

RESOLUTION NO. ____-14

**RESOLUTION OF INTENTION OF THE CITY COUNCIL
OF THE CITY OF SUNNYVALE TO REAUTHORIZE THE
DOWNTOWN SUNNYVALE BUSINESS IMPROVEMENT
DISTRICT AND HOLD A PUBLIC HEARING**

WHEREAS, under California Streets and Highways Code Section 36500, *et seq.*, the City Council of the City of Sunnyvale is authorized to reauthorize an improvement district and to act as the legislative body for an improvement district; and

WHEREAS, the City Council now desires to review the annual report and proceed with the reauthorization of an improvement district in order to finance improvements and/or activities necessary or incident to development in the City of Sunnyvale.

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

1. Authority. The City Council proposes to conduct proceedings and declares its intention to reauthorize an improvement district pursuant to California Streets and Highways Code Section 36500, *et seq.*
2. Name. The name of the district will continue to be the "Downtown Sunnyvale Business Improvement District" (the "District").
3. Boundaries. The boundaries of the entire area included in the District, and the boundaries of each separate benefit zone within the District, are set forth in the map attached hereto as Exhibit "A" and incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Sunnyvale.
4. Annual Report. A Report with a detailed description of the improvements and activities attached hereto as Exhibit "B" is on file in the office of the City Clerk and is included in the Report to Council No. 14-0303.
5. Improvements. A Report with the types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District is on file in the office of the City Clerk.
6. Benefit Fee. The City Council intends to levy an annual benefit fee on businesses in the District to pay for selected improvements and activities of the District. All funds of the District shall be expended on improvements and activities within the District. The method and the basis for levying the benefit fee on all businesses within the District are set forth in Exhibit "C".
7. Exemption. New businesses shall be exempt from payment of the fee until the next period following the commencement of operations of the business.

8. Public Hearing. A public hearing to reauthorize the assessment is hereby set for May 6, 2014, at 7:00 p.m., before the City Council of the City of Sunnyvale, at Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale, CA.

(a) Testimony. At the public hearing the testimony of all interested persons, for or against the reauthorization of the District, interested in matters concerning the boundaries of the District, the areas of benefit within the District and the assessments to be levied, will be heard.

(b) Protest(s). A protest against the reauthorization of the District, or any aspect of it, may be made orally or in writing. Any oral protest shall be made at the said public hearing. To count in the majority protest against the District, a protest must be in writing. A written protest may be withdrawn from record at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is shown on the official records of the City of Sunnyvale as the owner of the business. If the written protest is not signed by registered business owner, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity of defect to which objection is made.

If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the District that will pay fifty percent (50%) or more of the total assessments of the entire District, no further proceedings to reauthorize the District shall occur for a period of one year.

If the majority of the written protests are only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated, pursuant to Streets and Highways Code 36525.

9. Notice of Public Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by causing copies of this resolution to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of this Resolution in a newspaper of general circulation once, at least seven (7) days before the hearing, and a list of places where copies of this resolution are posted.

Adopted by the City Council at a regular meeting held on April 8, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

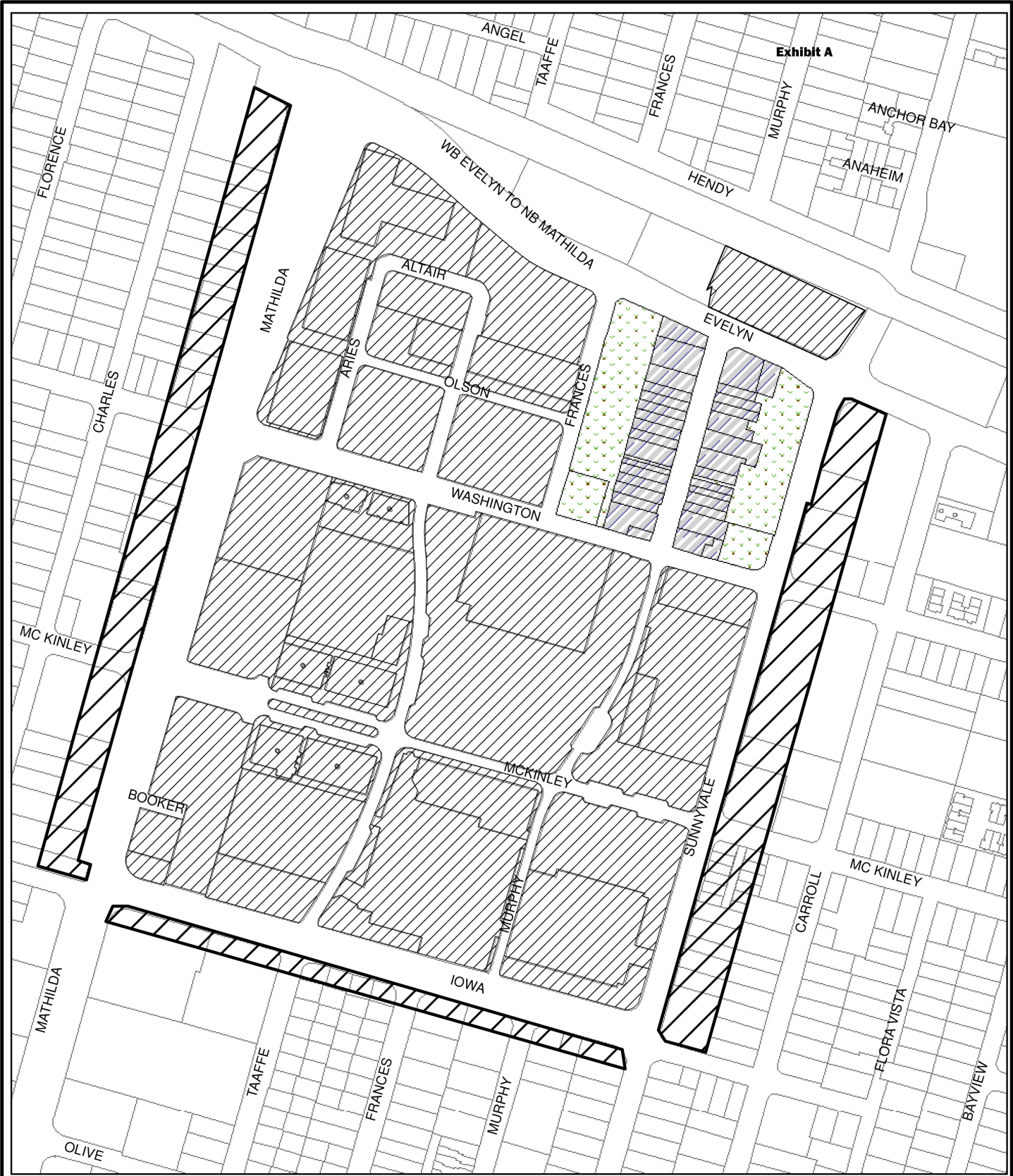
Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit "A" – Map of the Business Improvement District
Exhibit "B" – Proposed Improvements and Activities
Exhibit "C" – Method and Basis for Levying Benefit Fee

EXHIBIT A



DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ZONES

0 75 150 300 Feet



Legend

- ZONE A
- ZONE B
- ZONE C

EXHIBIT B

Proposed Improvements and Activities:

1) Income

Zone A: 34 businesses paying an average annual benefit fee of \$391.	\$13,300
Zone B: 18 businesses paying an average of \$206.	\$ 3,700
Zone C: 113 businesses paying an average of \$124.	\$14,000
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Total potential BID annual collections	\$31,000
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Revenues from SDA special events and fund-raisers	\$88,500
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Grants, Event Sponsorships and other misc. revenue	\$35,000
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Total BID Program annual budget	\$154,500

2) Expenditures

<u>Program</u>	<u>Amount</u>	<u>Percent</u>
1) Commercial Marketing Program	\$122,000	79%
a) Advertising and promotion		
b) Theme development		
c) Special events and activities		
d) Visitor attraction		
2) Civic Beautification and Signage Program	\$1,500	1%
a) Streetscape beautification, lighting		
b) Public-private directional signage		
<i>(About 4% of projected assessments to be collected)</i>		
3) Programs Administration and BID Management	\$31,000	20%
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Totals	\$154,500	100%

(Figures rounded to nearest whole number)

EXHIBIT C

Method and Basis for Levying Benefit Fee

	ZONE A	ZONE B	ZONE C
Retailers, Restaurants, Bars	\$500	\$300	\$150
Service Businesses	\$300	\$200	\$100
Lodging	\$10/rm.	\$10/rm.	\$10/rm
Professional Services Businesses	\$100	\$100	\$100
Financial Institutions	\$500	\$500	\$500

Business type definitions:

Retail and Restaurant: Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

Service Businesses: Businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Lodging: Includes renting rooms by the day or week to community visitors.

Professional Services Businesses: Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Financial Institutions: Includes banking and savings and loan institutions as well as credit unions, etc.