

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
CHAPTER 4.80 OF TITLE 4 OF THE SAN JOSE
MUNICIPAL CODE TO ADD A NEW PART RELATED TO
THE ESTABLISHMENT OF THE DIRIDON STATION AREA
IMPACT FEE FUND**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-010 (City Organizational & Administrative Activities resulting in no changes to the physical environment) and File No. PP17-004 (Government funding mechanism or fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

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

A new Part is added to Chapter 4.80 of Title 4 of the San José Municipal Code, to be numbered, entitled and to read as follows:

Part 70
Diridon Station Area Impact Fee Fund

4.80.4330 Diridon Station Area Impact Fee Fund Established

There is hereby created and established the “Diridon Station Area Impact Fee Fund.”

4.80.4340 Source of Monies

The source of monies budgeted and accounted for in the Diridon Station Area Impact Fee Fund shall be the fees paid by developers for all new development in the Diridon Station Area Impact Fee Zone as described in Chapter 14.35 of the Municipal Code. Revenues are received and allocated within the following categories of infrastructure: transportation, plaza/non-park open space, sanitary sewer, and storm drainage and flood control.

4.80.4350 Expenditures

Monies in the Diridon Station Area Impact Fee Fund shall be used to pay for the cost of constructing and facilitating the construction of certain basic infrastructure and facilities in the Diridon Station Area Impact Fee Zone as described in Chapter 14.35 of the Municipal Code. Expenditures are separately accounted for in each of the infrastructure categories as listed in Section 4.80.4340.

4.80.4360 Interest

Interest which accrues from monies in Diridon Station Area Impact Fee Fund shall be credited to this Fund within each of the infrastructure categories as listed in Section 4.80.4340.

PASSED FOR PUBLICATION of title this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk