

DRAFT 6/14/22 RLM

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING RESOLUTION NO. ____, THE
CITY'S FEES, RATES AND CHARGES RESOLUTION, TO
ADD SECTION 4.02(o), FEES FOR THE EL CAMINO REAL
SPECIFIC PLAN (ECRSP) AREA**

WHEREAS, the City Council adopted Resolution No. ____-22, the Master Fee Schedule, on June 21, 2022; and

WHEREAS, on June 28, 2022, the City Council adopted the El Camino Real Specific Plan (ECRSP) and rezoned properties within the area covered by the ECRSP (Ordinance No. ____); and

WHEREAS, pursuant to Government Code Section 65456, the City is authorized to establish fees to defray the cost of preparation, adoption, and administration of a specific plan which is prorated in accordance with the applicant's relative benefit derived from the specific plan; and

WHEREAS, the City has established the prorated cost of preparation, adoption, and administration of the ECRSP based on building valuation and has established the Specific Plan Fee as outlined in Exhibit A to this Resolution; and

WHEREAS, pursuant to Government Code Sections 66000 et seq. (the Mitigation Fee Act), the City is empowered to impose fees and other exactions to provide necessary funding and public facilities required to mitigate the effects of new development projects; and

WHEREAS, the City prepared a nexus study to analyze whether there is a reasonable relationship between the proposed increased residential development of the ECRSP area and the need for improvements to mitigate or offset, to the extent feasible, the impacts of increased congestion caused by future growth authorized by the ECRSP; and

WHEREAS, that study, prepared by Sunnyvale Department of Public Works staff, dated June 9, 2022, titled "ECRSP Traffic Impact Fee Nexus Study", demonstrates that such a nexus exists with respect to the identified traffic improvements, and that use of a Transportation Impact Fee for the purpose of those improvements is justified; and

WHEREAS, without the authority to impose appropriate fees for projects in the ECRSP area, those excess costs would be borne by the City's General Fund, which would constrain the City's ability to fund other programs and services that protect the health, safety, and welfare of the community; and

WHEREAS, pursuant to Government Code Sections 66016, 66017 and 66018, the City has: (1) made available to the public, at least 10 days prior to the public hearing, data indicating the estimated cost required to provide the services, facilities and infrastructure for which these fees are levied and the revenue sources anticipated to provide those services, facilities and infrastructure; (2) mailed notice at least 14 days prior to this meeting to all interested parties that have requested noticed of new or increased development fees; and (3) held a duly noticed, regularly scheduled public hearing at which oral and written testimony was received regarding the proposed fees; and

WHEREAS, the City desires to implement the fees applicable to development in the ECRSP area as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 4.02(o), “El Camino Real Specific Plan (ECRSP)” of the Master Fee Schedule is hereby added and adopted as set forth in Exhibit A, attached hereto and incorporated herein.
2. The fees for permits, plan review, and for the preparation of the ECRSP shown in Exhibit A are a reasonable estimate of the costs of providing the services for which each fee will be charged.
3. The City Council finds that there is an essential nexus between the higher intensity residential development of the ECRSP area authorized by the ECRSP and the need for transportation improvements and improvements to wastewater facilities that will serve the new residents in the ECRSP.
4. The ECRSP Traffic Impact Fee Nexus Study establishes a reasonable relationship between the need for the identified improvements and the higher intensity residential development authorized by the ECRSP.
5. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.
6. All other provisions of Resolution No. ____-22 shall remain in effect.

Adopted by the City Council at a regular meeting held on June 28, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A City of Sunnyvale Fee Schedule Section 4.02 Planning Permit Fees					
4.02 (o) El Camino Real Specific Plan (ECRSP)					
	Fiscal Year	Oracle Fund	Oracle Program	Natural Account*	Natural Account
	2022/23				Title
El Camino Real Specific Plan Fee	0.08% of total construction valuation	1001	10406	432053	Plan Maintenance Fee
Residential	\$ 40.48 per dwelling unit (net new)				ECRSP Transportation Impact Fee
Office	\$ 149.44 per 1,000 s.f. (net new)				ECRSP Transportation Impact Fee
Retail/Commercial	\$ 352.85 per 1,000 s.f. (net new)				ECRSP Transportation Impact Fee
Hotel	\$ 61.23 per room (net new)				ECRSP Transportation Impact Fee

**Tentative natural account; to be finalized after adoption*