

RESOLUTION NUMBER R- 311153

DATE OF FINAL PASSAGE MAY 30 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO FORM THE NORTH PARK PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AND COLLECT THE ASSOCIATED ASSESSMENT THROUGH DECEMBER 31, 2022; 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 the City to establish a property and business improvement district for the purpose of conferring special benefits, beyond what the City traditionally provides, upon the real property within the district; and

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

WHEREAS, the City received a petition (Petition) requesting the formation of a new district, the North Park Property and Business Improvement District (District), for a five-year term beginning on January 1, 2018 and ending on December 31, 2022; 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 formation of the District; and

WHEREAS, North Park Organization of Businesses, Inc. has ordered the preparation of a District Management Plan, which includes an Engineer's Report, for the District formation, a copy of which is on file with the City Clerk as Document No. RR- 311153-1 (District Plan) and is incorporated fully into this Resolution by this reference; 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- 311153-2 and is incorporated fully into this Resolution by this reference.

2. The City Council declares its intent to form the District for a five-year term starting on January 1, 2018 and ending on December 31, 2022, and to levy and collect assessments for the purpose of conferring special benefit on real property in the District as described in the District Plan, and in accordance with 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 formation 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" includes, but is not limited to, all of the following that benefit real property in the District: promotion of public events; promotion of tourism within the District; marketing and economic development, including retail retention and recruitment; providing 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: benches, booths, kiosks, display cases, pedestrian shelters and signs; trash receptacles and public restrooms; lighting and heating facilities; decorations; parks; fountains; and planting areas.

5. The total amount of the proposed assessment for the District's initial year (2018) is \$308,899.46. The annual assessment for each parcel is based on the following variables: above-ground building size, parcel size, tax status, and use. Building square footage that is below ground will not be assessed. The annual cost to commercial parcels is \$0.08 per parcel square foot, plus \$0.11 per above-ground building square foot. The annual cost to private tax-exempt parcels is \$0.05 per parcel square foot, plus \$0.07 per above-ground building square foot. Based on the benefit received, residential condominiums will be assessed a fixed rate of \$180.00 per condominium per year. Commercial condominiums will be assessed the commercial

parcel rate as further described in Section VI of the District Plan. Parcels that are used exclusively for single-family purposes with four units or fewer will not be assessed. Assessment rates may be subject to an increase of no more than five (5%) 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 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- 311153-3 and is incorporated fully into this Resolution by this reference.

9. PUBLIC HEARING

On July 11, 2017, at 10:00 AM, 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 proposed 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, or cause to be mailed, notice of the Hearing and assessment ballots to the properties identified in Appendix 2 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

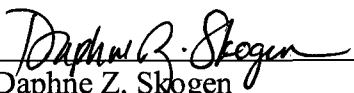
and addresses appear on the last equalized secured property tax assessment roll, all in the manner and form provided for in California Government Code sections 53750-53756.

11. BALLOT PROCEEDING

Ballots shall be issued, accepted, unsealed, 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- 311153-4. At the conclusion of the 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 Section VI(B) 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: MARA W. ELLIOTT, City Attorney

By 
Daphne Z. Skogen
Deputy City Attorney

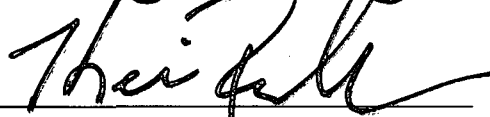
DZS:dkr
05/09/2017
05/19/2017 COR. COPY
Or.Dept: Econ. Dev.
Doc. No. 1501089_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 23 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/30/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAY 23 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 30 2017

(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 *My Brady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311153