

RESOLUTION NUMBER R- 309520

DATE OF FINAL PASSAGE FEB 25 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO RENEW THE DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AND COLLECT THE ASSOCIATED ASSESSMENT THROUGH JUNE 30, 2025; DIRECTING THE MAILING OF BALLOTS TO IDENTIFIED PROPERTY OWNERS; AND SETTING THE DATE AND TIME FOR A PUBLIC HEARING WITH RESPECT TO THIS MATTER.

WHEREAS, the Property and Business Improvement District Law of 1994, California Streets and Highways Code sections 36600-36671 (PBID Law), authorizes cities and counties to establish and renew property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance; and

WHEREAS, on February 22, 2000, the City Council adopted Resolution No. R-292797, establishing the San Diego Downtown Property and Business Improvement District (District) for a five-year term; and

WHEREAS, on June 14, 2005, the City Council adopted Resolution No. R-300533, renewing the District for a ten-year term; and

WHEREAS, on September 25, 2012, the City Council adopted Resolution No. R-307698, establishing the Commercial Marketing District Zone, a new zone within the District; and

WHEREAS, pursuant to PBID Law, the maximum number of years in which an assessment shall be levied is five years for a new district, and a maximum of ten years upon renewal; and

WHEREAS, the City has received a petition requesting the renewal of the District upon the expiration of the District as of June 30, 2015, for a period of ten years (Petition); and

WHEREAS, the Petition meets the requirements of the PBID Law, specifically California Streets and Highways Code section 36621(a), and is executed by property owners or authorized representatives of property owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied (weighted according to the proportional financial obligation of each affected property) in connection with the renewal of the District; and

WHEREAS, the Downtown San Diego Partnership, Inc. (Partnership) has ordered the preparation of a District Management Plan, which includes an Engineer's Report, for the renewal period, a copy of which is on file with the City Clerk as Document No. RR- 309520-1 and incorporated herein by reference (District Plan); and

WHEREAS, persons with questions regarding the proceedings identified in this Resolution may contact Elizabeth Studebaker, City of San Diego – Economic Development Department, 1200 Third Avenue, 14th Floor, San Diego, California 92101 or telephone (619) 533-4561; NOW, THEREFORE,

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

1. The Petition meets the requirements of the PBID Law, specifically California Streets and Highways Code section 36621(a), and is executed by property owners whose names appear on the last equalized assessment roll, or are otherwise known by the City Council to be the owner of land, as shown on records on file with the San Diego County Assessor's Office, a copy of which is on file with the City Clerk as Document No. RR- 309520-2 and incorporated herein by reference.

2. The City Council hereby declares its intent to renew the District through June 30, 2025 and to levy and collect assessments to pay a prescribed portion of the cost of future activities, improvements, maintenance and/or services of those items described in the District Plan, located within the boundaries of the District, in the City under the provisions of PBID Law, Article XIID, section 4 of the California Constitution, and California Government Code sections 53739, 53750, 53753, 53753.5, and 54954.6.

3. The City Council expresses its intention that the renewal documents for the District, to be considered by the City Council in the future, designate authority to the Mayor or designee to preclude the expenditure of all or any portion of District assessments during the pendency of any litigation that has been timely initiated to challenge the renewal of the District.

4. The proposed improvements, maintenance, and activities of the District can be generally described as activities and improvements which confer a benefit to assessed parcels and consisting of those items described in the District Plan. "Activities" means, but is not limited to, all of the following that benefit real property in the District: promotion of public events; furnishing of music in any public place; promotion of tourism within the District; marketing and economic development, including retail retention and recruitment; providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality; and other services provided for the purpose of conferring special benefit upon assessed real property located in the district. "Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following: parking facilities; benches, booths, kiosks, display cases, pedestrian shelters and signs; trash receptacles and public restrooms; lighting and heating facilities; decorations; parks; fountains; planting

areas; closing, opening, widening, or narrowing of existing streets; facilities or equipment, or both, to enhance security of persons and property within the area; ramps, sidewalks, plazas, and pedestrian malls; and rehabilitation or removal of existing structures.

5. The total amount of the proposed assessment for the District for Fiscal Year 2016 is \$7,400,335.38. The annual assessment for each parcel is based on benefit zone (location of parcel within District), parcel or building square footage, and linear street front footage using the following information:

Benefit Zone	Initial Year Square Footage Rate (\$/sqft/yr)	Initial Year Linear Front Footage Rate (\$/lin ft/yr)
Columbia	\$0.043 ¹	\$8.822
Core	\$0.047 ¹	\$9.915
Cortez	\$0.071 ¹	\$7.354
East Village	\$0.083 ¹	\$9.274
Gaslamp	\$0.237 ¹	\$30.854
Marina	\$0.078 ¹	\$11.037
Commercial Enhancement Program	\$0.035 ²	Not Assessed

¹Applied to the greater of either parcel square footage or building square footage

²Applied to building square footage

The assessment rates shall be subject to an increase of no more than five percent per year.

Reference is made to the District Plan for a more complete description of the District, the assessment, and funded activities.

6. The proposed assessment shall be levied on each property within the District.

7. No bonds will be issued in connection with the District.

8. The exterior boundaries of the proposed District are identified on the District Map, a copy of which is on file with the City Clerk as Document No. RR- 309520⁻³ and incorporated herein by reference.

9. PUBLIC HEARING

On May 11, 2015, at 2:00 PM, or as soon thereafter as it may be heard, in the City

Council Chambers of the City Administration Building, 202 C Street, 12th floor, San Diego, California, the City Council will hold a public hearing (Hearing) pursuant to California Government Code section 53753. At the Hearing, all persons will be permitted to present written or oral testimony regarding the District and the levy of the proposed assessment and the City Council will consider all objections or protests, if any, to the levy of the proposed assessment. The Hearing may be continued at the discretion of the City Council.

10. NOTICE

The City Clerk and City staff are directed to mail notice of the Hearing and assessment ballots to the properties identified in Appendix 9 of the District Plan. Such notice of the Hearing and assessment ballots shall be mailed at least forty-five (45) days before the date of the Hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized secured property tax assessment roll, all in the manner and form provided for in California Government Code sections 53750-53756.

11. BALLOT PROCEEDING

Ballots shall be issued, accepted, and tabulated in the manner set forth in PBID Law, Article XIID, section 4 of the California Constitution, California Government Code section 53753, and the Guidelines for the Return and Tabulation of Assessment Ballots, a copy of which is on file with the City Clerk as Document No. RR- 309520-4 and incorporated herein by reference. At the conclusion of the public Hearing, a person or persons designated by the City Clerk will tabulate ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. A majority protest exists if the ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the ballots submitted, and not withdrawn, in its favor. For purposes of calculating whether a majority protest exists, the ballot returned by a

property owner shall be weighted by the estimated assessment obligation of the property owner. The estimated assessment obligation applicable to each property owner will be calculated by applying the assessment rates set forth in this Resolution, discussed in further detail in the District Plan, and specifically identified Appendix 1 of the District Plan. If there is a majority protest against the imposition of the assessment, the City Council will not impose the assessment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Daphne Z. Skogen
Daphne Z. Skogen
Deputy City Attorney

DZS:dkr
02/09/2015
02/19/2015 COR. COPY
02/25/2015 REV.
Or.Dept: Econ. Dev.
Doc. No. 952294_3

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 2/24/2015

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 2/25/2015
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on FEB 24 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 25 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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