

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE AMENDING RESOLUTION NO. 762-16, THE  
CITY'S FEES, RATES AND CHARGES RESOLUTION, TO  
ADD SECTION 4.02(M), FEES FOR THE PEERY PARK  
SPECIFIC PLAN DISTRICT**

WHEREAS, the City Council adopted Resolution No. 762-16, the Master Fee Schedule, on June 28, 2016; and

WHEREAS, on September 20, 2016, the City Council adopted the Peery Park Specific Plan (Resolution No. \_\_\_\_\_) and rezoned properties within the area covered by the Specific Plan to the Peery Park Specific Plan District (PPSP) (Ordinance No. \_\_\_\_); and

WHEREAS, the purpose of the PPSP is to create a high-tech 21st century employment center within the City of Sunnyvale, to improve the visual characteristics of Peery Park through architectural, landscaping, and pedestrian-oriented improvements, support and attract high-profile technology firms, develop activity centers to provide commercial and recreational opportunities for residents and employees, strengthen and provide opportunities for small-scale technology firms, provide opportunities to develop housing in a small portion of Peery Park, improve multi-modal accessibility for parking and transportation to Peery Park, including a more pedestrian and bicycle friendly environment to reduce and improve the circulation of vehicle traffic within Peery Park; and

WHEREAS, pursuant to Government Code Sections 65909.5 and 66014, the City is authorized to establish reasonable fees for planning services including the processing of use permits, zone variances, and zoning changes, including costs reasonably necessary to prepare and revise plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations; and

WHEREAS, the City's current development fees are insufficient to address the new administrative procedures and advanced planning needs of the PPSP district; and

WHEREAS, the City has calculated the anticipated costs of implementing and maintaining the PPSP and established the appropriate fees for use permits and plan review in the PPSP district as outlined in Exhibit A to this Resolution; 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 PPSP 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 PPSP will enable and facilitate a net increase in development of 2.2 million square feet of transit-oriented light industrial, office, limited retail uses, and an estimated 215 residential units within the Peery Park area over the next 20 years, which is expected to bring up to 14,401 new workers and 574 new residents into the area, creating significant impacts on the environment including public utilities, traffic, greenhouse gas emissions, and noise;

WHEREAS, the City Council has certified an Environmental Impact Report for the PPSP which requires the City to impose an Infrastructure Fee to ensure adequate financing for funding of improvements to water and wastewater facilities that will be required by the increased development in Peery Park; and

WHEREAS, the City commissioned a nexus study to analyze whether there is a reasonable relationship between the proposed increased development of Peery Park and the need to improve wastewater facilities; and

WHEREAS, that study, prepared by Infrastructure Engineering Corporation (IEC) dated April 7, 2016, titled Peery Park Specific Plan Wastewater Utility Impact Study, demonstrates that such a nexus exists, and that use of a Infrastructure Fee for the purpose of improving wastewater facilities is justified; and

WHEREAS, the streets and other public spaces in Peery Park are critical elements of the overall neighborhood environment in which commerce, travel and community networking takes place, and in large measure will determine its livability and attractiveness for new development; and

WHEREAS, the high density development anticipated by the PPSP will place new demands on the streets, pedestrian facilities and other public open spaces as new residents and businesses make use of the public realm; and

WHEREAS, the present design and construction of Peery Park discourages pedestrian and bike mobility due to discontinuous internal roads, incomplete and substandard sidewalks, wide auto-oriented roadways, and lack of bike lanes and other amenities for bicyclists and pedestrians; and

WHEREAS, creating a more pedestrian and bike-friendly environment in Peery Park is an essential part of the “Sense of Place” components of the PPSP in order to reduce vehicle trips by the new workers and residents in Peery Park, which is necessary to reduce the impacts of higher intensity development on traffic, greenhouse gas emissions, and noise; and

WHEREAS, by imposing appropriate Sense of Place fees on new development in Peery Park, the City will ensure that new development contributes its fair share of funding for streetscape and open space improvements necessary to mitigate the impacts of increased development and support Peery Park as a vibrant, attractive neighborhood for current and future residents and workers; and

