

RESOLUTION NUMBER R- 290878

ADOPTED ON OCT 19 1998

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO ESTABLISH THE SAN YSIDRO 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 "San Ysidro 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 "San Ysidro Business Improvement District" [District] pursuant to the Law.
2. The area to be included in the District includes the San Ysidro business community area within the following address ranges:

<u>Street Name</u>	<u>Address Range</u>	<u>Business Improvement District Zone No.</u>
East Beyer Boulevard	2700 - 3099	Zone 2
Border Village Road	4250 - 4699	Zone 2
Calle Primera	0100 - 0199	Zone 2
W. Calle Primera	0100 - 0529	Zone 2
Camino de la Plaza	3700 - 4800	Zone 1
Camiones Way	5700 - 5799	Zone 2
East Park Avenue	0100 - 0199	Zone 2
Louisiana Avenue	0100 - 0399	Zone 2

Olive Drive	0100 - 0150	Zone 2
Sycamore Road	0200 - 0250	Zone 2
E. San Ysidro Boulevard	0000 - 0799	Zone 1
W. San Ysidro Boulevard	0000 - 0930	Zone 1
Via Nacional	3000 - 3999	Zone 2
Via de San Ysidro	0100 - 0230	Zone 2
Virginia Avenue	0100 - 0499	Zone 2
Willow Road	0100 - 3999	Zone 2

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 Camino de la Plaza, E. San Ysidro Boulevard, and W. San Ysidro Boulevard, as depicted on attached Exhibit A.
- (2) ZONE 2: All other business addresses (see Address Ranges above).

B. Description of the District Categories of Benefit:

- (1) CATEGORY A:
 - Banks
 - Theaters
 - Hotels with 100 or more rooms

(2) CATEGORY B: (Retail Oriented)

Food, Beverages and Drugs
Automotive and Service Stations
Miscellaneous Retail

(3) CATEGORY C: (Service Related)

Laundry and Cleaning Services
Repair
Amusement, Recreational Services

(4) CATEGORY D: (Professional Related)

Business and Personal Services
Medical and Health Services
Financial

(5) CATEGORY E:

Wholesale
Construction
Manufacturing
Agricultural
Transportation/Utilities

(6) Exclusions: Those businesses that are exempt from assessments. These include: independent beauticians renting a booth, home based businesses, apartment buildings, individuals holding business tax certificates who operate under the same roof, with the same retail entrance and street address.

(7) Businesses not specifically identified in CATEGORIES A, B, C, D or E 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 and Category of Benefit are as follows:

	<u>ZONE 1</u> <u>Category A</u>	<u>ZONE 2</u> <u>Category B</u>
CATEGORY A	\$1,200	\$1,200
CATEGORY B	\$ 360	\$ 270
CATEGORY C	\$ 240	\$ 180
CATEGORY D	\$ 160	\$ 120
CATEGORY E	\$ 120	\$ 90

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 \$1,200 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 A.

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

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Or.Dept:Comm.&Eco.Dev.
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