ORDINANCE NO. 3079-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 3.50.070 (FEE PAYMENT) OF CHAPTER 3.50 (TRANSPORTATION IMPACT FEE) OF TITLE 3 (REVENUE AND FINANCE) AND SECTION 19.75.020 (GENERAL APPLICABILITY) OF CHAPTER 19.75 (HOUSING IMPACT FEES) OF TITLE 19 (ZONING)

WHEREAS, pursuant to study issue CDD 15-14, the City Council has reviewed the process of development review, calculation and collection of mitigation fees, specifically park dedication in-lieu fees, housing impact fees and transportation impact fees, and desires to make certain changes to the code for the purpose of simplifying the process of fee collection for all development fees.

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 3.50.070 of Chapter 3.50 (Transportation Impact Fee) of Title 3 (Revenue and Finance) is hereby amended to read as follows:

3.50.070. Fee calculation and payment.
Transportation impact fees shall be calculated at the time of complete building permit application submittal and shall be paid in full to the city before any building permit is issued. If no building permit is required, the fee shall be paid before a conversion of use of an existing building may take place. The fee shall apply to any project for a change in use or receiving a building permit on or after January 1, 2004.

SECTION 2. SECTION 19.75.020 of Chapter 19.75 (Housing Impact Fees) of Title 19 (Zoning) is hereby amended to read as follows:

19.75.020. General applicability.
(a)-(c) [Text unchanged]
(d) Calculation and Timing of Payment. Housing impact fees shall be calculated at the time of complete building permit application submittal and shall be paid prior to issuance of the first building permit for the project. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the rate in effect at the time payment is made. For phased projects, the amount due shall be paid on a pro rata basis across the entire square footage of the approved development, and each portion shall be paid prior to the issuance of any building permit for each phase.

SECTION 3. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on April 12, 2016 and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____   _____
        City Clerk   Mayor
Date of Attestation: _____

  SEAL

  APPROVED AS TO FORM:

_____
        City Attorney