

ORDINANCE NO. 3118-17

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE MAKING FINDINGS AND AMENDING CHAPTER 3.60 (DOWNTOWN SUNNYVALE BUSINESS IMPROVEMENT DISTRICT) OF TITLE 3 (REVENUE AND FINANCE) OF THE SUNNYVALE MUNICIPAL CODE TO CONVERT PORTIONS OF BID ZONE C TO ZONE B**

WHEREAS, on April 25, 2017, the City Council of the City of Sunnyvale (the "City") adopted Resolution of Intention No. 815-17 to Convert Portions of the Downtown Business Improvement District Zone C to Zone B; and

WHEREAS, the conversion of portions of Zone C to Zone B would affect businesses located on Washington Ave. (from Frances to Sunnyvale), businesses on the west side of Frances and adjacent to Plaza del Sol on Taaffe Street, and the Town Center Murphy Avenue extension including future businesses within Redwood Square; and

WHEREAS, the City of Sunnyvale desires to amend certain sections of the Sunnyvale Municipal Code Chapter 3.60 in order to convert portions of BID Zone C to Zone B.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council makes the following finding concerning modifying the Sunnyvale Downtown Business Improvement District ("BID") boundaries to convert portions of Bid Zone C to Zone B.

- (a) A Resolution of Intention No. 815-17 was adopted by the City Council on April 25, 2017, to set the date and time of public hearing on the issue of converting the boundaries of Zone C to Zone B.
- (b) The City Council conducted a public hearing, after giving due notice thereof as required by law, on May 23, 2017, at 7:00 p.m. at City Hall, 456 West Olive Avenue, Sunnyvale, California.
- (c) The public hearing has been held and the City Council has heard and considered
- (d) The boundaries of the proposed additional businesses are located on the west side of Mathilda Avenue from Evelyn Avenue to Iowa Avenue and on the south side of Iowa Avenue from Mathilda Avenue to Sunnyvale Avenue.

- (e) Protests in writing from businesses in the Expanded Zone C paying 50% or more of the proposed assessment have not been received and the amended boundaries of Zone C are hereby amended.
- (f) The businesses within the entire BID established by this ordinance shall be subject to amendments to Streets and Highways Code, commencing with section 36500, and the Sunnyvale Municipal Code Chapter 3.60.
- (g) The rate and method of levying the assessments, applicable to Proposed Zone C businesses, is set in Ordinance Code section 3.60.050 which establishes business types, zones of benefit and amount of annual assessment for each type of business.
- (h) The City Council finds that the improvements and activities to be provided in the BID area will be funded by the levy of assessments, and declares that the revenue derived shall not be used to provide improvements or activities outside the BID area or for any other purpose other than the purposes specified in the resolution of intention, as may be modified by the City Council.
- (i) The businesses within the BID, including the new Zone C businesses, will be benefited by the improvements and activities funded by the assessments proposed to be levied.

**SECTION 2.** Section 3.60.050 AMENDED. Section 3.60.050 of Chapter 3.60 (Downtown Sunnyvale Business Improvement District) of Title 3 (Revenue and Finance) is hereby amended to read as follows:

**3.60.050. Establishment of benefit assessment.**

All businesses, trades and professionals located within the District shall, commencing July 1, 2007, pay an annual benefit assessment to the District in the following amounts:

<b>Zones of Benefit</b>	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>
Retailers, Restaurants, Stand-Alone Bars	\$ 500	\$ 300	\$ 150
Service Businesses	\$ 300	\$ 200	\$ 100
Professional Services Businesses	\$ 100	\$ 100	\$ 100
Lodging	\$10/room	\$10/room	\$10/room
Financial Institutions	\$500	\$500	\$500

(a) [Text unchanged]

(b) Zones of benefit are determined as follows: “Zone A” will be all businesses within the Historic Area with a front or rear entrance on S. Murphy Street. “Zone B” will be businesses in the Historic Area without direct access to the S. Murphy Avenue including all breezeway businesses, businesses located on

Washington Ave. (from Frances to Sunnyvale), businesses on the west side of Frances and adjacent to Plaza del Sol on Taaffe Street and businesses in the Town Center Murphy Avenue extension including future businesses within Redwood Square. “Zone C” will be all other businesses located in downtown area, as described above, which are not included in either “Zone A” or “Zone B.”

(c) [Text unchanged]

(i) – (v) [Text unchanged]

SECTION 3. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on May 23, 2017, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney