



MAYOR GARY O. PHILLIPS
COUNCILMEMBER DAMON CONNOLLY
COUNCILMEMBER BARBARA HELLER
COUNCILMEMBER MARC LEVINE
COUNCILMEMBER ANDREW CUYUGAN McCULLOUGH

March 25, 2013

Notice of a Public Meeting and a Public Hearing of the San Rafael City Council on Amendments to the existing “Downtown Parking and Business Improvements Area”

Notice is hereby given that the San Rafael City Council will hold a public meeting at their regularly scheduled City Council meeting on **Monday, May 6, 2013 at 7 p.m.** in the City Council Chambers of City Hall, 1400 Fifth Avenue, San Rafael, to hear public testimony on a proposal to amend the existing “Downtown Parking and Business Improvements Area” by:

- A. Changing the name to “Downtown San Rafael Business Improvement District” (the “BID”);
- B. Expanding the existing area boundaries to those shown on the enclosed Resolution of Intention Exhibit A Map,
- C. Changing the activities to which the assessment will used to those described on the enclosed Resolution of Intention Exhibit B Use of Assessment Revenue,
- D. Including all businesses (retail, restaurant, personal services, financial institutions, offices, professionals and non-profits) except residential uses and home occupations in the District;
- E. Changing the assessment from one half of the Business License Fee to a flat fee by type of business in two zones of benefit as shown in the enclosed Resolution of Intention Exhibit C Annual Assessment Formula.

The purpose of this Public Meeting is to take all public testimony, for or against the amendment of the BID or any of the matters included in the amendment; no action will be taken.

Notice is hereby given that the San Rafael City Council will also hold a public hearing at their regularly scheduled City Council meeting on **Monday, May 20, 2013 at 7 p.m.** in the City Council Chambers of City Hall, 1400 Fifth Avenue, San Rafael on the proposed amendments to the “Downtown Parking and Business Improvements Area.” At the public hearing, Council will take the testimony of all interested persons, for or against the amendment of the BID or any of the matters included in the amendment, and will collect all protests. At the conclusion of the hearing, Council will take action, and may approve or deny the amendment, make changes in the boundaries, the activities proposed, the businesses included and the assessments. Council may not add territory to the proposed boundaries or increase assessments beyond those stated in the Resolution of Intention.

A protest against the amendment of the BID, or any aspect of the amendment, may be made orally or in writing. To be counted as a part of a majority protest against the amendment of the BID, a protest must be in writing and from a business owner in the BID. Written protests must be filed with the City Clerk, City Hall, 1400 Fifth Avenue, PO Box 151560, San Rafael,

CA 94915-1560 by May 20, or be submitted at the May 20 public hearing. A written protest may be withdrawn from the record at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business sufficient to identify the business and its address, and shall be signed by the business owner. If the person signing the protest is not shown on the official records of the City of San Rafael as the owner of the business, then the protest shall contain written evidence that the person signing 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 or defect to which objection is made.

If at the conclusion of the public hearing there are written protests on record of businesses owners within the BID that will pay fifty percent (50%) or more of the total assessments of the entire BID, no further proceedings to amend the BID shall occur. New proceedings to amend the BID shall not be undertaken again for a period of at least one year from the date of the finding of the majority written protest by the City Council. If the majority written protest is against a specific activity, inclusion of a specific area or type of business, or a specific assessment amount, adjustments may be made to the amendment proposal.

Further information regarding the proposed Downtown San Rafael Business Improvement District may be obtained from the Office of Economic Development at 1313 Fifth Avenue, San Rafael, CA 94901, by telephone from the Office of Economic Development at 485-3326, or by email at SRdowntown@cityofsanrafael.org.

A copy of the Resolution of Intention, Resolution No.13519, adopted by the City Council on March 18, 2013 and entitled "Resolution of the San Rafael City Council Declaring Council's Intention to Amend the Downtown Parking and Business Improvements Area" is enclosed.

Esther C. Beirne

Esther C. Beirne
San Rafael City Clerk

RESOLUTION NO. 13519

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL DECLARING COUNCIL'S INTENTION TO AMEND THE EXISTING DOWNTOWN PARKING AND BUSINESS IMPROVEMENTS AREA AND LEVY AN ASSESSMENT

WHEREAS, the California Streets and Highways Code Section 36500 et seq. authorizes cities to establish parking and business improvement areas for the purpose of promoting economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses and prevent erosion of business districts; and

WHEREAS, the existing San Rafael Business Improvement District has requested the City Council to amend the existing Parking and Business Improvements Area instituted in 1979 in the commercial area on and around Fourth Street in San Rafael.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of San Rafael as follows:

Section 1. The City Council does, at the request of the existing San Rafael Business Improvement District, and pursuant to the California Streets and Highways Code Section 36500 et. seq., declare its intention to amend the existing "Downtown Parking and Business Improvements Area" by changing the name to "Downtown San Rafael Business Improvement District" (the "BID"); expanding the existing area boundaries; changing the activities to which the assessment will be used; including all businesses except residential uses and home occupations in the District; and changing the assessment to a flat fee by type of business in two zones of benefit.

Section 2. The boundaries of the entire area to be included in the BID, and the boundaries of each separate benefit zone within the BID, are set forth in the map and boundary description, Exhibit A, attached hereto and incorporated herein by reference. A map of the BID is on file with the City Clerk.

Section 3. The types of improvements and activities proposed to be funded by the levy of assessments on business in the BID are in Exhibit B attached hereto and incorporated herein by reference.

Section 4. The City Council intends to levy an annual benefit assessment on businesses in the BID, except where funds are otherwise available, to pay for selected improvements and activities of the BID.

Section 5. All funds of the BID shall be expended on improvements and activities within the BID.

Section 6. The method and the basis for levying the benefit assessment on businesses within the BID are set forth in Exhibit C attached hereto and incorporated herein by reference.

Section 7. New businesses shall not be exempt from payment of the fee.

Section 8. A public meeting for the purpose of allowing public testimony on the proposal to amend the BID shall be held before the City Council on May 6, 2013, at 7 p.m. in the Council Chambers, 1400 Fifth Avenue, San Rafael, California. At the public meeting the testimony of all interested persons, for or against the amendment of the BID or of any of the matters included in the amendment, will be heard.

Section 9. A public hearing to amend the BID shall be held before the City Council on the May 20, 2013, at 7 p.m. in the Council Chambers, 1400 Fifth Avenue, San Rafael, California. At the public hearing the testimony of all interested persons, for or against the amendment of the BID or of any of the matters included in the amendment, will be heard and all protest collected.

Section 10. A protest against the amendment of the BID, or any aspect of the amendment may be made orally or in writing. To be counted as a part of a majority protest against the amendment of the BID, a protest must be in writing and from a business in the BID. 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 interested, sufficient to identify the business, and its address. If the person signing the protest is not shown on the official records of the City of San Rafael as the owner of the business, 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 or defect to which objection is made.

Section 11. If at the conclusion of the public hearing there are of record written protests by businesses owners within the BID that will pay fifty percent (50%) or more of the total assessments of the entire BID, no further proceedings to amend the BID shall occur. New proceedings to amend the BID shall not be undertaken again for a period of at least one year from the date of the finding of the majority written protest by the City Council. If the majority written protest is against a specific activity, inclusion of a specific area or type of business, or a specific assessment amount, adjustments may be made to the amendment proposal.

Section 12. Further information regarding the proposed Downtown San Rafael Business Improvement District may be obtained from the Office of Economic Development at 1313 Fifth Avenue, San Rafael, CA 94901; by telephone from the Office of Economic Development at 485-3326; or email at SRdowntown@cityofsanrafael.org.

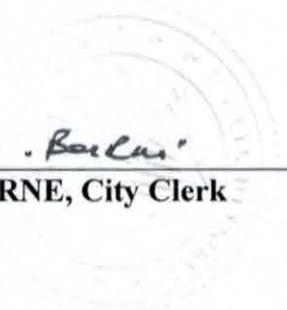
Section 13. The City Clerk is directed to give notice of said public hearing by causing this Resolution of Intention to be published once in a newspaper of general circulation in the City of San Rafael, at least seven days before the hearing; and by mailing a complete copy of this Resolution of Intention to each business owner in the District within seven days of the adoption of this Resolution by the City Council.

I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 18th day of March, 2013, by the following vote, to wit:

AYES: Councilmembers: Colin, Connolly, Heller, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Esther C. Beirne

ESTHER C. BEIRNE, City Clerk

EXHIBIT A

Amended Downtown San Rafael Business Improvement District



Legend

-  Premium
-  Standard

EXHIBIT B

Downtown San Rafael Business Improvement District Use of Assessment Revenue

The revenues derived from the assessments shall be used for the purposes as stated in Streets and Highways Code Section 36501 et seq. for the specific benefit of assessed businesses which may include:

- A. General promotion of businesses activities which provide a specific benefit to assessed businesses within the BID;
- B. Promotion of public events which provide a specific benefit to assessed businesses within the BID and which take place in public places within the BID;
- C. The acquisition, construction, installation and maintenance of any tangible property including but not limited to benches, trash receptacles, decorations and landscaping which provide a specific benefit to assessed businesses within the BID;
- D. Activities which provide a specific benefit to assessed businesses within the BID.

EXHIBIT C

Downtown San Rafael Business Improvement District Annual Assessment Formula

Type of Business	Annual Assessment	
	Standard	Premium
Retail, Restaurant, Personal Services, Financial Institutions	\$175	\$225
Offices, Professionals	\$75	\$100
Personal Services Sole Practitioner	\$50	\$75
Non-Profit Organization	\$50	\$50