

(O-99-52)(COR. COPY)

ORDINANCE NUMBER O-18611 (NEW SERIES)

ADOPTED ON JAN 11 1999

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE MORENA 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, 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. [Law], this Council on OCT 19 1998, 1998, adopted Resolution No. R-290877 declaring its intention to form a parking and business improvement area known as "Morena 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-290877 was duly published, and copies thereof were mailed, as provided by the Law; and

WHEREAS, as specified in Resolution No. R-290877, a public meeting and a public hearing concerning the formation of the area were held before this Council on November 10, 1998, at 10:00 a.m., and on December 8, 1998, at 10:00 a.m., respectively, in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, at the hearing and the meeting, 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 36525 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 established, to be known as the "Morena Business Improvement District," [District]. 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.

Section 2. The purpose of forming the District as a parking and business improvement area under the Law 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 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.

Section 3. 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 identified on 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.

Section 4. That the Council 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 protest, both written and oral, are overruled and denied and the Council finds that there is not majority protest within the meaning of Section 36525 of the Law.

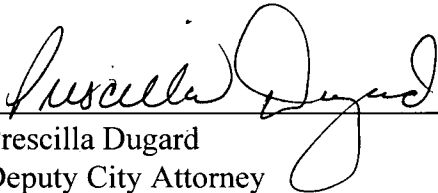
Section 6. That all of the businesses in the area established by this ordinance shall be subject to any amendments to the provisions of the Law.

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

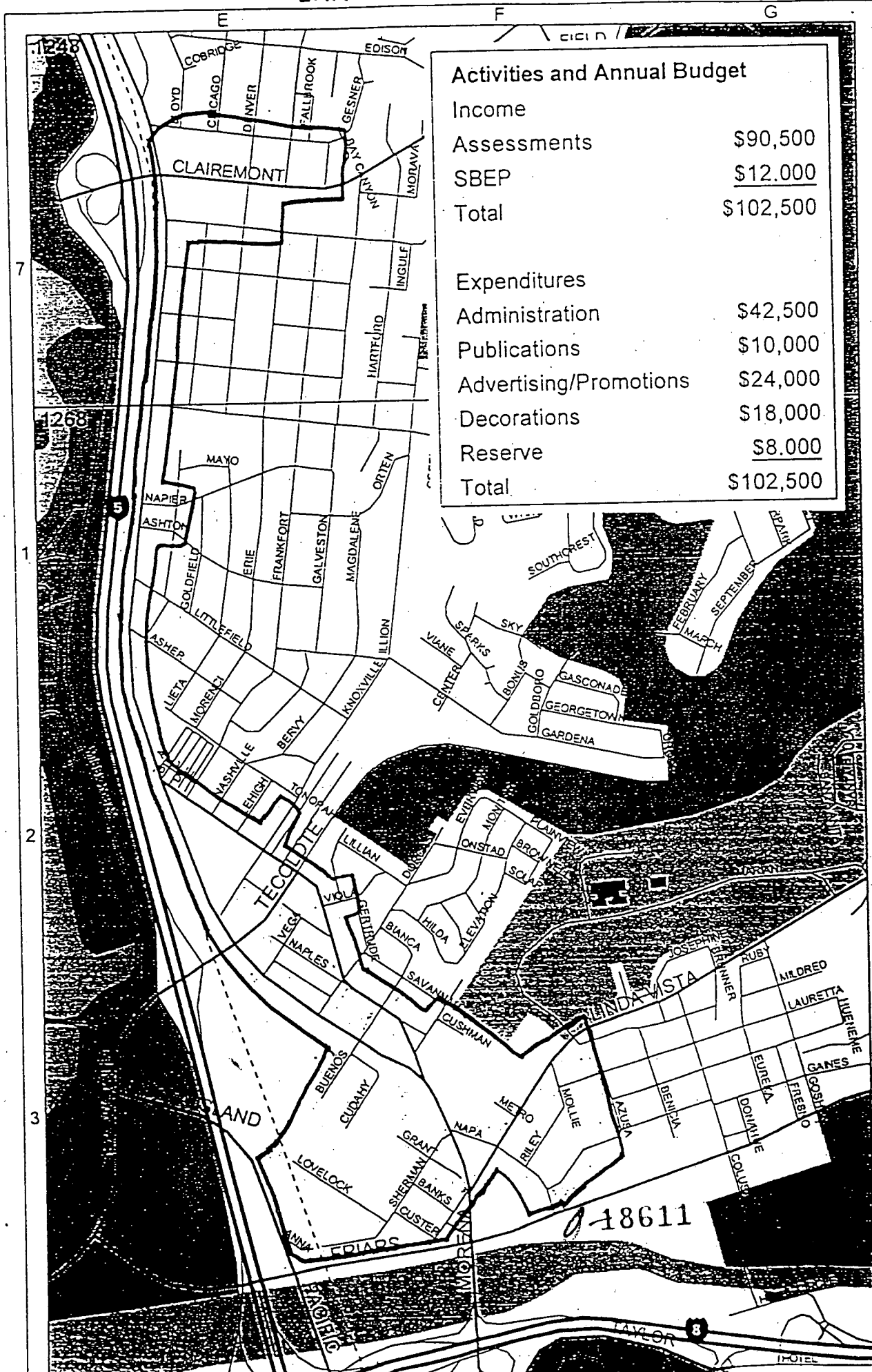
Section 8. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 9. This ordinance shall take effect and be in force on the 30th day after its adoption by the City Council, 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: CASEY GWINN, City Attorney

By:   
Prescilla Dugard  
Deputy City Attorney

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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