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4/5/09  
Beth  
Murray  
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RESOLUTION NUMBER R- 304930

DATE OF FINAL PASSAGE APR 29 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO ESTABLISH THE EAST VILLAGE BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989.

WHEREAS, the Council of the City of San Diego desires to form a parking and business improvement area to be known as the "East Village Business Improvement District" pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code section 36500 *et seq.*) in accordance with the wishes of the many businesses in the area; NOW, THEREFORE,

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

1. The Council hereby declares its intention to form a parking and business improvement area to be known as the "East Village Business Improvement District" pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code section 36500 *et seq.*).
2. The area to be included in the proposed district includes the East Village business community area within the following address ranges:

**STREET NAME AND RANGE OF ADDRESSES**

<u>Street Name</u>	<u>Range</u>
Tony Gwynn Drive	0 - 299 (odd numbers only)
7th Ave	300 - 899
8th Ave	400 - 899
9th Ave	400 - 899

10th Ave	200	-	899
11th Ave	0	-	1399
12th Ave	0	-	1399
13th Ave	0	-	1099
14th Ave	0	-	1099
15th Ave	0	-	1099
16th Ave	0	-	1299
17th Ave	0	-	1299
A Street	1000	-	1199
B Street	1000	-	1699
Broadway	1000	-	1699
C Street	1000	-	1699
Commercial Street	1200	-	1799
E Street	1000	-	1699
F Street	700	-	1699
G Street	700	-	1699
Imperial Ave	700	-	1799
Island Ave	700	-	1799
J Street	700	-	1799
K Street	700	-	1699
L Street	700	-	1599
Market Street	700	-	1799
Park Blvd	0	-	1799
Russ Blvd	1100	-	1699
National Ave	1300	-	1599
Newton Ave	1300	-	1599
16th Street S	0	-	1099 (Even numbers only)
13th Street S	0	-	99

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

3. The purpose of forming the proposed district 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.

A list of the specific services and programs to be provided is attached hereto as Exhibit B and incorporated herein by this reference. Those services and programs listed in Exhibit B will be funded by revenue generated through the levy of assessments.

4. 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 Categories of Benefit:**

Category A: Businesses with 0 to 12 employees/units\*

Category B: Businesses with 13 employees/units\*

Category C: Businesses with 14 or more employees/units\*

\*Businesses include Hotels, Motels, and Time Shares (units).

Exclusions: Taxi, Pedicab, and Limousine Companies/Contractors; Personal Service Booth; Rentals; Non-profits; and Apartment Buildings.

Businesses not specifically identified in Categories A, B, or C, shall be categorized by the City Treasurer upon application of a City Business Tax Certificate.

**B. Summary of Assessments:**

The assessments to be imposed on those businesses within the proposed district by Category of Benefit are as follows:

Category A: \$250

Category B: \$350

Category C: \$350 + \$5 per 14th employee/unit\* and above -not to exceed \$600

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 six hundred dollars (\$600) per annum.

New businesses in the proposed district will not be exempted from the assessment, unless otherwise expressly exempted herein.

5. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities within the proposed district.

6. Notice is hereby given, that May 26, 2009 at 10:00 a.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when the City Council shall conduct a public meeting to allow public testimony regarding the proposed district and the levy of assessments, including but not limited to, views for or against the establishment of the proposed district, the extent of the proposed district, or the furnishing of specified types of improvements or activities.


7. Notice is hereby given, that June 23, 2009 at 10:00 a.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when the City Council shall conduct a public hearing on the establishment of the proposed district and the levy of assessments where any and all interested persons having any desire to be heard may appear and state their views for or against the establishment of the proposed district, the extent of the proposed district, or the furnishing of specified types of improvements or activities, pursuant to California Streets and Highways Code section 36524.

8. If protests are made at the public hearing against the establishment of the proposed district by owners of businesses which will pay 50 percent or more of the assessments proposed to be levied, no further proceedings to create the proposed district shall be taken for a period of one year from the date of the finding of majority protest.

If the majority protest is only against the furnishing of a specified type or types of improvement or activity, those improvements or activities shall be eliminated.

9. The City Clerk is hereby directed to give notice of the public meeting and the public hearing by both publication and mailing pursuant to sections 36523 and 36523.5 of the California Streets and Highways Code and section 54954.6 of the California Government Code.

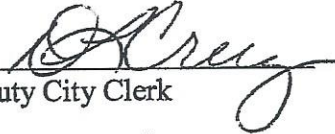
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Adam R. Wander  
Deputy City Attorney

ARW:pev  
04/14/09  
Or.Dept:CP&CI  
R-2009-1055

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 27 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-29-09  
(date)

  
JERRY SANDERS, Mayor

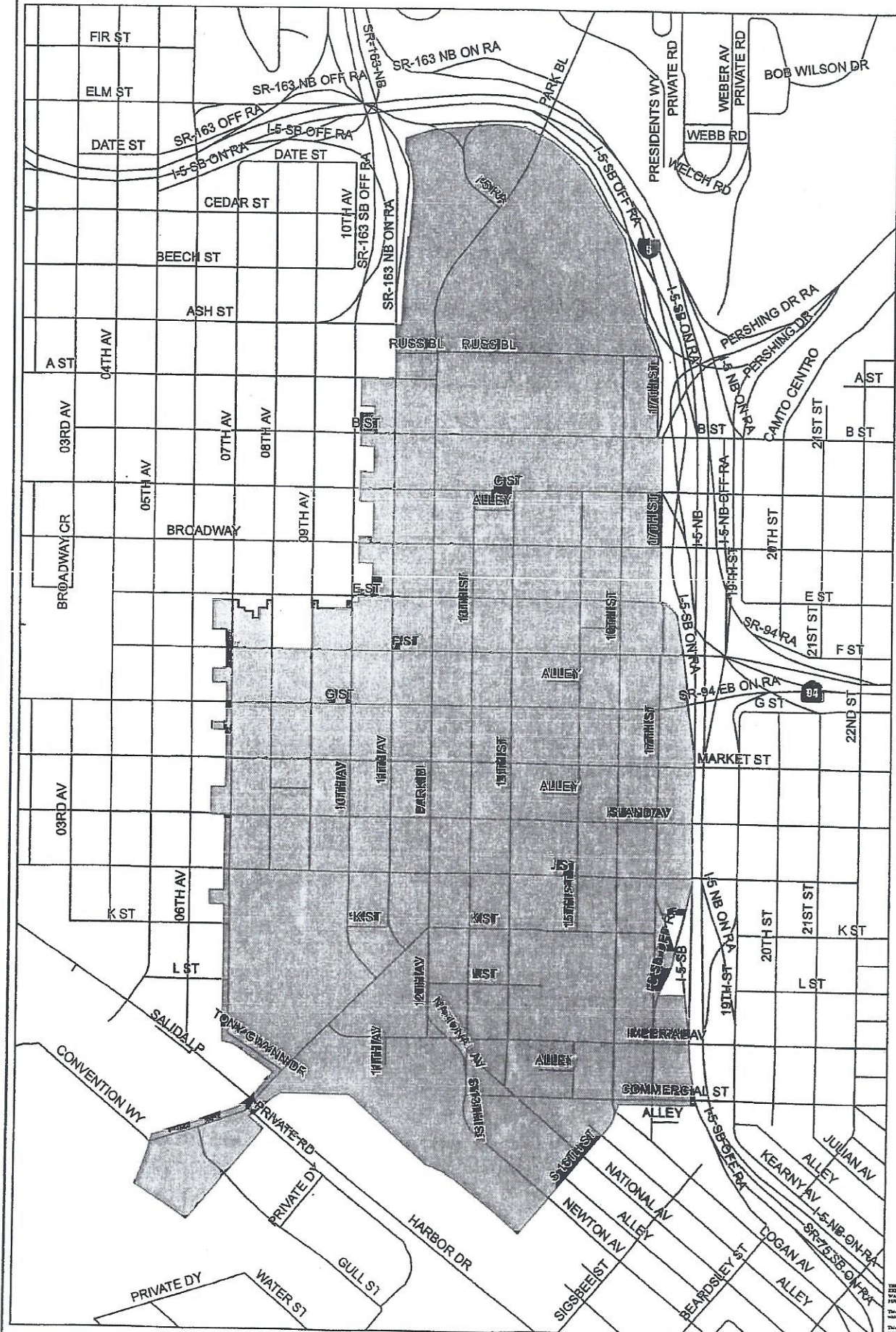
Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor

R 304830

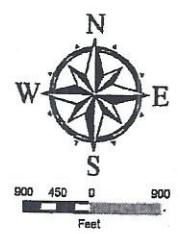
EXHIBIT A

EAST VILLAGE BUSINESS IMPROVEMENT DISTRICT



Legend

East Village BID



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**EXHIBIT B**

<b>Personnel (Salaries, Wages, Fringe, Taxes)</b>	<b>\$49,000.00</b>
<i>Includes administrative activities; monthly Board meeting and monthly committee meetings, maintaining records and accounts, ensuring contract compliance, submitting reports and reimbursement requests, and other staff functions.</i>	
<b>Office/Operational Costs (Supplies, Insurance, Utilities, Office Equipment)</b>	<b>\$9,000.00</b>
<i>Includes Insurance (D &amp; O, General Liability and Worker's Comp.), Office Supplies, and Meeting Supplies</i>	
<b>Outreach/Publications</b>	<b>\$12,000.00</b>
<i>Print, mail and email copies of newsletter, monthly website maintenance, invitations to quarterly member mixers, and meetings.</i>	
<b>Events/Special Events</b>	<b>\$18,000.00</b>
<i>Restaurant Walk of dining establishments, weekly farmers market, Retail Showcase, and holiday celebrations</i>	
<b>Marketing/Promotions</b>	<b>\$36,000.00</b>
<i>Replace current banners, flyers, posters and advertising for Special Events.</i>	
<b>Consulting Services</b>	<b>\$13,000.00</b>
<i>Monthly Bookkeeping, Annual Audits &amp; Taxes, and two Board Development Sessions and an Annual Retreat</i>	
<b>Contingency</b>	<b>\$3,000.00</b>
<i>Emergency Fund for unexpected events and contingencies</i>	
<b>Total of Proposed Expenditures</b>	<b>\$140,000.00</b>

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