

RESOLUTION NO. 73906

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING RESOLUTION NO. 73587, THE SCHEDULE OF IN-LIEU FEES CHARGED AND CREDITS ISSUED PURSUANT TO CHAPTERS 14.25 AND 19.38 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, on January 9, 2007, the City Council of the City of San José (“City”) adopted Resolution No. 73587, the Schedule of In Lieu Fees Charged and Credits Issued pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code (“Resolution”); and

WHEREAS, the City desires to amend the Resolution to revise Exhibit A, the Schedule of In Lieu Fees for Projects in Process, to modify the definition of “Projects in Process”; and

WHEREAS, this resolution sets forth the proposed amendments to Exhibit A of Resolution No. 73587, to modify the definition of “Projects in Process”, in the form of a Revised Exhibit A;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of San José that:

SECTION 1. REVISED EXHIBIT A. Exhibit A of Resolution No. 73587 is hereby amended to read as shown on Revised Exhibit A, attached and incorporated into this resolution. All references to Exhibit A in the Resolution shall be deemed as references to Revised Exhibit A. The provisions of Resolution No. 73587 that have been amended by this Resolution shall remain in full force and effect.

SECTION 2. MISCELLANEOUS.

- A. If not otherwise defined in this Resolution, capitalized terms shall have the meanings set forth in SJMC Chapters 14.25 and 19.38.
- B. If any section, subsection, sentence, clause, or phrase of any provision of this Resolution, including its attachments, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution. Each and every section, subsection, sentence, clause or phrase of this Resolution, including its attachments, is severable from all other sections, subsections, sentences, clauses or phrases.

ADOPTED this 26th day of June, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

REVISED EXHIBIT A
(TO RESOLUTION NO. 73587)

SCHEDULE OF IN-LIEU FEES FOR PROJECTS IN PROCESS

Section 1. Definitions.

- A. "Projects in Process" shall mean those residential housing development projects that have obtained an approved Plan Development Permit (PDP), Conditional Use Permit (CUP), Site Development Permit, or Tentative Map (Map) no later than July 13, 2007.

- B. Notwithstanding Section 1.A., "Projects in Process" shall also include those residential housing development projects: 1) for which the City Council approved a General Plan amendment in April 2007, and 2) that have obtained an approved Plan Development Permit (PDP), Conditional Use Permit (CUP), Site Development Permit, or Tentative Map (Map) no later than September 9, 2007.

Section 2. Applicable Fees and Credits Resolution.

Projects in Process are eligible to pay in-lieu fees in accordance with the rates set forth in Table 2 of Resolution No. 71180 (the "Previous Fees and Credits Resolution").

Section 3. Timing of Payment.

Payment of in-lieu fees for Projects in Process must be made by no later than January 31, 2009 in order to be eligible to pay the fees at the rates in Table 2 of the Previous Fees and Credits Resolution otherwise the project will be subject to the fees and credits in effect at the time of the payment of fees. The fees and credits specified in the Previous Fees and Credits Resolution shall have no force and effect after January 31, 2009.

Section 4. Eligible Credits.

Projects in Process are eligible to receive credits in accordance with the Resolution setting forth the Schedule of Fees and Credits in effect at the time of entering into a Parkland Agreement for the payment of in-lieu fees.