING AND PROMOTING THE AREA.

WHEREAS, under and pursuant to the provisions of the Parking and Business Improvement Area Law of 1989, codified as California Streets and Highways Code section 36500 et seq. (the "Law"), this Council on June 26, 1995, adopted Resolution No. R-286021, a resolution declaring an intention to form a parking and business improvement area known as "Old Town Business Improvement District," providing for the levy of an assessment and charge to be imposed therein, fixing the time and place for hearing and giving notice thereof; and

WHEREAS, Resolution No. R-286021 was duly published, and copies thereof were mailed, as provided by the Law; and

WHEREAS, as specified in Resolution No. R-286021, two hearings concerning the formation of the area were held before this Council in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, at the hearings, 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 the Law; NOW, THEREFORE,

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

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

Street Name	Range of Addresses by Zone	
	Zone #1	Zone #2
Ampudia Street	3950 - 4000	3800 - 3949
Arista Street	3950 - 4000	3800 - 3949
Calhoun Street	2500 - 3000	-----
Conde Street	3950 - 4099	3700 - 3949 and 4100 - 4200
Congress Street	2200 - 3000	-----
Cosoy Way	-----	4000 - 4300
Gaines Street	3900 - 4300	-----
Hancock Street	-----	2155 - 2300
Harney Street	3950 - 4099	3800 - 3949 and 4100 - 4200
Heritage Park Row	-----	2300 - 2600
Hortensia Street	-----	3800 - 3900
Jackson Street	-----	2500 - 2900
Jefferson Street	-----	2300 - 2600
Juan Street	2400 - 3000	-----
Kurtz Street	-----	2100 - 2300
Linwood Street	-----	2300 - 2500
Mason Street	3950 - 4099	3900 - 3949 and 4100 - 4300
Moore Drive	-----	2200 - 2400
Noell Street	-----	3600 - 3700
Old Town Avenue	3800 - 4000	-----
Pacific Highway	-----	4201 - 4399 (odd #s) 4400 - 4850 (all #s)
Presidio Drive	-----	2200 - 2500
Presidio Pt. Observation	-----	All Numbers
Rosecrans Street	3900 - 4300	-----
San Diego Avenue	2300 - 4300	1700 - 2299
Smith Street	-----	1700 - 2299
Sunset Street	2850 - 3000	2600 - 2849
Taylor Street	4000 - 4105	4106 - 4500
Twiggs Street	3800 - 4099	4100 - 4200
Wallace Street	3800 - 4099	4100 - 4200
Whitman Street	-----	2400 - 2900
Wright Street	-----	3700 - 3800

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 services and programs which will benefit businesses in the area, including any of the following:

A. The acquisition, construction, or maintenance of parking facilities 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 those listed in Exhibit A, 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 assessments to be levied will be put.

**Section 3.** All businesses operating in the above-described area will be assessed 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 Taylor Street on the West, Congress Street on the South, Ampudia and Arista Streets on the East, and Juan Street to the North. Businesses in this area will

receive the greatest benefit from the promotional activities of the District. (See **Address Ranges** above.)

2. **ZONE #2** is the surrounding area including Rosecrans Street to the West, Pacific Highway to the South, Washington Boulevard to the East, and Interstate 5 to the North. It is anticipated that businesses in this area will still receive a benefit, but not of the same magnitude as those in the core area of the Old Town area. (See **Address Ranges** above.)

B. Description of Categories of Benefit:

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

Large retailers and restaurants with thirteen (13) employees or more

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 Mission Mills 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:

Small retailers and restaurants with twelve (12) employees or less

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:

- Accountants/Secretarial Services
- Advertising Agencies
- Architects/Planners
- Attorneys
- Business Management Firms
- Dentists
- Designers
- Doctors
- Engineers
- Film and Video Production Companies
- Hospitals/Medical Services
- Investigative Services
- Investment Companies
- Laboratories
- Mortuaries
- Nursery Schools
- Pet Groomers
- Photographers
- Printers
- Property Management Companies
- Real Estate Agencies
- Storage Facilities
- Wholesale Manufacturing/Distributors

4. **CATEGORY D** includes Hotels, Motels and Apartment Buildings and is subdivided by size as follows:

<b>CATEGORY D1</b>	<b>6-20 Units</b>
<b>CATEGORY D2</b>	<b>21-65 Units</b>
<b>CATEGORY D3</b>	<b>-66+ Units</b>

5. For the purposes of this ordinance, a "retailer" shall be deemed as any business which remits sales tax to the State of California Board of Equalization on a regular basis. Businesses not specifically identified in **CATEGORIES A, B, C, or D** shall be categorized by the City Treasurer upon application for a City Business Tax Certificate.

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

	Zone #1	Zone #2
CATEGORY A	\$ 200	\$ 150
CATEGORY B	100	75
CATEGORY C	40	30
CATEGORY D1	50	50
CATEGORY D2	200	200
CATEGORY D3	400	400

The above-described assessment 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 business tax certificate. For those businesses taxed for other than an annual tax period, the City Treasurer shall determine the assessment to be levied upon issuance of the City business tax certificate.

The total assessment collected from any business under the provisions of the ordinance shall not exceed four hundred dollars (\$400) per annum.

The City will advance an amount not to exceed five thousand dollars (\$5,000) from the Industrial Development Bond Fund which will be reimbursed within twelve (12) months of the establishment of the district.

**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.** Notwithstanding any of the above, hairdressers operating businesses in the area established by this ordinance shall not be subject to the assessments levied herein, until such time as the matter is considered in the Rules Committee and returned to the City Council for amendment to this ordinance.

**Section 6.** That all protests, both written and oral, are overruled and denied and the Council finds that there is not a majority protest within the meaning of Section 36523 of the Law.

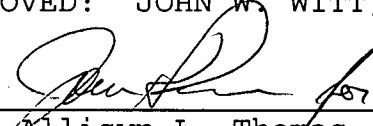
**Section 7.** That all of the businesses in the area established by this ordinance shall be subject to any amendments to the provisions of the Parking and Business Improvement Area Law of 1989, codified as California Streets and Highways Code section 36500 et seq.

**Section 8.** That all of the assessments imposed pursuant to this ordinance be reviewed by the Council annually.

**Section 9.** That this ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage, and no business tax certificate 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

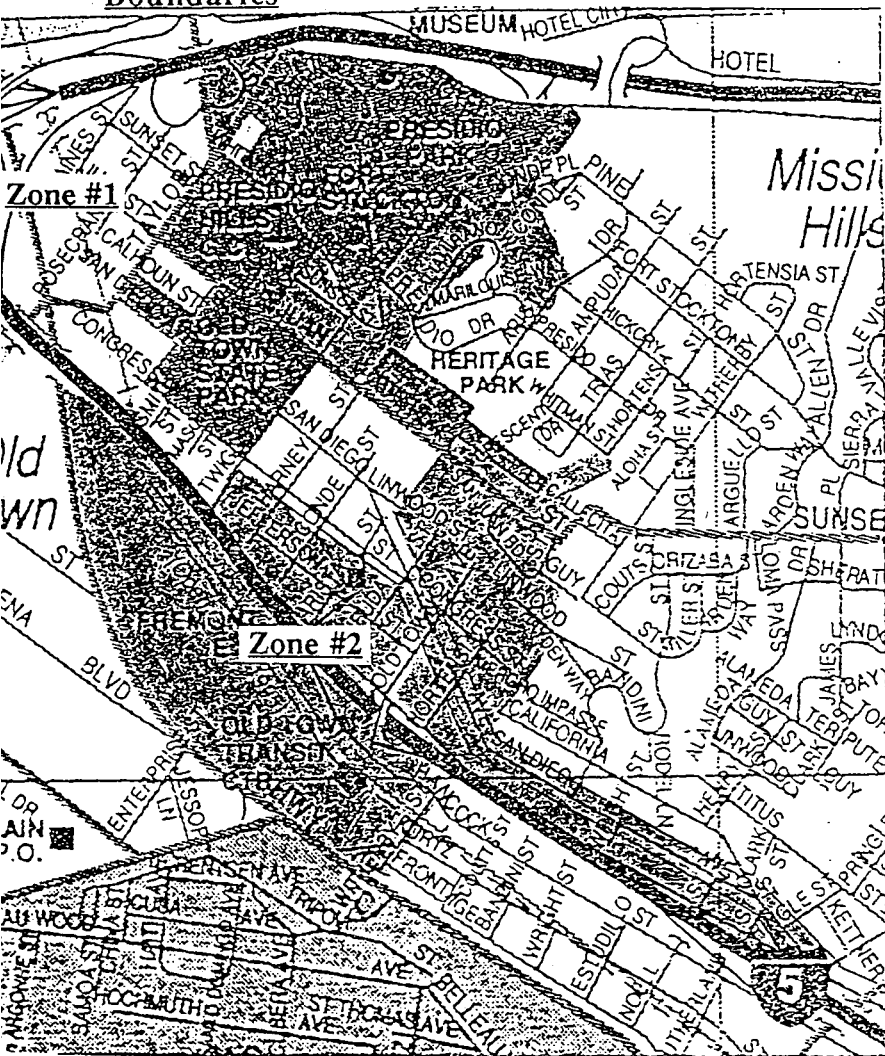
  
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Allisyn L. Thomas  
Deputy City Attorney

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# "Exhibit A"

## Proposed Old Town Business Improvement District

### Boundaries



### Map Legend

**Zone #1** Taylor Street on the West, Congress Street on the South, Ampudia & Arista Streets on the East and Juan Street on the North.

**Zone #2** Surrounding area including Rosecrans Street to the West, Pacific Highway to the South, Washington Street to the East and Interstate 5 to the North.

### Assessment Rates

	ZONE 1	ZONE 2
CATEGORY A LARGE RETAILERS & RESTAURANTS 13+ EMPLOYEES	\$200 ANNUALLY	\$150 ANNUALLY
CATEGORY B SMALL RETAILERS & RESTAURANTS 11-12 EMPLOYEES	\$100 ANNUALLY	\$75 ANNUALLY
CATEGORY C SERVICES & MANUFACTURING	\$40 ANNUALLY	\$30 ANNUALLY

### Estimated Number of Businesses

Commercial	375
Hotel, Motel & Apartments	35
	410

### Estimated Annual Budget

Administration	\$10,000
Promotions	\$10,000
Advertising	\$10,000
	\$30,000

### Hotels & Apartments

6-20 Units	21-65 Units	66+ Units
\$50 ANNUALLY	\$200 ANNUALLY	\$400 ANNUALLY