ORDINANCE NO. 1974

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 17.40 ("CITYWIDE AFFORDABLE HOUSING REQUIREMENTS") TO TITLE 17 ("DEVELOPMENT") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO CODIFY INCLUSIONARY HOUSING REQUIREMENTS AND ESTABLISH HOUSING IMPACT FEES FOR RESIDENTIAL, NON-RESIDENTIAL AND MIXED USE DEVELOPMENTS

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the Legislature of the State of California has found that the availability of housing is of vital statewide importance, and that providing decent housing for all Californians requires the cooperative participation of state and local governments and the private sector;

WHEREAS, to promote this objective, the City intends to establish affordable housing fees to mitigate the impacts of new market-rate housing development and nonresidential development on the need for affordable housing, in addition to assisting in meeting the City's share of the region's housing need and implementing the goals, policies and actions specified in the Housing Element of the general plan;

WHEREAS, the Housing Element includes an inclusionary housing policy requiring developers to provide a percentage of their units at affordable prices and this ordinance codifies the existing requirement for for-sale housing;

WHEREAS, the Legislature recently enacted AB 1505, which restores the authority of local governments to impose inclusionary housing requirements on residential rental housing, and the City intends to reestablish and codify its inclusionary housing program for rental housing;

WHEREAS, the Housing Element also contains a policy to establish a housing mitigation fee to facilitate new housing units that are affordable to households with extremely low, very low and low incomes;

WHEREAS, the City Council has considered the "Residential Nexus Analysis, City of Santa Clara" dated March 2017 and prepared by Keyser-Marston Associates, Inc. (the "Nexus Study");

WHEREAS, in accordance with Government Code section 66001(a)(1), the Nexus Study proposed establishing a new affordable housing fee with the purpose of mitigating the impacts of new development on the need for affordable housing;

WHEREAS, in accordance with Government Code section 66001(a)(2), the Nexus Study proposed using the fee to facilitate the construction of affordable dwelling units in the City to offset the new demand from market rate residential units and nonresidential development;

WHEREAS, in accordance with Government Code section 66001(a)(3), the Nexus Study quantifies net new demands for affordable units to accommodate new worker households, and as such, addresses the impacts of new development, as opposed to existing deficiencies in the supply of affordable housing;

WHEREAS, in accordance with Government Code section 66001(a)(4), the Nexus Study demonstrates the relationship between the fee and the projects subject to the fee. With the development of more housing, additional household expenditures will create a demand for more services, creating more service jobs that will create a demand for more affordable housing. New commercial buildings utilize new workers, who demand additional housing in proximity to the jobs, and a portion needs to be affordable to those workers. The Nexus Study quantifies these relationships using the "IMPLAN" model to link the expenditures of new households to job growth;

WHEREAS, in accordance with Government Code section 66001(b), the Nexus Study demonstrates that there is rough proportionality between the fee imposed and the project to be constructed attributable to the development paying the fee. The Nexus Study computes the cost of providing each affordable unit and fees are collected proportionate to the incremental demand for affordable housing created by each new unit of market rate housing and square foot of nonresidential development;

WHEREAS, the Nexus Study demonstrated that, to fully mitigate the impacts of new market-rate units in for-sale and rental residential project on the need for affordable housing, an affordable

housing in lieu or impact fee of $36.00 to $48.30 per square foot of new market rate development would be needed;

WHEREAS, the same Nexus Study demonstrated that, to fully mitigate the impacts of new nonresidential development projects on the need for affordable housing, a fee of $142.70 to $158.80 per square foot for office and $47.80 to $268.00 per square foot for all other nonresidential development would be needed;

WHEREAS, the Affordable Housing Fees established by this ordinance are significantly lower than the amount needed to fully mitigate the impacts of the new for-sale and rental resident projects and nonresidential projects on the need for affordable housing, as shown in the Nexus Study;

WHEREAS, in compliance with the Affordable Housing Ordinance, all Affordable Housing Fees collected shall be deposited into the City of Santa Clara Affordable Housing Fund to be used only for the purposes included in the Affordable Housing Ordinance;

WHEREAS, information regarding the proposed Affordable Housing Fees was made available for public review more than ten (10) days prior to the public hearing at which this ordinance was considered and adopted, by placing the data on file with the City Clerk's Office on September 29, 2017, in accordance with Government Code section 66016;

