

RESOLUTION NO. 17-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING A TRANSPORTATION IMPACT FEE
AND AMENDING SCHEDULE B OF THE 2017-18 FEE SCHEDULE
TO INCLUDE THE TRANSPORTATION IMPACT FEE**

WHEREAS, Mitigation Fee Act (AB 1600/ Government Code Section 66000 et seq.) enables cities to charge new development impact fees for transportation facilities; and

WHEREAS, the City adopted an amended General Plan known as "General Plan: Community Vision 2015 - 2040" (The General Plan) on December 4, 2014; and

WHEREAS, The General Plan identifies the buildout land use and growth projections and is based on a horizon year of 2040; and

WHEREAS, The General Plan identifies impacts on transportation and traffic impacts from the potential future development associated with the 2040 buildout ; and

WHEREAS, Economic Planning Systems, Inc. and Stantec Consulting Services, Inc., who were retained by the City, have prepared a "City of Cupertino Transportation Impact Fee Nexus Study" dated August 2017 (the "TIF Nexus Study"); and

WHEREAS, the TIF Nexus Study provides the City of Cupertino with the necessary technical documentation to support the adoption of a new Citywide Transportation Impact Fee Program and establishes the nexus between the imposition of the transportation impact fees and the estimated reasonable cost of providing the improvements for which the fees are charged; and

WHEREAS, the City adopted the TIF Nexus Study on August 15, 2017; and

WHEREAS, immediately prior to consideration of this resolution, the City Council of the City of Cupertino Waived the First Reading and Introduced an Ordinance adding Chapter 10.02, to the Cupertino Municipal Code (the "TIF Ordinance"); and

WHEREAS, Government Code section 66001 requires that, in any action establishing a fee as a condition of approval of a development project, a local agency shall:

- (1) Identify the purpose of the fee.
- (2) Identify the use to which the fee is to be put.
- (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) 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) 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; and

WHEREAS, in accordance with Government Code Section 66016, the TIF Nexus Study was made available for public review and comment at least 10 days prior to this meeting; and

WHEREAS, the TIF Nexus Study substantiates the need for the transportation impact fee; and

WHEREAS, the City Council wishes to adopt this proposed impact fee in accordance with the calculations and recommendations contained in the TIF Nexus Study; and

WHEREAS, in compliance with the Mitigation Fee Act (Government Code section 66000 et seq.), the City Council opened a public hearing on the proposed update of the impact fees on September 19, 2017, and took public testimony.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino hereby takes the following actions:

Section 1. Findings.

A. The City Council finds and determines that the TIF Nexus Study complies with California Government Code section 66001, and as to the proposed transportation impact fee to be imposed on new development:

- (1) Identifies the purpose of the fee;
- (2) Identifies the use to which the fee will be put;
- (3) Shows a reasonable relationship between the use of the fee and the type of development projects on which the fee is imposed;
- (4) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and

(5) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

B. The City Council hereby determines that the fees imposed pursuant to this Resolution shall be used solely to finance the public facilities described or identified in Appendix A of the TIF Nexus Study.

C. The City Council has considered the specific public facilities and cost estimates identified in Appendix A of the TIF Nexus Study, and hereby approves such public facilities and cost estimates and further finds that the cost estimates serve as a reasonable basis for calculating and imposing the development impact fees for such public facilities.

D. The City Council further finds that the public facilities and fee methodology identified in the TIF Nexus Study are consistent with the City's General Plan and, in particular, those policies that require new development to mitigate its share of the transportation impacts to City infrastructure.

E. The City Council further finds that adoption of this resolution is not subject to the California Environmental Quality Act (CEQA) in that they are not a "project." Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause a significant effect on the environment, is not defined as a "project" under CEQA.

2. Adoption of Transportation Impact Fee.

The City Council hereby approves and adopts the transportation impact fees as set forth in Exhibit 1 to this Resolution, attached hereto and incorporated herein by reference. The transportation impact fees set forth in Exhibit 1 are consistent with the TIF Nexus Study. In accordance with Chapter 14.02 of the Cupertino Municipal Code, the amount of the development impact fees shall be modified automatically on an annual basis each July 1 based on Cupertino's Construction Cost index as defined in Chapter 14.02.

3. Amendment of Fee Schedule.

The City Council of the City of Cupertino hereby approves the amendment to Schedule B of the 2017-18 Fee Schedule as set forth in Exhibit 1 to this resolution.

4. Effective Date.

Pursuant to Government Code 66017, this resolution shall be effective upon the adoption of the TIF Ordinance.

