

ORDINANCE NUMBER O- 19881 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 22 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE EAST VILLAGE 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, on April 27, 2009 the Council of the City of San Diego [City Council] adopted Resolution No. R- 804830, declaring its intention to form a parking and business improvement area to be known as the "East Village Business Improvement District," providing for the levy of an assessment and charge to be imposed, and fixing the time and place for a public meeting and a public hearing and giving notice thereof; and

WHEREAS, Resolution No. R- 804830 was duly published, and copies thereof were mailed, as provided by the Parking and Business Improvement Area Law of 1989; and

WHEREAS, pursuant to the Parking and Business Improvement Area Law of 1989, and as specified in Resolution No. R- 804830, a public meeting to permit testimony in support of or in opposition to the establishment of the proposed district, the extent of the proposed district, or the specific types of proposed activities or improvements, was held before Council on May 26, 2009 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 the Parking and Business Improvement Area Law of 1989, and as specified in Resolution No. R- 804830, a public hearing to permit testimony in support of or in opposition to the establishment of the proposed district, the extent of the District,

or the specific types of proposed activities or improvements, was held before Council on June 23, 2009 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, at the meeting and hearing, all protests, both written and oral, made or filed, were considered by Council; NOW, THEREFORE,

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

Section 1. That all protests, both written and oral, were heard and the Council finds that there is not a majority protest within the meaning of California Streets and Highways Code sections 36524 and 36525.

Section 2. That pursuant to the Parking and Business Improvement Area Law of 1989, a parking and business improvement area is hereby established, to be known as the "East Village Business Improvement District," herein called "District." The area to be included in the District includes the East Village business community area within the following address ranges:

STREET NAME AND RANGE OF ADDRESSES

Street Name	Range
Tony Gwynn Drive	0 – 299 (odd numbers only)
7th Ave	300 – 899
8th Ave	400 – 899
9th Ave	400 – 899
10th Ave	200 – 899
11th Ave	0 – 1399
12th Ave	0 – 1399
13th Ave	0 – 1099
14th Ave	0 – 1099
15th Ave	0 – 1099
16th Ave	0 – 1299
17th Ave	0 – 1299
A Street	1000 – 1199
B Street	1000 – 1699
Broadway	1000 – 1699
C Street	1000 – 1699

Commercial Street	1200	–	1799
E Street	1000	–	1699
F Street	700	–	1699
G Street	700	–	1699
Imperial Ave	700	–	1799
Island Ave	700	–	1799
J Street	700	–	1799
K Street	700	–	1699
L Street	700	–	1599
Market Street	700	–	1799
Park Blvd	0	–	1799
Russ Blvd	1100	–	1699
National Ave	1300	–	1599
Newton Ave	1300	–	1599
16th Street S	0	–	1099 (Even numbers only)
13th Street S	0	–	99

A map depicting the District is attached to Resolution No. R- 304830 as Exhibit A and incorporated therein by reference.

Section 3. That the purpose of forming the District is to provide revenue to defray the costs of improvements and activities which will benefit businesses within the District, 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.

A list of the specific improvements and activities to be provided is attached to Resolution No. R- 304830 as Exhibit B and incorporated therein by reference. The improvements and activities will be funded by revenue generated through the levy of assessments.

Section 4. That all businesses operating within the proposed district will be assessed a share of the costs of the aforementioned improvements and activities according to the type of business and the benefit to be received as determined by the following:

A. Description of Categories of Benefit:

Category A: Businesses with 0 to 12 employees/units*

Category B: Businesses with 13 employees/units*

Category C: Businesses with 14 or more employees/units*

*Businesses includes Hotels, Motels, and Time Shares (units).

Exclusions: Taxi, Pedicab, and Limousine Companies/Contractors; Personal Service Booth Rentals; Non-profits; Apartment Buildings; and businesses in the Technology Incubator program located within the San Diego City College campus.

Businesses not specifically identified in Categories A, B, or C, shall be categorized by the City Treasurer upon application of a City Business Tax Certificate.

B. Summary of Assessments:

The assessment to be imposed for those District businesses by Category of Benefit are as follows:

Category A: \$250

Category B: \$350

Category C: \$350 + \$5 per 14th employee/unit* and above -not to exceed \$600

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 six hundred dollars (\$600) per annum.

Section 5. That new businesses in the proposed District will not be exempted from the assessment, unless otherwise expressly exempted herein.

Section 6. That the Council hereby finds that the businesses lying within the District will be benefited by the improvements and activities funded by the assessments to be levied.

Section 7. 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.*

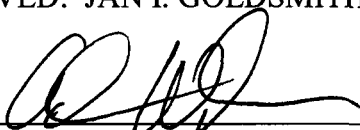
Section 8. That all of the assessments imposed pursuant to this ordinance be reviewed by the Council annually.

Section 9. 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 10. That this ordinance shall take effect and be in force on September 1, 2009, 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: JAN I. GOLDSMITH, City Attorney

By 
Adam R. Wander
Deputy City Attorney

ARW:mm
06/10/09
06/29/09 Rev. Copy
Or.Dept:CP&CI
O-2009-131
MMS#9496

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 7 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-22-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor