

ORDINANCE NUMBER O- 1680

DATE OF FINAL PASSAGE SEP 10 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING ORDINANCE O-16841 TO MODIFY THE NORTH PARK BUSINESS IMPROVEMENT DISTRICT BY CHANGING THE BASIS OF ASSESSMENT AND EXPANDING THE BOUNDARIES OF THE BUSINESS IMPROVEMENT DISTRICT; AND TO LEVY AND COLLECT ASSESSMENTS THEREFORE.

WHEREAS, on July 29, 1985, the Council of the City of San Diego [Council] adopted Ordinance O-16841 which formed a parking and business improvement area known as "North Park Business Improvement District" [District] pursuant to the Parking and Business Improvement Area Law of 1979 (Streets and Highways Code Section 36500, *et seq.*) [Law]; and

WHEREAS, in January 2008, pursuant to Council Policy 900-17, City staff received notice that the District advisory board was in support of modifying the basis of assessment; and

WHEREAS, in February 2008, pursuant to Council Policy 900-17, City staff received petitions and verified that at least 20% of eligible businesses were in support of expanding the District with the modified basis of assessment; and

WHEREAS, City staff conducted mailed ballot procedures and determined that a majority of those responding businesses, when measured both numerically and when weighted by the amount of the proposed assessment, support the modifications to the District pursuant to Council Policy 900-17; and

WHEREAS, on May 27, 2008, Council adopted Resolution R- 303778 which declared its intent to: 1) modify the North Park Business Improvement District by changing the basis of

assessment and expanding the boundaries of the District; 2) levy fiscal year 2009 assessments; 3) modify the District's FY2009 Budget Report; and 4) set public hearings therefore; and

WHEREAS, said Resolution No. R-303778 was duly published, and copies thereof were mailed, as provided by said Law; and

WHEREAS, pursuant to said Law, and as specified in said Resolution No. R-303778, a public meeting to permit testimony in support of or in opposition to the modification of the basis of assessment and the boundaries of the District was held before Council on June 24, 2008 at the hour of 10:00 a.m. in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, pursuant to said Law, and as specified in said Resolution No. R-303778, a public hearing to permit testimony in support of or in opposition to the modification of the basis of assessment and the boundaries of the District was held before Council on July 28, 2008 at the hour of 2:00 p.m. in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, at said meeting and hearing, all protests, both written and oral, made or filed, were considered and duly overruled and denied and Council determined that there was no majority protest within the meaning of Sections 36524 and 36525 of said Law; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of San Diego, as follows:

Section 1. Pursuant to the Parking and Business Improvement Area Law of 1979 (Streets and Highways Code section 36500, *et seq.*) [Law], the basis of assessment is modified and the

boundaries of the District are expanded to include the North Park community area within the following address ranges:

BUSINESS IMPROVEMENT DISTRICT

<u>Street Name</u>	<u>Address Range</u>
University Avenue	2004 – 3299
30 th Street	3300 – 4199
Utah Street	3800 – 3999
Granada Street	3800 – 3899
Kansas Street	3900 – 3999
29 th Street	3800 – 3899
Ray Street	3800 – 3899
Ohio Street	3900 – 3999
Grim Street	3800 – 3899
Illinois Street	3900 – 3999
31 st Street	3800 – 3899
Iowa Street	3900 – 3999
Herman Street	3800 – 3899
32 nd Street	3800 – 3999
Bancroft Street	3800 – 3999
Boundary Street	3800 – 3999
North Park Way	2850 – 3299
Lincoln Avenue	2750 – 3299
Upas Street	2900 – 3049
Dwight Street	2900 – 3099
Polk Avenue	2900 – 3099

A map depicting the District including the expanded area is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That the general types of improvements and activities to be funded by the annual levy of assessments which benefit businesses in the District are: 1) the acquisition, construction, installation or maintenance of any tangible property, including but not limited to parking facilities, benches, trash receptacles, street lighting, decorations, parks, fountains; 2) promotion of public events which benefit businesses in the area and which take place on or in public places within the area; 3) furnishing of music in any public place in the area; 4) promotion of tourism in the area; and 5) and the general promotion of business activities in the area. Specific services and programs are listed in the North Park Business Improvement District Revised FY09 Budget Report attached hereto as Exhibit B, in addition to any programs as approved by City Council from time to time.

Section 3. That the proposed assessments to all businesses in the District will be based on the number of employees per business, and zones will no longer exist in the District; that the categories of benefit are:

CATEGORY A includes those businesses with 0 to 2 employees.

CATEGORY B includes those businesses with 3 to 12 employees.

CATEGORY C includes those businesses with 13 to 25 employees.

CATEGORY D includes those businesses with 26 or more employees.

Section 4. That the assessments to be imposed for those District businesses by category of benefit are as follows:

CATEGORY A	\$125.00
CATEGORY B	\$150.00
CATEGORY C	\$250.00
CATEGORY D	\$500.00

The above-described charge 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 general business tax (license). For those businesses registered (licensed) for other than an annual period, the City Treasurer shall determine the charge to be levied upon issuance of the City business tax certificate (license). The total charge collected from any business under the provisions of the ordinance shall not exceed \$500 per annum.

