

(O-97-34)

ORDINANCE NUMBER O- 18373 (NEW SERIES)

ADOPTED ON JAN 13 1997

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE PACIFIC BEACH 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 OCT 22 1996, adopted Resolution No. R- 287951

declaring an intention to form a parking and business improvement area to be known as the "Pacific Beach 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- 287951 was duly published, and copies thereof were mailed, as provided by the law; and

WHEREAS, as specified in Resolution No. R- 287951, 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 "Pacific Beach Business Improvement District," herein called "District." The area to be included in the District includes the Pacific Beach business community area within the following address ranges:

STREET NAME	RANGE OF ADDRESSES BY ZONE	
	<u>Zone #1</u>	<u>Zone #2</u>
Albuquerque Street		4600 - 4799
Balboa Avenue		1900 - 2799
Bayard Street		4300 - 4699
Bunker Hill Street		2900 - 3199
Cass Street		4300 - 5199
Damon Avenue		2800 - 2999
Dawes Street		4400 - 4699
DeSoto Street		4600 - 4799
Diamond Street		0700 - 0799
Emerald Street		0700 - 0799
Everts Street		4400 - 4699
Fanuel Street		4400 - 4699
Felspar Street		0700 - 0799
Garnet Avenue	0700 - 2999	
Grand Avenue		0700 - 2799
Gresham Street		4400 - 4699
Haines Street		4400 - 4699
Hornblend Avenue		0700 - 1599
Ingraham Street		3400 - 4699
Jewell Street		4400 - 4699
Kendall Street		4400 - 4499
Lamont Street		4400 - 4699
La Playa Avenue		1550 - 1649
Mission Bay Drive		4200 - 4799
Mission Boulevard	3999 - 5199	
Morrell Street		4400 - 4699
Noyes Street		4400 - 4499
Ocean Boulevard		4100 - 4599
Oliver Avenue		0700 - 0799
Olney Street		4400 - 4499
Pacific Beach Drive		0700 - 0799 Even Numbers Only
Reed Street		0700 - 0799

Thomas Street  
Turquoise Street

0700 - 0799  
0700 - 1099

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: All businesses on Mission Boulevard or Garnet Avenue.

2. Zone #2: This zone includes all other business addresses. (See Range of Addresses by Zone above.).

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

1. Category A: Banks and those businesses with 21 or more employees.
2. Category B: Businesses with 13 to 20 employees.
3. Category C: Business with 3 to 12 employees.
4. Category D: Businesses with 0 to 2 employees.
5. Category E: Apartments/Hotels/Motels with 66+ units.
6. Category F: Apartments/Hotels/Motels with 21 to 65 units.
7. Category G: Apartments/Hotels/Motels with 6 to 20 units.
8. Businesses not specifically identified in Categories A, B, C, D, E, F, and G

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:

	<u>Zone #1</u>	<u>Zone #2</u>
Category A	\$360.00	\$180.00
Category B	240.00	120.00
Category C	180.00	90.00
Category D	90.00	60.00
Category E	360.00	360.00
Category F	180.00	180.00
Category G	60.00	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 THREE HUNDRED SIXTY DOLLARS (\$360) per annum.

The City may advance an amount not to exceed TWENTY FIVE THOUSAND DOLLARS (\$25,000) which will be reimbursed within twenty-four (24) 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 herein before described and that all of the businesses lying within the area will be benefited 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 February 1, 1997, 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

