

RESOLUTION NUMBER R- 307698

DATE OF FINAL PASSAGE OCT 3 2012

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONSIDERING THE PROTESTS, APPROVING THE ENGINEER'S REPORT, CONFIRMING THE ASSESSMENTS, APPROVING THE MODIFICATION OF THE DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT BY INCLUDING THE COMMERCIAL MARKETING DISTRICT ZONE, AND ORDERING THE PROPOSED ACTIVITIES AND SERVICES IN THE COMMERCIAL MARKETING DISTRICT ZONE.

WHEREAS, the Property and Business Improvement District Law of 1994, California Streets and Highways Code §36600 *et seq.*, authorizes cities and counties to establish property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance; and

WHEREAS, the Downtown San Diego Partnership, Inc. (Partnership) is the Owner's Association, as defined by California Streets and Highways Code section 36614, for the Downtown Property and Business Improvement District (Downtown PBID); and

WHEREAS, pursuant to California Streets and Highways Code section 36636, the Partnership has requested that the City Council modify the activities to be funded by the Downtown PBID; and

WHEREAS, such modification consists of including an additional benefit zone, designated as the Commercial Marketing District Zone (CMD Zone), in which increased assessments will be levied upon certain commercial properties for the purpose of funding business attraction and retention, property marketing, street disorder and nuisance abatement, a

shuttle system, and parking improvements, which provide a special benefit to those properties within the CMD Zone; and

WHEREAS, Project Design Consultants has prepared an engineer's report to be added as an addendum to the Downtown PBID Engineer's Report and District Management Plan; and

WHEREAS, on July 30, 2012, the City Council adopted Resolution No. R- 307621 a resolution of intention which stated the proposed modification to the Downtown PBID and set a public hearing on the proposed modification for September 25, 2012 in the City Council Chambers of the City Administration Building, 202 C Street, San Diego, California pursuant to California Streets and Highways section 36636; and

WHEREAS, pursuant to Resolution No. R- 307698, the City Council approved the engineer's report submitted in connection with the proposed modification, the engineer's report on file in the Office of the City Clerk as Document No. RR- 307698 ;

NOW, THEREFORE,

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

1. That on July 30, 2012, the City Council adopted Resolution No. R- 307621, a resolution of intention which stated the proposed modification to the Downtown PBID and set a public hearing on the proposed modification for September 25, 2012 in the City Council Chambers of the City Administration Building, 202 C Street, San Diego, California, pursuant to California Streets and Highways section 36636
2. That the assessment ballots have been tabulated and it is determined that no majority protest exists.

3. That the Downtown Property and Business Improvement District (Downtown PBID) is hereby modified to include the Commercial Marketing District Zone (CMD Zone).

4. That the CMD Zone assessments will fund activities that provide a special benefit to those properties within the CMD Zone, including business attraction and retention, property marketing, street disorder and nuisance abatement, a shuttle system, and parking improvements.

5. The activities provided in the CMD Zone will be funded by the levy of assessments on properties within the CMD Zone.

6. That the CMD Zone assessment rate is \$0.035 per square foot on properties within the CMD Zone for a total annual assessment amount of approximately \$351,000.

7. That no bonds will be issued in connection with the CMD Zone.

8. That the boundaries of the CMD Zone are coterminous with the boundaries of Downtown PBID and include only parcels with building square feet of 50,000 square feet or more.

9. That the properties in the CMD Zone established by this resolution are subject to any amendments to Part 7 of Division 18 of the California Streets and Highways Code.

10. The adoption of this resolution hereby constitutes the levy of the assessments for all fiscal years that the CMD Zone is in existence.

11. That the annual budget for the Commercial Marketing District Zone for Fiscal Year 2013 is approved.

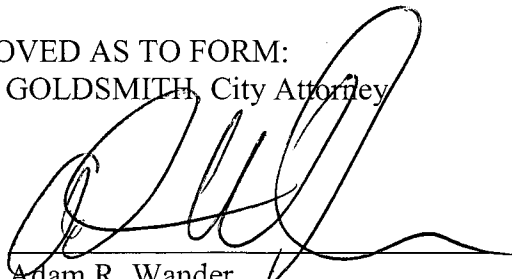
12. That the Chief Financial Officer is authorized to appropriate and expend the Commercial Marketing District Zone funds contingent upon the City Comptroller first certifying that the funds necessary for expenditure are or will be available.

13. That the Chief Financial Officer is authorized to appropriate and expend \$7,020 from the Downtown PBID Fund No. 200108 for CMD Zone administration for FY 2013 contingent upon the City Comptroller first certifying that the funds necessary for expenditure are or will be available.

14. That the Chief Financial Officer is authorized to manually bill and collect CMD Zone assessments for FY 2013 at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments.

APPROVED AS TO FORM:  
JAN I. GOLDSMITH, City Attorney

By



Adam R. Wander  
Deputy City Attorney

ARW:mm  
September 12, 2012  
September 28, 2012 Rev. Copy  
Or.Dept: Econ. Dev't  
Doc. No. 436949\_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~SEP 25 2012~~

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10.3.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor