

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ESTABLISHING THE AMOUNTS OF
COMMERCIAL LINKAGE FEES IN ACCORDANCE WITH
CHAPTER 5.11 OF TITLE 5 OF THE SAN JOSE
MUNICIPAL CODE**

WHEREAS, the City Council of the City of San José adopted an ordinance establishing a Commercial Linkage Fee on Non-Residential development as codified in Chapter 5.11 of Title 5 of the San José Municipal Code (the “Ordinance”); and

WHEREAS, the purpose and findings supporting the adoption of the Commercial Linkage Fee are set forth in the Ordinance; and

WHEREAS, the Council desires to establish herein the amount of the Commercial Linkage Fees for specified Non-Residential land uses in specified Geographic Subareas of the City of San José; and

WHEREAS, this Resolution is not a project subject to the California Environmental Quality Act of 1970, as amended (“CEQA”) pursuant to Section 15378(b)(4) of the CEQA Guidelines which excludes the following from the definition of projects subject to the environmental review requirements: “The creation of a government funding mechanism or other government fiscal activities which do not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment” (File No. PP17-004);

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

SECTION 1. The definitions of the terms “Geographic Subarea,” “Non-Residential” land use categories, and “Non-Residential Project” used in this Resolution shall have meanings set forth in Section 5.11.020 of the San José Municipal Code.

SECTION 2. The Commercial Linkage Fees adopted in Chapter 5.11 of the San José Municipal Code are hereby established in the following amounts and shall be computed as follows:

- A. All Non-Residential Projects and all Non-Residential portions of a Project shall pay the following based on the gross square footage of each use included in the proposed Project:

<u>Geographic Subarea</u>	<u>Non-Residential Use</u>	<u>Fee per sq. ft.</u>
Downtown	Office (≥100,000 sq. ft.)	\$10.00
	Office (<100,000 sq. ft.)	\$3.00
	Retail (≥100,000 sq. ft.)	\$3.00
	Retail (<100,000 sq. ft.)	No fee (\$0)
	Hotel	\$5.00
	Industrial/Research and Development (≥100,000 sq. ft.)	\$3.00
	Industrial/Research and Development (<100,000 sq. ft.)	No fee (\$0)
	Warehouse	\$5.00
	Residential Care	\$18.706.00
	Rest of City	Office (≥100,000 sq. ft.)
Office (<100,000 sq. ft.)		\$3.00
Retail (≥100,000 sq. ft.)		\$3.00
Retail (<100,000 sq. ft.)		No fee (\$0)
Hotel		\$5.00
Industrial/Research and Development (≥100,000 sq. ft.)		\$3.00

Industrial/Research and Development (<100,000 sq. ft.)	No fee (\$0)
Warehouse	\$5.00
Residential Care	\$18.706.00

- B. The amount of legally permitted Non-Residential square footage to be demolished or removed in an existing building or structure shall be a credit in the calculation of the Commercial Linkage Fee. Credit shall be applied on a per square foot basis according to the per square foot fee assigned to the type of Non-Residential use that existed on the site prior to the new Non-Residential Project application submittal.

SECTION 3. This resolution shall take effect upon the effective date of the ordinance of the City of San José City Council adopting Chapter 5.11 of the San José Municipal Code entitled “Commercial Linkage Fee.”

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk