

RESOLUTION NO. 74314

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE SCHEDULE OF PARKLAND IN-LIEU FEES SET FORTH IN RESOLUTION NO. 74152 CHARGED PURSUANT TO CHAPTERS 14.25 AND 19.38 OF THE SAN JOSE MUNICIPAL CODE TO ESTABLISH A PARKLAND FEE FOR SECONDARY UNITS

WHEREAS, the City enacted the Parkland Dedication Ordinance, San José Municipal Code (“SJMC”) Chapter 19.38 (“PDO”) in 1988 and the Park Impact Ordinance, SJMC Chapter 14.25 (“PIO”) in 1992 to meet the demand for new neighborhood and community parkland generated by development of new residential subdivisions and new non-subdivided residential projects; and

WHEREAS, on November 29, 2005, the City Council adopted Ordinance No. 27606 approving a Secondary Unit Pilot Program to test the allowance of secondary units on single-family lots subject to specific development parameters; and

WHEREAS, on March 21, 2006, the City Council adopted Ordinance No. 27675 retroactively suspending the requirement of SJMC 14.25 for secondary units permitted under the Secondary Unit Pilot Program in view of the limited scope and time duration of the Secondary Unit Pilot Program; and

WHEREAS, on December 12, 2006, the City Council adopted Ordinance No. 27932 to extend the expiration date of the Secondary Unit Pilot Program from December 31, 2006 to June 30, 2007 or until 100 permits have been issued under the program and continue the temporary suspension of the requirement of SJMC 14.25 for secondary units to June 30, 2007; and

WHEREAS, on June 5, 2006, the City Council adopted Ordinance No. 28055 to amend Ordinance No. 27606 and repeal Ordinance No. 27932 to extend the Secondary Unit Pilot Program from January 1, 2006 to October 31, 2007 or until 100 permits have been issued under the program and continue the temporary suspension of the requirement of SJMC 14.25 for secondary units to October 31, 2007; and

WHEREAS, on October 23, 2007, the City Council adopted Ordinance No. 28149 to amend Ordinance No. 27606 and repeal Ordinance No. 28055 to extend the Secondary Unit Pilot Program from January 1, 2006 to April 30, 2008 or until 100 permits have been issued under the program and continue the temporary suspension of the requirement of SJMC 14.25 for secondary units to April 30, 2008; and

WHEREAS, the Secondary Unit Pilot Program will expire on April 30, 2008 or until such time as the City approves 100 secondary units under the Secondary Unit Pilot Program, whichever occurs first; and

WHEREAS, the Parks and Recreation Commission, this Council's Neighborhood Services and Education Committee, this Council's Community and Economic Development Committee, and the Planning Commission have reviewed the Secondary Unit Pilot Program and recommend to the City Council to establish secondary unit requirements in the City's Zoning Code and to amend the Schedule of Parkland In Lieu Fees charged pursuant to Chapter 14.25 and 19.38 of the SJMC to establish a parkland fee for secondary units; and

WHEREAS, the City Council approved an ordinance on April 8, 2008 amending Title 20 of the SJMC to establish secondary unit requirements in the City's Zoning Code; and

WHEREAS, this Resolution amends Resolution No. 74152 (Schedule of In-Lieu Fees Charged Pursuant to Chapters 14.25 and 19.38 of the SJMC) to establish a parkland fee for secondary units as such term is to be defined in Title 20 of the SJMC; and

WHEREAS, the basis for the parkland fee for secondary units, as set forth below in Section 1 of this Resolution, is set forth in the memorandum addressed to this Council and dated February 12, 2008.

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

SECTION 1. Table 1 of Exhibit A of Resolution No. 74152 is hereby amended to establish parkland fees for secondary units as follows:

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MLS Zone	Area Covered	Fee/Unit Secondary Units
Number of Persons Per Unit		na
2	Santa Teresa	\$2,275
3	Evergreen	\$2,275
4	Alum Rock	\$2,600
5	Berryessa	\$2,275
7	Alviso	\$3,550
7	North San José	\$3,550
9	Downtown/Central	\$4,525
10	Willow Glen	\$5,500
11	South San José	\$2,275
12	Blossom Valley	\$2,275
13	Almaden Valley	\$2,275
14	Cambrian	\$2,940
15/18	West San José	\$5,500
9-DC	Downtown Core – East of Hwy 87 High Rise Projects 12+ Stories	na

SECTION 2.

This Resolution is effective on June 15, 2008. The provisions of Resolution No. 74152 that have not been amended by this Resolution shall remain in full force and effect.

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ADOPTED this 8th day of April, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS; REED.

NOES: CONSTANT.

ABSENT: CORTESE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk