

ORDINANCE NO. 1964

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING ORDINANCE NOS. 1372, 1390, 1584, 1658 AND 1715 AND 1885 ESTABLISHING AND LEVYING AN INCREASED ADDITIONAL BUSINESS LICENSE FEE UPON THE AREA INCLUDED IN THE PARKING AND BUSINESS IMPROVEMENT AREA DISTRICT FOR THE PURPOSE OF THE GENERAL PROMOTION OF RETAIL TRADE AND OTHER COMMERCIAL AND PROFESSIONAL BUSINESSES AND MODIFYING THE BOUNDARIES OF SAID PARKING AND BUSINESS IMPROVEMENT AREA

WHEREAS, under and pursuant to the provisions of the Parking and Business Improvement Area Law of 1965, Section 36000 et seq., of the State of California Streets and Highways Code, herein called "said Law", the City Council of the City of Chula Vista on December 8, 1981 adopted Resolution No. 10707, declaring its intention to establish and levy an increased additional business license fee upon the area included in the Parking and Business Improvement Area and to modify the boundaries of said area for the purpose of the general promotion of retail trade, and fixing the time and place for a hearing to be held to consider the adjustment of said additional business license levy and modification of the boundaries of said Parking and Business Improvement area, and directing the giving of notice of said hearing, and

WHEREAS, said Resolution No. 10707 was duly published, and copies thereof were duly mailed and posted, all as provided by said Law, and

WHEREAS, as specified in said Resolution No. 10707, a hearing concerning the additional business license fee and the modification of the boundaries of the Parking and Business Improvement area was held before the City Council of the City of Chula Vista on the 22nd day of December, 1981, at the hour of 7:00 p.m. in the Council Chambers of City Hall, 276 Fourth Avenue, Chula Vista, California, and

WHEREAS, at said hearing all protests, both written and oral, made or filed, were considered and duly overruled and denied and this City Council determined that there was no majority protest within the meaning of Section 36023 of said Law which majority would be determined based upon the percentage of the general business license tax paid by those so registering their protests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chula Vista, as follows:

Section 1. Improvement Area Modified.

That pursuant to the authority granted by the State of California in said Law, the Parking and Business Improvement area, known as the downtown business area of the City of Chula Vista is hereby modified to be generally described as encompassing all of those properties bounded by the north side of "D" Street, north side of "H" Street, east side of Del Mar and the west side of Fourth Avenue as shown more specifically on a map thereof designated as Exhibit "A", attached and incorporated on said Resolution No. 10707 on file in the office of the City Clerk of the City of Chula Vista.

Section 2. Business License Tax Defined.

That the term "general business license tax" as used in this ordinance and which is sometimes called "basic business license tax" or "business license fee" is hereby defined as the tax levied upon a particular business, trade or profession within the City of Chula Vista as set forth for such particular business, trade or profession in Title 5 of the Chula Vista Municipal Code as said Title 5 presented reads or as it may be hereafter amended.

Section 3. Additional Business License Levy.

That in addition to the general business license tax, an additional business levy or fee is hereby imposed upon businesses located within said Area. The additional license levy shall be as follows:

Class A: Professions: accountant, architect, appraiser, assayer, attorney, auditor, bacteriologist, chemist, chiropodist, chiropractor, dentist, medical doctor, engineer, electrologist, entomologist, geologist, oculist, optician, optometrist, osteopath, pharmacist, physician, physiotherapist, psychiatrist, psychologist, podiatrist, real estate broker, real estate salesman, roentgenologist, stock and bond broker, surgeon, surveyor, taxidermist and veterinarian. Each professional working as a sole practitioner shall pay an amount of two times their business license fee, provided that all of the professionals working in a partnership or corporation at the same address shall pay an additional license levy of not more than \$100.00.

Class B: All other businesses located within the Downtown Parking and Improvement Area, known as the Downtown Business Area, and shown more specifically on a map designated as Exhibit "A" and attached hereto by reference as if set forth in full, shall pay an assessment equal to two times their business license.

Said additional license fee 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 license tax; provided, further, that no such additional license levy shall be more than one hundred dollars (\$100.00).

Section 4. Collection of Additional Fees.

The collection of the additional levy to the license tax proposed by virtue of this proceeding shall be made at the times set forth hereinabove and in the same manner as the ordinary business license tax of the City under the provisions of the Chula Vista Municipal Code, and such fee proposed to be imposed under this proceeding shall be computed in the manner provided in the Chula Vista Municipal Code for each business. Provided, however, said additional fee as established for the year 1982 shall be collected upon the effective date of this ordinance and shall apply to the entire calendar year of 1982.

Section 5. Exemptions.

Any business, person or institution which is exempt from the payment of the ordinary business license tax of the City by reason of the provisions of the United States or State Constitutions, regardless of the location of said business, may make a voluntary contribution to the improvement district. Such contribution shall be used for the purposes provided in this ordinance; provided, further, that the area within the district located south of "H" Street shall be subject to a zero assessment and shall be exempt from any additional levy.

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Section 6. Multiple License at Same Business Location  
- Single Assessment Only.

If more than one business is being conducted at a single address and more than one business license has been issued to the proprietor of a single business premise, the assessment for the business improvement district shall be levied as an additional charge against that license for which the highest fee is paid.

Section 7. Proposed Uses.

That the uses to which the proceeds of the additional business license tax shall be put are:

- A. Decorations of public places in the Area.
- B. Promotion of public events which are to take place within the Area.
- C. Furnishing of music in public places in the Area.
- D. The general promotion of retail trade and commercial and professional business activities in the Area.

Section 8. Submission of Budget.

The Town Centre Business and Professional Association shall submit annually, prior to the first day of March, a budget for the balance of the calendar year for the expenditure of funds realized through said additional business license fee, which budget shall be subject to the approval of the City Council and the City Council shall authorize thie disbursement of funds in accordance with the requirements of said budget to the Town Centre Business and Professional Association for the purposes set forth herein and any such amounts as may be required for said purposes on a quarterly basis.

Section 9. Annual Review of Progress of Downtown  
Improvement Area - Management and  
Achievements.

The City Council shall review annually, at least one month prior to the termination of a calendar year, the management activities and achievements of the downtown improvement area and may hold a public hearing to take testimony on such matters so as to ascertain the desirability and necessity of continuing the downtown improvement area.

Section 10. Council Findings.

That this City Council finds and determines that the public desirability and necessity and welfare require the establishing and levying of an increased additional business license fee upon the Area.

Section 11. Overruling Protests.

That all protests, both written and oral, are overruled and denied and the City Council finds that there is no majority protest within the meaning of Section 36023 of the Streets and Highways Code.

Section 12. This ordinance shall take effect and be in full force on the thirty-first day from and after its second reading and adoption.

