

ORDINANCE NUMBER O- 18262 (NEW SERIES)

ADOPTED ON FEB 20 1996

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE DIAMOND 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 DEC 04 1995, adopted Resolution No. R-286719 declaring an intention to form a parking and business improvement area to be known as the "Diamond Business Improvement District," providing for the levy of an assessment and charge to be imposed herein, fixing the time and place for hearing and giving notice thereof; and

WHEREAS, Resolution No. R-286719 was duly published, and copies thereof were mailed, as provided by the Law; and

WHEREAS, as specified in Resolution No. R-286719, 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 the "Diamond Business Improvement District," herein called "District." The area to be included in the District includes the Diamond business community area within the 4th Council District with the following address ranges:

STREET NAME	RANGE OF ADDRESSES BY ZONE	
	Zone #1	Zone #2
47th Street North	100-1650	
47th Street South		100-1000
54th Street	1800-1962	
61st Street	400-500	
63rd Street	400-500	
69th Street	500-700	
Air Way	4500-4800	
Akins Avenue		5900-6700
Churchward Street	5000-5150	
Euclid Avenue North	100-1913	
Euclid Avenue South	100-1000	
Federal Blvd.	4400-5300	
Gateway Center Avenue	3600-3800	
Gateway Center Drive	700-800	
Gateway Center Way	600-1000	
Imperial Avenue	4400-6945	
Lisbon Street	6900-7000	
Lockridge Street	3900-4100	
Logan Avenue	4600-5150	
Market Street	3900-5000	5001-5400
Naranja Street		5000-5400
Raven Street	400-500	
Whitmore Street	400-500	

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 as a parking and business improvement area under the aforementioned Business and Improvement Area Law is to provide

revenue to defray the costs 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 District Zones:**

- 1. **Zone #1** is Gateway Center Drive, Gateway Center Way, Gateway Center Avenue, Market Street (west of 5000), Whitmore Street, Lockridge Street, Raven Street, N. 47th Street, Air Way, Federal Boulevard, 54th Street, N. Euclid Avenue, S. Euclid Avenue, Lisbon Street, 69th Street, Imperial Avenue, 63rd Street, 61st Street, and Churchward Street. Businesses in this area will receive the greatest benefit from the promotional activities, marketing of and

overall activities of the District. (See **Address Ranges** above).

2. **Zone #2** is Market Street, east of 5001, S. 47th Street, Naranja Street and Akins Avenue. It is anticipated that businesses in this area will still receive a benefit, but not of the same magnitude as those in the historically established commercial corridors of the Diamond BID. (See **Address Ranges** above).

**B. Description of Categories of Benefit:**

1. **Category A** includes those businesses which will gain the most from increased commercial activity as well as a revitalized commercial corridor in those areas directly adjacent to or surrounding their anchor business. This special category includes but is not limited to:

- Banks**
- Chain Department Stores**
- Entertainment Centers**
- Finance Companies**
- Loan Centers**
- Major Bottling Corporations**
- Major Chain Grocery And Drug Stores**
- Major Media**
- Major Private Distribution And Mail Carriers**
- Major Theaters**
- Private Recreation Centers**

2. **Category B** includes those businesses, particularly retail outlets, that are expected to derive direct benefit from the establishment of the District. These retail outlets are generally less than 10,000 square feet and would include, but not be limited to such businesses as:

- Antique And Second Hand Stores**
- Art Supply Stores**
- Bakeries**
- Bars**
- Beauty Supply Stores**

Bike Shops  
Bookstores  
Coffee Shops  
Community Newspapers  
Delis  
Electronics Stores  
Flower And Floral Stores  
Hair Beauty Salons  
Hotels  
Ice Cream And Yogurt Stores  
Landscaping And Nursery  
Liquor Stores  
Micro Breweries  
Motels  
Musical Instrument Stores  
New And Used Clothing Stores  
Nightclubs  
Office Supply Stores  
Pet Stores  
Photo Finishing And Production Stores  
Produce Stores  
Radio Stations  
Restaurants  
Retail Recorded Music Stores  
Retail Service Stations  
Small Grocery Stores  
Specialty Stores

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:

Appliance Repair  
Architects  
Auto Supply  
Automotive Sales/Repair  
Board And Care Facilities  
Car Wash/Detailing  
CPAs  
Engineers Consultants  
Financial Planners  
Graphic Artists  
Gyms  
Hardware Stores  
Interior Designers  
Key/Locksmiths  
Lawyers  
Medical Professionals  
Nursing Homes  
Office Repair  
Planners

Print And Copy Stores  
Recording Studios  
Retirement Homes  
Shoe And Clothing Repair  
Stock Brokers  
Temporary Services  
Travel Agencies  
Etc.

4. Category D are those businesses that are expected to derive indirect benefit from the establishment of the District. They include but are not limited to the following:

Appliances  
Assembly Plants  
Card Rooms  
Construction Companies  
Home Furnishings  
Hospitals  
Laundromats  
Manufacturers  
Martial Arts  
Musical Rental And Repair  
Private Education And Professional Schools  
Property Management  
Recycling Centers  
Religious Supply  
Sports Racing  
Utility Companies  
Wholesale Distributors  
Wholesale Printers

5. Category E is any business that is owner operated, sole proprietor/no employees and personal services NOT retail in nature. Examples given include:

Agents Working under a Brokers License

Beauticians Working under a Beauty Parlor Owners Retail Outlet

Regular Vendors at Farmers Markets or Entrepreneurial Fairs

Temporary Street Vendors Operating in the District

6. **EXCLUSIONS:** The following businesses and business locations shall be excluded from assessment provisions under the District:

All of those businesses and business license holders operating under the FAM Mart roof on N. Euclid Avenue (1755 N. Euclid)

All nonprofit corporations, apartment buildings, or business license holders

Catering truck drivers operating out of Moody's Catering Service on Market Street (4637 Market)

7. 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, D, and E shall be categorized by the City Treasurer upon application of a City Business Tax Certificate.

**C. Summary of Assessments:**

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

	Zone #1	Zone #2
Category A	\$ 500.00	\$ 300.00
Category B	\$ 180.00	\$ 120.00
Category C	\$ 100.00	\$ 80.00
Category D	\$ 90.00	\$ 60.00
Category E	\$ 80.00	\$ 60.00

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 **\$500.00 per annum.**

The City will advance an amount not to exceed TEN THOUSAND DOLLARS (\$10,000) 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.** 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 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 1989, codified as California Streets and Highways Code section 36500 et seq.

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

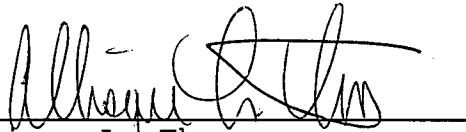
**Section 8.** That this ordinance shall take effect and be in force on April 1, 1996, and no business tax certificate for commercial activities inconsistent with the provisions of this



ordinance shall be issued unless application therefore 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  
01/24/96  
Or.Dept:Mgr./EDS  
O-96-107  
Form=o+t

"Exhibit A"

Proposed Diamond  
Business Improvement District

*Gateway/Mt. Hope Bus. District: Zone 1*

Boundaries

*Euclid/54th  
Corridor: All  
Zone 1*

*King Freeway*

*Market St. East of  
Euclid: Zone 2  
Also Akins  
& Naranja*

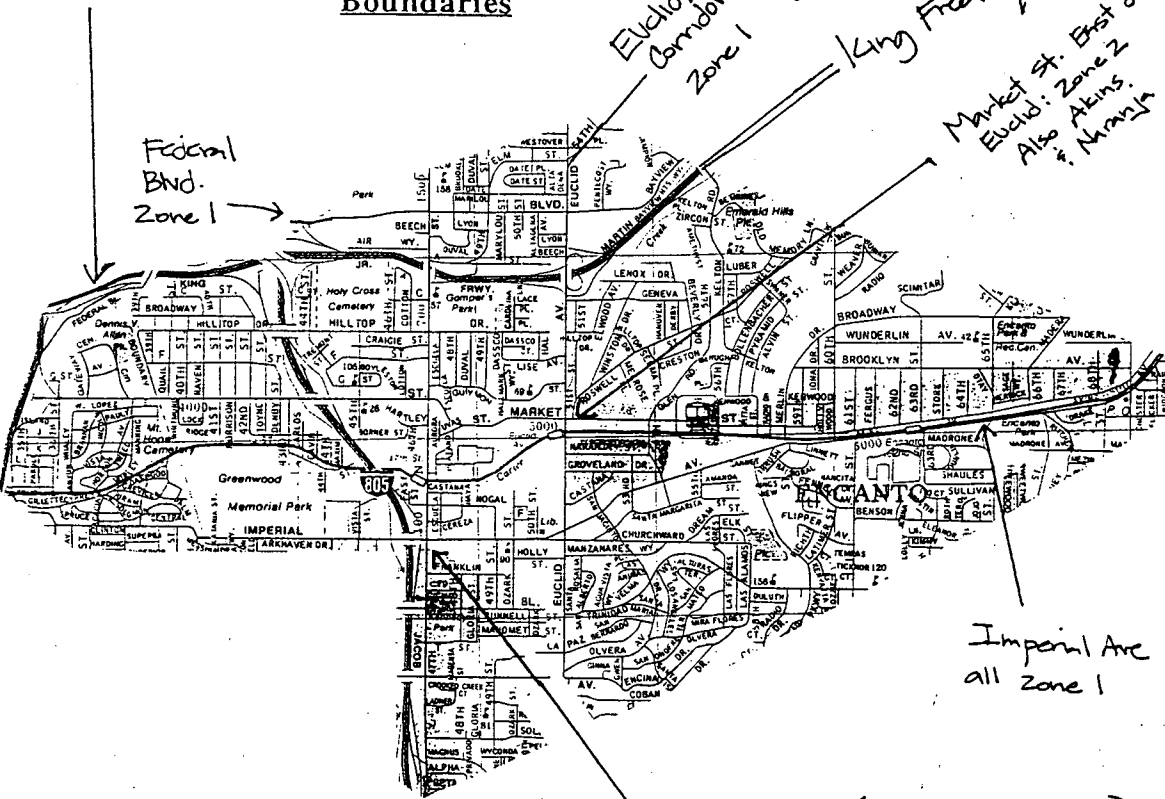
*Federal  
Bnd.  
Zone 1*

Map Legend

**Zone #1** Bounded on the north by the Webster business district, on the west by the Gateway/Mt. Hope business district, on the south by the Lincoln/Valencia Park business district and on the east by the Encanto business district

**Zone #2** Various streets within the Diamond which are off the main commercial corridors including S. 47th Street, Market St. east of Euclid, Naranja and Akins Avenue

Assessment Rates



*Imperial Ave  
all Zone 1*

*N. 47th St. (North of Imperial): Zone 1  
S. 47th St. (South of Imperial): Zone 2*

Estimated Number of Businesses

Commercial 350

Estimated Annual Budget

Administration	\$10,000
Promotions	\$25,000
Advertising	\$20,000
<b>TOTAL BUDGET</b>	<b>\$55,000</b>