WHEREAS, on November 20, 2017, a notice of the public hearing to be held on December 5, 2017, was mailed to persons who have requested notice of these fees in accordance with Government Code section 66019;

WHEREAS, on November 22, 2017, and November 29, 2017, notice of the hearing on the proposed fees was published in the *Santa Clara Weekly*, a newspaper of general circulation, as required by Government Code section 66018; and,

WHEREAS, a public hearing was conducted by the City Council on December 5, 2017.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That a new Chapter 17.40 (entitled "Citywide Affordable Housing Requirements") is

hereby added to Title 17 (entitled "Development") of "The Code of the City of Santa Clara, California" ("SCCC") to read as follows:

"Chapter 17.40

CITYWIDE AFFORDABLE HOUSING REQUIREMENTS

Sections:
17.40.010 Application.
17.40.020 Definitions.
17.40.030 Affordable Housing Plan.
17.40.040 Calculation of Floor Area.
17.40.050 General Applicability of Affordable Units.
17.40.060 Affordable Housing Fees.
17.40.070 Exemptions.
17.40.080 Affordable Housing Requirements- Residential Ownership Projects.
17.40.090 Affordable Housing Requirements- Residential Rental Projects.
17.40.100 Affordable Housing Requirements- Non-Residential Projects.
17.40.110 Affordable Housing Requirements- Mixed Use Projects.
17.40.120 Application and Review Procedures.
17.40.130 Enforcement.

17.40.010 Application.

The regulations set forth in this chapter apply to any new construction, additional floor area or conversion of Residential Ownership, Residential Rental, Non-Residential and Mixed Use development.

17.40.020 Definitions.

"Affordable housing agreement" means an agreement between the applicant and the City guaranteeing the affordability of rental or ownership dwelling units in accordance with the provisions of this chapter.

"Affordable housing cost" or "Affordable ownership cost" means a sales price resulting in projected average monthly housing payments, during the first calendar year of a household's occupancy, including interest, principal, mortgage insurance, property taxes, homeowners' insurance, homeowners' association dues, if any, and a reasonable allowance for utilities, property maintenance and repairs.

"Affordable housing master fee schedule" means the schedule of fees established by resolution of the City Council.

"Affordable housing plan" means a detailed plan submitted to the Community Development Department by the applicant, owner or developer indicating how the proposed project will comply with the requirements of this chapter.

"Affordable rent" means the total monthly housing expenses for a rental affordable unit, as defined in California Code of Regulations, Title 25, sections 6910-6924.

"Affordable sales price" means the maximum affordable housing cost for purchasers of dwelling units, as defined in California Code of Regulations, Title 25, sections 6910-6924.

"Affordable unit" means an ownership or rental dwelling unit that is affordable to households with very low, low or moderate income levels.

"Applicant" or "developer" means the owner or subdivider with a controlling proprietary interest in the community ownership project, or the person or organization making application hereunder.

"Approval authority" shall mean the board, body or individual(s) otherwise empowered by this Code or State law to approve the development application.

"Area median income" or "AMI" means the annual median income for Santa Clara County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, section 6932, or its successor provision.

"City Affordable Housing Fund" means a fund or account designated by the City to maintain and account for all monies received from housing in-lieu fees, impact fees, penalties, repayments owed to the City when an affordable unit is sold and any other fees associated with the provision of affordable housing pursuant to this chapter. The purpose of the fund is to assist in providing housing that is affordable to extremely low, very low, low and moderate income households and cover administrative costs of the Affordable Housing programs run through the Community Development Department.

"Complete application" means an application for a residential, nonresidential or mixed use development that has been determined to be complete by the Community Development Department.

"Development Agreement" means a development agreement enacted by legislation between the City and a qualified applicant pursuant to Government Code sections 65864 through 65869.5.

"Dwelling" means a building or portion thereof, but not including a vessel or boat, house trail or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family or duplex dwelling units, and multiple-family units, but not including motels, or boarding or lodging houses.

"Dwelling, duplex" means a building designed to provide dwelling units for occupancy by two families living independently of each other.

"Dwelling, multiple" means a building or portion thereof used and designed as a residence for three or more families living independently of each other, including apartment houses, apartment hotels, and flats, but not including automobile courts, motels or boarding houses.