Presented and Approved as to form by



George D. Lindberg, City Attorney

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DOWNTOWN IMPROVEMENT DISTRICT ASSESSMENT FEE STATUS

<u>CLASSIFICATION BREAKDOWN</u>	<u>LICENSED</u>	<u>EXISTING ASSESSMENT</u>	<u>STAFF RECOMMENDATION RESOLUTION 10707</u>	<u>INITIAL LINDBERG AMENDMENT</u>
Professions- Business License Code 31 (MD's, Attorneys, Chiropractors, etc.)	74	74 at 100.00 each = 7,400.00	Sole Professionals 24 @ 24 locations 24 @ 50.00 each = 1,200.00  Mult. Prof. 50 @ 16 locations 16 @ 50.00 each = 800.00 34 @ 15.00 each = 510.00	Sole Professionals 24 @ 24 locations 24 @ 100.00 each = 2,400.00  Mult. Prof. 50 @ 16 locations 16 @ 100.00 each = 1,600.00 34 exempt by 100.00 CAP
Real Estate Broker	23	23 @ 100.00 each = 2,300.00	Real Estate Broker 23 @ 50.00 each = 1,150.00	Real Estate Broker 23 @ 100.00 each = 2,300.00
Real Estate Salesman	25	25 @ 30.00 each = 750.00	Real Estate Salesman 25 @ 15.00 each = 375.00	Real Estate Salesman 25 @ 30.00 each = 750.00
		Subtotal 10,450.00	Subtotal 4,035.00	Subtotal 7,050.00
Fixed Location on City Tax Rolls All Other Business Classifications Not Specifically Referred to Above	251	251 averaging 57.97 each = 14,550.00	Fixed Locations on City Tax Rolls All Other Business Classifications Not Specifically Referred to Above 14,550.00	Fixed Locations on City Tax Rolls All Other Business Classifications Not Specifically Referred to Above 14,550.00
	373	Grand Total 25,000.00 Boundary Change (2,244.00) Net Total 22,756.00 (Professionals - 45%)	Grand Total 18,585.00 Boundary Change (1,489.00) Net Total 17,096.00 (Professionals - 23%)	Grand Total 21,600.00 Boundary Change (2,144.00) Net Total 19,456.00 (Professionals - 36%)

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EXHIBIT "A"

LINDBERG LAST PROPOSAL

Sole Professionals  
24 @ 24 locations  
24 @ 75.00 each = 1,800.00

Mult. Prof.  
50 @ 16 locations  
16 @ 75.00 each = 1,200.00  
22 @ 25.00 each = 550.00  
12 exempt by 125.00  
CAP

Real Estate Broker  
23 @ 75.00 each = 1,725.00

Real Estate Salesman  
25 @ 22.50 each = 562.50

Subtotal 5,837.50

Fixed Location on  
City Tax Rolls  
All Other Business  
Classifications  
Not Specifically  
Referred to Above  
14,550.00

Grand Total 20,387.50  
Boundary Change (1,834.00)

Net Total 18,553.50

(Professionals - 31%)

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CHULA VISTA, CALIFORNIA, HELD January 5, 19 82, AND  
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD January 12,  
19 82, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Cox, McCandliss, Scott  
NAYES: Councilmen : Gillow, Campbell  
ABSTAIN: Councilmen : None  
ABSENT: Councilmen : None

Gregory R. Cox  
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,  
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
ORDINANCE NO. 1964, and that the same has not been amended or repealed.

DATED \_\_\_\_\_

(seal)

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 1964

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
ORDINANCE NOS. 1372, 1390, 1584, 1658 AND 1715  
AND 1885 ESTABLISHING AND LEVYING AN INCREASED  
ADDITIONAL BUSINESS LICENSE FEE UPON THE AREA  
INCLUDED IN THE PARKING AND BUSINESS IMPROVEMENT AREA  
DISTRICT FOR THE PURPOSE OF THE GENERAL PROMOTION OF  
RETAIL TRADE AND OTHER COMMERCIAL AND PROFESSIONAL  
BUSINESSES AND MODIFYING THE BOUNDARIES OF SAID  
PARKING AND BUSINESS IMPROVEMENT AREA

By a majority vote of the City Council (Councilmen  
Gillow and Campbell voting "no"), the ordinance was  
placed on second reading and adoption on January 12, 1982.

The ordinance modifies the existing additional levy  
for professional businessmen within the parking and  
business improvement district imposing a levy amounting  
to \$100 for any professional and a maximum of \$100 for  
any professional group. This means that the sole  
practitioner would pay the same amount as professional  
groups ranging from 2 to 10 persons. In addition, the  
ordinance establishes a zero assessment in the area of the  
district south of "H" Street. The levy for the additional  
business license fee in the district is made for the  
general promotion of retail trade.

Copies of the ordinance are available at the office of  
the City Clerk, City Hall, 276 Fourth Avenue, Chula  
Vista.

Dated: 1/14/82

  
City Clerk