

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY
2. FROM (ORIGINATING DEPARTMENT): CITY PLANNING & COMMUNITY INVESTMENT
3. DATE: February 1, 2008

4. SUBJECT: EXPANSION OF ADAMS AVENUE BUSINESS IMPROVEMENT DISTRICT

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.): Meredith Dibden Brown x66485 MS56-D
6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.): Scott Kessler x66405 MS56-D
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST: Approximately \$6,500 of additional assessments will be collected annually from businesses in the expansion area.
DEPT.				
ORGANIZATION				
OBJECT ACCOUNT				
JOB ORDER				
C.I.P. NUMBER				
AMOUNT				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	SCOTT KESSLER	2/1/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	2/7/08
2	DEPARTMENT DIRECTOR	WILLIAM ANDERSON	2/7/08	9	COO	JAY GOLDSTONE	2/13/08
3	ENVIRONMENTAL REVIEW	KENNETH TEASLEY	2-8-08	10	CITY ATTORNEY	KIMBERLY K. HARRIS	2-19-08
4	LIAISON OFFICE	ED PLANK		11	ORIGINATING DEPARTMENT	MEREDITH DIBDEN BROWN	2/19/08
5	FINANCIAL MANAGEMENT	AUTHORIZED SIGNER	2/11/08	DOCKET COORD: [Signature] 2/20/08 COUNCIL LIAISON: [Signature] 2/22/08			
6	AUDITORS	FERNANDA FIGUEROA	2/12/08	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 3/4/08			
7							

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Declare intent to expand Adams Avenue Business Improvement District (BID) and to levy assessments, set April 1, 2008 as the noticed public meeting date and set _____ as the noticed public hearing date for considering protests.
2. Introduce the Ordinance and expand the Adams Avenue Business Improvement District.

11A. STAFF RECOMMENDATIONS: Adopt the Resolutions and Introduce the Ordinance

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 3

COMMUNITY AREA(S): Normal Heights, Mid-City, Kensington and Talmadge

ENVIRONMENTAL IMPACT: This activity is not a "project" and is therefore not subject to CEQA pursuant to State Guidelines Section 15060 (c) (3).

HOUSING IMPACT: None.

OTHER ISSUES: Pursuant to CA Streets & Highways Code Section 36500 et. seq and CA Government Code Sections 54954.6 and 6063:

- (1) Clerk to publish display ad of at least one-eighth page in a newspaper of general circulation once a week for three weeks
- (2) CP&CI staff to mail copy of Resolution of Intention to affected businesses within seven days of the adoption of the resolution.
- (3) We request April 1, 2008 as the noticed public meeting date which may be held no earlier than 10 days after the mailing and between 20 and 30 days after the adoption of the resolution.
- (4) We request April 29 or May 6 as the noticed hearing date (depending on when the resolution is finally adopted) such that the date is no earlier than 45 days after the mailing of the resolution and first publication of the notice.

CG0434

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: _____ REPORT NO: _____
 ATTENTION: City Council
 ORIGINATING DEPARTMENT: City Planning & Community Investment
 SUBJECT: Expansion of the Adams Avenue Business Improvement
 District
 COUNCIL DISTRICT(S): 3
 CONTACT/PHONE NUMBER: Meredith Dibden Brown 23-66485/Scott Kessler (236-6421)

REQUESTED ACTION:

At the first Council Date (Council meeting of March 4, 2008):

1. Declare intent to expand the Adams Avenue Business Improvement District (and to levy assessments), set April 1, 2008 as the noticed public meeting date, and set April 29, 2008 as the noticed public hearing date for considering protests.

At the second Council Date (Council meeting of April 1, 2008)

2. Hold public meeting and permit testimony in support of or opposition to the levying of assessment on the business in the proposed expanded area of the Adams Avenue BID.

At the third Council date (Council meeting of April 29, 2008)

3. Hold the public hearing and permit testimony in support of or opposition to the levying of assessment on the business in the proposed expanded area of the Adams Avenue BID.
4. Introduce the Ordinance expanding the Adams Avenue Business Improvement District. (A second reading of the Ordinance must occur and the Ordinance will become effective on July 1, 2008).

