

ORDINANCE NO.

**AN UNCODIFIED ORDINANCE OF THE CITY OF
SAN JOSE TO REVISE THE RENTAL INCLUSIONARY IN-
LIEU FEE FOR QUALIFYING DOWNTOWN HIGH RISE
RENTAL DEVELOPMENTS, PURSUANT TO RESOLUTION
NO. 80766 AS AMENDED, EFFECTIVE JULY 1, 2024,
SPECIFIED IN THE SCHEDULE OF FEES AND CHARGES
RESOLUTION**

WHEREAS, on June 18, 2024, the City Council adopted a resolution amending Resolution No. 72737, as amended, to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High Rise Rental Developments, pursuant to Resolution No. 80766 as amended by Resolution No. _____ to be effective on July 1, 2024; and

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 and 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. The City Council hereby adopts the amounts of the fees and charges specified in Resolution No. _____, adopted on June 18, 2024 (the “Fees and Charges”).

SECTION 2. The Fees and Charges specified in Resolution No. _____ and this Ordinance are a reasonable charge for a specific local government service or product provided directly to the payor that is not provided to those not charged; a charge for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits; a reasonable charge for entrance to or use of local government property, or the purchase, rental, or lease of local government property; or a charge imposed as a condition of property development.

SECTION 3. The provisions of this Ordinance shall take effect retroactive to July 1, 2024.

SECTION 4. The Fees and Charges shall continue until modified or superseded by either resolution or ordinance.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk