

ORDINANCE No. 117610

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COUNCIL BILL No. 110648

The City of Seattle--Legislative

AN ORDINANCE amending Ordinance 117174 which created the Chinatown, International District Parking and Business Improvement Area to provide for minimum assessments.

REPORT OF COMMITTEE

Honorable President:

Your Committee on Business and Labor

to which was referred the within Council Bill No. 110648
report that we have considered the same and respectfully recommend

Do Pass, 2-0, 4/19/95

Full Council Vote 8-0

COMPTROLLER FILE No. _____

Introduced: APR 1 - 1995	By: DRAGO
Referred: APR 3 - 1995	To: BUSINESS AND LABOR POLICY
Referred:	To:
Referred:	To:
Reported: APR 24 1995	Second Reading: APR 24 1995
Third Reading: APR 24 1995	Signed: APR 24 1995
Presented to Mayor: APR 25 1995	Approved: APR 26 1995
Returned to City Clerk: APR 28 1995	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Joe Drago

Committee Chair

no

The City of Seattle--Legislative Department

Date Reported
and Adopted

4/19/95

REPORT OF COMMITTEE

Honorable President:

Your Committee on

Business and Labor

to which was referred the within Council Bill No.

110648

report that we have considered the same and respectfully recommend that the same:

Do Pass, 2-0, 4/19/95

Full Council vote 8-0

Jon Drago

Committee Chair

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ORDINANCE 117610

AN ORDINANCE amending Ordinance 117174 which created the Chinatown/International District Parking and Business Improvement Area to provide for minimum assessments.

WHEREAS, Ordinance 117174 established the Chinatown/International District Parking and Business Improvement Area pursuant to RCW 35.87A but inadvertently omitted a provision regarding minimum assessments; and

WHEREAS, The City Council adopted Resolution 29100 declaring its intent to amend Ordinance 117174 to include a provision regarding minimum assessments; after notice was provided pursuant to RCW 35.87A.050, the City Council held a public hearing on April 5, 1995, at 2:00 p.m. in the City Council Chambers, 11th floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to amend Ordinance 117174 to include a provision regarding minimum assessments as stated in the Resolution; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4 of Ordinance 117174 is amended to read as follows:

Section 4. Calculation of and limitations upon assessments.

(a) Floor space or area assessed under one classification shall not be reassessed under another. The special categories (III, Car/Truck Sales and Services; VI, Family Association; VII, Train Station; and VIII, Non-profit) shall apply first where pertinent. Thereafter, the applicable assessment rate for the more general categories shall apply, and the rate for the more general categories shall apply and shall be determined in this sequence: (i) Category I, retail space and all commercial uses (including offices, restaurants, theaters, and personal services); (ii) Category II, wholesale/manufacturing; (iii) Category IV, commercial parking areas; and (iv) Category V, property owners. Among the residential categories,

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1 the sequence is (i) Category XI, full service hotels;
2 (ii) Category IX, housing; and (iii) Category X,
3 duplex/single family homes.

4 (b) Except in the case where the owner of the
5 property is the rate payer, concessions, leased
6 departments, or restaurants in office buildings and
7 hotels, are assessed as separate business enterprises,
8 whenever the occupancy has a separate City business
9 license and appears to the public as an independently-
10 operated enterprise.

11 (c) If multiple activities or uses are under-
12 taken in a single business space, the predominant
13 activity or usage determines the classification.

14 (d) If an owner of a building or of a business
15 retains or franchises an independent contractor to
16 manage or operate the structure or enterprise,
17 respectively, collection shall be made from the owner
18 unless the independent contractor agrees with the City
19 to make payment or the owner can show that the
20 contractor is obliged by a lease or contract to pay
21 the special assessment.

22 (e) The minimum assessment of One Hundred
23 Dollars (\$100.00) will be applied to every business,
24 organization and property within the boundaries,
25 except for the owners of homes, including condo-
26 miniums, or duplexes, which shall be assessed at a
27 minimum rate of Six Dollars (\$6.00) per home, and
28 family associations, which will be assessed at an
29 annual rate of Seventy-Five Dollars (\$75.00).

30 Section 2. This ordinance shall take effect and be in
31 force thirty (30) days from and after its approval by the Mayor,
32 but if not approved and returned by the Mayor within ten (10)
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days after presentation, it shall take effect as provided by
Municipal Code Section 1.04.020.

Passed by the City Council the 24 day of April,
1995, and signed by me in open session in authentication of its
passage this 24 day of April, 1995.

[Signature]
President of the City Council

Approved by me this 28 day of April, 1995.

[Signature]
Mayor

Filed by me this 28 day of April, 1995.

[Signature]
City Clerk

(Seal)

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A COMMUNITY PARTNERSHIP
409 Maynard Avenue South / Room: P-1 / Seattle, Washington 98104

RECEIVED

DEC 28 1994

JAN DRAGO
COUNCIL MEMBER

December 19, 1994

Councilmember Jan Drago,
Eleventh Floor, Municipal Building,
600 4th Avenue,
Seattle, Washington 98104-1876

Dear Councilmember Drago:

This letter is to formally request that an amendment be filed to ordinance # 117174, which established the Chinatown/International District Parking and Business Improvement Area.

On page one, paragraph three, of the October 1993 Petition to Establish the Chinatown/International District Parking and Business Improvement Area it states: "The minimum assessment of \$100 (one hundred dollars) will be applied to every business, organization and property within the boundaries, except for the owners of homes, including condominiums or duplexes, which shall be assessed at a minimum rate of \$6 (six dollars) per home and family associations which will be assessed at annual rate of \$75 (seventy-five dollars).

Although there is a \$100 minimum assessment clearly stated in the petition to create the Chinatown I.D./B.I.A., this was overlooked and not stated in the final ordinance. Please include the above paragraph regarding the minimum assessment in " Section 4 : Calculation of and limitations upon assessments" on page 5 of the ordinance.

Thank you,

Jane Chao,
Executive Director,
Chinatown/International District B.I.A.

enc.

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October 1993

PETITION TO ESTABLISH:

**Chinatown/International District
Parking and Business Improvement Area**

TO THE CITY COUNCIL OF SEATTLE.

We, the owners and operators of businesses, organizations, buildings and property located within the proposed area, hereby petition the City of Seattle to establish a Parking and Business Improvement Area (PBIA) as authorized by RCW Chapter 35.87A, within the boundaries described in Attachment A.

To provide programs and other services which improve the general economic climate and enhance the environment of the Chinatown/International District neighborhood, (hereinafter the District), the City of Seattle would levy special assessments upon businesses, organizations, buildings and property within the area; deposit the funds in a special City fund; and, pass them through to the Seattle Chinese Chinatown Chamber of Commerce (hereinafter the Chamber) who would contract with the District Ratepayer Board for services as outlined in the following paragraphs:

1. The City of Seattle would levy special annual assessments upon businesses and property in the area for the purposes of operating a program pursuant to those activities outlined in RCW Chapter 35.87A. The activities to be performed shall be consistent with the intent of the District as outlined in Attachment B.
2. The City of Seattle would levy the special assessment by applying an assessment rate against each business, organization and property within the area as described in Attachment C.
3. The minimum assessment of \$100 (one hundred dollars) will be applied to every business, organization and property within the boundaries, except for the owners of homes, including condominiums, or duplexes, which shall be assessed at a minimum rate of \$6 (six dollars) per home and family associations, which will be assessed at an annual rate of \$75 (seventy-five dollars).
4. The annual assessment for the District program will be approximately \$138,000 (one hundred thirty-eight thousand dollars).
5. The assessment formula used in establishing the PBIA shall be subject to review at the Annual Meeting of the Chinatown/International District PBIA. Any subsequent increases of the assessment formula shall be based on the increase, if any, of the Consumer Price Index (CPI) for the metropolitan Seattle area. The percentage of increase in the assessment formula shall be computed as follows:

$$\frac{(\text{Ending CPI} - \text{Beginning CPI}) \times 100}{\text{Beginning CPI}} = \text{Percentage of Increase}$$

Petition to Establish

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Seattle City Council



January 3, 1995

Jane Chao, Executive Director
Chinatown/International District BIA
409 Maynard South
Seattle, WA 98104

Dear Ms. Chao:

This letter is written in response to your letter to Councilmember Drago, dated December 19, 1994, requesting that an amendment be added to Ordinance #117174, which established the Chinatown/International District BIA.

In reviewing our files on your BIA, I saw that both the petition to establish the BIA and the resolution declaring the City's intent to establish the BIA indicated the following wording which was somehow not included in the ordinance prepared by Jorgen Bader of the Law Department:

"The minimum assessment of \$100 (one hundred dollars) will be applied to every business, organization and property within the boundaries, except for the owners of homes, including condominiums or duplexes, which shall be assessed at a minimum rate of \$6 (six dollars) per home and family associations will be assessed at an annual rate of \$75 (seventy-five dollars)."

After discussing this situation with Councilmember Drago, I forwarded your request to the Law Department, asking that it be handled as expeditiously as possible, preferably in order to be acted upon at an upcoming Business and Labor Committee meeting. We will likely need to go through the same public process to amend this ordinance as we did to pass it in the first place.

As soon as we hear from the Law Department, I will get back to you regarding the next step required to amend the ordinance.

Sincerely,

Barbara Clemons
Council Assistant

enc.

cc: Anthony Francisco, Director, Treasury Division/Dept. of Finance
Carol Dickinson, Director, Office of Economic Development

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TIME A. DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

[Handwritten signature] _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

 PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

55248
City of Seattle, City Clerk

-ss.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT/ORD 117610

was published on
05/05/95

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

[Signature]
Subscribed and sworn to before me on
05/05/95
[Signature]

Notary Public for the State of Washington,
residing in Seattle

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