STAFF RECOMMENDATION: Approve the requested actions.

EXECUTIVE SUMMARY: An effort to expand the Adams Avenue Business Improvement District (AABID) to include the Kensington-Talmadge commercial area has been ongoing for a number of months under the auspices of the Kensington-Talmadge Business Association. The purpose of the expansion is to build on the synergy between the commercial areas along Adams Avenue and to leverage the available resources to better benefit the businesses in the area. This expansion also has the support of the Adams Avenue Business Association which manages the AABID, an area encompassing Adams Avenue from the 2400 block to I-15 and the adjoining side streets for one block north and south of Adams Avenue. The expansion would add the area along Adams Avenue between I-15 and 4248 Adams Avenue, and the adjoining side streets in the 4600 and 4700 blocks of Biona Drive, Edgeware Road, Kensington Drive, Marlborough Drive, Terrace Drive, Vista Street, and 42nd Street, and the 4100 block of Park Place.

A Business Improvement District (BID), as authorized by California law, is a government-designated assessment area formed with the support of businesses to improve their business conditions. Assessment means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the businesses located and operating within a parking and business improvement area. All BID assessments are returned to the district for improvement programs operated by the business membership. BID programs can include promotional advertising and marketing programs, special events, technical

assistance programs and others as designated by the needs of the district's businesses. San Diego currently has 19 designated districts located from La Jolla to San Ysidro, and Ocean Beach to the College Area.

The City Council has adopted Council Policy 900-07 on Business Improvement Districts to clarify the process by which BIDs may be established or expanded. The policy states that a proposed expansion of BID boundaries should be supported by 20% of eligible businesses within the expansion area as demonstrated by a petition. In January 2007, City staff received a number of petitions in support of expanding the AABID and verified that the 20% threshold had been met. In accordance with Council Policy 900-07, City staff then conducted a mailed ballot procedure to determine the level of support among the affected businesses in the expansion area.

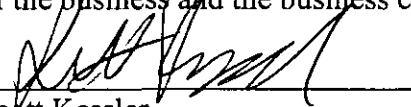
Council Policy 900-07 also provides that City Council may proceed with a public hearing process to amend the BID ordinance and increase the assessment where: "an assessed value and numerical majority of those responding support the increase in the levels of assessment". A majority of the responding businesses, when counted numerically (74.5%) and when weighed by the amount of the proposed assessment (80.4%), supported the expansion of the AABID and the levying of an annual assessment. Given the support of the affected businesses, staff is bringing the expansion to City Council for approval as required by the Parking and Business Improvement Area Law of 1989. Since this expansion of the AABID would allow the City to levy an annual assessment on the newly included businesses, a multi-step hearing and noticing process is required by the 1989 Law and the Ralph M. Brown Act and is outlined above.


FISCAL CONSIDERATIONS: Approximately \$6,500 of additional annual assessments will be collected from the businesses of the expanded area. It is anticipated that assessments would be levied and collected starting in FY2009 once approved by Council as part of the BID Annual Appropriation Process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: The AABID was established by Ordinance No.O-16479, adopted on July 29, 1985. It was amended by Ordinance No.O-18087 on July 11, 1994, to create a third zone and increase the assessments in certain central areas of the AABID to support landscape maintenance activities.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The Kensington Talmadge Business Association held community meetings on the proposed expansion and then coordinated a petition drive to have the commercial core included in the Adams Avenue BID. All businesses proposed to be assessed also received a ballot and information concerning the proposed expansion.

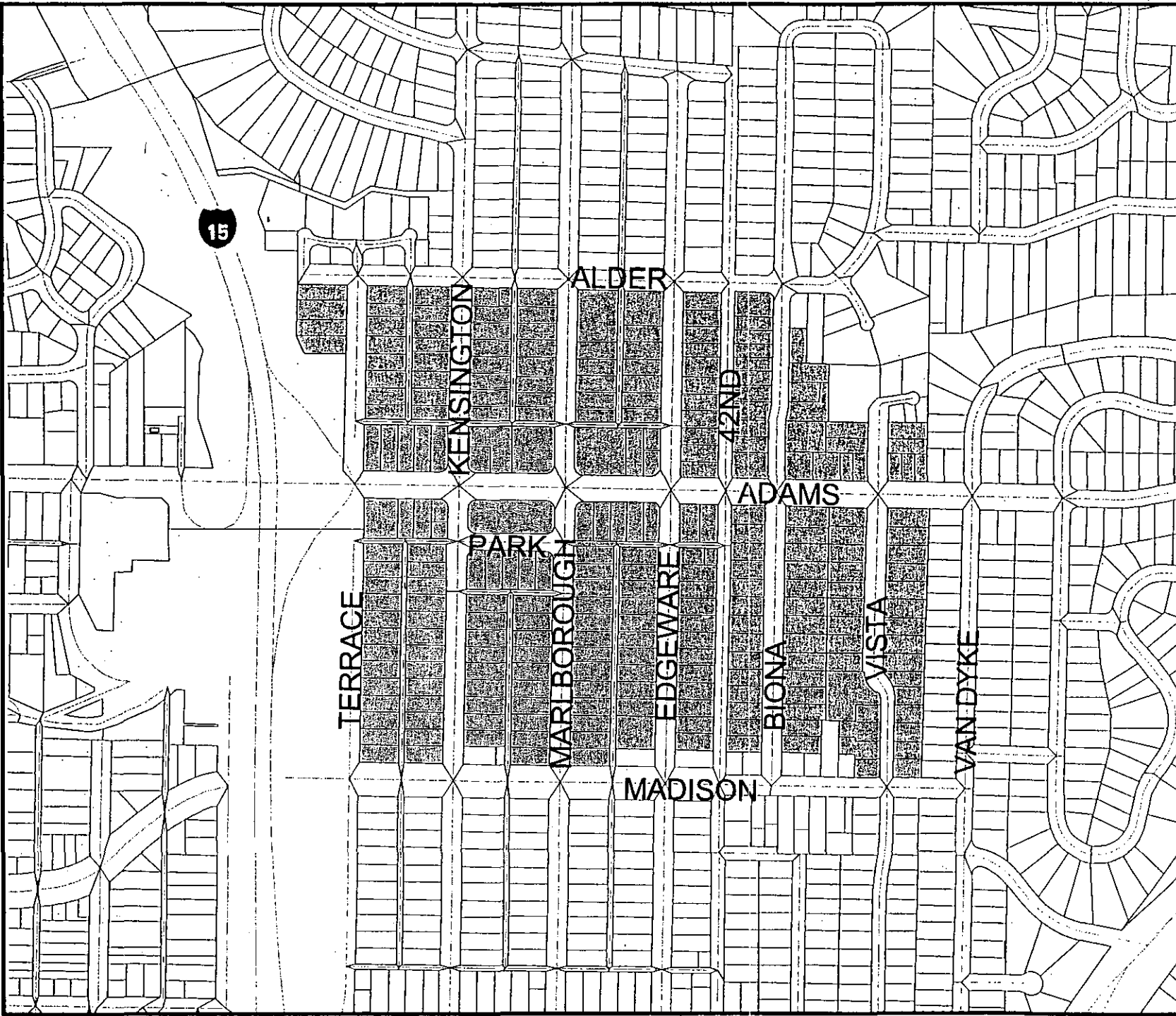
KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): Businesses within the BID and the Kensington Talmadge area, along with their respective business organizations, are the key stakeholders of this action. The Kensington Talmadge businesses would be impacted by the levying of the annual assessment in the amount of \$40 to \$70 per year depending on the location of the business and the business category.


 Scott Kessler
 Originating Department


 William Anderson
 Deputy Chief/Chief Operating Officer

Adams Avenue BID Expanded

000437



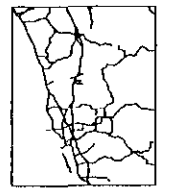
Legend

- Adams Avenue Expanded Area
- Parcels
- Highways
- Roads



1:360

Vicinity Map



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Adams Avenue BID Expanded

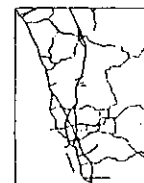


Legend

- Adams Avenue BID Area
- Adams Avenue Expanded Area
- Parcels
- Highways
- Roads



Vicinity Map



SanGIS
We Have San Diego Covered

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This Date: 8/1/02
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000438

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO AMEND ORDINANCE NUMBER O-16479 [AS AMENDED BY O-18087] WHICH ESTABLISHED THE ADAMS AVENUE BUSINESS IMPROVEMENT DISTRICT [BID] TO EXPAND THE DISTRICT TO INCLUDE THE KENSINGTON-TALMADGE BUSINESS CORE, LEVY ASSESSMENTS, AND TO SCHEDULE PUBLIC HEARINGS THEREFOR.

WHEREAS, under and pursuant to the provisions of the "Parking and Business Improvement Area Law of 1979" [California Streets and Highways Code section 36500, et seq.], the Council of the City of San Diego ["Council"] approved formation of the Adams Avenue Business Improvement District ["BID"] by Ordinance No. O-16479 on July 29, 1985; and

WHEREAS, the Council amended Ordinance No. O-16479 on July 11, 1994 by Ordinance No. O-18087, for the purpose of modifying the Adams Avenue BID assessments within a portion of the District, and creating a third zone for assessments; and

WHEREAS, the Adams Avenue Business Association desires to expand the Adams Avenue BID to include the Kensington-Talmadge commercial area to build on synergy between the commercial areas along Adams Avenue and to better benefit the businesses in the area; and

WHEREAS, pursuant to Council Policy 900-07, in early 2007, City staff received petitions and verified that at least twenty percent of eligible businesses within the expansion area were in support of expanding the Adams Avenue BID; and

WHEREAS, pursuant to Council Policy 900-07, City staff conducted a mailed ballot procedure and determined that a majority of the responding businesses when counted

numerically and when weighted by the amount of the proposed assessment, support the expansion of the Adams Avenue BID and the levying of an annual assessment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it hereby declares its intention to expand the boundaries of the Adams Avenue Business Improvement District and levy assessments in the following areas: the area along Adams Avenue between I-15 and 4248 Adams Avenue, and the adjoining side streets in the 4600 and 4700 blocks of Biona Drive, Edgware Road, Kensington Drive, Marlborough Drive, Terrace Drive, Vista Street, and 42nd Street, and the 4100 block of Park Place.

BE IT FURTHER RESOLVED that the Council also declares its intention that except where funds are otherwise available, the proposed expanded boundary assessment will be levied annually to finance the following activities: 1) the acquisition, construction, or maintenance of parking facilities, landscaping and other street right-of-way improvements for the benefit of the area; 2) decoration of any public place in the area; 3) promotion of public events which are to take place on or in public places in the area; 4) furnishing of music in any public place in the area; and 5) the general promotion of business activities in the area.

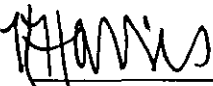
BE IT FURTHER RESOLVED that new businesses in the proposed expansion area will not be exempted from the assessment.

BE IT FURTHER RESOLVED that the businesses in the proposed assessment will be levied annually in an amount consistent with businesses located in the existing Adams Avenue BID, which is Forty Dollars (\$40) to Seventy Dollars (\$70) per year, depending on the location of the business and the business category;

BE IT FURTHER RESOLVED that notice is hereby given that April 1, 2008, at the hour of 2:00 p.m., in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when and where any and all interested persons having a desire to be heard may appear and state their views for or against the expansion of the Adams Avenue Business Improvement District and the levying of assessments on such businesses in the proposed expanded area.

BE IT FURTHER RESOLVED that notice is hereby given that April 29, 2008, at the hour of 2:00 p.m., in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, is fixed as the time and place when and where any and all interested persons having a desire to be heard may appear and state their views for or against the ordinance which will expand the Adams Avenue Business Improvement District and/or for or against the levying of assessments on such businesses in the proposed expanded area.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Kimberly K. Harris
Deputy City Attorney

KKH:bas
02/19/08
Or.Dept: CP&CI
R-2008-707
MMS #5935

I hereby certify that the foregoing Resolution 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