

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE APPROVING THE DOWNTOWN SAN JOSE
PROPERTY-BASED BUSINESS IMPROVEMENT
DISTRICT MANAGEMENT PLAN AND ENGINEER'S
REPORT AND APPROVING AND IMPOSING THE
RESPECTIVE ASSESSMENTS**

WHEREAS, under and pursuant to the provisions of the Property and Business Improvement District (“PBID”) Law of 1994, Section 36600 et. seq. of the California Streets and Highways Code and provisions of Article XIID of the State Constitution (collectively, “PBID Law”), the City Council of the City of San José (“City Council”) on April 19, 2022 adopted Resolution No. 80470, entitled “A Resolution of the Council of the City of San Jose Stating its Intention to Expand and Renew the Property and Business Improvement District in Downtown San José; Preliminarily Approving the Downtown PBID Management Plan and Engineer’s Report; and Setting a Public Hearing for Establishment of the PBID for June 7, 2022 at 1:30 P.M.”; and

WHEREAS, Resolution No. 80470 was duly published; and

WHEREAS, the current boundaries of the Downtown San José PBID encompass the core of the Downtown area bounded by 4th Street, including the San José State University campus and the City Hall complex to the East, St. James and Devine Streets to the North, Highway 87 and the Arena complex to the West, and Market and First Streets to Reed Street to the South, and the boundaries of the expanded and renewed Downtown San José PBID will be slightly expanded roughly bounded by 4th and 7th Streets, the San José State University campus, and the City Hall complex to the East, Bassett Street and the Arena complex to the north, Highway 87 and the Arena complex and Diridon Station to the west, and Almaden Boulevard, 1st and 2nd Streets to Highway 280 to the south; and

WHEREAS, no bonds or other bonded debt will be issued to finance activities or improvements envisioned in the Downtown San José PBID Management Plan or Engineer’s Report; and

WHEREAS, the expanded and renewed Downtown San José PBID will continue to provide revenues for services beyond what the City traditionally provides, specifically through Clean Teams, Social Impact Team, Safety Ambassadors, Beautification and Streetlife, Business Development, Communications, and Service Innovation/Special Projects; and

WHEREAS, the assessments will be levied on property in the Downtown San José PBID, as set forth below; and

LAND USE	LOT + BLDG SQ.FT.
Commercial/Enterprise Government	\$0.1339
Residential*/Nonprofit/Traditional Government	\$0.1083

* Properties zoned solely for residential use are not subject to the assessment.

WHEREAS, non-commercial and traditional government properties do not receive the benefit of the Economic Activities services so will not be assessed for it; and

WHEREAS, on or before April 21, 2022, mailing of the ballots about the Downtown San José PBID was completed, meeting the legal requirement of forty-five (45) days prior to the public hearing; and

WHEREAS, as specified in Resolution No. 80470, a public hearing concerning the expansion and renewal the Downtown San José PBID was held before the City Council on June 7, 2022, at the hour of 1:30 p.m. or as soon thereafter as the matter may be

heard, in the City Council Chambers of the City of San José, 200 East Santa Clara Street, San José, California, and public testimony was heard; and

WHEREAS, as specified in Resolution No. 80470, an election for tabulation of the Downtown San José PBID ballots was held on June 7, 2022; and

WHEREAS, the ballots received from affected property owners were over fifty percent (50%) in support of the proposed assessment, and the City Council determined that there was no major protest within the meaning of Section 33625 of the PBID law;

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

1. The purpose for expanding and renewing the Downtown San José PBID is to continue to provide revenues for services beyond what the City traditionally provides, specifically through Clean Teams, Social Impact Team, Safety Ambassadors, Beautification and Streetlife, Business Development, Communications, and Service Innovation/Special Projects. The improvements and activities to be provided in the Downtown San José PBID will be funded by the levy of assessments. The revenue from the levy of assessments shall not be used to provide improvements or activities outside the Downtown San José PBID or for any purpose other than the purposes specified in the Engineer's Report and Resolution No. 80470.
2. The City Council finds that there is no majority protest against the expansion and renewal of the Downtown San José PBID within the meaning of Section 33625 of the PBID law and that the property within the Downtown San José PBID will be benefitted by the improvements and activities funded by the assessments levied.

3. The Downtown San José PBID Management Plan and Engineer's Report is approved.
4. The imposition of the assessments for the Downtown San José PBID is approved.
5. All of the property owners in the Downtown San José PBID expanded and renewed area by the Resolution shall be subject to any amendments to the provisions of the PBID law.

ADOPTED this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk