

ORDINANCE NUMBER O-\_\_\_\_O-19780\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_SEP 11 2008\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING ORDINANCE O-16841 TO  
MODIFY THE NORTH PARK BUSINESS IMPROVEMENT  
DISTRICT BY CHANGING THE BASIS OF ASSESSMENT  
AND EXPANDING THE BOUNDARIES OF THE BUSINESS  
IMPROVEMENT DISTRICT; AND TO LEVY AND  
COLLECT ASSESSMENTS THEREFORE.

WHEREAS, on July 29, 1985, the Council of the City of San Diego [Council] adopted Ordinance O-16841 which formed a parking and business improvement area known as “North Park Business Improvement District” [District] pursuant to the Parking and Business Improvement Area Law of 1979 (Streets and Highways Code Section 36500, *et seq.*) [Law]; and

WHEREAS, in January 2008, pursuant to Council Policy 900-17, City staff received notice that the District advisory board was in support of modifying the basis of assessment; and

WHEREAS, in February 2008, pursuant to Council Policy 900-17, City staff received petitions and verified that at least 20% of eligible businesses were in support of expanding the District with the modified basis of assessment; and

WHEREAS, City staff conducted mailed ballot procedures and determined that a majority of those responding businesses, when measured both numerically and when weighted by the amount of the proposed assessment, support the modifications to the District pursuant to Council Policy 900-17; and

WHEREAS, on May 27, 2008, Council adopted Resolution R- 303778 which declared its intent to: 1) modify the North Park Business Improvement District by changing the basis of

assessment and expanding the boundaries of the District; 2) levy fiscal year 2009 assessments; 3) modify the District's FY2009 Budget Report; and 4) set public hearings therefore; and

WHEREAS, said Resolution No. R-303778 was duly published, and copies thereof were mailed, as provided by said Law; and

WHEREAS, pursuant to said Law, and as specified in said Resolution No. R-303778, a public meeting to permit testimony in support of or in opposition to the modification of the basis of assessment and the boundaries of the District was held before Council on June 24, 2008 at the hour of 10:00 a.m. in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, pursuant to said Law, and as specified in said Resolution No. R-303778, a public hearing to permit testimony in support of or in opposition to the modification of the basis of assessment and the boundaries of the District was held before Council on July 28, 2008 at the hour of 2:00 p.m. in the Council Chambers in the City Administration Building, 202 C Street, San Diego, California 92101; and

WHEREAS, at said meeting and hearing, all protests, both written and oral, made or filed, were considered and duly overruled and denied and Council determined that there was no majority protest within the meaning of Sections 36524 and 36525 of said Law; NOW, THEREFORE,

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

Section 1. Pursuant to the Parking and Business Improvement Area Law of 1979 (Streets and Highways Code section 36500, *et seq.*) [Law], the basis of assessment is modified and the

boundaries of the District are expanded to include the North Park community area within the following address ranges:

**BUSINESS IMPROVEMENT DISTRICT**

<u>Street Name</u>	<u>Address Range</u>
University Avenue	2004 – 3299
30 <sup>th</sup> Street	3300 – 4199
Utah Street	3800 – 3999
Granada Street	3800 – 3899
Kansas Street	3900 – 3999
29 <sup>th</sup> Street	3800 – 3899
Ray Street	3800 – 3899
Ohio Street	3900 – 3999
Grim Street	3800 – 3899
Illinois Street	3900 – 3999
31 <sup>st</sup> Street	3800 – 3899
Iowa Street	3900 – 3999
Herman Street	3800 – 3899
32 <sup>nd</sup> Street	3800 – 3999
Bancroft Street	3800 – 3999
Boundary Street	3800 – 3999
North Park Way	2850 – 3299
Lincoln Avenue	2750 – 3299
Upas Street	2900 – 3049
Dwight Street	2900 – 3099
Polk Avenue	2900 – 3099

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

Section 2. That the general types of improvements and activities to be funded by the annual levy of assessments which benefit businesses in the District are: 1) the acquisition, construction, installation or maintenance of any tangible property, including but not limited to parking facilities, benches, trash receptacles, street lighting, decorations, parks, fountains; 2) promotion of public events which benefit businesses in the area and which take place on or in public places within the area; 3) furnishing of music in any public place in the area; 4) promotion of tourism in the area; and 5) and the general promotion of business activities in the area. Specific services and programs are listed in the North Park Business Improvement District Revised FY09 Budget Report attached hereto as Exhibit B, in addition to any programs as approved by City Council from time to time.

Section 3. That the proposed assessments to all businesses in the District will be based on the number of employees per business, and zones will no longer exist in the District; that the categories of benefit are:

CATEGORY A includes those businesses with 0 to 2 employees.

CATEGORY B includes those businesses with 3 to 12 employees.

CATEGORY C includes those businesses with 13 to 25 employees.

CATEGORY D includes those businesses with 26 or more employees.

Section 4. That the assessments to be imposed for those District businesses by category of benefit are as follows:

CATEGORY A	\$125.00
CATEGORY B	\$150.00
CATEGORY C	\$250.00
CATEGORY D	\$500.00

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 tax (license). For those businesses registered (licensed) for other than an annual period, the City Treasurer shall determine the charge to be levied upon issuance of the City business tax certificate (license). The total charge collected from any business under the provisions of the ordinance shall not exceed \$500 per annum.

Section 5. That the proposed businesses exempt from the assessment will be: 1) Home Based Businesses; 2) Salon Booth Rentals; 3) Hotels and Motels; and 4) Apartment Buildings.

Section 6. That new businesses in the proposed District will not be exempted from the assessment, unless otherwise expressly exempted herein.

Section 7. That the Council hereby finds and determines that the public convenience and necessity require the establishment of the area described herein 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 8. That all protests, both written and oral, are overruled and denied and the Council finds that there is no majority protest within the meaning of Sections 36524 and 36525 of said Law.

Section 9. 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 10. That all of the charges imposed pursuant to this ordinance be reviewed by Council annually.

Section 11. That this ordinance shall take effect and be in force on November 1, 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Kimberly K. Kaelin  
Deputy City Attorney

KKK:bas:nda  
06/25/08  
07/22/08Cor.Copy  
Or.Dept: CP&CI  
O-2008-155  
MMS #6276

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor