

RESOLUTION NO. _____

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

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

WHEREAS, the City Council approved the Tasman East Specific Plan and certified a supporting Environmental Impact Report on November 13, 2018;

WHEREAS, the City defined the Tasman East Specific Plan area boundary to include properties bounded by Lafayette Street to the west, the Santa Clara Golf and Tennis Club to the north, Tasman Drive to the south and the Guadalupe River to the east; all Santa Clara County Assessor parcels identified in Book 097 Page 46, and a portion in Book 097 Page 05;

WHEREAS, the City now desires to establish a Specific Plan Fee for properties within the Tasman East Specific Plan area 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, timely notice of the January 15, 2019 public hearing was published in the Santa Clara Weekly on January 2, 2019 and January 9, 2019 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 January 4, 2019;

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

WHEREAS, on January 15, 2019, 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 4,500 residential units analyzed by the EIR within the plan area.
3. That the City intends to apportion costs on a per-unit basis.
4. That the total cost of preparation of the plan and associated EIR is \$1,214,323, which includes \$73,441 in entitlement fees that represent staff costs associated with the preparation of the plan and \$1,140,882 in consultant costs.
5. That the per unit cost for preparation of the Specific Plan is the total cost divided by the total number of units, or $\$1,214,323/4,500 \text{ units} = \269.85 per unit .
10. That the specific plan fee shall be paid for any development shall be paid prior to issuance of an approval by the Architectural Committee for said development.

11. That for development applications approved prior to the effective date of the Specific Plan fee, the property owner shall pay the fee within 60 days of the adoption date of this Specific Plan fee resolution.

12. 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 2021.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:
NOES: COUNCILORS:
ABSENT: COUNCILORS:
ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

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