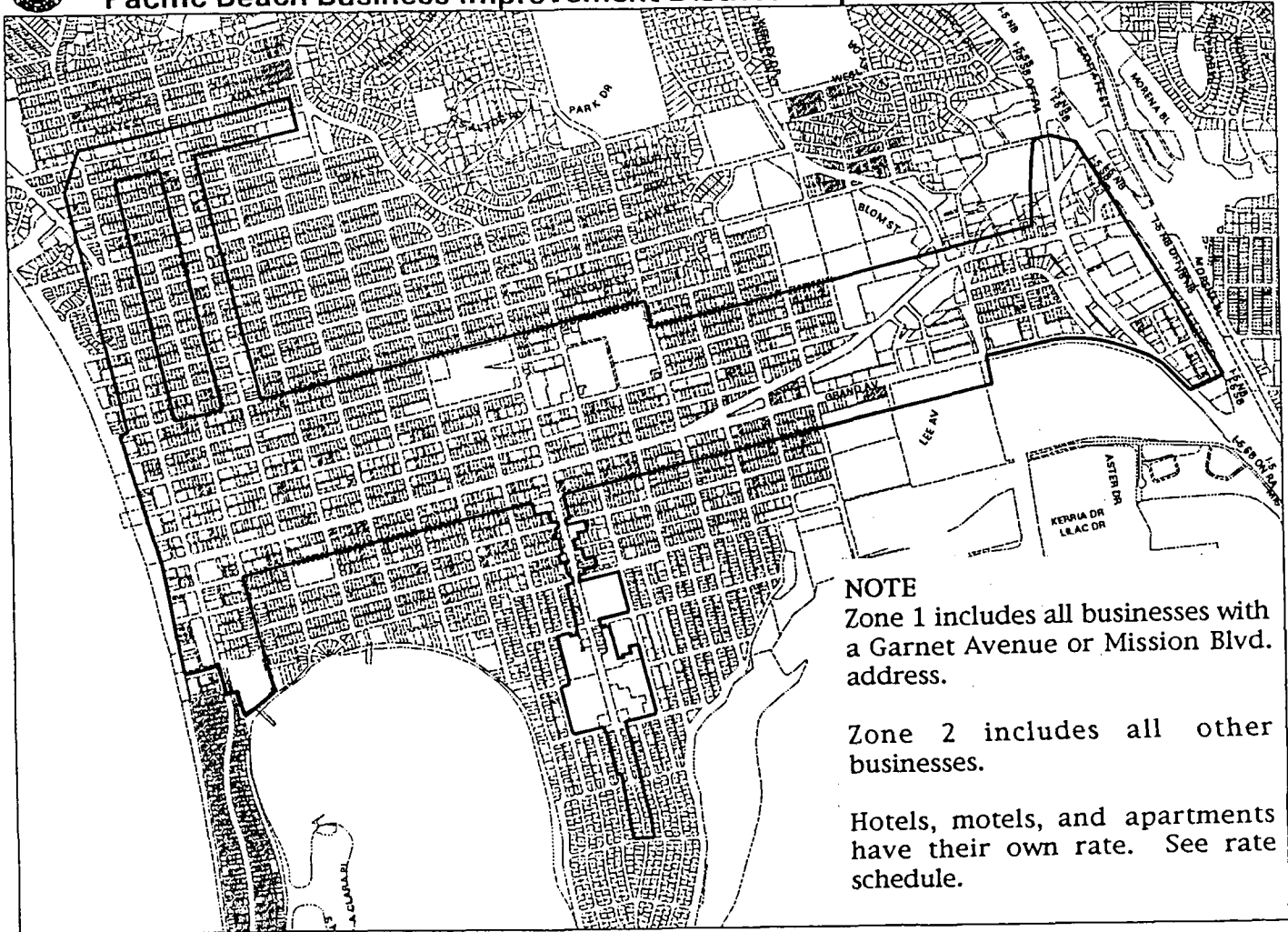
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Or. Dept: Comm. & Eco. Dev.

O-97-34

Form=O&T.Ord



**NOTE**  
 Zone 1 includes all businesses with a Garnet Avenue or Mission Blvd. address.  
 Zone 2 includes all other businesses.  
 Hotels, motels, and apartments have their own rate. See rate schedule.

**Estimated Number of Aseesees**

Businesses	Zone 1	Zone 2	Total
0-2 Employees	600	140	740
3-12 employees	210	60	270
13-20 employees	40	5	45
21+ employees	20	5	25
<b>Total</b>	<b>870</b>	<b>210</b>	<b>1080</b>

Apartments	
6-20 units	110
21-65 units	15
66+ units	5
<b>Total</b>	<b>120</b>

Hotels/Motels*	
6-20 rooms	25
21-65 rooms	5
66+ rooms	2
<b>Total</b>	<b>32</b>

\*Hotels/Motels counted with businesses

**Proposed Budget**

Estimated Revenue . . .	\$157,000
Businesses	\$123,900
Apartments	11,100
SBEP	22,000

**Estimated Expenditures . \$157,000**

Administration	\$45,000	(28%)
Security	18,000	(12%)
Publications	12,000	( 7%)
Advertising	39,000	(25%)
Decorations	21,000	(13%)
Streetscape	18,000	(11%)
Contingency	4,000	( 4%)

**Pacific Beach  
 Business Improvement District (BID)**

Businesses	Zone 1 Garnet Avenue and Mission Boulevard		Zone 2 All other addresses
	<b>Category A</b> Banks and businesses with 21 or more employees.	\$360	\$180
<b>Category B</b> Businesses with 13 - 20 employees.	\$240	\$120	
<b>Category C</b> Businesses with 3 - 12 employees.	\$180	\$90	
<b>Category D</b> Businesses with 0 - 2 employees.	\$90	\$60	

	Apartments	Hotels / Motels
<b>Category G</b> 6 - 20 units or rooms.	\$60	\$60
<b>Category F</b> 21 - 65 units or rooms.	\$180	\$180
<b>Category E</b> 66+ units or rooms.	\$360	\$360