Section 5. That the proposed businesses exempt from the assessment will be: 1) Home Based Businesses; 2) Salon Booth Rentals; 3) Hotels and Motels; and 4) Apartment Buildings.

Section 6. That new businesses in the proposed District will not be exempted from the assessment, unless otherwise expressly exempted herein.

Section 7. That the Council hereby finds and determines that the public convenience and necessity require the establishment of the area described herein and that all of the businesses lying within the area will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.

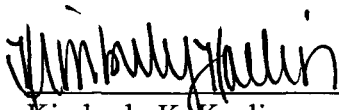
Section 8. That all protests, both written and oral, are overruled and denied and the Council finds that there is no majority protest within the meaning of Sections 36524 and 36525 of said Law.

Section 9. 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 1979, Section 36500, *et seq.*, of the State of California Streets and Highways Code.

Section 10. That all of the charges imposed pursuant to this ordinance be reviewed by Council annually.

Section 11. That this ordinance shall take effect and be in force on November 1, 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly K. Kaelin
Deputy City Attorney

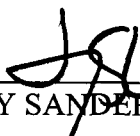
KKK:bas:nda
06/25/08
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Or.Dept: CP&CI
O-2008-155
MMS #6276

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~SEP 02 2008~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-10-08
(date)

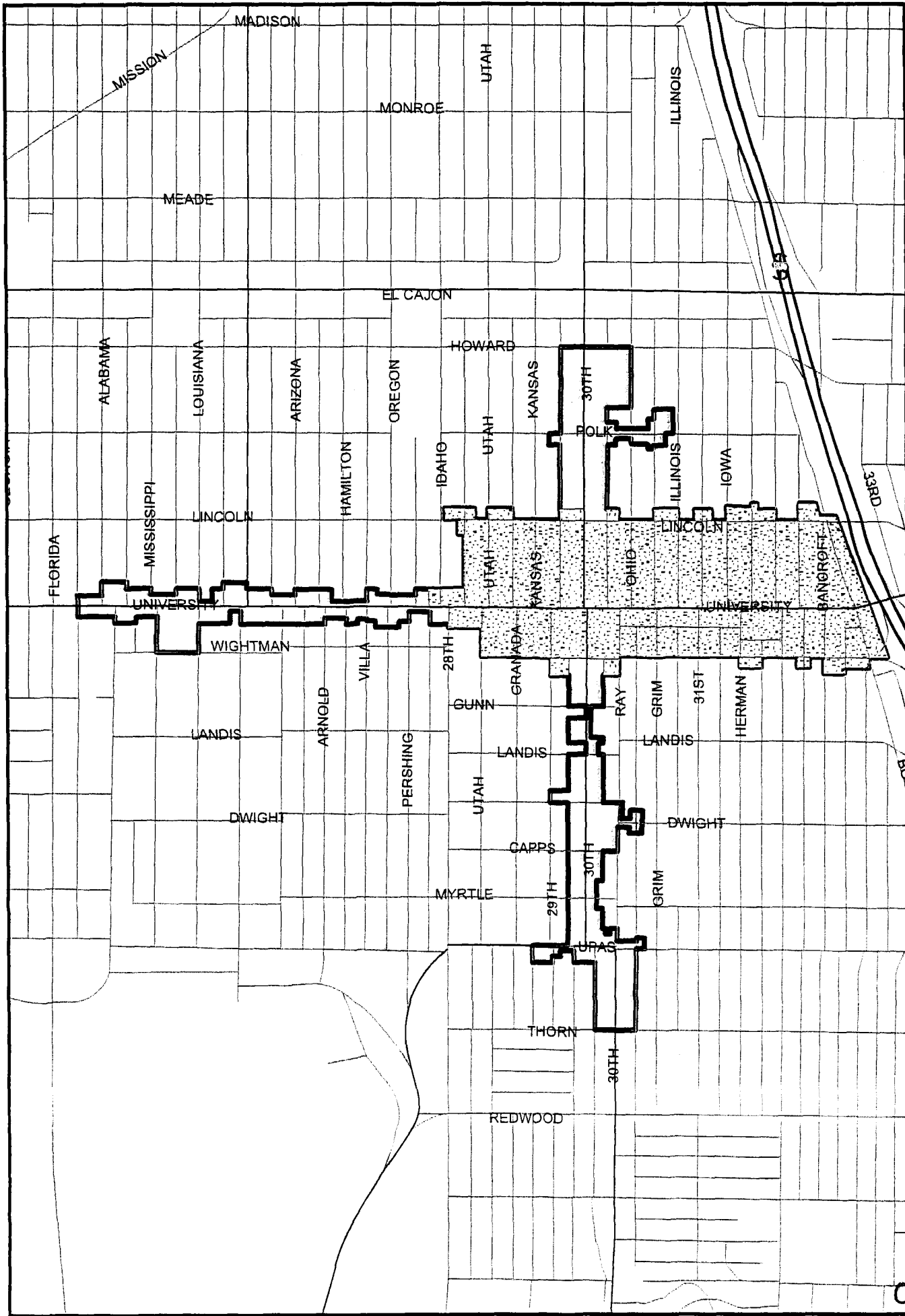

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

EXHIBIT A

NORTH PARK BID MODIFICATION



LEGEND

- North Park BID Area Outline (Illustrative)
- North Park BID Expansion (Illustrative)



1 inch equals 1,023 feet

THIS PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND... THE CITY OF SAN DIEGO... THE CITY ENGINEER... THE CITY ATTORNEY... THE CITY CLERK... THE CITY COMMISSIONER... THE CITY MANAGER... THE CITY PLANNING & COMMUNITY INVESTMENT DEPARTMENT... DATE: 05/20/10

0-3780

EXHIBIT B

REVISED FY2009 BUDGET REPORT

**North Park Business Improvement District
Fund 10553**

Advisory

North Park Organization of Businesses, Inc.
3076 University Avenue
San Diego CA, 92104
619-294-2501

Available Funds FY2009

Estimated Outstanding Operating Advance (incl. SBEP) as of 6/30/2008:	\$55,500
Estimated Unexpended Assessments from prior fiscal year to be carried	\$1,500
Estimated Assessments to be collected in the Fiscal Year:	<u>\$20,500</u>
Total Appropriation:	\$77,500

Proposed Activities/Expenditures FY2009

Personnel (Salaries/Wages/Fringe Benefits)	\$38,950
Office/Operation Costs (Supplies, Rent, Ins., Utilities, Equip. Purchases)	\$13,000
Publications/Printing (Brochures, Newsletters, Production)	\$3,000
Special Events	\$800
Design Improvements (Maintenance, Beautification, Clearing)	\$11,000
Consulting Services	\$10,000
Other (contingency)	<u>\$750</u>
Total Budgeted Expenditures:	\$77,500

Estimated Contribution from Association Activities:	\$1,000
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Association President: Patrick Edwards
Association BID Rep 1: Jay Turner
Association BID Rep 2: Elizabeth Studebaker



North Park Main Street

A Service of the North Park Organization of Businesses, Inc.

3076 University Avenue

San Diego, CA 92104

Phone: (619) 294-2501 Fax: (619) 294-2502

npbid@northparkmainstreet.com www.northparkmainstreet.com

North Park Main Street BID Activities - FY 2009

1. Host monthly Board of Directors Meetings.
2. Host monthly Promotions Committee, Economic Restructuring, and Design Committee Meetings.
3. Develop Community Profile, and work on Business Recruitment Plan with assistance from Economic Restructuring Committee.
4. Expand the BID to increase geographic area and increase ability to assist with small business in the region. New proposed boundaries will include University Avenue from Boundary Street to Georgia Street and 30th Street from Herman Street to Thorn Street.
5. Increase assessments of businesses in the current BID to match surrounding communities and increase ability to provide quality service to the commercial district.
6. Work with the Redevelopment Agency on Project Area, including Market & Demographic Information, Ordinance Review, Business and Technical Assistance, the Parking Garage, the North Park Theater, Historic Buildings Inventory, and other public projects.
7. Market the City Storefront Improvement Program to new and interested businesses.
8. Repair and replace deteriorated sidewalks, along University Avenue and side streets from Boundary Street to 28th Street, as possible.
9. Redesign, increase functionality of NPMS Website.
10. Organize and host 12th annual Festival of the Arts event on the 3rd Sunday in May from 10am-6pm.
11. Organize a "Taste of North Park" event.
12. Assist with planning of, and attend monthly Ray at Night event on the 2nd Saturday from 6:00pm-10:00pm.
13. Host the North Park Farmers Market every Thursday evening from 3:00pm to 7:00pm.
14. Coordinate community activities including cleanups, tours by elected officials, merchant mixers, informational meetings with new businesses, and historic walking tours.
15. Design and hang new banners, continue banner program, for the North Park BID each 5-6 months.
16. Host monthly "walk about" tours of the Business District with residents, businesses, and tourists.
17. Write and publish quarterly newsletter, the North Park Way.
18. Regular correspondence, assistance with businesses and property owners.
19. Participation in North Park committees including: Western Division of the SD Police Department, City Attorney's Office, Greater North Park Community Planning Committee (and Urban Design/Project Review Subcommittee and Public Facilities Subcommittee), North Park Redevelopment Project Area Committee, BID Council (and Legislative Committee), North Park Parking Garage Art Committee, North Park Parking Management Working Group, and North Park Community Association (and History Subcommittee - soon to be North Park Historical Society)
20. Meet each month with local BIDs (Hillcrest, Adams Ave, El Cajon Blvd, and City Heights) to strategize on collaborative projects and learn from colleagues.
21. Support local BIDs and BID Council with event planning and execution.
22. Work on Historic Building Registry for North Park.
23. Support fund grant writing.
24. Continued streetscape improvements.
25. Technical assistance with small businesses.
26. Developing community identify and branding.
27. Outreach and engagement of activities with new members.