

RESOLUTION NO. 10 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND ESTABLISHING THE SANTA BARBARA SOUTH COAST TOURISM BUSINESS IMPROVEMENT DISTRICT

Whereas, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes cities and counties to establish property and business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

Whereas, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the Santa Barbara South Coast Tourism Business Improvement District (“SBSCTBID”) have petitioned the City Council to establish the SBSCTBID; and

Whereas, included with the petitions was a Management District Plan summary that describes the proposed assessment to be levied on lodging businesses within the SBSCTBID to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Management District Plan; and

Whereas, the City of Santa Barbara has requested and received consent of the cities of Carpinteria and Goleta, and the County of Santa Barbara, to include their jurisdictions (or portions thereof) in the SBSCTBID; and

Whereas, the assessed lodging businesses within the SBSCTBID will be benefited by the activities and improvements set forth in the Management District Plan; and

Whereas, on July 13, 2010 at 2:00 p.m. at 735 Anacapa Street, Santa Barbara, California 93101, the City Council adopted a Resolution of Intention, Resolution No. 10-055; and

Whereas, the public meeting and public hearing to consider the establishment of the SBSCTBID have been properly noticed in accordance with Streets and Highways Code §36623; and

Whereas on July 27, 2010 at 2:00 p.m. at 735 Anacapa Street, Santa Barbara, California 93101, the City Council held a public meeting regarding the establishment of the SBSCTBID, and the City Council heard and received objections and protests, if any, to the establishment of the SBSCTBID and the levy of the proposed assessment; and

Whereas, on September 28, 2010 at 2:00 p.m. at 735 Anacapa Street, Santa Barbara, California 93101, the City Council held a public hearing regarding the establishment of the SBSCTBID, and the City Council heard and received all objections and protests, if any, to the establishment of the SBSCTBID and the levy of the proposed assessment; and

Whereas, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.

2. The Santa Barbara South Coast Tourism Business Improvement District is hereby established for a five year term.

3. The SBSCTBID Management District Plan dated September 21, 2010 on file with the City Clerk is hereby adopted.

4. The assessments levied for the SBSCTBID shall be applied towards sales, promotions and marketing programs to market the South Coast Santa Barbara area as a tourist, meeting and event destination, and other improvements and activities as set forth in the Management District Plan.

5. The revenue from the levy of the assessments on lodging businesses within the SBSCTBID may not be used to provide for activities or improvements outside the SBSCTBID or for any purpose other than those specified herein, in the Management District Plan, and in the Resolution of Intention.

6. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.

7. The amount of assessment, if passed on to each transient, shall be separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.

8. The assessments for the entire District will total approximately \$1,820,000 in year one.

9. The activities and improvements set forth will be funded by the levy of an assessment on lodging businesses within the SBSCTBID as described in the Management District Plan that is on file with the City Clerk.

10. Bonds will not be issued to fund the SBSCTBID.

11. The boundaries of the SBSCTBID shall be the boundaries of the cities of Santa Barbara, Carpinteria and Goleta, and portions of unincorporated Santa Barbara County. Please see the attached map, incorporated herein as Exhibit A.

12. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the SBSCTBID assessment is levied as long as they are used consistent with the requirements set forth herein.

13. The assessments to fund the activities and improvements for the SBSCTBID will be collected at the same time and in the same manner as are transient occupancy taxes in each of the jurisdictions, and in accordance with Streets and Highways Code §36631.

14. Except as may be provided in the Plan, each jurisdiction shall be solely responsible for collecting the SBSCTBID assessment from businesses within its jurisdiction, remitting said assessment to the Santa Barbara Conference and Visitors Bureau and Film Commission and pursuing delinquent accounts. Unless the City of Santa Barbara agrees to collect, remit and pursue delinquent assessments from lodging businesses located in the City of Carpinteria, Goleta or the County of Santa Barbara, the City of Santa Barbara shall not be responsible for collecting assessments, remitting assessments or pursuing delinquent assessments from lodging businesses located outside of the territorial jurisdiction of the City of Santa Barbara.

