

ORDINANCE NUMBER O- 17248 (NEW SERIES)

ADOPTED ON FEB 21 1989

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE OCEAN BEACH 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 November 21, 1988, adopted Resolution No. R-272372, a resolution declaring an intention to form a parking and business improvement area known as "Ocean Beach 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-272372 was duly published, and copies thereof were mailed, as provided by said Law; and

WHEREAS, as specified in said Resolution No. R-272372, a hearing concerning the formation of said area was held before this Council on January 17, 1989, 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 "Ocean Beach Business Improvement District," herein called "District." The area to be included in the District includes the Ocean Beach community area within the following address ranges:

| <u>Street Name</u> | <u>Address Range</u> | <u>Business Improvement District Zone No.</u> |
|---------------------|----------------------|---|
| Newport Avenue | 4800 - 5099 | ZONE 1 |
| Narragansett Avenue | 4783 - 4819 (odd) | ZONE 2 |
| Niagara Avenue | 4781 - 4825 (odd) | ZONE 2 |
| Niagara Avenue | 4975 - 5099 (odd) | ZONE 2 |
| Niagara Avenue | 4796 - 5098 (even) | ZONE 2 |
| Santa Monica Avenue | 4800 - 5099 | ZONE 2 |
| Sunset Cliffs Blvd. | 1769 - 1976 | ZONE 2 |
| Cable Street | 1850 - 1976 | ZONE 2 |
| Bacon Street | 1821 - 1976 | ZONE 2 |
| Abbott Street | 1901 - 1969 (odd) | 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 all businesses on Newport Avenue. Businesses in this area will receive the greatest benefit from the promotional activities of the District.

2. ZONE 2 is remaining street designations. It is anticipated that businesses in this Zone will receive a benefit, but not of the same magnitude as those directly on Newport 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 Ocean Beach 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
- Coin Operated Laundry
- Dance Schools
- Exercise Studios
- Galleries
- Gasoline Stations
- Grocery Stores
- Health Clubs
- Hotels and Motels
- Other Laundry
- 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 Ocean Beach 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
- 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
 Printing
 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 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> |
|--------|-------------------|-------------------|
| ZONE 1 | \$90.00 | \$70.00 |
| ZONE 2 | \$65.00 | \$55.00 |

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 general business tax. 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 \$90.00 per annum.

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 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.

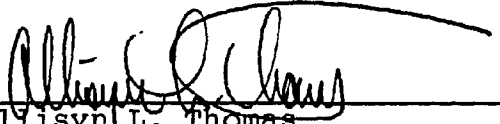
Section 6. That all of the businesses in the area established by this ordinance shall be subject to any amendments to the provisions of the Parking and Business Improvement Area Law of 1979, Section 36500 et seq. of the State of California Streets and Highways Code.

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 tax certificates 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 
Allisyn L. Thomas
Deputy City Attorney

ALT:wk
12/22/88
01/31/89 REV. 1
Or.Dept:Prop.
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FEB 21 1989

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

| 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <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"/> |
| Ed Struiksmma | <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 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 *Ellen Board*, 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

FEB 6 1989, and on FEB 21 1989

~~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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17248 Adopted FEB 21 1989

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