

(O-99-51)(COR. COPY)

ORDINANCE NUMBER O- 18612 (NEW SERIES)

ADOPTED ON JAN 11 1999

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE SAN YSIDRO 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- 290878 declaring its intention to form a parking and business improvement area known as "San Ysidro 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- 290878 was duly published, and copies thereof were mailed, as provided by the Law; and

WHEREAS, as specified in Resolution No. R- 290878, 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 "San Ysidro Business Improvement District" [District]. 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.

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 Camino de la Plaza, E. San Ysidro Boulevard, and W. San Ysidro Boulevard, as identified on 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, and 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.

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 a majority protest within the meaning of Section 36525 of the Law.

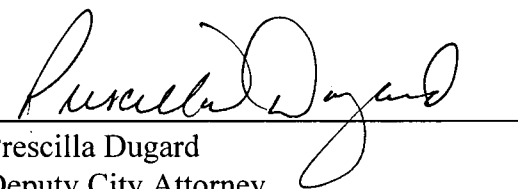
Section 6. That all of the businesses in the area established by this ordinance shall be subject to any amendments to the provisions of the Law.

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.

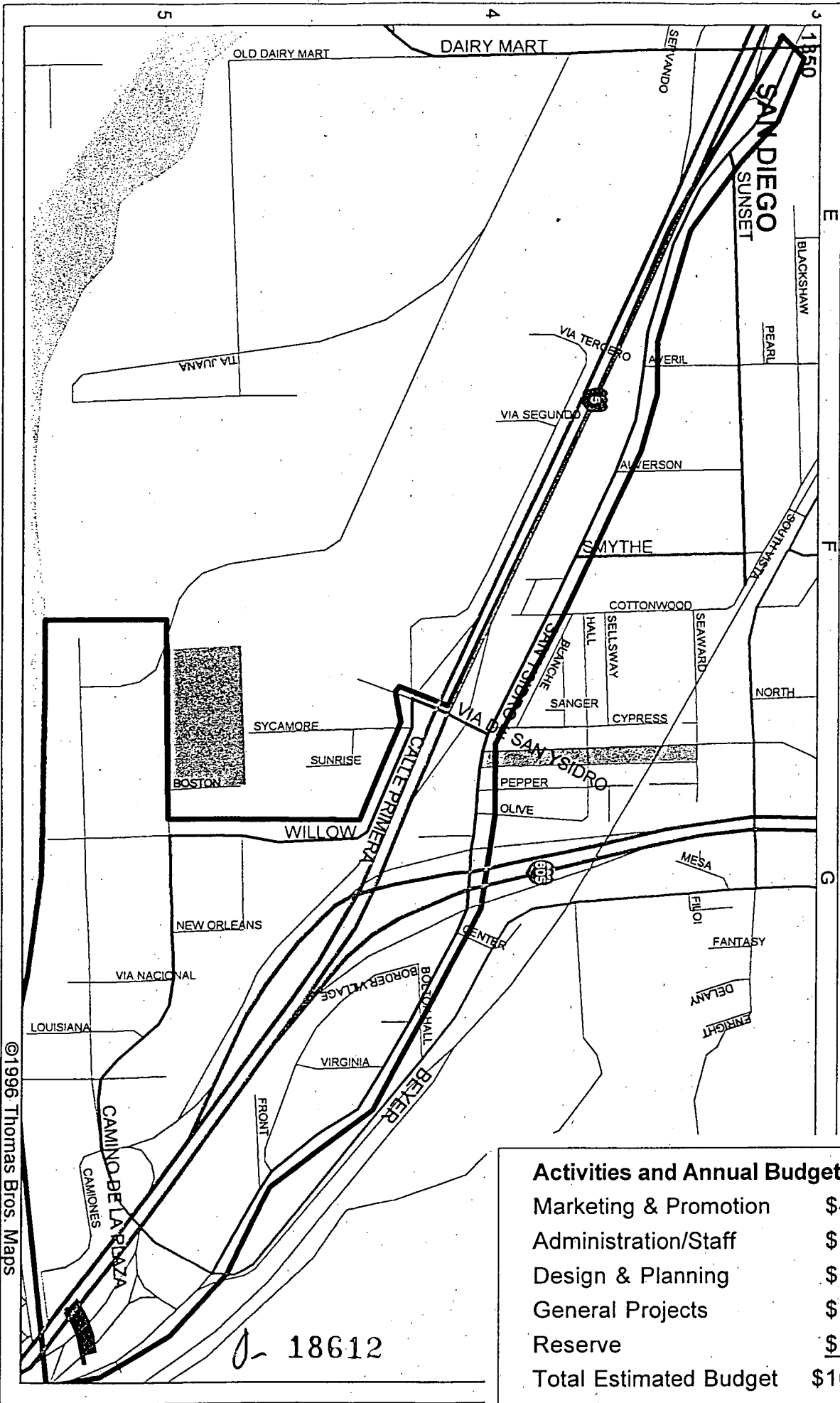
Section 9. This ordinance shall take effect and be in force on the 30th day after its adoption by the City Council, and no business tax certificate for commercial activities inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

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San Ysidro



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Activities and Annual Budget	
Marketing & Promotion	\$40,000
Administration/Staff	\$30,000
Design & Planning	\$10,000
General Projects	\$10,000
Reserve	<u>\$10,000</u>
Total Estimated Budget	\$100,000