

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENTION TO ESTABLISH THE MONTEREY CORRIDOR BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989; FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND PUBLIC HEARING AND GIVING NOTICE THEREOF; AND APPOINTING AN ADVISORY BOARD TO ADVISE THE CITY COUNCIL ON ALL ISSUES RELATED TO THE TULLY ROAD EASTRIDGE BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Parking and Business Improvement Area Law of 1989, Streets and Highways Code §36500 et seq. (“89 Law”), authorizes the City of San José (“City”) to establish business improvement areas allowing businesses to raise funds to support joint efforts within a specific geographic area; and

WHEREAS, in 2023, the Monterey Corridor Business Association (“MCBA”) was established as a non-profit corporation, and in June 2024 the MCBA governing board voted in favor of establishing a business improvement district in the Monterey Road business corridor, between Capitol Expressway and Alma Avenue in central San José (“Monterey Corridor”); and

WHEREAS, the MCBA, business owners in the Monterey Corridor, and representatives from the City have met to consider the formation of the Monterey Corridor Business Improvement District (“MCBID”) for the purposes of physical maintenance, marketing, and promotion efforts to increase commercial activity in the Monterey Corridor; and

WHEREAS, the governing board of the MCBA will serve as the MCBID’s advisory board to manage and operate the MCBID programs; and

WHEREAS, pursuant to the 89 Law, a public meeting must be held to provide information and an opportunity for comment on the proposed MCBID, and a public hearing must be held to establish the MCBID;

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

1. The City Council hereby declares its intention to establish a parking and business improvement area to be known as the “Monterey Corridor Business Improvement District” (“MCBID”) pursuant to the 89 Law.
2. The City Council hereby appoints the governing board of the Monterey Corridor Business Association as the Advisory Board for the MCBID, pursuant to Section 36530 of the 89 Law.
3. The boundaries of the MCBID are described below, and are shown on the map attached hereto as Exhibit A and incorporated herein:

Street	Odd Side of the Street	Even Side of the Street
10TH	1515 S 10TH ST - 2177 S 10TH ST	1500 S 10TH ST - 2380 S 10TH ST
1ST	None	1610 S 1ST ST - 1610 S 1ST ST
7TH	1555 S 7TH ST - 2345 S 7TH ST	1404 S 7TH ST - 2070 S 7TH ST
ALMA	None	210 E ALMA AV - 588 E ALMA AV
ALMADEN	None	1550 ALMADEN RD - 1550 ALMADEN RD
BARNARD	111 BARNARD AV - 291 BARNARD AV	64 BARNARD AV - 298 BARNARD AV
BURKE	477 BURKE ST - 577 BURKE ST	None

Street	Odd Side of the Street	Even Side of the Street
Capitol	175 W Capitol Expy - 175 W Capitol Expy	None
CIMINO	None	270 CIMINO ST - 280 CIMINO ST
CREEK	335 CREEK CT - 355 CREEK CT	320 CREEK CT - 360 CREEK CT
CURTNER	1 CURTNER AV - 2199 CURTNER AVE	None
DAYLIGHT	2915 DAYLIGHT WY - 2969 DAYLIGHT WY	2912 DAYLIGHT WY - 2994 DAYLIGHT WY
EXPY	1401 EXPY - 1401 EXPY	1492 EXPY - 1680 EXPY
FORD	None	1422 FORD AV - 1498 FORD AV
HILLCAP	3517 HILLCAP AV - 3517 HILLCAP AV	3408 HILLCAP AV - 3630 HILLCAP AV
HILLSDALE	None	192 HILLSDALE AV - 198 HILLSDALE AV
HOPE	3065 HOPE ST - 3089 HOPE ST	3040 HOPE ST - 3060 HOPE ST
KENBROOK	299 KENBROOK CL - 425 KENBROOK CL	None
KYLE PARK	1925 KYLE PARK CT - 1985 KYLE PARK CT	None
LA ROSSA	1551 LA ROSSA CL - 1607 LA ROSSA CL	1508 LA ROSSA CL - 1640 LA ROSSA CL
LEO	215 LEO AV - 285 LEO AV	220 LEO AV - 260 LEO AV
LEWIS	33 LEWIS RD - 33 LEWIS RD	130 LEWIS RD - 130 LEWIS RD
LITTLE ORCHARD	1493 LITTLE ORCHARD ST - 2011 LITTLE ORCHARD ST	1590 LITTLE ORCHARD ST - 1990 LITTLE ORCHARD
MONTEREY	1401 MONTEREY RD - 3111 MONTEREY RD	0 MONTEREY RD - 3930 MONTEREY RD
NEEDLES	None	470 NEEDLES DR - 470 NEEDLES DR
PARROTT	499 PARROTT ST - 543 PARROTT ST	480 PARROTT ST - 580 PARROTT ST
PERRYMONT	411 PERRYMONT AV - 475 PERRYMONT AV	426 PERRYMONT AV - 468 PERRYMONT AV
PHELAN	75 PHELAN AV - 365 Phelan Ave	88 PHELAN AV - 544 PHELAN AV
POMONA	1617 POMONA AV - 1697 POMONA AV	1646 POMONA AV - 1700 POMONA AV

Street	Odd Side of the Street	Even Side of the Street
PULLMAN	99 PULLMAN WY - 111 PULLMAN WY	70 PULLMAN WY - 92 PULLMAN WY
SAN JOSE	55 SAN JOSE AV - 359 SAN JOSE AV	6 SAN JOSE AV - 358 SAN JOSE AV
SENER	1661 SENER RD - 2395 SENER RD	None
SEVENTH	None	1620 SOUTH SEVENTH - 1620 SOUTH SEVENTH
SMITH	1741 SMITH AV - 1801 SMITH AV	1720 SMITH AV - 1802 SMITH AV
SNELL	None	3550 SNELL AV - 3620 SNELL AV
SOUTHSIDE	151 SOUTHSIDE DR - 151 SOUTHSIDE DR	None
STAUFFER	189 STAUFFER BL - 193 STAUFFER BL	188 STAUFFER BL - 198 STAUFFER BL
STONE	1815 STONE AV - 2185 STONE AV	1712 STONE AV - 1990 STONE AV
TULLY	85 TULLY RD - 585 TULLY RD	88 TULLY RD - 150 TULLY RD
TULLY OLD	55 TULLY OLD RD - 131 TULLY OLD RD	None
UMBARGER	None	50 UMBARGER RD - 100 UMBARGER RD

4. The proposed improvements and activities to be funded by the MCBID are, in general, cleaning and beautification, promotions, events and marketing, advocacy and administration, and contingency/reserve. A description of the types of activities proposed to be funded by the levy of assessments on businesses in the MCBID is set forth in Exhibit B attached hereto and incorporated herein.

5. The assessment rate for the business owner is a flat rate of \$250.00 annually. Except where funds are otherwise available, the assessments shall be levied and collected on an annual basis to pay for all improvements and activities within the area. The City shall collect the assessment.

6. New businesses will not be exempt from the levy of assessment, pursuant to Section 36531 of the 89 Law.
7. NOTICE IS HEREBY GIVEN that October 29, 2024, at 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 is fixed as the time and place for a public meeting on the establishment of the MCBID.
8. NOTICE IS HEREBY GIVEN that December 10, 2024, at 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 is fixed as the time and place for a public hearing on the establishment of the MCBID.
9. At the aforesaid public hearing, the testimony of any and all interested persons for or against the establishment of the MCBID, the extent of the MCBID, or the furnishing of specified types of improvements or activities in the MCBID shall be heard and considered by the City Council. Protests against the establishment of the MCBID, the extent of the area of the MCBID, or the furnishing of specified types of improvements or activities may be made orally or in writing by any interested person. Each written protest must be filed with the City Clerk, either by mail to City Clerk, City Hall, 200 East Santa Clara Street, San José, California, or by e-mail to city.clerk@sanjoseca.gov, at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
10. As provided in Section 36525 of the 89 Law, if written protests against the establishment of the MCBID, the extent of the MCBID, or the furnishing of specified types of improvements or activities in the MCBID are received from the owners of businesses in the MCBID which would pay fifty percent (50%) or more of the

assessments proposed to be levied and protests are not withdrawn so as to reduce the protest to less than fifty percent (50%), then no further proceedings to establish the MCBID or to levy the proposed assessment may be taken by the City Council for a period of one year from the date of the finding of a majority protest by City Council. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the MCBID, then those types of improvements or activities shall be eliminated. In order to be counted in determining a majority protest, a written protest must contain a description of the business in which the person submitting the protest is interested sufficient to identify the business as a business within the proposed MCBID and, if a person protesting is not shown on the official records as the owner of the business, the protest shall contain or be accompanied by written evidence that the person protesting is the owner of the business.

11. The City Clerk is hereby directed to give notice of the above-mentioned public meeting and public hearing pursuant to Section 36523 of the California Streets and Highway Code, by publication and mailing.

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ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A DISTRICT BOUNDARIES

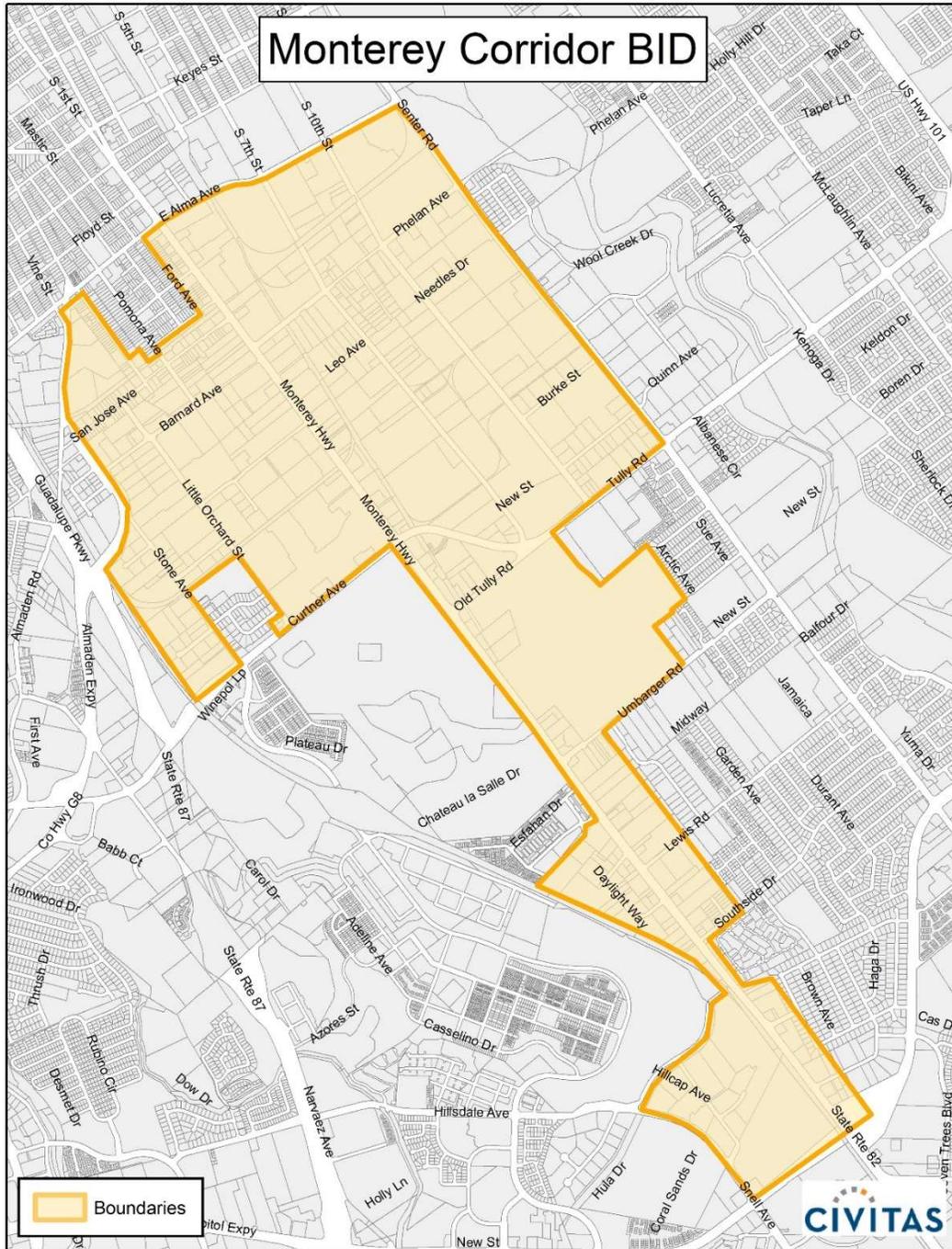
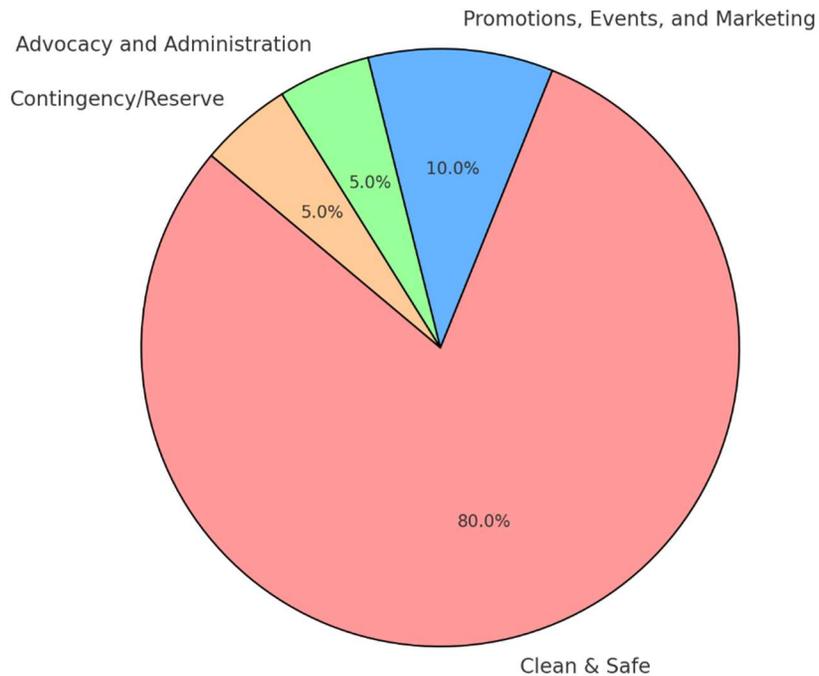


EXHIBIT B PROPOSED BID SERVICES

The City forecasted that the BID would generate approximately \$283,015, based on estimates from the weighted average collection rate for existing BIDs in San José. However, the MCBA board uses a more conservative estimate in the proposed budget report, approximately \$252,000 in its first year.

MCBID Proposed 12-month Budget



Proposed 12-month Budget	\$252,000
Expenses	
Clean & Safe	\$201,600
Promotions, Events and Marketing	\$25,200
Advocacy and Administration	\$12,600
Contingency/Reserve	\$12,600
Total Expenses	\$252,000

Clean and Safe

The Clean and Safe program will make the MCBID cleaner, more accessible, and more attractive to potential investors, tenants, and customers, as well as a safer place to do

business. An enhanced schedule will be established for most of the maintenance services. The distinct maintenance activities to be provided constitute and create specific benefits to assessed businesses. Enhanced maintenance services may include, but are not limited to:

- Litter removal services, including garbage, debris, and leaves;
- Removal of bulky items and street sweeping services;
- On-demand graffiti removal services; and
- Pressure washing sidewalks adjacent to assessed businesses on an as needed basis.

Enhanced safety services may include dedicated patrols by off-duty officers of the City of San José Police Department or supplemental private security patrols. The patrol will seek to serve as both a deterrent by creating a visible presence, and a response to incidences that occur. The goal of the program is to increase the usability of assessed parcels and address issues that discourage business owners, tenants, and customers from visiting assessed businesses, ultimately constituting and providing unique, specific benefits to assessed businesses. These enhanced services may include, but are not limited to:

- Partnerships with local law enforcement to provide business owners direct communication with local law enforcement;
- A safety and patrol program to deter and report illegal street vending, illegal dumping, and street code violations. This program will address a myriad of quality-of-life problems including public intoxication, panhandling, loitering, trespassing, and scavenging;
- A safety program may be implemented to improve day and evening safety in the MCBID by mitigating vagrancy, property damage, encampment, and petty crimes;
- Installation and maintenance of security cameras;
- Navigator homeless outreach teams and guides may be deployed throughout the MCBID;
- Support crime prevention on assessed businesses by working closely with local law enforcement; and
- Respond and work to reduce nuisance behaviors which can deter tenants and customers on assessed businesses.

Promotions, Events and Marketing

The program will have the goal of attracting customers and increasing sales at assessed businesses and may include the following activities:

- Internet marketing efforts, including the use of social media, to increase awareness and optimize internet presence to drive customers and sales to assessed businesses;

- Networking events for local business owners, driving engagement to improve the business environment;
- Preparation and production of collateral, promotional materials such as brochures, flyers, mailings, and maps featuring assessed businesses;
- Creation of or participation in promotional events, which may include pop-up tents and banners; and
- Development and maintenance of a website designed to promote assessed businesses.

Advocacy and Administration

The advocacy and administration portion of the budget will be utilized for administrative costs associated with providing the services. Those costs may include rent and occupancy charges, telephone and internet charges, legal fees, accounting fees, postage, administrative staff, insurance, other general office expenses, and City administration costs to collect the assessment, which shall not exceed the actual costs. In addition, the advocacy and administration budget will be utilized to fund staff time and consultants dedicated to providing unified attention, communication, and responsiveness throughout the MCBID.

Contingency/Reserve

The budget includes a contingency/reserve line item to account for annual operating surplus or uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other programs, administration, or renewal costs at the discretion of the City Council or advisory board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of the monies from the reserve fund shall be set by the City Council or advisory board.