

RESOLUTION NUMBER R- 290877

ADOPTED ON OCT 19 1998

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO ESTABLISH THE MORENA BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989.

WHEREAS, the Council of The City of San Diego desires to form a parking and business improvement area to be known as "Morena Business Improvement District" pursuant to the Parking and Business Improvement Area Law of 1989, codified as California Streets and Highways Code section 36500 et seq. [Law], 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 declares its intention to form a parking and business improvement area to be known as "Morena Business Improvement District" [District] pursuant to the Law.
2. The area to be included in the District includes the Morena business community area within the following address ranges:

<u>Street Name</u>	<u>Address Range</u>	<u>Business Improvement District Zone No.</u>
Anna Avenue	5200 - 5299	Zone 2
Ashton Street	4100 - 4199	Zone 2
Banks Street	5300 - 5399	Zone 2
Buenos Avenue	0900 - 1199	Zone 2

Clairemont Drive	2500 - 2649	Zone 1
Cudahy Place	1000 - 1099	Zone 2
Cushman Avenue	1150 - 1249	Zone 2
Cushman Place	5200 - 5299	Zone 2
Custer Street	5300 - 5399	Zone 2
Gaines Street	5200 - 5499	Zone 2
Gertrude Street	1300 - 1399	Zone 2
Gesner Street	4249 - 4349	Zone 2
Grant Street	5300 - 5399	Zone 2
Greenwood Street	3700 - 3799	Zone 2
Ingulf Street	4100 - 4349	Zone 2
Knoxville Street	1200 - 1399	Zone 2
Lauretta Street	5400 - 5499	Zone 2
Linda Vista Road	5100 - 5499	Zone 1
Lovelock Street	5200 - 5299	Zone 2
Metro Street	5300 - 5399	Zone 2
Morena Boulevard	0800 - 2649	Zone 1
Morena Place	5100 - 5199	Zone 2
Napa Street	5300 - 5499	Zone 1
Napier Street	4100 - 4199	Zone 2
Naples Place	4900 - 5199	Zone 2
Naples Street	4900 - 4999	Zone 2
Riley Street	5200 - 5399	Zone 2
Savannah Street	4800 - 4999	Zone 2
Sherman Street	0800 - 1099	Zone 2
Vega Street	1200 - 1299	Zone 2
West Morena Boulevard	1000 - 1499	Zone 1

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 Law is to provide revenue to defray the costs of services and programs which will benefit businesses in the area. The services and programs to be provided are those listed in Exhibit A, which is attached hereto and incorporated by reference, and the services and programs listed thereon are the uses to which the revenue generated by the assessments to be levied will be put.

4. All businesses operating in the above-described area will be assessed a share of the costs of the 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: All businesses on Clairemont Drive, Morena Boulevard, West Morena Boulevard, Linda Vista Road, and Napa Street, as depicted on attached Exhibit A.

(2) ZONE 2: All businesses on commercial side streets adjacent to the main thoroughfares.

B. Description of the District Categories of Benefit:

(1) CATEGORY A:

Food, Beverages and Drugs
Automotive and Service Stations
Miscellaneous Retail
Amusement and Recreational Services
Hotels and Motels

(2) CATEGORY B:

Laundry and Cleaning Services
Business and Personal Services
Repair
Medical and Health Services
Wholesale
Construction
Financial
Manufacturing
Agricultural
Transportation/Utilities
Non-profits

(3) Exclusions: Those businesses that are exempt from assessments. These include: independent beauticians renting a booth, and home based businesses.

(4) Businesses not specifically identified in CATEGORIES A or B shall be categorized by the City Treasurer upon application of a City Business Tax Certificate.

C. Summary of Assessments:

The assessments to be imposed for those District businesses by Zone, Category of Benefit, and Number of Employees are as follows:

<u>Number of Employees</u>	<u>ZONE 1</u>		<u>ZONE 2</u>	
	<u>Category A</u>	<u>Category B</u>	<u>Category A</u>	<u>Category B</u>
0 - 2	\$150	\$ 90	\$ 90	\$ 60
3 - 12	\$300	\$180	\$180	\$120
13 - 20	\$450	\$270	\$270	\$180
21 - 40	\$600	\$360	\$360	\$240
41+	\$750	\$450	\$450	\$300

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 \$750 per annum.

The City may advance an amount not to exceed \$10,000 which will be reimbursed within twenty-four months of the establishment of the District.

5. That the Council 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 benefitted by the expenditure of the funds raised by the assessments or charges proposed to be levied.

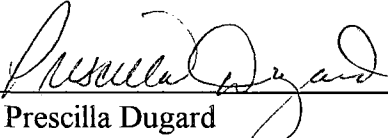
6. Pursuant to California Government Code section 54954.6, notice is given, that November 10, 1998, at the hour of 10 a.m., in the City Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when the City Council shall conduct a public meeting where any and all persons having any desire to be heard may appear and state their views for or against the formation of the aforementioned parking and business improvement area, the extent of the area, or the proposed services and programs on the attached Exhibit .

Also, pursuant to California Government Code section 54954.6, notice is given, that December 8, 1998 at the hour of 10 a.m., in the City Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when the City Council shall conduct a public hearing where any and all persons having any desire to be heard may appear and state their views for or against the formation of the aforementioned parking and business improvement area, the extent of the area, or the proposed services and programs on the attached Exhibit A.

7. Pursuant to Streets and Highways Code section 36524, valid written protests from owners paying 50 percent or more of the proposed assessment will prevent further action to form the district for one year.

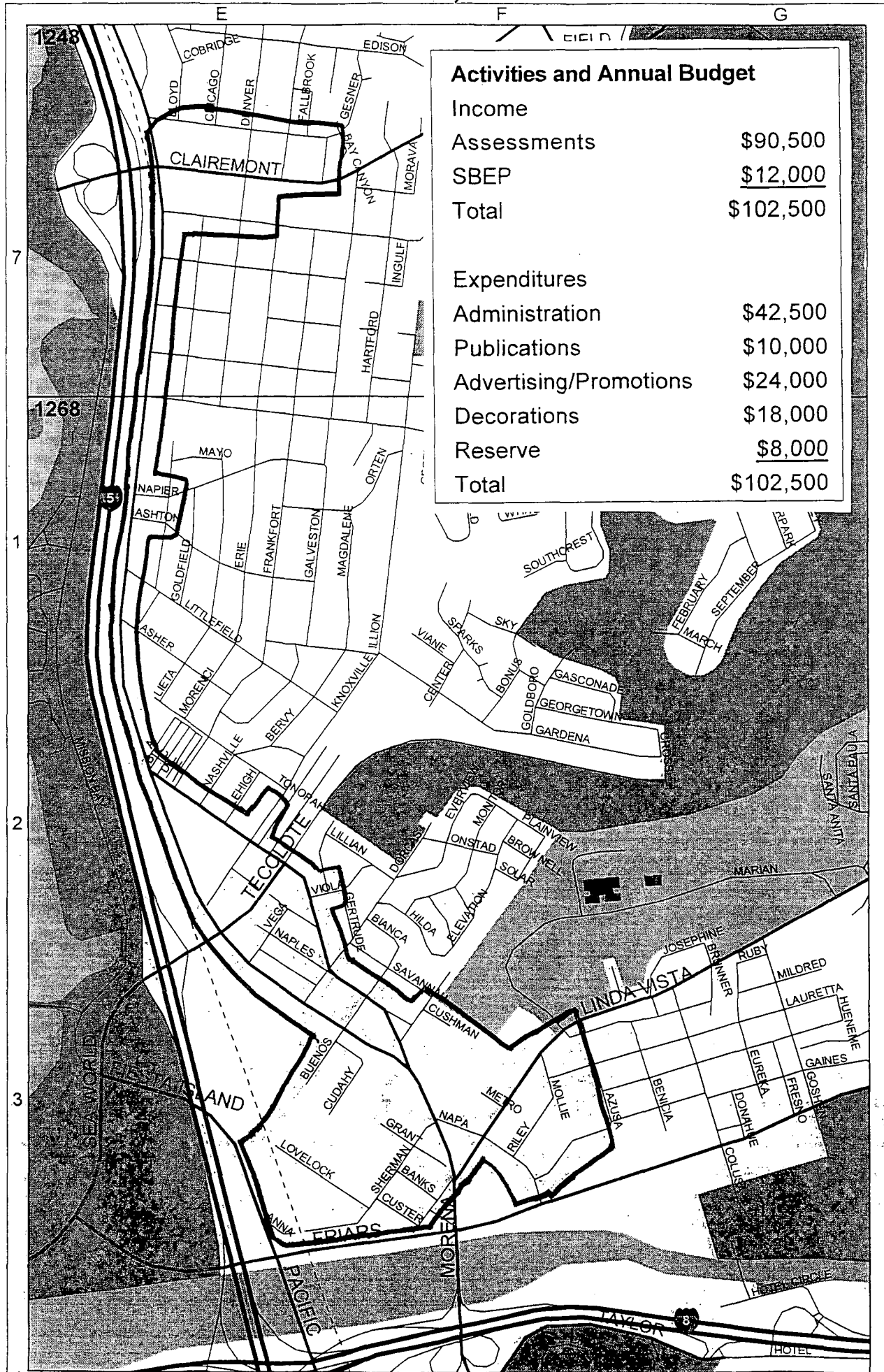
8. The City Clerk is directed to give notice of the mentioned hearing by both publication and mailing pursuant to Section 36523 of the Law.

APPROVED: CASEY GWINN, City Attorney

By 

Prescilla Dugard
Deputy City Attorney

PD:lc
09/23/98
Or.Dept:Comm.&Eco.Dev.
R-99-367
Form=bidres.frm



Activities and Annual Budget	
Income	
Assessments	\$90,500
SBEP	<u>\$12,000</u>
Total	\$102,500
Expenditures	
Administration	\$42,500
Publications	\$10,000
Advertising/Promotions	\$24,000
Decorations	\$18,000
Reserve	<u>\$8,000</u>
Total	\$102,500

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