

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 VRF MEASURE B PAVEMENT MAINTENANCE FUND; THE INTERSTATE 280/WINCHESTER TRAFFIC IMPACT FEE FUND; THE US-101/OAKLAND/MABURY TRAFFIC IMPACT FEE FUND; THE NORTH SAN JOSE TRAFFIC IMPACT FEE FUND; THE EVERGREEN-EAST HILLS TRAFFIC IMPACT FEE FUND; THE STATE GAS TAX PAVEMENT MAINTENANCE FUND; AND THE VTA MEASURE B PAVEMENT MAINTENANCE 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 92
VRF Measure B Pavement Maintenance Fund

4.80.5210 VRF Measure B Pavement Maintenance Fund Established

There is hereby created and established the “VRF Measure B Pavement Maintenance Fund.”

4.80.5220 Source of Monies

The source of monies budgeted and accounted for in the VRF Measure B Pavement Maintenance Fund shall be monies received from vehicle registration fees collected from the Santa Clara County Vehicle Registration Fee Measure B ballot measure approved by voters in November 2010.

4.80.5230 Expenditures

Monies in the VRF Measure B Pavement Maintenance Fund shall be expended for ~~sealing and resurfacing of streets, repairing potholes, and administering the Department of Transportation's pavement program~~ allowable transportation-related improvements as specified in the approved Santa Clara County Vehicle Registration Fee Measure B ballot measure and Santa Clara Valley Transportation Authority guidance interpreting Measure B, including, but not limited to, repair of potholes, repaving and maintaining local streets, improving traffic flow on local roads, improving safety, and paying for other congestion and pollution mitigation projects (examples of which include pavement

rehabilitation and reconstruction, traffic control signals, curb and gutter rehabilitation and reconstruction, roadway related facilities to improve safety, and automobile related environmental mitigation including roadway sweeping and litter control.)

4.80.5240 Interest

Interest which accrues from monies in the VRF Measure B Pavement Maintenance 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 93

Interstate 280/Winchester Traffic Impact Fee Fund

4.80.5250 Interstate 280/Winchester Traffic Impact Fee Fund Established

There is hereby created and established the “Interstate 280/Winchester Traffic Impact Fee Fund.”

4.80.5260 Source of Monies

The source of monies budgeted and accounted for in the Interstate 280/Winchester Traffic Impact Fee Fund shall be monies received from the “Interstate 280/Winchester Boulevard Traffic Impact Fee” paid by developers for all new development in the “Interstate 280/Winchester Boulevard Transportation Development Policy Area” that will generate future vehicle trips requiring transportation improvements.

4.80.5270 Expenditures

Monies in the Interstate 280/Winchester Traffic Impact Fee Fund shall be expended for transportation improvements specified in the “Interstate 280/Winchester Boulevard Traffic Impact Fee Plan”.

4.80.5280 Interest

Interest which accrues from monies in the Interstate 280/Winchester Traffic Impact Fee 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 94

US-101/Oakland/Mabury Traffic Impact Fee Fund

4.80.5290 US-101/Oakland/Mabury Traffic Impact Fee Fund Established

There is hereby created and established the “US-101/Oakland/Mabury Traffic Impact Fee Fund.”

4.80.5300 Source of Monies

The source of monies budgeted and accounted for in the US-101/Oakland/Mabury Traffic Impact Fee Fund shall be monies received from the “US-101/Oakland/Mabury Traffic Impact Fee” paid by developers for all industrial, commercial, and residential development that contributes interchange trips to either of the US-101/Oakland Road interchange or the US-101/Mabury Road interchange.

4.80.5310 Expenditures

Monies in the US-101/Oakland/Mabury Traffic Impact Fee Fund shall be expended for transportation improvements specified in the “US-101/Mabury/Oakland Impact Fee Analysis.”

4.80.5320 Interest

Interest which accrues from monies in the US-101/Oakland/Mabury Traffic Impact Fee 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 95

North San José Traffic Impact Fee Fund

4.80.5330 North San José Traffic Impact Fee Fund Established

There is hereby created and established the “North San José Traffic Impact Fee Fund.”

4.80.5340 Source of Monies

The source of monies budgeted and accounted for in the North San José Traffic Impact Fee Fund shall be monies received from the “North San José Traffic Impact Fee” paid by developers for all industrial, residential, regional retail/large scale commercial, and hotel development within the “North San José Area Development Policy Boundary”.

4.80.5350 Expenditures

Monies in the North San José Traffic Impact Fee Fund shall be expended for transportation improvements specified in the “North San José Traffic Impact Fee Plan”.

4.80.5360 Interest

Interest which accrues from monies in the North San José Traffic Impact Fee 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 96

Evergreen-East Hills Traffic Impact Fee Fund

4.80.5370 Evergreen-East Hills Traffic Impact Fee Fund Established

There is hereby created and established the “Evergreen-East Hills Traffic Impact Fee Fund.”

4.80.5380 Source of Monies

The source of monies budgeted and accounted for in the Evergreen-East Hills Traffic Impact Fee Fund shall be monies received from the “Evergreen-East Hills North San José Traffic Impact Fee” paid by developers for all residential, commercial, or office development that contributes trips within the Evergreen-East Hills area and draws from either the residential, commercial, or office development pool approved through the “Evergreen-East Hills Development Policy”.

4.80.5390 Expenditures

Monies in the Evergreen-East Hills Traffic Impact Fee Fund shall be expended for transportation improvements specified in the “Evergreen-East Hills Traffic Impact Fee Analysis” as revised.

4.80.5400 Interest

Interest which accrues from monies in the Evergreen-East Hills Traffic Impact Fee 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 97

State Gas Tax Pavement Maintenance Fund

4.80.5410 State Gas Tax Pavement Maintenance Fund Established

There is hereby created and established the “State Gas Tax Pavement Maintenance Fund.”

4.80.5420 Source of Monies

The source of monies budgeted and accounted for in the State Gas Tax Pavement Maintenance Fund shall be monies received from the State Gas Tax allocated for transportation improvements.

4.80.5430 Expenditures

Monies in the State Gas Tax Pavement Maintenance Fund shall be expended for ~~sealing and resurfacing streets throughout the City, repairing potholes, and administering the pavement program~~ allowable transportation-related improvements as specified in the State of California's approved "Guidelines Relating to Gas Tax Expenditures for Cities and Counties", including, but not limited to, building, rebuilding, or maintenance of streets, roads, and bridges, including right-of-way acquisition and administrative costs.

4.80.5440 Interest

Interest which accrues from monies in the State Gas Tax Pavement Maintenance Fund shall be credited to this Fund.

SECTION 7. 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 98

VTA Measure B Pavement Maintenance Fund

4.80.5450 VTA Measure B Pavement Maintenance Fund Established

There is hereby created and established the "VTA Measure B Pavement Maintenance Fund."

4.80.5460 Source of Monies

The source of monies budgeted and accounted for in the VTA Measure B Pavement Maintenance Fund shall be monies received from the Santa Clara Valley Transportation Authority Measure B ballot measure that was approved in November 2016 and allocated to the City of San José.

4.80.5470 Expenditures

Monies in the VTA Measure B Pavement Maintenance Fund shall be expended for ~~sealing and resurfacing streets throughout the City, repairing potholes, and administering the pavement program~~ allowable transportation-related improvements as specified in the approved Santa Clara Valley Transportation Authority Measure B ballot measure, including, but not limited to, repairing and maintaining the street system, improving bicycle and pedestrian elements of the street system, and congestion relief projects.

4.80.5480 Interest

Interest which accrues from monies in the VTA Measure B Pavement Maintenance Fund shall be credited to this Fund.

SECTION 8. The provisions of this Ordinance shall take effect retroactive to July 1, 2025.

PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk