

ORDINANCE NUMBER 0- 18834 (NEW SERIES)

ADOPTED ON AUG 07 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE MIDWAY 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 MAY 30 2000, adopted Resolution No. R- 293207, declaring an intention to form a parking and business improvement area to be known as the "Midway 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- 293207 was duly published, and copies thereof were mailed, as provided by the Law; and

WHEREAS, as specified in Resolution No. R- 293207, two hearings concerning the formation of the area were held before this Council in the Council Chambers; 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 "Midway Business Improvement District," herein called "District." The area to be included in the District includes the Midway business community area within the following address ranges:

<u>Street</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>
Barnett Street			3000 - 3546
Camino Del Rio West			3535 - 3846
Channel Way			3333 - 3475
Enterprise Street			3535 - 3642
Fordham Street			3250
Gaines Street			3760 - 3885
Greenwood Street			3730 - 3888
Hancock Street			3024 - 4065
Hicock Street			3914 - 4169
Jefferson Street			3027 - 3211
Jupiter Street			3950
Kemper Street			3320 - 3393
Kenyon Street			3405 - 3475
Kurtz Street			2719 - 3602
La Salle Street			3939 - 4021

Lytton Street	2730 - 2940
Midway Drive	2323 - 3853
Moore Street	3021 - 3206
Pickett Street	3424 - 3500
Riley Street	3776 - 3916
Rosecrans Place	3065 - 3210
Rosecrans Street	3045 - 3896
Sherman Street	3700 - 4000
Sports Arena Boulevard	3102 - 4116
St. Charles Street	3015
West Point Loma Boulevard	3910 - 4206
Western Street	3939 - 3945
Wing Street	3255

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 Business and Improvement Area Law is to provide revenue to defray the costs of services and programs that will benefit businesses in the area, including any of the following:

- A. 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 that 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 B, 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 number of employees and the benefit to be received as determined by the following:

A. Description of District Zones:

- 1. Zone 1: All businesses on Sports Arena Boulevard.
- 2. Zone 2: All businesses on Midway Drive, Rosecrans Place, Rosecrans Street and West Point Loma Boulevard.
- 3. Zone 3: All businesses on streets adjacent to the main thoroughfares.

B. Description of Categories of Benefit:

- 1. Category A: Sports Arena Management Group
- 2. Category B: Hotel/Motels with 100 or more rooms, and Theaters with 11 or more screens
- 3. Category C: Financial Institutions with 5 or more employees
- 4. Category D: Hotels/Motels with 50-99 rooms, and Theaters with 0-10 screens
- 5. Category E: Financial Institutions with 0-4 employees

6. Category F: Hotels/Motels with 0-49 rooms, and Professional Sports Teams
7. Category G: Non-profit Organizations, and Credit Unions
8. Category H: All Other Businesses with 400 or more employees
9. Category I: All Other Businesses with 200 - 399 employees
10. Category J: All Other Businesses with 100 - 199 employees
11. Category K: All Other Businesses with 50 - 99 employees
12. Category L: All Other Businesses with 13 - 49 employees
13. Category M: All Other Businesses with 4 - 12 employees
14. Category N: All Other Businesses with 1 - 3 employees
15. Exclusions: Those businesses that are exempt from assessments. These include: all businesses with zero (0) employees.
16. Businesses not specifically identified in Categories A through N 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, Category of Benefit, and Number of Employees are as follows:

Business Category	Number of Employees	Zone 1 Annual Assessments	Zone 2 Annual Assessments	Zone 3 Annual Assessments
A: Sports Arena Management Group / Hahn	n/a	\$5,000	\$5,000	\$5,000
B: Hotels/Motels w/100+ rooms, Theaters w/11+ screens	n/a	\$2,000	\$2,000	\$2,000
C: Financial Institutions	5 or more	\$2,000	\$2,000	\$2,000
D: Hotels/Motels w/50-99 rooms, Theaters w/0-10 screens	n/a	\$1,000	\$1,000	\$1,000
E: Financial Institutions	0-4	\$1,000	\$1,000	\$1,000
F: Hotels/Motels w/0-49 rooms, Prof. Sports Teams	n/a	\$240	\$240	\$240
G: Non-profit Organizations, Credit Unions	n/a	\$120	\$120	\$120
H: All Other Businesses	400 or more	\$5,000	\$2,000	\$1,000
I: All Other Businesses	200 - 399	\$5,000	\$2,000	\$500
J: All Other Businesses	100 - 199	\$2,000	\$1,000	\$360
K: All Other Businesses	50 - 99	\$1,000	\$500	\$240
L: All Other Businesses	13 - 49	\$500	\$240	\$180
M: All Other Businesses	4 - 12	\$240	\$180	\$120
N: All Other Businesses	1 - 3	\$120	\$120	\$120
Exempt: All Other Businesses	0	exempt	exempt	exempt

The 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 \$ 5,000.00 per annum.

Section 4. That the Council hereby finds and determines that the public convenience and necessity require the establishment of the areas 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 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:

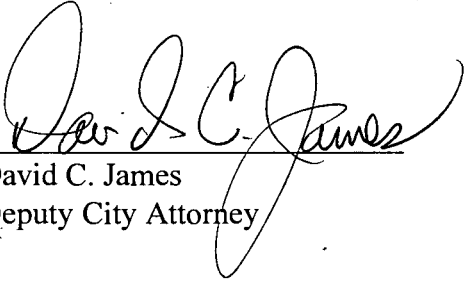
Section 7. That all of the assessments imposed pursuant to this ordinance be reviewed by the Council annually.

