

**ORDINANCE NO. 2999-13**

**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 EXPAND BOUNDARIES AND ADD BUSINESSES TO ZONE C**

WHEREAS, on April 9, 2013, the City Council of the City of Sunnyvale (the “City”) adopted Resolution of Intention No. 573-13 to Expand the Existing Boundaries of the Downtown Sunnyvale Business Improvement District (the “District”), and to levy a benefit assessment on additional businesses, trades, professions, and vendors within said amended boundaries of the District (“Expanded Zone C”), the proceeds of which shall be used for the purposes herein described pursuant to Parking and Business Improvement Area Law of 1989, Part 6 (commencing with Section 36500), of Division 18, of the California Streets and Highways Code (the “Act”).

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

SECTION 1. The City Council makes the following findings concerning modifying the Sunnyvale Downtown Business Improvement District (“BID”) boundaries to add businesses located within Proposed Zone C, as required by Streets and Highways Code section 36527.

a. A Resolution of Intention No. 573-13 was adopted by the City Council on April 9, 2013, to set the date and time of public hearing on the issue of enlarging the boundaries of Proposed Zone C by adding additional businesses to the BID.

b. The City Council conducted a public hearing, after giving due notice thereof as required by law, on May 21, 2013, 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 all oral and written protests against expanding Zone C boundaries of the District, the extent of the area, the furnishing of specified types of improvements or activities within the area and other comments regarding such proposed actions.

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 3.60, Chapter 60 of Title 3.

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 as excerpted and shown in the table below.

<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

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.

2. The assessments will be collected by city invoice to each business owner following hearing in July, 2013, and each year thereafter in July. Payments will be considered late if not received on or before the due date listed on the invoice. The business will accrue late fees for every 30 days delinquent after the original due date. A 10% late penalty will be assessed to in addition to the assessment amount for every 30 days payment is late. The penalty fees will be accrued for up to five months after original due date. If payment is not received after five months, the City will forward delinquent accounts to collections agency for further action. Once the business is assigned to the collections agency, additional fees will accrue.

SECTION 2. CHAPTER 3.60 AMENDED. Chapter 3.60 (Downtown Sunnyvale Business Improvement District) is hereby amended as follows (Revenue and Finance) of the Sunnyvale Municipal Code, to read as follows:

**3.60.030. Boundaries of the District.**

A Business Improvement District is hereby established pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highway Code Section 36500 et seq. The boundaries of the District and the benefit zones within the District shall be as set forth on the Boundary Map, including any modifications, of the Downtown Sunnyvale Business Improvement District on file in the office of the City Clerk.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of

competent jurisdiction, such decision 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 4. 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. The City Council therefore directs that the Office of Economic Development may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the requirements of CEQA.

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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 21, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council to be held on \_\_\_\_\_, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

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



**ATTACHMENT A**  
**Proposed Zone C -**  
**Expanded Boudary of Business Improvement District**



■ Proposed Zone C