WHEREAS, without the authority to impose appropriate fees for projects in the PPSP District, 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 PPSP District 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(m), "Peery Park Specific Plan (PPSP)" 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 PPSP shown in Exhibit A are a reasonable estimate of the costs of providing the services for which each fee will be charged.
3. In addition, the City Council finds that there is an essential nexus between the higher intensity development of Peery Park authorized by the Peery Park Specific Plan and the need for improved water and wastewater facilities as well as "sense of place" improvements that that will reduce motor vehicle trips by new workers and residents in Peery Park by creating a more pedestrian and bike-friendly environment.
4. The Peery Park Specific Plan Wastewater Utility Impact Study establishes a reasonable relationship between the need for improvements the wastewater facilities and the higher intensity development authorized by the PPSP.
5. In addition, order to mitigate the impacts of new development in the PPSP district, the City may impose the Infrastructure Fees for water facilities and Sense of Place fees

on discretionary projects on an ad hoc basis which shall be roughly proportional to the impacts of such projects.

6. 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.

7. All other provisions of Resolution No. 762-16 shall remain in effect.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**CITY OF SUNNYVALE  
FISCAL YEAR 2016/17  
FEE SCHEDULE**

|                                                                                      | <b>Fiscal Year<br/>2016/17</b>                  | <b>Charge<br/>Code</b> | <b>Object<br/>Level<br/>3 &amp; 4</b> | <b>Title (Obj. Lvl. 3)</b>         | <b>Title (Obj. Lvl. 4)</b> |
|--------------------------------------------------------------------------------------|-------------------------------------------------|------------------------|---------------------------------------|------------------------------------|----------------------------|
| <b><u>4.02 (m) PEERY PARK SPECIFIC PLAN (PPSP)</u></b>                               |                                                 |                        |                                       |                                    |                            |
| PPSP Conditional Use Permit - Director                                               | \$359.00                                        | 799939                 | 1650 - 1                              | Admin. Request Fee                 |                            |
| PPSP Conditional Use Permit - Director with Notice                                   | \$881.00                                        | 799939                 | 1650 - 2                              | Admin. Request Fee                 |                            |
| PPSP Conditional Use Permit - Commission (May also Include PPSP Plan Review - Major) | \$3,452.00                                      | 799939                 | 1351 - 3                              | Mjr. Permit Applic. Fee            | Peery Park                 |
| PPSP Plan Review - Minor                                                             | \$359.00                                        | 799939                 | 1650 - 3                              | Admin. Request Fee                 |                            |
| PPSP Plan Review - Major                                                             | \$1,758.00                                      | 799939                 | 1351 - 4                              | Mjr. Permit Applic. Fee            | Peery Park                 |
| PPSP Plan Review - Commission                                                        | \$5,210.00                                      | 799939                 | 1351 - 5                              | Mjr. Permit Applic. Fee            | Peery Park                 |
| PPSP Plan Review - Council                                                           | \$6,567.00                                      | 799939                 | 1351 - 6                              | Mjr. Permit Applic. Fee            | Peery Park                 |
| Peery Park Specific Plan Fee*                                                        | 0.082%<br>of total<br>construction<br>valuation | TBD                    | 1667 - 2                              | Plan Maintenance Fee               |                            |
| <i>*Breakdown of the PPSP Fee is explained in RTC 16-0621.</i>                       |                                                 |                        |                                       |                                    |                            |
| Peery Park Sense of Place Fee                                                        | Ad hoc                                          | TBD                    | TBD                                   | Sense of Place Fee                 |                            |
| Peery Park Infrastructure Fees:                                                      |                                                 |                        |                                       |                                    |                            |
| Water                                                                                | Ad hoc                                          | TBD                    | TBD                                   | Infrastructure Fee -<br>Water      |                            |
| Wastewater                                                                           | \$3.12 per net<br>new sq. ft.                   | TBD                    | TBD                                   | Infrastructure Fee -<br>Wastewater |                            |