

(O-87-246)

ORDINANCE NUMBER O- 16918 (NEW SERIES)

ADOPTED ON AUG 03 1987

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE CITY HEIGHTS BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1979 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 1979, Section 36500 et seq. of the State of California Streets and Highways Code, herein called "said Law," this Council on June 29, 1987, adopted Resolution No. R- 268684, a resolution declaring an intention to form a parking and business improvement area known as "City Heights Business Improvement District," providing for the levy of an assessment and charge to be imposed therein, fixing the time and place for hearing and giving notice thereof; and

WHEREAS, said Resolution No. R- 268684 was duly published, and copies thereof were mailed, as provided by said Law; and

WHEREAS, as specified in said Resolution No. R- 268684, a hearing concerning the formation of said area was held before this Council on July 21, 1987, at the hour of 10:00 a.m. o'clock in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, at said hearing, 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 said Law; NOW, THEREFORE,

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

Section 1. Pursuant to said Law, a parking and business improvement area is hereby established, to be known as "City Heights Business Improvement District," herein called "District." The area to be included in the District includes the City Heights community area within the following address ranges:

<u>Street Name</u>	<u>Address Range</u>	<u>Business Improvement District Zone No.</u>
University Avenue	3300 - 4799	ZONE 1
33rd Street	3800 - 4099	ZONE 2
34th Street	3800 - 4099	ZONE 2
Swift Avenue	3800 - 4099	ZONE 2
35th Street	3800 - 4099	ZONE 2
Wilson Avenue	3800 - 4099	ZONE 2
36th Street	3800 - 4099	ZONE 2
Cherokee Avenue	3800 - 4099	ZONE 2
37th Street	3800 - 4099	ZONE 2
38th Street	3800 - 4099	ZONE 2
39th Street	3800 - 4099	ZONE 2
40th Street	3800 - 4099	ZONE 2
Central Avenue	3800 - 4099	ZONE 2
41st Street	3800 - 4099	ZONE 2
Marlborough Avenue	3800 - 4099	ZONE 2
42nd Street	3800 - 4099	ZONE 2
Van Dyke Avenue	3800 - 4099	ZONE 2
43rd Street	3800 - 4099	ZONE 2
Fairmount Avenue	3800 - 4099	ZONE 2
44th Street	3800 - 4099	ZONE 2
Highland Avenue	3800 - 4099	ZONE 2
45th Street	3800 - 4099	ZONE 2
Chamoune Avenue	3800 - 4099	ZONE 2
46th Street	3800 - 4099	ZONE 2
Menlo Avenue	3800 - 4099	ZONE 2
47th Street	3800 - 4099	ZONE 2
Euclid Avenue	3800 - 4099	ZONE 2
48th Street	3800 - 4099	ZONE 2

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

Section 2. The purpose of forming the aforementioned District is to provide revenue to defray the cost of 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.

The specific services and programs to be provided are those listed in Exhibit A, 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 charges to be levied will be put.

Section 3. All businesses operating in the above-described area will be charged a share of the costs of the aforementioned services and programs according to the type of business and the benefit to be received as determined by the following:

A. Description of the District Zones:

- 1. ZONE 1 is University Avenue from 33rd Street to 48th Street. Businesses in this area will receive the greatest benefit from the promotional activities of the District.

2. ZONE 2 is the commercial side streets one block north and one block south of University Avenue from 33rd Street to 48th Street. It is anticipated that businesses in this Zone will still receive a benefit, but not of the same magnitude as those directly on University Avenue.

B. Description of the District Categories of Benefit:

1. CATEGORY A includes those businesses which will benefit most significantly from the increased awareness of University Avenue as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the promotional activities of the District. The Category includes but is not limited to:

- Antique Dealers
- Arcades
- Auto Dealers
- Auto Repair
- Banks and Savings Institutions
- Bars and Taverns
- Dance Schools
- Exercise Studios
- Galleries
- Gasoline Stations
- Grocery Stores
- Health Clubs
- Hotels and Motels
- Pawn Shops
- Restaurants
- Retail Stores
- Theatres

