

RESOLUTION NO. 22-____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
APPROVING THE ANNUAL & FIVE-YEAR DEVELOPMENT IMPACT FEE
REPORT FOR FY ENDING JUNE 30, 2022 AND MAKING REQUIRED
FINDINGS**

WHEREAS, the Mitigation Fee Act (Government Code Section 66000 et seq.) requires that an annual report regarding development impact fees be submitted to the City Council at a regularly scheduled public meeting pursuant to Section 66006; and

WHEREAS, Government Code Section 66001(d) further provides that the City must, on a five-year basis, make certain findings with respect to unexpended development impact fees; and

WHEREAS, the City of Cupertino - AB 1600 - Mitigation Fee Act Annual & Five-Year Report for the fiscal year that ending June 30, 2022 (the "Annual and Five-Year Report"), comprises the annual report required under Government Code Section 66006(b) and five-year report required under Government Code Section 66001(d) of the Mitigation Fee Act. Said report is included as Attachment A and incorporated into this Resolution by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. Acknowledge the foregoing recitals are true and correct and incorporated into this resolution by this reference.
2. Approves the Annual and Five-Year Report for FY ending June 30, 2022 in accordance with the Mitigation Fee Act and incorporates by reference said Report (Attachment A).
3. Adopts the findings required by Government Code 66001(d) as stated in the Five-Year Reporting and Findings Requirement section of the Annual and Five-Year Report (Attachment A), which demonstrate that, for each account or fund:

- a. The purpose of each fund is described in the Annual and Five-Year Report.
- b. A reasonable relationship exists between the fee charged to development projects and the purpose for which it is charged, based on the substantial evidence contained in the Annual and Five-Year Report.
- c. For each fund, the Annual and Five-Year Report identifies all sources and amounts of funding anticipated to complete the financing of incomplete improvements.
- d. For each fund, the Annual and Five-Year Report designates the approximate date on which the funding needed is expected to be deposited into the fund.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, approving the report would have no or only a de minimis effect on the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 6th day of December, 2022, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>