15. The Santa Barbara Conference and Visitors Bureau and Film Commission shall be the Owners Association pursuant to Streets and Highways Code §36614.5.

16. The Santa Barbara Conference and Visitors Bureau and Film Commission, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the district.

17. The SBSCTBID established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

18. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the SBSCTBID and to levy the assessments.

19. The City Clerk is directed to record in the Santa Barbara County Recorder's Office a notice and assessment diagram, as required by Streets and Highways Code §36627. The text of the recorded notice shall state that the assessment is levied only against lodging businesses within the area of the SBSCTBID.

20. This Resolution shall take effect immediately upon its adoption by the City Council.

I HEREBY CERTIFY that the foregoing Resolution of Formation was introduced and adopted at a regular meeting of the City Council on the _____ day of _____, 2010 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS:

Mayor

Attest

Approved as to Form:

City Clerk

City Attorney

ATTACHMENT A

The SBSCTBID will include all commercial lodging businesses with more than three units available for public occupancy within the boundaries of the Cities of Santa Barbara, Carpinteria, and Goleta, and portions of unincorporated southern Santa Barbara County (see map on the next page). The boundaries of the district can be more particularly described as: Refugio Road being the western boundary, the Santa Barbara/Ventura County line being the eastern boundary, the Pacific Ocean being the southern boundary, and Camino Cielo / Juncal Road being the northern boundary.

The SBSCTBID boundaries currently include the following businesses, shown on the map on the next page:

ID	Hotel Name	Address	ID	Hotel Name	Address
1	Agave Inn	3222 State St, Santa Barbara	45	Inn By The Harbor	433 W. Montecito St, Santa Barbara
2	Alamar Motel	102 W. Cabrillo Blvd, Santa Barbara	46	Inn in Santa Barbara	26 E. Haley St, Santa Barbara
3	Avania Inn	128 Castillo St, Santa Barbara	47	Inn of the Spanish Garden	915 Garden St, Santa Barbara
4	Bacara Hotel & Resort	8301 Hollister Ave, Goleta	48	Inn on Summer Hill & Spa	2520 Lillie Ave, Summerland
5	Bath St Inn B&B	1720 Bath St, Santa Barbara	49	James House of Santa Barbara	1632 Chapala St, Santa Barbara
6	Beach House Inn	320 W. Yanonali St, Santa Barbara	50	Lavender Garden Inn By The Sea	206 Castillo St, Santa Barbara
7	Best Western Beachside Inn	336 W. Cabrillo Blvd, Santa Barbara	51	Lemon Tree Inn	2819 State St, Santa Barbara
8	Best Western Carpinteria Inn	4558 Carpinteria St, Carpinteria	52	Marina Beach Motel	21 Bath St, Santa Barbara
9	Best Western Encina Lodge	2220 Bath St, Santa Barbara	53	Mason Beach Inn	324 W. Mason St, Santa Barbara
10	Best Western Pepper Tree	3850 State St, Santa Barbara	54	Montecito Inn	1295 Coast Village Rd, Santa Barbara
11	Best Western South Coast Inn	5620 Calle Real, Goleta	55	Motel 6 - Santa Barbara State St	3505 State St, Santa Barbara
12	Blue Sands Motel	421 S. Milpas St, Santa Barbara	56	Motel 6 Carpinteria North	5550 Carpinteria Ave, Carpinteria
13	Brisas del Mar	223 Castillo St, Santa Barbara	57	Motel 6 - Carpinteria	4200 Via Real, Carpinteria
14	Cabrillo Inn at the Beach	931 E. Cabrillo Blvd, Santa Barbara	58	Motel 6 - Goleta	5897 Calle Real, Goleta
15	Canary Hotel	31 W. Carrillo St, Santa Barbara	59	Motel 6 - Santa Barbara Beach	443 Corona Del Mar, Santa Barbara
16	Casa Del Mar Inn	18 Bath St, Santa Barbara	60	Oasis Inn & Suites	3344 State St, Santa Barbara
17	Casa Del Sol	5585 Carpinteria Ave, Carpinteria	61	Old Yacht Club Inn	431 Corona Del Mar, Santa Barbara
18	Castillo Inn	22 Castillo St, Santa Barbara	62	Orange Tree Inn	1920 State St, Santa Barbara
19	Cheshire Cat Inn & Cottages	36 W. Valerio St, Santa Barbara	63	Orchid Inn at Santa Barbara	420 W. Montecito St, Santa Barbara
20	Circle Bar B Ranch Resort	1800 Refugio Rd, Santa Barbara Co.	64	Pacific Crest Inn By The Sea	433 Corona Del Mar, Santa Barbara
21	Coast Village Inn	1188 Coast Village Rd, Santa Barbara	65	Pacifica Suites	5490 Hollister Ave, Goleta
22	Days Inn Santa Barbara	116 Castillo St, Santa Barbara	66	Parkside Inn	424 Por La Mar, Santa Barbara
23	Eagle Inn	232 Natoma St, Santa Barbara	67	Presidio Motel	1620 State St, Santa Barbara
24	El Capitan Canyon Resort	11560 Calle Real, Santa Barbara	68	Quality Inn	3055 De La Vina St, Santa Barbara
25	El Encanto Hotel	1900 Lasuen Rd, Santa Barbara	69	Ramada Limited	4770 Calle Real, Santa Barbara
26	El Prado Inn	1601 State St, Santa Barbara	70	San Ysidro Ranch	900 San Ysidro Ln, Montecito
27	Extended Stay America	4870 Calle Real, Goleta	71	Sandman Inn	3714 State St, Santa Barbara
28	Fess Parker's Double Tree Resort	633 E. Cabrillo Blvd, Santa Barbara	72	Sandpiper Lodge	3525 State St, Santa Barbara
29	Fiesta Inn & Suites	1816 State St, Santa Barbara	73	Sandyland Reef Inn	4160 Via Real, Carpinteria
30	Four Seasons The Biltmore Resort	1260 Channel Dr, Santa Barbara	74	Santa Barbara Inn	901 E. Cabrillo Blvd, Santa Barbara
31	Franciscan Inn	109 Bath St, Santa Barbara	75	Santa Barbara Tourist Hostel	134 Chapala St, Santa Barbara
32	Hacienda Motel	3643 State St, Santa Barbara	76	Secret Garden Inn	1908 Bath St, Santa Barbara
33	Hampton Inn - Goleta	5665 Hollister Ave, Goleta	77	Simpson House Inn	121 E. Arrellaga St, Santa Barbara
34	Harbor House Inn	104 Bath St, Santa Barbara	78	State Street Hotel	121 State St, Santa Barbara
35	Harbor View Inn	28 W. Cabrillo Blvd, Santa Barbara	79	Summerland Inn	2161 Ortega Hill Rd, Summerland
36	Holiday Inn Express	17 W. Haley St, Santa Barbara	80	Sunset Motel	3504 State St, Santa Barbara
37	Holiday Inn Express	5606 Carpinteria Ave, Carpinteria	81	Super 8 Motel	6021 Hollister Ave, Goleta
38	Holiday Inn	5650 Calle Real, Goleta	82	Tiffany Country House	1323 De La Vina St, Santa Barbara
39	Holiday Lodge	2825 State St, Santa Barbara	83	Town & Country Inn	2800 State St, Santa Barbara
40	Hope Ranch Inn	4111 State St, Santa Barbara	84	The Upham Hotel Country House	1404 De La Vina St, Santa Barbara
41	Hotel Mar Monte	1111 E. Cabrillo Blvd, Santa Barbara	85	Villa Elegante	402 Orilla Del Mar, Santa Barbara
42	Hotel Oceana	202 W. Cabrillo Blvd, Santa Barbara	86	Villa Rosa Inn	15 Chapala St, Santa Barbara
43	Hotel Santa Barbara	533 State St, Santa Barbara	87	West Beach Inn	306 W. Cabrillo Blvd, Santa Barbara
44	Inn at East Beach	1029 Orilla Del Mar, Santa Barbara	88	White Jasmine Inn	1327 Bath St, Santa Barbara

