

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING THE FINDINGS OF THE TASMAN EAST
INFRASTRUCTURE IMPACT FEE NEXUS STUDY AND
SETTING THE IMPACT FEES FOR FISCAL YEAR 2020-2021**

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

WHEREAS, on November 13, 2018 the City Council adopted the Tasman East Specific Plan (the “Project”), a specific plan for a transit-oriented pedestrian friendly neighborhood of up to 4,500 residential units with supportive retail uses, located on approximately 45 acres of land proximate to the Lick Mill Light Rail Station that are currently developed with industrial uses:

WHEREAS, on November 13, 2018 the City Council adopted and certified the Environmental Impact Report (“EIR”) for the Project (SCH #2016122027), as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA;

WHEREAS, amendments to the adopted Tasman East Specific Plan (Amendment #1) are now under consideration to replace a proposed street extension for Calle Del Sol with a pedestrian and bicycle paseo;

WHEREAS, in order to ensure that all potential environmental impacts of the Project (including Amendment #1) were thoroughly analyzed, the City caused an addendum to the EIR to be prepared pursuant to CEQA Guidelines 15164;

WHEREAS, the Project, EIR, Project amendments, and environmental addendums specified that certain public improvements are necessary to support the Project and include sanitary sewer facility upgrades, storm sewer facility upgrades, potable water facility upgrades, non-potable water facility expansion, public street improvements and expansions, traffic signal installations, traffic safety device installations, traffic signal mitigations and fair-share traffic payments;

WHEREAS, in 2019, the City contracted with Economic & Planning Systems, Inc. (EPS Consultants), to prepare a nexus study to justify the creation of an infrastructure impact fee (“Infrastructure Impact Fee”) to apply to new residential development within the Tasman East

Specific Plan area;

WHEREAS, the intent of the of the Infrastructure Impact Fee is to create an equitable distribution of area-wide and common infrastructure costs for all new residential development within the Tasman East Specific Plan area;

WHEREAS, the Department of Public Works has prepared a report entitled “TASMAN EAST SPECIFIC PLAN INFRASTRUCTURE IMPACT FEE NEXUS STUDY” (the “Study”), which provides the purpose, nexus, improvements, cost estimates, and justification for the creation of an Infrastructure Impact Fee, and is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by this reference;

WHEREAS, the Study proposes that the fee applies to new residential uses within the Tasman East Specific Plan area;

WHEREAS, the Study recommends fee levels be adjusted annually in order to keep up with construction costs and inflation;

WHEREAS, the Study provides an evaluation of the need for an infrastructure impact fee and establishes the nexus between the imposition of such impact fee and the estimated reasonable cost of providing the improvements for which the fees are charged;

WHEREAS, The Mitigation Fee Act, California Government Code section 66001 et seq., requires that, in any action establishing a fee as a condition of approval of a development project, a local agency shall make the following findings:

- 1) Under Government Code Section 66001(a)(1), identify the purpose of the fee.
- 2) Under Government Code Section 66001(a)(2), identify the use to which the fee is to be put.
- 3) Under Government Code Section 66001(a)(3), determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- 4) Under Government Code Section 66001(a)(4), determine how there is a reasonable

relationship between the need for the public facility and the type of development project on which the fee is imposed.

- 5) Under Government Code Section 66001(b), Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed;

WHEREAS, the City wishes to adopt these proposed Infrastructure Impact Fee in accordance with the calculations and recommendations contained in the Study;

WHEREAS, pursuant to Sections 6062a and 66018 of the California Government Code, notice of a public hearing to be held on September 29, 2020 was published in the *Santa Clara Weekly*, a newspaper of general circulation in the City, on September 16, 2020 and September 23, 2020;

WHEREAS, on September 7, 2020, a notice of the public hearing to be held on September 29, 2020 was mailed to persons who requested notice of new and increased fees in accordance with Government Code Section 66019;

WHEREAS, on September 29, 2020, the City Council held a full public hearing with respect to the Study and the proposed Infrastructure Impact Fee;

WHEREAS, the Study was made available for public inspection at least ten days before the public hearing by placing the data on file with the City Clerk's Office on September 15, 2020 in accordance with Government Code 66016;

WHEREAS, on September 29, 2020 the City Council introduced an ordinance to add Section 17.15.350 "TASMAN EAST SPECIFIC PLAN INFRASTRUCTURE IMPACT FEE" to Chapter 15 "Property Development of Title 17 "Development" establishing an infrastructure impact fee for the Tasman East Specific Plan Area.

WHEREAS, the City Council adopts a Master Fee Schedule as part of its budget, fixing and establishing fees, rates, and charges for good and services provided by the City

WHEREAS, pursuant to the Mitigation Fee Act (California Government Code Section 66000 et

seq.) of the California Government Code the City Council now desires to approve the Study and proposed Infrastructure Impact Fee.

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

1. That in accordance with the Mitigation Fee Act and the Report, and based on the facts and substantial evidence in the record, the Infrastructure Impact Fee is hereby adopted by the City Council based on the following findings:

A. Development projects in the Tasman East Specific Plan area will create the need for improvements to support increased residential uses at in the Specific Plan area.

B. The Tasman East Specific Plan provides the analysis and justification for the need for the required improvements with new residential development within the Tasman East Specific Plan

C. The Study estimates the cost of each infrastructure improvement necessary to support the anticipated new residential development in the Tasman East Specific Plan Area and substantiates an Infrastructure Impact Fee rate that will charge each new development project only for the portion of the costs of the improvements necessary to support that development project.

D. There is a reasonable relationship between the need for the identified improvements and the development projects on which the Infrastructure Impact Fee will be imposed.

E. The Infrastructure Impact Fee does not exceed the estimated reasonable cost of providing the facilities for which the Infrastructure Impact Fee is imposed. The Infrastructure Impact Fee is not levied, collected or imposed for general government purposes.

F. As the purpose of this Resolution is to begin collection of an impact fee to fund improvements identified within and necessary to support development within the Tasman East Specific Plan of which an EIR was adopted by the City Council, the setting and imposition of the

Infrastructure Fee is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8)(D) of the California Public Resources Code.

2. The Fee is hereby imposed upon every person or entity having equitable or legal title, or other interest as owner, lessee, or otherwise who causes the development of new Multifamily Residential Use Buildings within the Tasman East Specific Plan Area on or after November 13, 2018 at the following rate:

Multi-Family Residential	\$6,731 per dwelling unit
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3. Unless otherwise modified by the City Council, the Infrastructure Impact Fee shall automatically adjust for inflation annually at the start of each fiscal year, based on the latest Engineering News Record Construction Cost Index. If this index ceases to exist, the Director of Public Works shall substitute another construction cost index, which in his or her judgment is as nearly equivalent to the original index as possible.

4. That the Study is hereby approved, confirmed and adopted.

5. Effective date. This resolution shall become effective 60 days following the date of its passage and adoption.

6. 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 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.

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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 _____, 2020, 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:

1. Tasman East Specific Plan Infrastructure Impact Fee Nexus Study