

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 4.46 OF TITLE 4 OF THE SAN JOSE MUNICIPAL CODE AND CHAPTER 4.47 OF TITLE 4 TO ADD SECTIONS TO PARTIALLY SUSPEND THE COLLECTION OF THE BUILDING AND STRUCTURE CONSTRUCTION TAX AND TO SUSPEND THE COMMERCIAL-RESIDENTIAL-MOBILEHOME PARK BUILDING TAX FOR OFFICE, RESEARCH AND DEVELOPMENT USES, DATA CENTER USES AND INSTALLATION OF SOLAR PHOTOVOLTAIC SYSTEMS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 4.46 of Title 4 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

4.46.039.10 Partial Suspension – Tenant Improvement and Equipment Installations

- A. The collection of the tax imposed under this Chapter, to the extent not already suspended, shall, ~~be suspended and the tax shall not be collected~~ with respect to construction of Tenant Improvement and Equipment Installations, be reduced to the same rate as charged to structures used for industrial purposes under Section 4.46.050.A3 of this Code.
- B. Tenant Improvement and Equipment Installations means:
1. Office, research and development uses, as defined in Section 20.200.818 of this Code;

2. Data centers uses, as defined in Section 20.200.265 of this Code;
 3. Installation of solar photovoltaic systems, as defined in Section 20.200.1165 of this Code.
- C. This Section shall be effective until March 15, 2014.

SECTION 2. Chapter 4.47 of Title 4 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

4.47.095 Suspension – Tenant Improvement and Equipment Installations

- A. The collection of the tax imposed under this Chapter, to the extent not already suspended, shall be suspended and the tax shall not be collected with respect to construction of Tenant Improvement and Equipment Installations.
- B. Tenant Improvement and Equipment Installations means:
1. Office, research and development uses, as defined in Section 20.200.818 of this Code;
 2. Data centers uses, as defined in Section 20.200.265 of this Code;
 3. Installation of solar photovoltaic systems, as defined in Section 20.200.1165 of this Code.
- C. This Section shall be effective until March 15, 2014.

RD:PAD:ERD
1/26/2012

PASSED FOR PUBLICATION of title this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk