

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 NEW PARTS RELATED TO THE ESTABLISHMENT OF THE BUILDING DEVELOPMENT FEE PROGRAM FUND, THE PLANNING DEVELOPMENT FEE PROGRAM FUND, THE CITYWIDE PLANNING FEE PROGRAM FUND, THE FIRE DEVELOPMENT FEE PROGRAM FUND, THE PUBLIC WORKS DEVELOPMENT FEE PROGRAM FUND, AND THE PUBLIC WORKS SMALL CELL PERMITTING FEE PROGRAM 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:

SECTION 1. 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 72**  
**Building Development Fee Program Fund**

**4.80.4410 Building Development Fee Program Fund Established**

There is hereby created and established the “Building Development Fee Program Fund.”

**4.80.4420 Source of Monies**

The source of monies budgeted and accounted for in the Building Development Fee Program Fund shall be the fees paid for permits issued under Title 24 of the San José Municipal Code.

**4.80.4430 Expenditures**

Monies in the Building Development Fee Program Fund shall be used to pay for the cost of administration and enforcement of the permits issued under Title 24 of the San José Municipal Code.

**4.80.4440 Interest**

Interest which accrues from monies in the Building Development Fee Program Fund shall be credited to this Fund.

SECTION 2. 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 73**  
**Planning Development Fee Program Fund**

**4.80.4450 Planning Development Fee Program Fund Established**

There is hereby created and established the “Planning Development Fee Program Fund.”

**4.80.4460 Source of Monies**

The source of monies budgeted and accounted for in the Planning Development Fee Program Fund shall be the fees paid for permits and approvals issued and the services provided under Titles 13, 18, 19, 20, 21 and 23 of the San José Municipal Code.

**4.80.4470 Expenditures**

Monies in the Planning Development Fee Program Fund shall be used to pay for the cost of administration and enforcement of the permits and approvals issued and services provided under Titles 13, 18, 19, 20, 21 and 23 of the San José Municipal Code.

**4.80.4480 Interest**

Interest which accrues from monies in the Planning Development Fee Program Fund shall be credited to this Fund.

SECTION 3. 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 74**  
**Citywide Planning Fee Program Fund**

**4.80.4490 Citywide Planning Fee Program Fund Established**

There is hereby created and established the “Citywide Planning Fee Program Fund.”

**4.80.4500 Source of Monies**

The source of monies budgeted and accounted for in the Citywide Planning Fee Program Fund shall be the portion of fees paid for permits and approvals issued and services provided under Titles 13, 18, 19, 20, 21, and 23 of the San José Municipal Code that is allocated to the Citywide Planning Fee as specified in the resolution of the City Council.

**4.80.4510 Expenditures**

Monies in the Citywide Planning Fee Program Fund shall be used to pay for the cost of maintaining an updated General Plan, San José Zoning Code, GIS/data analytics, urban design, historic preservation and other citywide plans and policies to allow development and new construction to occur consistent with the City’s development policies and community objectives.

**4.80.4520 Interest**

Interest which accrues from monies in the Citywide Planning Fee Program Fund shall be credited to this Fund.

SECTION 4. 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 75  
Fire Development Fee Program Fund**

**4.80.4530 Fire Development Fee Program Fund Established**

There is hereby created and established the “Fire Development Fee Program Fund.”

**4.80.4540 Source of Monies**

The source of monies budgeted and accounted for in the Fire Development Fee Program Fund shall be the fees paid for permits issued and the services provided under Chapter 17.12 of Title 17 of the San José Municipal Code.

**4.80.4550 Expenditures**

Monies in the Fire Development Fee Program Fund shall be used to pay for the cost of administration and enforcement of the permits issued and services provided under Chapter 17.12 of Title 17 of the San José Municipal Code.

**4.80.4560 Interest**

Interest which accrues from monies in the Fire Development Fee Program Fund shall be credited to this Fund.

SECTION 5. 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 76  
Public Works Development Fee Program Fund**

**4.80.4570 Public Works Development Fee Program Fund Established**

There is hereby created and established the “Public Works Development Fee Program Fund.”

**4.80.4580 Source of Monies**

The source of monies budgeted and accounted for in the Public Works Development Fee Program Fund shall be the fees paid for permits and approvals issued and the services provided under Titles 13, 14, 15, 17, 19, 20, 21 and 27 of the San José Municipal Code.

**4.80.4590 Expenditures**

Monies in the Public Works Development Fee Program Fund shall be used to pay for the cost of administration and enforcement of the permits and approvals issued and services provided under Titles 13, 14, 15, 17, 19, 20, 21 and 27 of the San José Municipal Code.

**4.80.4600 Interest**

Interest which accrues from monies in the Public Works Development Fee Program Fund shall be credited to this Fund.

SECTION 6. 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 77**

**Public Works Small Cell Permitting Fee Program Fund**

**4.80.4610 Public Works Small Cell Permitting Fee Program Fund Established**

There is hereby created and established the “Public Works Small Cell Permitting Fee Program Fund.”

**4.80.4620 Source of Monies**

The source of monies budgeted and accounted for in the Public Works Small Cell Permitting Fee Program Fund shall be fees paid to the City by telecommunication companies in connection with the Department of Public Works’ review and approval of the installation of small cell and fiber optic telecommunication facilities on property owned by the City, including without limitation to, streetlights, traffic lights and rooftops.

**4.80.4630 Expenditures**

Monies in the Public Works Small Cell Permitting Fee Program Fund shall be used to pay for the cost of review and approval of the plans and specifications and inspection of

the installation of small cell and fiber optic telecommunication facilities on property owned by the City.

**4.80.4640 Interest**

Interest which accrues from monies in the Public Works Small Cell Permitting Fee Program Fund shall be credited to this Fund.

SECTION 7. The provisions of this Ordinance shall take effect retroactive to July 1, 2020.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk