

(O-90-144)

ORDINANCE NUMBER O- 17458 (NEW SERIES)  
ADOPTED ON APR 16 1990

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE LA JOLLA 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, under and pursuant to the provisions of the Parking and Business Improvement Area Law of 1989, Section 36500 et seq. of the State of California Streets and Highways Code, herein called "said Law," this Council on FEB 26 1990, adopted Resolution No. R-275211, a resolution declaring an intention to form a parking and business improvement area know as "La Jolla 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-275211 was duly published, and copies thereof were mailed, as provided by said Law; and

WHEREAS, as specified in said Resolution No. R-275211, a hearing concerning the formation of said area was held before this Council on April 3, 1990, 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 36525 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 "La Jolla Business Improvement District," herein called "District." The area to be included in the District includes the La Jolla community area within the following street address ranges:

<u>Street Name</u>	<u>Address Range</u>	<u>Business Improvement District Zone No.</u>
Cave Street	1216 - 1315	ZONE 1
Coast Blvd.	100 - 1327	ZONE 1
Fay Avenue	7761 - 7855	ZONE 1
Girard Avenue	7600 - 8040	ZONE 1
Prospect Place	7982	ZONE 1
Prospect Street	200 - 1445	ZONE 1
Bishops Lane	7730 - 7748	ZONE 2
Fay Avenue	7500 - 7760	ZONE 2
Girard Avenue	7400 - 7599	ZONE 2
Herschel Avenue	730 - 7966	ZONE 2
Ivanhoe Avenue	1910 - 7979	ZONE 2
Kline Street	709 - 1135	ZONE 2
La Jolla Blvd.	7345 - 7607	ZONE 2
Pearl Street	410 - 1014	ZONE 2
Roslyn Lane	1200 - 1299	ZONE 2
Silver Street	705 - 747	ZONE 2
Silverado Street	715 - 1296	ZONE 2
Torrey Pines Road	1000 - 1199	ZONE 2
Wall Street	1006 - 1140	ZONE 2

A map detailing 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 improvements and activities as defined respectively in Sections 36510 and 36513 including but not limited to:

- 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. Activities which benefit businesses located and operating in the area.

Section 3. All businesses operating in the district will be assessed annually 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 the District zones:
  - 1. ZONE 1 is along Prospect Street and Coastal Boulevard south, and portion of Fay Avenue and Girard Avenue. Businesses in this area will receive the greatest benefit from the activities of the District.
  - 2. ZONE 2 is the surrounding area including Silverado Street, Ivanhoe Avenue, Herschel Avenue,

Torrey Pines Road, Wall Street, Pearl Street, Kline Street, Silver Street and La Jolla Boulevard. It is anticipated that businesses in this Zone will still receive a benefit, but not of the same magnitude as those in the core area of the District.

B. Description of the District categories of benefit:

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

- Restaurants
- Grocery stores
- Bakeries/Food stores
- Liquor stores
- Drugstores
- Gasoline stations
- General clothing stores
- Specialty/Variety/Retail
- Hardware/Garden supplies
- Other Retail
- Optical Sales

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 La Jolla as a place to do business and from an increase in foot and automobile traffic expected to be the end-product of the activities of the District. The Category includes but is not limited to:

Building/Paint supplies  
 Photo studios  
 Auto rentals  
 Video equipment and rentals  
 Real estate offices  
 Taxi/Limo services  
 Printing/Publishing  
 Furniture/Appliance sales  
 Television/Music/Radio/Audio sales

3. CATEGORY C includes those businesses which interact with the public to a lesser extent than CATEGORIES A or B, and are predominantly service related. The Category includes but is not limited to:

Auto services and repairs  
 Carpet/Janitorial services  
 Accounting/Tax services  
 Beauty/Barber  
 Amusement/Recreation  
 Movie theaters  
 Advertising  
 Other Business services  
 Parking lots  
 Fitness facilities  
 Misc. Personal services  
 Laundry/Cleaners

4. Businesses not specifically identified in CATEGORIES A, B, or C shall be categorized by the City Treasurer based on the appropriate PBAC upon the application from the City business tax certificate.

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

	<u>CATEGORY A</u>	<u>CATEGORY B</u>	<u>CATEGORY C</u>
ZONE 1	\$350	\$300	\$35
ZONE 2	\$300	\$250	\$35

The above-described assessment is an annual charge on all businesses including those new to the area 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. The total assessment collected from any business under the provisions of the ordinance shall not exceed \$350 per annum.

1) The improvements and activities to be provided in the area will be funded by the levy of the assessments. The levy of assessments from within the area shall not be used to provide improvements or activities outside the area.

Section 4. That the Council hereby finds and determines that the public convenience and necessity require the establishment of the area herein before described and that all of the businesses to be assessed and within the boundaries of area will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.

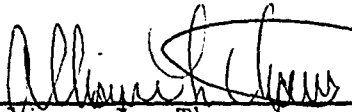
Section 5. That all protests, both written and oral, are overruled and denied and the Council finds that there is not majority protest within the meaning of Section 36523 of said Law.

Section 6. That all of the businesses (not otherwise exempted in Section 3.B.4) 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, Section 36500 et seq. of the State of California Streets and Highways Code.

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

Section 8. This ordinance shall take effect and be in full force seven (7) days after the City Treasurer certifies in writing to the City Clerk that all procedures and paperwork necessary to carry out the provisions of this ordinance are completed, but in no event prior to thirty (30) days from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
\_\_\_\_\_  
Alfisyn L. Thomas  
Deputy City Attorney

ALT:pev  
02/06/90  
Or.Dept:Prop.  
O-90-144  
Form=o.none

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Passed and adopted by the Council of The City of San Diego on .....  
by the following vote: APR 16 1990

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Charles G. Abdelnour*, 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

APR 03 1990

APR 16 1990

, 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance  
Number .....

0-17458

Adopted.....

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