"Dwelling, single-family" means a detached building designed for and/or occupied by one family.

"Existing floor area" means legally existing gross floor area at the time of application for a planning permit or legally existing floor area that was demolished not more than one (1) year prior to the filing of the application for a planning permit. Affordable housing units demolished as part of a project will not be considered existing floor area.

"Extremely low income households" means households whose income does not exceed the extremely low income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development.

"Filing requirement" shall mean, for the purposes of this ordinance, an application for a residential, nonresidential or mixed use development on file with the Community Development

Department with a planning application (including property owner signature), a substantial set of detailed planning drawings, and all planning application fees paid in full.

"Gross floor area" (for the purposes of this chapter) means the area computed from the outside dimensions of the building, including but not limited to, all common areas, ancillary uses to residential buildings such as gyms or community rooms, entrances, stairwells, garages or internal parking space, mezzanine floors and any other design features or other internal floor area of the building, expressed in square feet and fractions thereof.

"Housing development" means a project for the construction of residential units with a minimum of three dwellings, including a subdivision or common interest development. "Housing development" also includes either (1) a project to substantially rehabilitate and convert an existing nonresidential building to residential use, or (2) substantial rehabilitation of an existing multiple-family dwelling where the result of the rehabilitation would be a net increase in available residential units.

"Impact fee" means a fee paid by an applicant, owner or developer into the City Affordable Housing Fund imposed on non-residential development projects and established by resolution of the City Council and updated from time to time to mitigate the impact of residential and non-residential projects on the need for affordable housing in the City. Current fees are outlined in the Affordable Housing Master Fee Schedule and are referred to as Affordable Housing Fees.

"In-lieu fee" means a fee paid in lieu of providing an onsite or offsite affordable housing requirement by an applicant, owner or developer into the City Affordable Housing Fund imposed on for-sale and rental residential development projects and established by resolution of the City Council and updated from time to time to mitigate the impact of affordable housing in the City. Current fees are outlined in the Affordable Housing Master Fee Schedule and are also referred to as Affordable Housing Fees.

"Low income household" means households whose income does not exceed the low income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development.

"Market-rate unit" means a housing unit or the legal lot for such unit offered on the open market at the prevailing market rate for purchase or rental.

"Moderate income households" means households whose income does not exceed the moderate income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development.

"Non-Residential development project" means any planned district, subdivision map, conditional use permit or other discretionary or non-discretionary City land use approval, which authorizes new construction of gross square feet of nonresidential space, the conversion of residential use to a nonresidential use, or the conversion of exempt space (as provided in SCCC 17.40.070) to non-exempt space, including, but no limited to, retail, hotel, motel (including motel, motor hotel, inn and auto court), office, professional office, other commercial (as defined as permitted uses in Chapters 18.34, 18.36 and 18.38 SCCC), light industrial, data centers and warehouses.

"Planning approval" means any discretionary or non-discretionary approval of a residential, non-residential project or mixed use project, including but not limited to a comprehensive, precise or specific plan adoption or amendment, rezoning, zoning ordinance amendment, general plan amendment, tentative map, parcel map, conditional use permit, variance or architectural review.

"Residential" means a building or portion of a building designed or used exclusively for dwelling purposes.

"Residential development project" means any planned district, subdivision map, conditional use permit or other discretionary or non-discretionary City land use approval, which authorizes three or more new dwelling units or live-work units or residential lots, or a combination of three or more residential lots, new dwelling units and live-work units including, but not limited to, detached single-

family dwellings, duplexes, multiple-family dwelling structures, condominium or townhouse development, condominium conversions and land subdivisions intended to be sold or rented to the general public.

"Residential ownership project" means any residential project that includes the creation of three or more residential dwelling units that may be sold individually. A residential ownership project also includes condominium conversions.

"Residential rental project" means any residential project or property under common ownership and control that creates one or more net new dwelling units that cannot be lawfully sold individually.

"Very low income households" means the households whose income does not exceed the very low income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development.

17.40.030 Affordable Housing Plan.

(a) An application for a development project shall include a written affordable housing plan describing how the project will comply with the provisions of this chapter. The affordable housing plan shall be processed concurrently with all other applications required for the project. The approving authority shall consider the affordable housing plan when acting upon the project. The approving authority shall impose conditions of approval to carry out the purposes of this chapter.

