

RESOLUTION NO. ____-16

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE TO AMEND THE FY 2016/17 CITYWIDE
FEE SCHEDULE AND ADOPT TRANSPORTATION
DEMAND MANAGEMENT (TDM) FEES AND PENALTIES**

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

WHEREAS, the City Council approved Ordinance No. ____-16 amending Chapter 10.60 (Transportation Demand Management) of the Sunnyvale Municipal Code; and

WHEREAS, to ensure consistency with Ordinance No. ____-16, the City desires to implement administrative fees and penalties for the enforcement of the Transportation Demand Management Program as set forth in Exhibit "A."

WHEREAS, the City has prepared the Transportation Demand Management ("TDM") Program Guidelines, which incorporate a variety of incentives, services and actions for certain employers that are intended to reduce automobile trips to provide additional relief from congestion, parking and air quality impacts; and

WHEREAS, pursuant to the TDM Program Guidelines and Chapter 10.60 of the Sunnyvale Municipal Code, the City desires to increase enforcement efforts and impose penalties against those developers and owners that violate the TDM requirements.

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

1. Section 8.10, "Transportation Demand Management" of the Master Fee Schedule, is hereby adopted as shown in Exhibit "A", attached hereto and incorporated by reference herein.
2. 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.
3. This resolution shall be effective on the effective date of ordinance number ____-16 (Transportation Demand Management) of the Sunnyvale Municipal Code.
4. All other provisions of Resolution No. 762-16 shall remain in effect.

Adopted by the City Council at a regular meeting held on _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

City Attorney

EXHIBIT A

CITY OF SUNNYVALE FISCAL YEAR 2016/17 FEE SCHEDULE

| | <u>Fiscal Year 2016/17</u> | <u>Charge Code</u> | <u>Object Level 3 & 4</u> | <u>Title (Obj. Lvl. 3)</u> | <u>Title (Obj. Lvl. 4)</u> |
|---|--------------------------------|------------------------|-----------------------------------|--------------------------------|--------------------------------|
| <u>SECTION 8.10. TRANSPORTATION DEMAND MANAGEMENT</u> (SMC Ch. 10.60) | | | | | |
| A. <u>Administrative Data Collection Fee</u> | | | | | |
| Fee per driveway | \$2,500.00 | TBD | TBD | TBD | TBD |
| Late Payment on Invoice: | 10% | TBD | TBD | TBD | TBD |
| Any property owner who fails to pay the amount due on the administrative data collection fee invoice amount within sixty (60) days of the invoice date, shall be charged a percentage per month on the amount of the invoice. | | | | | |
| B. <u>Non-compliance penalty*</u> | | | | | |
| Fee per trip penalty | \$3,000.00 | TBD | TBD | TBD | TBD |
| Penalty Maximum (per annum): | | | | | |
| Tier 1 (less than 500,000 SF) | \$300,000.00 | TBD | TBD | TBD | TBD |
| Tier 2 (500,000 SF to 1,000,000 SF) | \$500,000.00 | TBD | TBD | TBD | TBD |
| Tier 3 (greater than 1,000,000 SF) | \$700,000.00 | TBD | TBD | TBD | TBD |
| Late Payment on Invoice: | 10% | TBD | TBD | TBD | TBD |
| Any property owner who fails to pay the amount due on the non-compliance penalty fee invoice amount within sixty (60) days of the invoice date, shall be charged a percentage per month on the amount of the invoice. | | | | | |
| Penalty Fee for failure to submit Annual Status Report: | 2% | TBD | TBD | TBD | TBD |
| Any property owner who fails to submit the annual status report as required by the City's TDM Program guidelines, shall be charged a percentage of the amount of the annual non-compliance penalty maximum per month. | | | | | |

Non-compliance Penalty Calculation Detail:

- Compliance determination will be based on maximum allowable AM and PM peak hour trips as identified in the conditions of approval
- Both AM and PM peak hour trips will be surveyed; the penalty is based on the highest deficiency of the two
- Reduction factors:
 - Level 0: project is compliant, penalties are not applicable
 - Level 1: Achieve a 0%-9.9% reduction - Pay full penalty (\$3,000 per trip in excess of maximum allowable trips)
 - Level 2: Achieve a 10%-19.9% reduction - Pay 75 % penalty (\$2,250 per trip in excess of maximum allowable trips)
 - Level 3: Achieve 20%-29.9% reduction - Pay 50% penalty (\$1,500 per trip in excess of maximum allowable trips)
 - Level 4: Achieve 30% or more - Pay 25% of penalty (\$750 per trip in excess of maximum allowable trips)

*The fees and penalties will be adjusted annually based on the Consumer Price Index (CPI) with the adoption of the City-wide fee schedule each fiscal year.