Section 8. That this ordinance shall take effect and be in force on August 7, 2000, 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: CASEY GWINN, City Attorney

By


David C. James
Deputy City Attorney

DCJ:amp
04/18/00
Or.Dept:Eco.Dev.& Comm.Serv.
O-2000-168
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Midway BID

EXHIBIT A

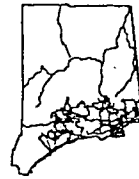
Legend

- MIDWAY BID
- Water Body
- City Road



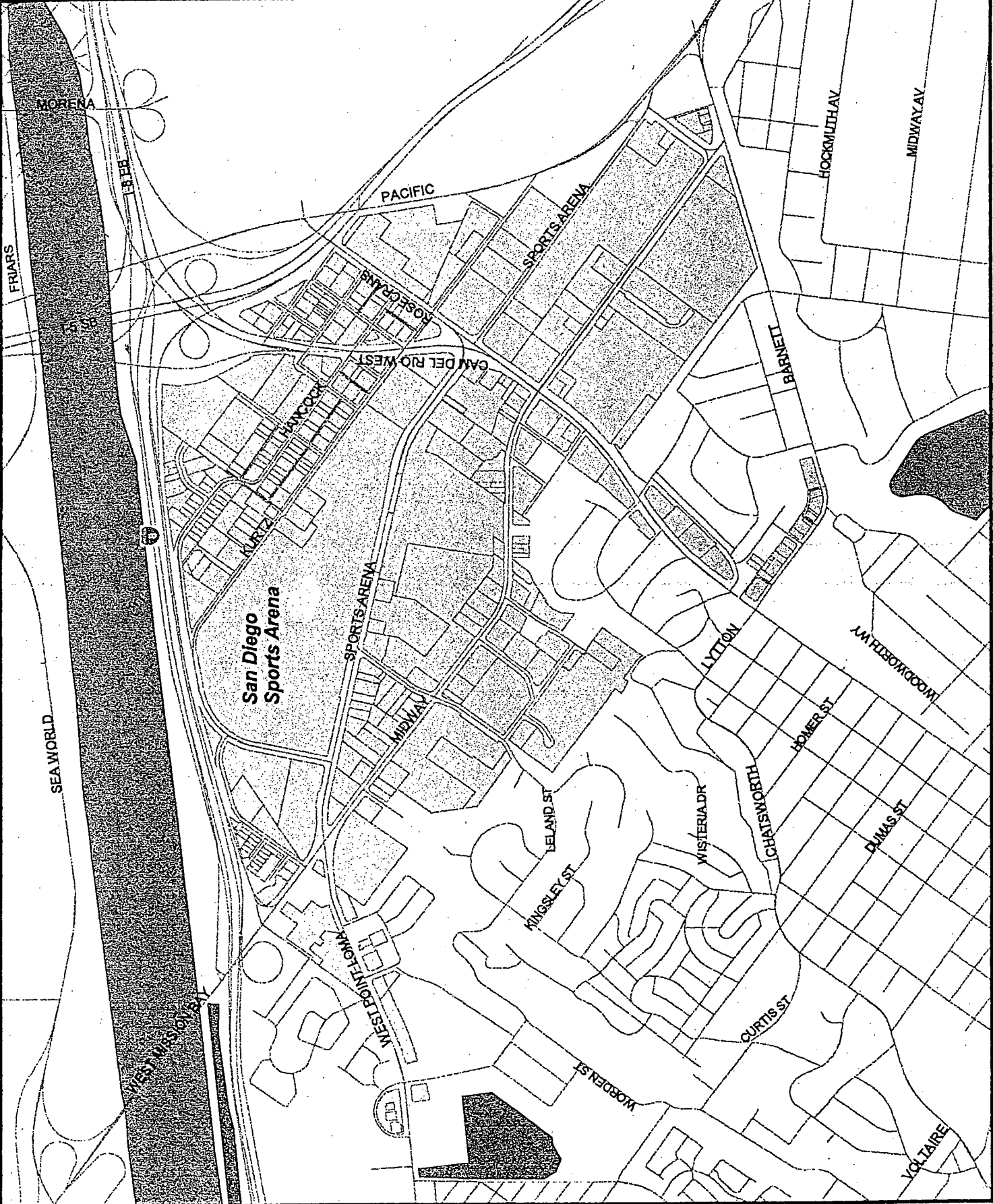
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Vicinity Map



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Plot Date: Nov 24 1999



0-18834

Exhibit B

Proposed Midway BID
Preliminary Annual Budget

Economic Restructuring Committee

Homeless Intervention (Alpha Project)	\$27,000	
Sidewalk and Street Cleanup	\$27,000	
sub-total		\$54,000

Design Committee

Banner Brackets	\$13,000	
Logo Design	\$1,000	
sub-total		\$14,000

Marketing and Promotions Committee

Business Directory Design	\$4,500	
Special Events in the district	\$4,500	
Advertising	\$4,500	
Holiday Decorations	\$4,500	
sub-total		\$18,000

Organization Committee

Quarterly Newsletter	\$2,000	
Legal	\$500	
Accounting	\$2,000	
Insurance	\$2,000	
Rent	donated	
Office Supplies, postage, bank charges	\$3,000	
One-time computer, printer, fax, and phone	\$4,000	
Monthly phone and voice-mail	\$1,200	
Board Meetings, Annual Meeting	\$2,000	
Staff/Executive Director	\$47,300	
sub-total		\$64,000

INITIAL AND PRELIMINARY FIRST YEAR BUDGET \$150,000