

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE AMENDING RESOLUTION NO. 945-19, THE  
CITY'S FEES, RATES AND CHARGES RESOLUTION,  
PERTAINING TO A RENTAL HOUSING IN-LIEU FEE**

WHEREAS, the City Council of the City of Sunnyvale ("City") adopted Resolution No. 945-19, the Master Fee Schedule, on June 25, 2019; and

WHEREAS, the City's Rental Inclusionary Below Market Rate ordinance requires developers to provide fifteen (15) percent of rental units affordable to very low and low income households or either elect to pay or seek Council authorization to pay a Rental Housing In-Lieu Fee dependent on the size of the rental development; and

WHEREAS, the City desires to adopt a Rental Housing In-Lieu Fee as an Alternative Compliance Method for developers of market-rate rental housing development projects as authorized by Section 19.77.100 of the Inclusionary Below Market Rate Rental Housing Ordinance, which fees do not exceed the justified fees needed to mitigate the actual affordable housing impacts attributable to the development projects to which the fees relate; and

WHEREAS, the use of the Rental Housing In-Lieu Fee will be restricted to developing or rehabilitating deed restricted affordable housing, at the discretion of the City Council, and will be deposited into the City's Housing Mitigation Fund to be used for affordable housing programs and projects; and

WHEREAS, based on the 2015 Nexus Study, the 2017 Housing Strategy Study Issue and 2019 community outreach and developer meetings, City staff proposes a rental housing in-lieu fee; and

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services; and

WHEREAS, the City desires to implement a new classification for rental housing in-lieu fee in the housing division fees, as set forth in Exhibit "A."

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

1. Section 4.02(l) "Development Impact Fees Related to Housing" of the Master Fee Schedule is hereby adopted as set forth in Exhibit "A", attached hereto and incorporated 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. The fees authorized by this Resolution are adopted in conjunction with the Inclusionary Rental Below Market Rate Ordinance and shall become effective 60 days from and after the date of adoption of this Resolution if the Rental Inclusionary Below Market Rate Ordinance is adopted and effective at that time.

4. All other provisions of Resolution No. 945-19 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

**EXHIBIT A**  
**CITY OF SUNNYVALE**  
**FISCAL YEAR 2019/20**  
**FEE SCHEDULE**

	<b>Fiscal Year 2019/20</b>	<b>Charge Code</b>	<b>Object Level 3 &amp; 4</b>	<b>Title (Obj. Lvl. 3)</b>	<b>Title (Obj. Lvl. 4)</b>
<b><u>OTHER PLANNING ITEMS (cont'd)</u></b>					
Expanded Noticing Fee					
500-foot radius	\$357.00	799939	1351 - 1	Major Permit Application Fees	Other
1,000-foot radius	\$1,123.00	799939	1351 - 1	Major Permit Application Fees	Other
2,000-foot radius	\$2,299.00	799939	1351 - 1	Major Permit Application Fees	Other
Consultant Provided Special Studies or Services	As needed	799000		Deposits and Passthroughs	
Consultant Provided Special Studies or Services: Staff Review (% of consulting fee)	10% minimum of				
	\$1,677.00	799939	1351 - 1	Major Permit Application Fees	Other
<b><u>4.02(i) DEVELOPMENT IMPACT FEES RELATED TO HOUSING</u></b>					
Legacy Housing Mitigation Fees for Industrial Projects SMC 19.22.035	\$11.40 per Applicable Sq. Ft.	799109	1204	Housing Mitigation	
(For projects subject to 19.22.035 & approved on or before 9/13/15)					
Housing Impact Fee for Nonresidential Developments (SMC 19.75.030) Office/Industrial/R&D Projects					
First 25,000 net new sq. ft. of project (parking structures & amenity buildings exempt)	\$8.60 per Applicable Sq. Ft.	799109	1680 - 1	Housing Mitigation	Office/Industrial Rate
All remaining net new sq. ft. of project	\$17.20 per Applicable Sq. Ft.	799109	1680 - 1	Housing Mitigation	Office/Industrial Rate
Retail/Lodging Projects	\$8.60				
Applies to all net new sq. ft. in project	per Applicable Sq. Ft.	799109	1680 - 2	Housing Mitigation	Retail/Lodging Rate
Housing Impact Fee For Rental Housing (SMC 19.75.040) (Applies to net new habitable sq ft in rental projects approved between 9/14/15 and 11/7/2019)					
Small Rental Projects (Four to seven units)	\$9.60 per Applicable Sq. Ft.	799109	1681 - 1	Rental Impact Fee	Small Apartment Rate
Large Rental Projects (Eight or more units) See SMC 19.75.040 for details	\$19.20 per Applicable Sq. Ft.	799109	1681 - 2	Rental Impact Fee	Large Apartment Rate
Rental Housing In-Lieu Fee (SMC 19.77) (Applies to net new habitable sq ft in rental projects approved on or after 11/8/2019)					
Small Rental Projects (Three to six units)	\$12.50 per Applicable Sq. Ft.	799109	1681 - 1	Rental In-Lieu Fee	Small Apartment Rate
Large Rental Projects (Seven or more units) See SMC 19.77 for details	\$25.00 per Applicable Sq. Ft.	799109	1681 - 2	Rental In-Lieu Fee	Large Apartment Rate