2. CATEGORY B includes those businesses which interact with the public to a lesser extent than CATEGORY A, but these businesses will benefit from the increased awareness of University Avenue as a place to do business and from an increase in foot and automobile

traffic expected to be the end-product of the promotional activities of the District. The Category includes but is not limited to:

- Accountants/Secretarial Services
- Advertising Agencies
- Apartments of Six or More Units
- Architects
- Attorneys
- Business Management Firms
- Dentists
- Designers
- Dispensing Opticians
- Engineers
- Film and Video Production Companies
- General Contractors
- Hair Salons and Barbers
- Hospitals/Medical Services/Health Services
- Interior Decorators
- Investigative Services
- Investment Companies
- Laboratories
- Medical Doctors
- Mortuaries/Funeral Homes
- Nonprofit Organizations
- Nursery Schools
- Optometrists
- Pet Grooming
- Photography Studios
- Psychologists
- Real Estate Offices
- Security Services
- Social Workers
- Storage Facilities
- Utility Companies
- Wholesale Manufacturing/Distributors

3. Businesses not specifically identified in CATEGORIES A or B shall be categorized by the City Treasurer upon application for a City general business license.

C. The charges to be imposed for those District businesses by Zone and Category of Benefit are as follows:

	<u>CATEGORY A</u>	<u>CATEGORY B</u>
ZONE 1	\$70.00	\$50.00
ZONE 2	\$60.00	\$40.00

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 license. For those businesses licensed for other than an annual license period, the City Treasurer shall determine the charge to be levied upon issuance of the City business license.

The total charge collected from any business under the provisions of the ordinance shall not exceed \$70.00 per annum.

The City will advance an amount not to exceed \$6,500.00 from the General Fund Unallocated Reserve which will be reimbursed when the District is established.

Section 4. That the Council hereby finds and determines that the public convenience and necessity require the establishment of the area hereinbefore described 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 5. That all protest, both written and oral, are overruled and denied and the Council finds that there is not majority protest within the meaning of Section 36523 of said 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 1979, Section 36500 et seq. of the State of California
Streets and Highways Code.

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

Section 8. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage, and no business licenses for commercial activities inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

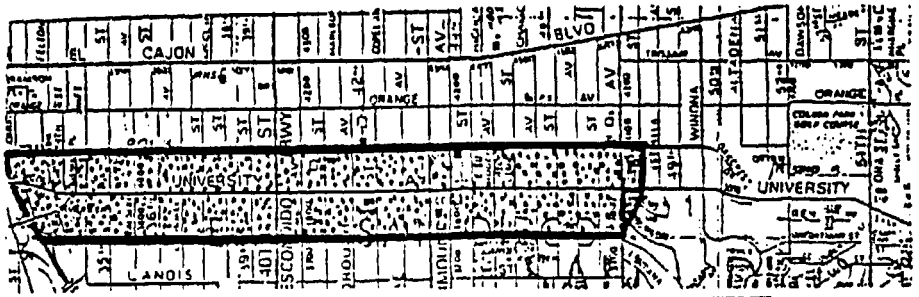
APPROVED: John W. Witt, City Attorney

By 
Janis Sammartino Gardner
Deputy City Attorney

JSG:ta
06/10/87
Or.Dept:Prop.
O-87-246
Form=o.none

CITY HEIGHTS
33RD STREET TO 48TH STREET
BUSINESS IMPROVEMENT DISTRICT

BOUNDARIES



ESTIMATED NUMBER OF BUSINESS TAX HOLDERS

Commercial	471
Residential (6 + units)	220
Total	<u>691</u>

ASSESSMENT RATES

	<u>Category A</u>	<u>Category B</u>
Zone 1	\$70	\$55
Zone 2	55	40

BUDGET (First Year Estimated)

Operating Expenses	
Personnel	\$ 9,500
Non-Personnel	3,200
Promotional Expenses	25,800
Total Expenses	<u>\$38,500</u>

SERVICES AND PROGRAMS

Advertising and Promotion, newsletter to BID members, holiday decorations, business development.

OPERATING ENTITY

City Heights Business Association

Passed and adopted by the Council of The City of San Diego on
by the following vote:

AUG 03 1987

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 21 1987

AUG 03 1987

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16918** Adopted **AUG 03 1987**