

DRAFT 8/18/2021 *RLM*

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING RESOLUTION NO. 1060-21,
THE CITY'S FEES, RATES AND CHARGES RESOLUTION,
TO ADD SECTION 4.02(N), FEES FOR THE LAWRENCE
STATION AREA PLAN (LSAP) AREA**

WHEREAS, the City Council adopted Resolution No. 1060-21, the Master Fee Schedule, on June 15, 2021; and

WHEREAS, on September 14, 2021, the City Council adopted the Lawrence Station Area Plan (LSAP) and the LSAP Sense of Place Plan (Resolution No. [REDACTED]) and rezoned properties within the area covered by the LSAP (Ordinance No. [REDACTED]); and

WHEREAS, the overall purpose of the LSAP and the LSAP Sense of Place Plan is to promote greater use of the Lawrence Caltrain Station by creating a diverse, transit-oriented, mixed-use neighborhood that locates homes, jobs, recreation, and access to goods and services in close proximity to high quality mass transit. To that end, the objectives of the LSAP include the expansion of housing opportunities within the LSAP area to help address housing needs of the City; providing for additional opportunities for higher intensity residential development near the Caltrain Lawrence Station that is environmentally, economically, and socially sustainable; and creating a safer, more pedestrian and bicycle friendly environment in the LSAP area in order to reduce local and regional Vehicles Miles Traveled (VMT), which translates into less greenhouse gas emissions, improved air quality, public health benefits, and energy efficiency; 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 LSAP 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, in addition to the 1.2 million net new square feet of office and R&D development capacity allowed under the 2016 LSAP, the amendments to the LSAP will enable and facilitate a substantial increase in the residential capacity of the LSAP area, potentially resulting in a total of at least 5,935 residential units in the LSAP area at final build-out; and

WHEREAS, the City commissioned an Infrastructure Impact Study to analyze whether there is a reasonable relationship between the proposed increased residential development of the LSAP area and the need to improve water, sanitary sewer, and stormwater facilities; and

WHEREAS, that study, prepared by BKF Engineers, dated June 22, 2020, titled “Lawrence Station Area Plan: Proposed Increase in Housing Potential Within the LSAP (Housing Expansion Buildout) Infrastructure Impact Study” (the LSAP Infrastructure Impact Study) demonstrates that such a nexus exists with respect to sanitary sewer improvements, and that use of a Residential Wastewater Fee for the purpose of improving wastewater facilities is justified; and

WHEREAS, the City prepared a nexus study to analyze whether there is a reasonable relationship between the proposed increased residential development of the LSAP 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 amendments to the LSAP; and

WHEREAS, that study, prepared by Sunnyvale Department of Public Works staff, dated , 2021, titled “LSAP 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, a central goal of the LSAP is to create a transit-oriented neighborhood with a diversity of uses that will promote walking, biking, and use of public transportation such as Caltrain; and

WHEREAS, the streets and other public spaces in the LSAP area 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 residents and businesses; and

WHEREAS, the high density residential development anticipated by the amended LSAP 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 the Lawrence Station Area discourages pedestrian and bike mobility due to barriers such as long block lengths, incomplete and substandard sidewalks, missing curb cuts, auto-oriented intersections, lack of bike lane buffers and other amenities that would improve the comfort and safety of bicyclists and pedestrians; and

WHEREAS, creating a more pedestrian and bike-friendly environment in the Lawrence Station Area is an essential part of the LSAP Sense of Place Plan in order to reduce vehicle trips with the LSAP area, 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 the LSAP area, 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 the LSAP area 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 LSAP 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 LSAP area as set forth in this Resolution.

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

1. Section 4.02(n), "Lawrence Station Area Plan (LSAP)" 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 LSAP 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 LSAP area authorized by the LSAP and the need for transportation improvements and improvements to wastewater facilities that will serve the new residents in the LSAP.

4. The City Council finds that there is an essential nexus between the higher intensity residential development of the LSAP area authorized by the LSAP and the need for "sense of place" improvements that that will reduce motor vehicle trips by new workers and residents in the LSAP area by creating a more pedestrian and bike-friendly environment.

5. The City Council finds that the LSAP Infrastructure Impact Study, LSAP Transportation Impact Fee Nexus Study, and Sense of Place Plan establish a reasonable relationship between the

need for the identified improvements and the higher intensity residential development authorized by the LSAP.

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. In accordance with Section 66017 of the California Government Code, the LSAP Wastewater and Sense of Place fees shall become effective sixty (60) days after adoption of this Resolution. The LSAP Traffic Impact Fees shall go into effect sixty (60) days after adoption of Ordinance # .

9. All other provisions of Resolution No. 1060-21 shall remain in effect.

Adopted by the City Council at a regular meeting held on September 14, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit

A – Amendments to the Master Fee Schedule

Exhibit A City of Sunnyvale Fee Schedule Section 4.02 Planning Permit Fees					
4.02 (n) LAWRENCE STATION AREA PLAN (LSAP)					
	Fiscal Year	Oracle Fund	Oracle Program	Natural Account*	Natural Account
	2021/22				Title
LSAP Residential Wastewater Fee	\$745.01	6085	00001	432402	Wastewater Infrastructure Fees
	per residential unit				
LSAP Sense of Place Fee					
Residential	\$2,030.34	3113	00001	432045	Sense of Place Fee - LSAP
	per residential unit				
Non-Residential	\$2.11	3113	00001	432045	Sense of Place Fee - LSAP
	per sq. ft.				
LSAP Transportation Impact Fee	\$1,298.00				
	per residential unit				
—Applies after a total of 2,323 residential units have been built or approved within the LSAP District.		TBD	TBD	TBD	Transportation Impact Fee - LSAP
LSAP Plan Fee	0.17% of total construction valuation	1001	10406	432053	Plan Maintenance Fee

*Tentative natural account; to be finalized after adoption

rev. 9/3/2021