17.40.040 Calculation of Floor Area.

(a) Requirements are applicable to the net additional floor area (gross floor area) of all new development apart from those identified in SCCC 17.40.070, including but not limited to, all common areas, entrances, stairwells, garages or internal parking space, mezzanine floors and any other design features or other internal floor area of the residential or non-residential building, expressed in square feet and fractions thereof.

17.40.050 General Requirements for Affordable Units.

(a) Affordable units shall be reasonably dispersed throughout the project, unless otherwise approved by City Council through a Development Agreement, and shall contain, on average, the same number of bedrooms and shall be comparable to the design of the market-rate units in terms of appearance, materials and finished quality of the market-rate units in the project. There shall not be significant identifiable differences between affordable and market-rate dwelling units which are visible from the exterior of the dwelling units and the size and design of the dwelling units shall be reasonably consistent with the market-rate units in the development. Affordable units shall have the same access to project amenities and recreational facilities as market-rate units.

(b) Affordable units shall be constructed within a similar timeline as the construction of market-rate units. No building permit shall be issued for any market-rate unit unless a proportional number of building permits have been issued for affordable units and no certificates of occupancy or final inspections shall be issued for any market-rate units unless a proportional number of certificates of occupancy or final inspections have been issued for affordable units.

(c) All affordable rental units shall be sold or rented only to qualified extremely low, very low, low or moderate income households and all affordable ownership units shall be sold only to qualified extremely low, very low, low or moderate income households pursuant to procedures and guidelines established by the City.

(d) For-sale and rental affordable units shall be maintained as affordable housing for a period as identified in the City Below Market Purchase Program Policies and Procedures Manual, but not less than twenty (20) years applicable to for-sale units and fifty five (55) years applicable to rental units.

(e) Any household that occupies an affordable unit must occupy that unit as its principal residence, unless otherwise approved in writing for rental to a third party for a limited period of time due to household economic hardship, as determined by the City.

(f) No household may begin occupancy of an affordable unit until the income level of the household has been verified and determined to be eligible to occupy that unit by the City.

17.40.060 Affordable Housing Fees.

(a) The City shall adopt, by resolution, current fee levels (in-lieu and impact fees) as well as administrative guidelines necessary for the implementation of this Chapter. Unless otherwise modified by the City Council, Affordable Housing Fees will automatically adjust for inflation annually, using the Engineering New Record McGraw-Hill Construction Weekly Building Cost Index for San Francisco. If this index ceases to exist, the Community Development Director shall substitute another construction cost index, which in his/her judgement is as nearly equivalent to the original index as possible. The automatic fee adjustment, as modified by the City Council, will occur when the City conducts its annual update of the Municipal Fee Schedule.

(b) The applicant shall pay in-lieu and impact fees prior to receipt of the occupancy certificate of the building or dwelling. Applicable fees will be determined at time of payment.

(c) All payment of in-lieu fees and other penalties and payments made to the City under this Chapter shall be deposited into the City Affordable Housing Fund.

17.40.070 Exemptions.

The following development projects are exempt from the provisions of this Chapter:

(a) Additions, remodeling or construction of a single residential unit or duplex unit on an existing lot of record, including Accessory Dwelling Units.

(b) Commercial square footage within a mixed-use development where the commercial space is integrated into a single building that also includes residential development at a density of 30 dwelling units per acre or greater and where the commercial square footage does not exceed 20,000 square feet.

(c) Assembly uses including lodges, clubs, youth centers and religious assemblies.

(d) Day care, nursery and school facilities.

(e) Hospitals.

(f) Other non-residential uses not listed above, but which the City Council determines will have a minimal impact upon the demand for affordable housing and to be exempt pursuant to City Council resolution.

17.40.080 Affordable Housing Requirements-Residential Ownership Projects.

The provisions of this section shall apply to all residential ownership projects, including the residential ownership portion of any mixed use project, except for any resident ownership project exempt under Section 17.40.070.

(a) Residential ownership projects of ten (10) or more units must provide at least fifteen percent (15%) of the units at affordable housing costs for extremely low, very low, low and moderate income households, or some combination of those income categories. A developer shall select income categories for each of the affordable units such that the average income of purchasers will not exceed 100 percent of AMI. Residential ownership projects of fewer than ten (10) units may either provide one dwelling at an affordable housing cost for a household earning up to 100 percent of AMI, or pay an in-lieu fee identified for residential ownership projects in the Affordable Housing Master Fee Schedule.

(b) Where the calculation of affordable housing requirements described in this Section result in a fractional unit, the applicant shall either pay an In-Lieu Fee to the City Affordable Housing Fund or the development shall provide an additional unit to satisfy the requirement.

(c) Calculation of the number of affordable units required by this Section shall be based on the number of dwelling units in the residential project.

(d) The In-Lieu Fee will be calculated as follows:

(Gross square feet of total residential floor area) minus (gross square feet of existing residential floor area) multiplied by (per square foot fee) equals (total housing in-lieu or impact fee).

(e) The sales prices for the affordable units shall be determined pursuant to the City of Santa Clara Below Market Purchase Program Policies and Manual.

(f) The City Council may authorize a developer to provide a percentage of affordable units lower than fifteen percent (15%), if such units are restricted to extremely low, very low or low income households and would represent an equal or greater amount of value in subsidy. Such requests shall be memorialized through a Development Agreement.

(g) The City Council may authorize a developer to utilize an alternate means of compliance with subsection (a), in part or in whole, such as a dedication of land for affordable housing, the development of affordable units at an off-site location, or some combination thereof. In either case, the City priority shall be for a location that is accessible to public transit. Such an alternative shall be memorialized through a Development Agreement.

(1) For a dedication of land, the value of the land must be at least equivalent to the value of the subsidy that would be required to produce the inclusionary units otherwise required under subsection (a).

(2) For the provision of units offsite, the developer must commit to constructing the units within a timeframe comparable to what the City would achieve through the inclusionary requirement. In addition, the developer must construct a greater number of affordable units than would be required under subsection (a), or at least an equal number of units with a greater degree of affordability.

17.40.090 Affordable Housing Requirements-Residential Rental Projects.

The provisions of this section shall apply to all residential rental projects, including the residential rental portion of any mixed use project, except for any resident rental project exempt under Section 17.40.070.

(a) Residential rental projects of ten (10) or more units must provide at least fifteen percent (15%) of the units at affordable housing costs made available at affordable rental prices to extremely low, very low, low and moderate income households as long as the distribution of affordable units averages to a maximum of 100 percent Area Median Income. Residential rental

projects of fewer than ten (10) units may either provide an affordable unit or pay an in-lieu fee identified for residential rental projects in the Affordable Housing Mater Fee Schedule.

(b) Where the calculation of affordable housing requirements described in this section results in a fractional unit, the applicant shall either pay an In-Lieu to the City Affordable Housing Fund or the development shall provide an additional unit to satisfy the requirement.

(c) The Impact Fee or In-Lieu Fee will be calculated as follows:

(Gross square feet of total residential floor area) minus (square feet of existing residential floor area) multiplied by (per square foot fee) equals (total housing impact fee).

(d) Calculation of the number of affordable units required by this section shall be based on the number of dwelling units in the residential project.

(e) The rental prices shall be determined pursuant to the total monthly housing expenses for a rental affordable unit; as defined in California Code of Regulations, Title 25, sections 6910-6924.

(f) The City Council may authorize a developer to provide a percentage of affordable units lower than fifteen percent (15%), if such units are restricted to extremely low, very low or low income households and would represent an equal or greater amount of value in subsidy. Such requests shall be memorialized through a Development Agreement.

(g) The City Council may authorize a developer to utilize an alternate means of compliance with subsection (a), in part or in whole, such as a dedication of land for affordable housing, the development of affordable units at an off-site location, or some combination thereof. In either case, the City priority shall be for a location that is accessible to public transit. Such an alternative shall be memorialized through a Development Agreement.

(1) For a dedication of land, the value of the land must be at least equivalent to the value of the subsidy that would be required to produce the inclusionary units otherwise required under subsection (a).

(2) For the provision of units offsite, the developer must commit to constructing the units within a timeframe comparable to what the City would achieve through the inclusionary requirement. In addition, the developer must construct a greater number of affordable units than would be required under subsection (a), or at least an equal number of units with a greater degree of affordability.

