

**RESOLUTION NO. 74841**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING RESOLUTION NO. 72737 AS PREVIOUSLY AMENDED BY RESOLUTIONS NOS. 73242, 73831, AND 74452 TO ADJUST CERTAIN PLANNING FEES TO COST RECOVERY AND MAKE OTHER MINOR FEE CHANGES**

**WHEREAS**, on June 14, 2005, the City Council adopted Resolution No. 72737 establishing the Schedule of Fees and Charges effective July 1, 2005; and

**WHEREAS**, on June 20, 2006, the City Council adopted Resolution No. 73242 to amend and establish various fees and charges effective July 1, 2006; and

**WHEREAS**, on June 12, 2007, the City Council adopted Resolution No. 73831 to amend and establish various fees and charges effective July 1, 2007; and

**WHEREAS**, on June 17, 2008, the City Council adopted Resolution No. 74452 to amend and establish various fees and charges effective July 1, 2008; and

**WHEREAS**, the City Council desires to further amend Resolution No. 72737 as amended by Resolutions Nos. 73242, 73831, and 74452 to adjust certain Planning fees to cost recovery and make other minor fee changes;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Section 3.010 of Part 3 of Resolution No. 72737, as amended by Resolution No. 73242, 73831 and 74452, is amended to read as follows:

3.010 The filing fee for a petition for the (PD) Planned Development zoning, rezoning, or rezoning of any property pursuant to Chapter 20.40 of the San Jose Municipal Code shall be charged as indicated by Table A:

**Table A – Non-Residential**

<u>Category</u>	<u>Characteristics</u>	<u>Fee</u>
I	For existing use: Up to ten percent (10%) increase or decrease in use intensity <sup>1/</sup> ; no significant change in use, or in siting of uses and facilities; for property on slopes of less than 5% and for property not within 100 ft. of top of the bank of a stream bed.	\$4,895.00
	For new use: Up to 1,999 sq. ft. of gross floor area <sup>3/ 4/</sup>	\$4,895.00
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed. <sup>2/</sup>	\$1,435.00
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II	<u>2,000 sq. ft. to 9,999 sq. ft.</u>	
	For property on slopes of less than 5% or for property not within 100 feet of top of the bank of a stream bed. <sup>3/ 4/</sup>	\$4,920.00 for first 2,000 sq. ft. plus \$.38 for each additional sq. ft.
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed. <sup>2/</sup>	Above fee plus \$2,860.00
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III	<u>10,000 sq. ft. to 49,999 sq. ft.</u>	
	For property on slopes of less than 5% and for property not within 100 feet of the top of the bank of a stream bed. <sup>3/ 4/</sup>	\$7,970.00 for first 10,000 sq. ft. plus \$.25 for each additional sq. ft.
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed. <sup>2/</sup>	Above fee plus \$4,320.00
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IV	<u>50,000 sq. ft. to 99,999 sq. ft.</u>	
	For property on slopes of 5% and for property not within 100 ft. of the top of the bank of a stream bed. <sup>3/ 4/</sup>	\$17,975.00 for first 50,000 sq. ft. plus

		\$ .14 for each additional sq. ft.
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed. <sup>2/</sup>	Above fee plus \$5,220.00
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V	<u>Over 100,000 sq. ft.</u>	
	For property on slopes of less than 5% or for property not within 100 ft. of the top of the bank of a stream bed. <sup>3/</sup>	\$25,360.00 for first 100,000 sq. ft. plus \$.07 for each additional sq. ft.
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the stream bed. <sup>2/</sup>	Above fee plus \$6,650.00
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- 1/ Use intensity includes dwelling units for residential uses, square footage for nonresidential uses, square footage for parking structures, site acreage, building coverage of site, building height, and utility requirements.
- 2/ Where both the slope and riparian conditions exist, the additional fee is charged for each condition. The applicability of fees charged pursuant to this provision shall be determined conclusively by the Director of Planning, Building and Code Enforcement.
- 3/ The square footage charge for outdoor use areas which are primary uses on the site shall be the square footage charge for any building(s) plus 50% of the square footage charge for the entire site area.
- 4/ There shall be an additional charge of \$12,840.00 for a Hazardous Waste Treatment, Storage or Disposal Facility subject to Health and Safety Code §25200.2(b) (Tanner Legislation).
- 5/ There shall be an additional charge of \$10,210.00 plus \$203.00 per unit for a conversion to residential condominiums.

**SECTION 2.** Section 3.030 of Part 3 of Resolution No. 72737, as amended by Resolution No. 73242, 73831 and 74452, is amended to read as follows:

3.030 The filing fee for a petition for a (PD) Planned Development Permit pursuant to Part 4 of Chapter 20.40 of the San Jose Municipal Code shall be charged as indicated by Table B - Residential and Table B - Non-Residential:

**Table B – Non-Residential**

<u>Category</u>	<u>Characteristics</u>	<u>Fee</u>
I	For existing use: Up to ten percent (10%) increase or decrease in use intensity <sup>1/</sup> ; no significant change in use, or in siting of uses and facilities; for property on slopes less than 5% and for property not within 100 ft. of top of the bank of a stream bed.	\$1,925.00
	For new use: Up to 1,999 sq. ft. of gross floor area <sup>3/</sup> <u>4, 5, 6 &amp; 7/</u>	\$1,925.00
	For property on slopes of 5% or greater or for property within 100 feet of the top of the bank of a stream bed. <sup>2/</sup>	Above fee plus \$980.00
II	<u>2,000 sq. ft. to 9,999 sq. ft.</u>	
	For property on slopes of less than 5% or for property not within 100 feet of top of the bank of a stream bed. <u>3, 4, 5, 6 &amp; 7/</u>	\$1,940.00 for first 2,000 sq. ft. plus \$.27 for each additional sq. ft.
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed. <sup>2/</sup>	Above fee plus \$2,030.00
III	<u>10,000 sq. ft. to 49,999 sq. ft.</u>	
	For property on slopes of less than 5% and for property not within 100 feet of the top of the bank of a stream bed. <u>3, 4, 5, 6 &amp; 7/</u>	\$4,100.00 for first 10,000 sq. ft. plus \$.18 for each additional sq. ft.
	For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed. <sup>2/</sup>	Above fee plus \$3,480.00
IV	<u>50,000 sq. ft. to 99,999 sq. ft.</u>	
	For property on slopes of 5% and for property not within 100 ft. of the top of the bank of a stream bed. <sup>3/</sup>	\$11,300.00 for first 50,000 sq. ft. plus

4, 5, 6 & 7/

\$.13 for each  
additional sq. ft.

For property on slopes of 5% or greater or for  
property within 100 ft. of the top of the bank of a  
stream bed.<sup>2/</sup>

Above fee plus  
\$3,800.00

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V Over 100,000 sq. ft.

For property on slopes of less than 5% or for  
property not within 100 ft. of the top of the bank of a  
stream bed. 3, 4, 5, 6 & 7/

\$18,000.00 for first  
100,000 sq. ft. plus  
\$.07 for each  
additional sq. ft.

For property on slopes of 5% or greater or for  
property within 100 ft. of the top of the bank of a  
stream bed.<sup>2/</sup>

Above fee plus  
\$5,460.00

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- 1/ Use intensity includes dwelling units for residential uses, square footage for nonresidential uses, square footage for parking structures, site acreage, building coverage of site, building height, and utility requirements.
- 2/ Where both the slope and riparian conditions exist, the additional fee is charged for each condition. The applicability of fees charged pursuant to this provision shall be determined conclusively by the Director of Planning, Building and Code Enforcement.
- 3/ The square footage charge for outdoor use areas which are primary uses on the site shall be the square footage charge for any building(s) plus 50% of the square footage charge for the entire site area with no maximum additional charge. Outdoor use charge does not apply to an application for amendment to an existing permit.
- 4/ There shall be a \$3,280.00 additional charge for a permit for a drive-through use.
- 5/ There shall be \$3,280.00 additional charge for a permit for a use operating between the hours of 12:00 Midnight and 6:00 a.m.
- 6/ Pursuant to SJMC 20.64.200 and 20.64.310, there shall be a \$4,195.00 additional charge for a permit for the conversion of a mobile home park to another use.
- 7/ There shall be an additional charge of \$12,830.00 for a Hazardous Waste Treatment Storage or Disposal facility subject to Health and Safety Code §25200.2(b) (Tanner Legislation).\*
- 8/ There shall be an additional charge of \$10,210.00 plus \$203 per unit for a

conversion to residential condominiums.

- \* Applies only to applications for which the rezoning application was filed prior to July 1, 1990.

**SECTION 3.** Section 3.185 of Part 3 of Resolution No. 72737, as amended by Resolution No. 73242, 73831 and 74452, is amended to read as follows:

3.185 The following fees shall be charged as set forth in Table E and Table F for a petition for a Conditional Use Permit. Table F shall be used in calculating the fee for all Conditional Use Permits not specifically described in Table E.

**Table F**

<u>Square Footage of the Change in Use or New Construction and for Improvements and/or Expansion</u> <sup>1, 2, 3, 4 5, 6/</sup>	<u>Square Footage Charge</u>
0 - 1,999 sq. ft.	\$3,100.00 plus \$1.20 per sq. ft.
For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed	Above fee plus \$1,425.00
2,000 - 9,999 sq. ft.	\$4,650.00 for first 2,000 sq. ft. plus 58¢ per additional sq. ft.
For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed	Above fee plus \$2,830.00
10,000 - 49,999 sq. ft.	\$9,500.00 for first 10,000 sq. ft. plus 30¢ per additional sq. ft.
For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed	Above fee plus \$4,260.00
50,000 - 99,999 sq. ft.	\$21,500.00 for first 50,000 sq. ft. plus 26¢ per additional sq. ft.

For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed	Above fee plus \$5,180.00
100,000 sq. ft. or more	\$35,500.00 for first 100,000 sq. ft. plus 13¢ per additional sq. ft.
For property on slopes of 5% or greater or for property within 100 ft. of the top of the bank of a stream bed	Above fee plus \$6,850.00

- 1/ There shall be an additional charge of \$12,800.00 for a Hazardous Waste Treatment Storage or Disposal Facility subject to Health and Safety Code §25200.2(b) (Tanner Legislation).
- 2/ The square footage charge for outdoor use areas (such as storage yards and automobile wrecking yards) which are primary uses on the site shall be the square footage charge for any building(s) plus 50% of the square footage charge for the entire site area. Outdoor use charge does not apply to an application for amendment to an existing permit.
- 3/ There shall be a \$3,280.00 additional charge for a permit for drive-through uses.
- 4/ There shall be a \$3,280.00 additional charge for a permit for uses operating between the hours of 12:00 Midnight and 6:00 a.m.
- 5/ Pursuant to SJMC §20.64.200 and §20.64.310, there shall be a \$7,090.00 additional charge for a Mobilehome Park Conversion of Use.
- 6/ Square foot calculation applies to parking structures`
- 7/ There shall be a \$3,280 additional charge for a permit for Off-Sale of Alcohol Use.

**SECTION 4.** Section 3.190 of Part 3 of Resolution No. 72737, as amended by Resolution No. 73242, 73831 and 74452, is amended to read as follows:

3.190 The following Permit Application fees shall be charged as set forth in Table G.

**Table G**

<u>Permit</u>	<u>Fee</u>
Liquor License Exception Permit Fee	\$3,280.00
Expediting Small Planning Projects Pilot Fee	\$704.00

**SECTION 5.** Section 3.450 of Part 3 of Resolution No. 72737, as amended by Resolution No. 73242, 73831 and 74452, is amended to read as follows:

3.450	<u>Public Noticing Fees</u>	
	Public Noticing	\$300.00 plus \$1.00 per notice over 200
	300 ft Radius Noticing	\$200.00 plus \$1.00 per notice over 100
	1,000 ft. Radius (General Plan Amendments)	\$575.00 plus \$1.00 per notice over 400

**SECTION 6.** The fees listed above for development-related services shall become effective May 26, 2009. Until May 26, 2009, the fees for development-related services shall be the development-related fees set forth in Resolution No. 72737 as amended by Resolution No. 73242, Resolution 73831, and Resolution No. 74452.

**ADOPTED** this 24<sup>th</sup> day of March, 2009, by the following vote:

AYES: CAMPOS, CHU, HERRERA, KALRA, LICCARDO,  
NGUYEN, OLIVERIO, REED.

NOES: NONE.

ABSENT: CHIRCO, CONSTANT, PYLE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk