

RESOLUTION NO. 17-8407

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA ESTABLISHING A SPECIFIC PLAN FEE FOR
PROPERTIES WITHIN THE LAWRENCE STATION AREA
PLAN BOUNDARY**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City Council approved the Lawrence Station Area Plan and certified its supporting Environmental Impact Report on November 29, 2016;

WHEREAS, the City defined the Lawrence Station Area Plan boundary to include properties bounded by Lawrence Expressway to the west, Central Expressway to the north, Kifer Road to the south and Calabazas Creek to the east; all Santa Clara County Assessor parcels identified in Book 216 Page 34, and a portion in Book 216 Page 33;

WHEREAS, the City now desires to establish a Specific Plan Fee for properties within the Lawrence Station Area Plan boundary;

WHEREAS, California Government Code Section 65456 states that a legislative body, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan;

WHEREAS, the fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to the California Environmental Quality Act (CEQA);

WHEREAS, as nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan;

WHEREAS, the fee is imposed by the City to support government services and not for the purpose of providing a market-based fee for services that are also provided to the general public, the proposed fee is hereby determined to be reasonable in that it does not exceed the cost of preparation, adoption,

and administration of the specific plan;

WHEREAS, in adopting the fee and this Resolution, the City is exercising its powers under Article XI, Section 7 of the California Constitution, Sections 50076 and 65456 of the California Government Code, its Charter, its City Code, and other applicable laws;

WHEREAS, on December 6, 2016, the City Council held a public hearing on the Specific Plan Fee, at which time the Council continued the consideration of the fee to its January 10, 2017 hearing;

WHEREAS, timely notice of the December 6, 2016 public hearing was published in the Santa Clara Weekly on November 23, 2016 and November 30, 2016 in the manner set forth in Government Code Sections 6062a and 66018;

WHEREAS, information regarding this new fee was made available for public review and comment more than ten (10) days prior to the public hearing at which this Resolution was considered and adopted, by placing the draft resolution on the City's website and on file at the City Clerk's Office on December 23, 2016;

WHEREAS, notice of the public hearing was mailed to all persons requesting such notice pursuant to Government Code Section 66016; and

WHEREAS, on January 10, 2017, the City Council held a public hearing on the Specific Plan Fee.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City recognizes that there are 65 acres of developable land within the plan area.
3. That the Phase I developers, who have projects on file with the City are SummerHill, Westlake Urban, and the True Life Companies, Inc., and that the total acreage controlled by Phase I

developers within the plan area is 34.3 acres out of the 65 acre total.

4. That the total cost of preparation of the plan and associated EIR is \$1,043,622, which includes \$62,100 in entitlement fees that represent staff costs associated with the preparation of the plan.

5. That the cost of preparing the project-level environmental analysis for Phase I developments represents \$239,277 of the \$1,043,622 total.

6. That the cost of preparing the plan and EIR applicable to all properties is the total cost less the project level phase I costs, or $\$1,043,622 - \$239,277 = \$804,345$.

7. That to most equitably apportion the relative benefits of the plan and EIR, two different fees for Phase I and Phase II developers are required, and that those fees will be assessed on a per acre basis.

8. That the fee for Phase I developers is the sum of Phase I costs plus the costs applicable to all parcels, assessed on a per acre basis, or $[(\$239,277 \text{ phase I costs} / 34.3 \text{ acres}) + (\$804,345 \text{ overall costs} / 65 \text{ acres})] = \$19,351 \text{ per acre}$.

9. That the fee for Phase II developers is the overall costs assessed on a per acre basis, or $(\$804,345 \text{ overall costs} / 65 \text{ acres}) = \$12,375 \text{ per acre}$.

10. That the specific plan fee shall be paid for individual buildings prior to issuance of building permits for said buildings.

11. That the specific plan fee will be adjusted for inflation annually, using the Consumer Price Index (CPI-U) for the San Francisco-Oakland-San Jose metropolitan statistical area, in conjunction with the annual fee schedule update. The fee will first be adjusted as of 2018.

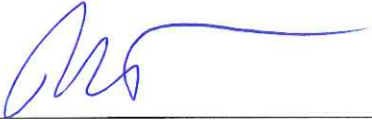
12. Effective date. The Effective date for the Specific Plan Fee shall be sixty (60) days from adoption, pursuant to Government Code section 66017(a).

13. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, AT A REGULAR MEETING THEREOF HELD ON THE 10TH DAY OF JANUARY 2017, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Caserta
ABSTAINED:	COUNCILORS:	None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

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