

*Marcus Thompson*  
810-A

(O-96-108 REV.)

ORDINANCE NUMBER O- 18263 (NEW SERIES)

ADOPTED ON FEB 20 1996

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE COLLEGE AREA 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 December 5, 1995, adopted Resolution No. R- 286718 declaring an intention to form a parking and business improvement area to be known as the "College Area 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- 286718 was duly published, and copies thereof were mailed, as provided by the Law; and

WHEREAS, as specified in Resolution No. R- 286718, 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 "College Area Business Improvement District," herein called "District." The area to be included in the District includes the College Area business community area within the following address ranges:

STREET NAME	RANGE OF ADDRESSES BY ZONE	
	Zone #1	Zone #2
College Avenue	4400-4800	4801-5198
Acorn Street	6138-6185	
College Way	4527-4566	
Adams Avenue	6000-6100	
El Cajon Blvd.	5800-7100	5468-5799
El Cajon Blvd.		7101-7400
70th St.		4800-5000
Montezuma Road		5500-6700
Campanile Drive		5000-5780
Hardy Avenue		5700-5900
Lindo Paseo		5700-5850
Montezuma Place		5000-5700

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 below. Notwithstanding the above, licensed Real Estate Brokers shall not be assessed for the remainder of the current City fiscal year.

**A. Description of District Zones:**

1. **Zone #1:** El Cajon Boulevard from 58th Street to 71st Street. Acorn Street, College Way, Adams Avenue, College Avenue south of 4800. Businesses in this area will receive the greatest benefit from the promotional activities, marketing of and overall activities of the District. (See **Address Ranges** above.)

2. **Zone #2:** El Cajon Boulevard from 5468 - 5799 and 7101 to the City border with La Mesa, 70th Street, Montezuma Avenue, Campanile Drive, Hardy Avenue, Lindo Paseo Avenue, College Avenue north of 4801, and Montezuma Place and any other new streets that may be constructed in the SDSU

Redevelopment Area. It is anticipated that businesses in this area will still receive a benefit, but not of the same magnitude as those in the commercial core area of El Cajon Boulevard. (See **Address Ranges** above.)

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

1. **Category A** includes those businesses which will gain the most from increased commercial activity as well as a revitalized commercial corridor in those areas directly adjacent to or surrounding their anchor business. This special category includes but is not limited to:

- Banks**
- Chain Department Stores**
- Entertainment Centers**
- Finance Companies**
- General Retail Chains Over 6,000 Square Feet In Size**
- Loan Centers**
- Major Bookstores**
- Major Chain Grocery And Drug Stores**
- Major Media**
- Major Musical Instrument Retailers**
- Major Private Distribution And Mail Carriers**
- Major Sporting Goods Stores**
- Major Theaters**
- Major Video And Recorded Music Retailers**
- Private Recreation Centers**

2. **Category B** includes those businesses, particularly retail outlets, that are expected to derive direct benefit from the establishment of the College Area BID. These retail outlets are generally less than 6,000 square feet and would include, but not be limited to such businesses as:

- Antique And Second Hand Stores**
- Art Supply Stores**
- Bakeries**
- Bars**
- Beauty Supply Stores**
- Bike Shops**
- Bookstores**
- Coffee Shops**
- Community Newspapers**

Delis  
Electronics Stores  
Flower And Floral Stores  
Hair Beauty Salons  
Ice Cream And Yogurt Stores  
Landscaping And Nursery  
Liquor Stores  
Micro Breweries  
Musical Instrument Stores  
New And Used Clothing Stores  
Nightclubs  
Office Supply Stores  
Pet Stores  
Photo Finishing And Production Stores  
Produce Stores  
Radio Stations  
Restaurants  
Retail Recorded Music (Both New And Used) Stores  
Shoes Stores  
Small Grocery Stores  
Specialty Stores  
Etc.

3. Category C includes those businesses which interact with the public to a lesser extent than Categories A or B, and are predominantly service related. The Category includes but is not limited to:

Appliance Repair  
Architects  
Auction Houses  
Auto Supply  
Automotive Sales/Repair  
Board And Care Facilities  
Car Wash/Detailing  
CPAs  
Engineers Consultants  
Financial Planners  
Graphic Artists  
Gyms  
Hardware Stores  
Interior Designers  
Key/Locksmiths  
Lawyers  
Medical Professionals  
Nursing Homes  
Office Repair  
Planners  
Print And Copy Stores  
Recording Studios  
Retirement Homes  
Service Stations

Shoe And Clothing Repair  
Stock Brokers  
Temporary Services  
Travel Agencies  
Etc.

4. Category D are those businesses that are expected to derive indirect benefit from the establishment of the District. They include but are not limited to the following:

Appliances  
Assembly Plants  
Burial Chapels  
Card Rooms  
Construction Companies  
Home Furnishings  
Hotels  
Manufacturers  
Martial Arts  
Motels  
Musical Rental And Repair  
Private Education And Professional Schools  
Property Management  
Recycling Centers  
Religious Supply  
Retirement Homes  
Sports Racing  
Wholesale Distributors  
Wholesale Printers  
Etc.

5. Category E are those business that are also expected to derive indirect benefit from the establishment of the District but in a more general sense. They include but are not limited to the following:

Benevolent Associations  
Churches  
Hospitals  
Local Offices Of Utility Companies  
Non-Profit Organizations With Business Licenses

6. Category F is any business that is owner operated, sole proprietor/no employees and personal services NOT retail in nature. Examples given include: beauticians

working under a beauty parlor owners retail outlet, temporary street vendors operating in the district, regular vendors at farmers markets or entrepreneurial fairs, agents working under a brokers license.

7. **EXCLUSIONS:** The following businesses and business locations shall be excluded from assessment provisions under the District:

**Apartment Buildings  
City, County, State And Federal Offices  
Public Schools**

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:

	<b>Zone #1</b>	<b>Zone #2</b>
<b>Category A</b>	<b>\$ 500.00</b>	<b>\$ 300.00</b>
<b>Category B</b>	<b>\$ 180.00</b>	<b>\$ 120.00</b>
<b>Category C</b>	<b>\$ 100.00</b>	<b>\$ 80.00</b>
<b>Category D</b>	<b>\$ 90.00</b>	<b>\$ 60.00</b>
<b>Category E</b>	<b>\$ 80.00</b>	<b>\$ 60.00</b>
<b>Category F</b>	<b>\$ 60.00</b>	<b>\$ 60.00</b>

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 **\$500.00 per annum**.

The City will advance an amount not to exceed TEN THOUSAND DOLLARS (\$10,000) from the Industrial Development Bond Fund which will be reimbursed within twelve (12) 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 hereinbefore described and that all of the businesses lying within the area will be benefitted 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 April 1, 1996, 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

ALT:lc  
01/23/96  
03/20/96 REV.  
Or.Dept:Mgr./EDS  
O-96-108  
Form=o+t

000000 16 8104

(O-98-131)

ORDINANCE NUMBER O- 18539 (NEW SERIES)

ADOPTED ON JUN 29 1998

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. O-18263 (NEW SERIES), ADOPTED FEBRUARY 20, 1996, TITLED "AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING THE COLLEGE AREA 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, the Council of The City of San Diego approved the formation of the College Area Business Improvement District [District] by Ordinance No. O-18263 (New Series) on February 20, 1996; and

WHEREAS, the Council now desires to amend Ordinance No. O-18263 (New Series);

NOW, THEREFORE,

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

**Section 1.** That Section 3(B)(7) of Ordinance No. O-18263 (New Series), adopted February 20, 1996, is hereby amended to read as follows:

7. **EXCLUSIONS:** The following businesses and business locations shall be excluded from assessment provisions under the District:

**Apartment Buildings**

**City, County, State And Federal Offices**

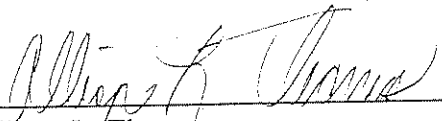
**Public Schools**

**Independent contractors working as beauticians under the  
retailer's storefront business tax certificate**

**Home based businesses**

Section 2. That this ordinance shall take effect and be in force on the thirtieth day from  
and after its passage.

APPROVED: CASEY GWINN, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc  
05/12/98  
Or.Dept:Comm.&Eco.Dev.  
O-98-131  
Form=o&t.frm