17.40.100 Affordable Housing Requirements-Non-Residential Projects.

The provisions of this section shall apply to all new construction of non-residential projects, including the non-residential portion of any mixed use project.

(a) Affordable housing requirements applicable through non-residential projects may be met through payment of impact fee as identified in the Affordable Housing Master Fee Schedule.

(b) The impact fee will be calculated on a per square foot basis for net new gross floor area. The formula below shall be used in calculating the amount of the housing impact fee: (Gross square feet of total non-residential floor area) minus (square feet of existing non-residential floor area) multiplied by (per square foot fee) equals (total housing impact fee).

(c) As an alternative to payment of the impact fee, a developer or applicant or owner may request to mitigate the housing impacts through construction of affordable residential units on an appropriate housing site, the dedication of land for affordable housing or the provision of other resources to provide affordable housing. The City Council may approve this request if the proposed alternative furthers affordable housing opportunities in the City, at a value greater than or equal to the otherwise applicable impact fee and agreed with the City through a Development Agreement.

17.40.110 Affordable Housing Requirements-Mixed Use Projects.

The provisions of this section shall apply to all new construction of mixed use projects, except for the commercial portion of a mixed use project where the commercial space does not exceed 20,000 square feet and is integrated into a single structure that also includes residential development at a density of 30 units per acre or greater or any other non-residential project exempt under Section 17.40.070.

(a) Affordable housing requirements on the residential gross floor area portion of the mixed use project shall be met in line with the provisions of SCCC 17.40.080 or SCCC 17.40.090, depending on whether the residential units, as proposed, are for-sale or rental units.

(b) Affordable housing requirements applicable on the non-residential gross floor area portion of the mixed use project shall be met in line with the provision of SCCC 17.40.100.

(c) As an alternative to payment of the impact fee, a developer or applicant or owner may request to mitigate the housing impacts through construction of affordable residential units on an appropriate housing site, the dedication of land for affordable housing or the provision of other resources to provide affordable housing. The City Council may approve this request if the proposed alternative furthers affordable housing opportunities in the City equal to the payment of the impact fee and agreed with the City through a Development Agreement.

17.40.120 Application and Review Procedures.

(a) Upon receiving a complete application, along with an affordable housing plan as outlined in SCCC 17.40.030(a), the Community Development Director shall determine the conditions necessary to comply with the requirements for provision of affordable housing units, payment or in-lieu or impact fee, or land dedication as set forth in this chapter and said conditions shall be proposed to the Approving Authority as conditions of approval for the project.

(b) At the time of project approval, the Approving Authority shall consider the recommendation of the Community Development Director and make a final determination as to the affordable housing requirement to be fulfilled by the applicant, owner or developer.

(c) Any payment of housing impact fees and in-lieu fees imposed under this chapter shall be payable to the City prior to issuance of certificate of occupancy for a development project subject to this chapter or at a time otherwise specified by City Council ordinance or resolution.

(d) The requirements of this chapter are minimum requirements. The City may require additional affordable units or additional measures to further affordable housing to the extent it has authority to do so without respect to this ordinance.

(e) The City Manager may adopt guidelines and/or procedures for implementing this chapter.

18.121.130 Enforcement.

(a) The provisions of this article shall apply to all applicants proposing or constructing a development governed by this chapter. No planning approval shall be issued for development after the "effective date" unless it is in compliance with the terms of this article.

(b) It shall be a misdemeanor for any person(s) or entity to sell or rent an affordable unit under this chapter at a price or rent exceeding the maximum allowed under this chapter or to a household not qualified under this chapter.

(c) The City Attorney shall be authorized to enforce the provisions of this chapter and all regulatory agreements and resale controls placed on affordable units by civil action and any other proceeding or method permitted by law.

(d) The City may revoke, deny or suspend any permit or development approval for a residential project which has failed to comply with this chapter.

(e) Failure of any official or agency to impose the requirements of this chapter shall not excuse any applicant or owner from the requirements of this chapter.

(f) The City shall be entitled to recover all its costs, including reasonable attorney's fees incurred in enforcing this chapter."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining

portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 5th day of December 2017, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Kolstad, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Mahan
ABSTAINED:	COUNCILORS:	None

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 23rd day of January 2018, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Kolstad, Mahan, O'Neill and Watanabe
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Mayor Gillmor
ABSTAINED:	COUNCILORS:	None

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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