

(O-97-33)

ORDINANCE NUMBER O- 18374 (NEW SERIES)

ADOPTED ON JAN 13 1997

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE LITTLE ITALY 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, codified as California Streets and Highways Code section 36500 et seq. (the "Law"), this Council on OCT 22 1996, adopted Resolution No. R- 287950 declaring an intention to form a parking and business improvement area to be known as the "Little Italy Business Improvement District," providing for the levy of an assessment and charge to be imposed herein, fixing the time and place for hearing and giving notice thereof; and

WHEREAS, Resolution No. R- 287950 was duly published, and copies thereof were mailed, as provided by the law; and

WHEREAS, as specified in Resolution No. R- 287950, two hearings concerning the formation of the area were held before this Council in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California, 92101; and

WHEREAS, at the hearings, 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 the Law; NOW, THEREFORE,

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

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

**STREET NAME                      RANGE OF ADDRESSES BY ZONE**

**Zone #1**

California Street	1400 - 2500	
Columbia Street	1300 - 2500	
Front Street	1300 - 1700	
Harbor Drive	1400 - 2500	
India Street	1300 - 2500	
Kettner Boulevard	1320 - 2500	
Pacific Highway	1400 - 2500	
State Street	1300 - 2200	
Union Street	1300 - 1800	
A Street	0200W - 1200W	Even Numbers Only
Ash Street	0200W - 1200W	
Beech Street	0200W - 1200W	
Cedar Street	0200W - 1200W	
Date Street	0200W - 1200W	
Elm Street	0200W - 1200W	
Fir Street	0400W - 1200W	
Grape Street	0500W - 1200W	
Hawthorne Street	0600W - 1200W	
Ivy street	0700W - 1200W	
Juniper Street	0700W - 1200W	
Kalmia Street	0800W - 1200W	
Laurel Street	0600W - 1300W	Odd Numbers Only

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 as a parking and business improvement area under the aforementioned Business and Improvement Area Law is to provide

revenue to defray the costs of services and programs which will benefit businesses in the area, 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.

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 assessments to be levied will be put.

**Section 3.** All businesses operating in the above-described area will be assessed 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 District Zones:**

- 1. Zone #1: The entire business improvement district is considered to be in one zone. In general, the District is bounded by Front Street/Interstate 5 on the east, A Street on the south, Laurel Street on the north, and Harbor Drive on the west. (See Range of Addresses by Zone above).

**B. Description of Categories of Benefit:**

1. Category A: Includes those manufacturers with 1,000 or more employees.
2. Category B: Includes banks, financial institutions, major theaters, major utilities, hotels and resorts with 100 or more rooms.
3. Category C: Includes those retail oriented businesses which will gain the most direct benefit from increased commercial activity and hotels and motels with 99 rooms or less.
4. Category D: Includes other retail businesses and services that are expected to derive indirect benefit from the establishment of the business improvement district.
5. Category E: Includes those businesses which provide professional services.
6. Category F: Includes manufacturers with fewer than 1,000 employees, wholesale and construction businesses and non-profit organizations.
7. Exclusions: Those business that are exempt from assessments. These include: independent beauticians renting a booth, and home based businesses.
8. For the purposes of this ordinance a "retailer" shall be deemed as any business which remits sales tax to the State of California Board of Equalization on a regular basis. Businesses not specifically identified in Categories A, B, C, D, E, and F shall be categorized by the City Treasurer upon application of a City Business Tax Certificate.

**C. Summary of Assessments:**

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

**Zone #1**

Category A	\$5,000.00
Category B	600.00
Category C	300.00
Category D	200.00
Category E	100.00
Category F	80.00

The above described 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 FIVE THOUSAND DOLLARS (\$5,000) per annum.

The City may advance an amount not to exceed TEN THOUSAND DOLLARS (\$10,000) which will be reimbursed within twenty-four (24) months of the establishment of the district.

**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 lying within the area will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.

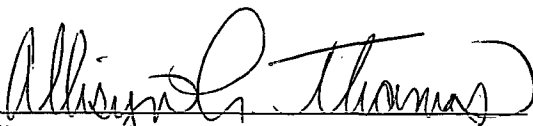
**Section 5.** That all protests, both written and oral, are overruled and denied and the Council finds that there is not a majority protest within the meaning of Section 36523 of the Law.

**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 1989, codified as California Streets and Highways Code section 36500 et seq.

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

**Section 8.** That this ordinance shall take effect and be in force on February 1, 1997, 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: JOHN W. WITT, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

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Or.Dept:Comm.&Eco.Dev.  
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Categories for Little Italy BID	# of Licenses	Assessment	Annual Yield
A: Manufacturing 1000+ employees.	1	\$5,000	\$5,000
B: Banks, financial institutions, major theaters, major utilities, hotels and resorts with 100+ rooms	3	\$600	\$1,800
C: Retail oriented, hotels and motels with 99 or less rooms.	43	\$300	\$12,900
D: Other retail and services.	104	\$200	\$20,800
E: Professional services.	243	\$100	\$24,300
F: Manufacturing, wholesale, construction and non-profits	56	\$80	\$4,960
<b>TOTALS</b>	<b>450</b>	<b>N/A</b>	<b>\$69,760</b>

**1996 - 1997 Budget for Little Italy BID**

INCOME		EXPENSES	
BID Assessments	\$69,760	Special Events	\$19,000
CDBG Banner Grant	\$20,000	Marketing	\$35,000
SBEP Grant	\$15,000	Administration	\$48,700
Special Events	\$5,000	10% Reserve	\$7,060
<b>TOTAL</b>	<b>\$109,760</b>	<b>TOTALS</b>	<b>\$109,760</b>