

RESOLUTION NO. _____ (2023 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DECLARING THE BASIS FOR AND THE LEVY OF THE ASSESSMENT FOR THE SAN LUIS OBISPO TOURISM BUSINESS IMPROVEMENT DISTRICT AND AFFIRMING THE ESTABLISHMENT OF THE DISTRICT

WHEREAS, the Parking and Business Improvement Law of 1989, sections 36500 *et seq.* of the Streets and Highways Code, authorizes cities to establish business improvement districts for several purposes, one of which is promotion of tourism; and

WHEREAS, the lodging businesses within the proposed City of San Luis Obispo Tourism Business Improvement District had requested the City of San Luis Obispo establish such a self-assessment improvement district in 2008; and

WHEREAS, the San Luis Obispo Tourism Business Improvement District was established in July 2008, and the San Luis Obispo Tourism Business Improvement District Law was incorporated into the Municipal Code under Chapter 12.42; and

WHEREAS, the City Council appointed an advisory board to carry out the functions specified in Street and Highways Code Section 36530, and to provide oversight, guidance, and recommendations regarding the use of the assessment funds; and

WHEREAS the San Luis Obispo Tourism Business Improvement District Law and the Parking and Business Improvement Law of 1989 requires the advisory body to prepare and submit an annual report stating proposed changes, improvements and activities for the fiscal year; and

WHEREAS, such report was filed and approved by the City Council on October 17, 2023.

WHEREAS, on October 17, 2023 the City Council adopted Resolution No. 11455 (2023 Series) declaring its intention to continue the San Luis Obispo Tourism Business Improvement District in 2023-24; and

WHEREAS, notices regarding the approval of the public hearing were sent on October 26, 2023 to all assessed properties; and

WHEREAS, the City Council held a duly noticed Public Hearing on November 7, 2023 to allow for protests, as contemplated by Streets and Highway Code Section 36524; and

WHEREAS, sufficient written or oral protest was not received from hotel businesses in the district which pay fifty percent or more of the assessment;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

- a) The establishment of Tourism Business Improvement District in the City of San Luis Obispo in accordance with the San Luis Obispo Tourism Business Improvement District Law, San Luis Obispo Municipal Code Chapter 12.42, and the California Streets and Highways Code, section 36500 *et seq.* (Parking and Business Improvement Law of 1989) is affirmed.
- b) The assessment levied by the Tourism Business Improvement District shall be used to promote lodging at the hotels within the district and administer marketing programs that increase overnight lodging.
- c) The assessment shall be levied and allocated by the City of San Luis Obispo.
- d) The assessment shall to be levied on all “hotels”, as that term is defined in San Luis Obispo Municipal Code section 3.04.020, to wit: any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

- e) The assessment shall be based on two percent (2%) of gross room rent.
- f) New hotels shall not be exempt from immediate assessment.

Upon motion of _____, seconded by _____, and on the following roll call vote:

AYES:
 NOES:
 ABSENT:

The foregoing resolution was adopted this _____ day of _____, 2023.

 Mayor Erica A. Stewart

ATTEST:

 Teresa Purrington,
 City Clerk

APPROVED AS TO FORM:

 J. Christine Dietrick,
 City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

 Teresa Purrington,
 City Clerk