PASSED AND AMENDED at a regular meeting of the City Council of the City of Cupertino this 19th day of September, 2017 by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

City Clerk

Mayor, City of Cupertino

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Schedule B - Engineering

FEE DESCRIPTION	FY2017-18 FEE
Encroachment Permits	
- Minor Encroachment Permits (Local Streets)	\$437.97
- Minor Encroachment Permits (Utility)	\$302.36
- Major Encroachment Permits (Arterials and Collectors)	\$753.66
- Work without Permit	Double the permit cost
Street Cuts Miscellaneous	
- Minor Street Cuts	\$1,207.20
- Major Street Cuts	\$2,436.63
- Special Major Permit (projects in excess of \$30,000 or over 15 working days)	5% of Project Costs and/or \$80 per inspection
Grading permit	
- <10,000 s.f. lot	\$931.52
- 10,000 s.f or greater	Greater of \$2,825 min. or 6% of cost of improvement
Parcel Map/Tract Map (Map Checking Fee)	
- Parcel Map (1-4 lots)	\$5,527.90
- Tract Map (> 4 lots)	\$9,076.21
Plan Check and Inspection	
- Review of Building Permit Only	\$823.70
Additional Plan Review - 3 or more reviews (Each)	\$183.41
Review of Public/Private Improvement Plans:	
- Residential	greater of \$3,648 min. or 5% of cost of improvement
- Commercial	greater of \$6,825 min. or 6% of cost of improvement
Geotechnical Review	*Cost of review + City Administrative Fee
Structural Review	*Cost of review + City Administrative Fee
*Per Outside Agency Review/Services on Schedule A - General	
Public Works Confirmation	\$365.72
Annexation (plus County filing fee)	\$1,995.32
Certificates of Compliance	\$1,711.86
Lot Line Adjustment	\$2,753.43
Transportation Permit (State Regulated Fee)	
- Single	\$17.79
- Annual Utility Company	\$100.04
- Additional Engineering Investigation or Coordination	\$183.41
Banners	
- Large Banners Across Stevens Creek Boulevard	\$499.11
- Small Banners on Light Poles (for 20 poles)	\$1,266.11
Special Events/Parades	\$3,061.35
Block Party	No Charge

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FEE DESCRIPTION	FY2017-18 FEE
Vacation of Public Street ROW/PUE	
- Summary Vacation	\$2,092.03
- Full Vacation	\$3,253.65
Rural/Semi-Rural Classification Application	
- Application Phase	\$1,704.08
- Implementation phase	\$1,042.68
Certificate of Correction	\$781.45
Floodplain Evaluation/Elevation Certificate Review	\$183.41
Permit Parking Study	
- Application Phase	\$1,042.68
- Implementation phase	\$852.60
- Permit Parking Bi-annual Fee	No Charge
Streamside Permit	\$334.59
<u>Master Storm Drain Area Fees:</u>	
Low-Density Residential (Less than one dwelling unit per acre hillside zoning only)	\$3,723.86/dwelling unit
Single-Family Residential greater than one dwelling unit per acre and less than 5.2 dwelling units per acre	\$5,057.78/acre
Multiple Family greater than 5.2 dwelling units per acre	\$3,629.37/acre+
	\$274.57/unit*
*Maximum chargeable dwelling units of 20 units per acre.	
Commercial and Industrial	\$9,770.96/acre
Public Educational Uses	\$3,723.86/acre
Public Facility Uses	\$1,880.83/acre
Stormwater Permit Inspections - Commercial	
Initial Inspection	No charge
Re-Inspection for Violations	\$266.78
Storm Management Plan Fee	\$1,342.81
Public Works Staff Time	\$190/hr
<u>New Public Tree Cost Schedule:</u>	
Public Tree Planting Cost:	
24" Street Tree	\$386.84
36" Street Tree or Larger	Actual costs

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PUBLIC TREE DAMAGE OR REMOVAL FEE SCHEDULE:

This fee schedule is defined in Chapter 14.12 and establishes the fee to be paid to the City for damage to and/or removal of public trees.

1st time offenders, as defined in Chapter 14.12, shall be subject to a fee of 10% of the Public Tree Damage Fee or 10% of the Public Tree Removal Fee as defined below or \$600, whichever is higher, per public tree damaged and/or removed. No additional costs, such as stump removal, trimming, or replanting will apply.

Repeat offenders, intentional actors and professionals, as defined in Chapter 14.12, shall be subject to the following fees:

Public Tree Damage Fee:

\$100 per cumulative diameter inch of branch or root plus, if any, the actual costs incurred for immediate corrective pruning plus, if any, the calculated costs for future corrective pruning, as may be required to maintain the health of the tree.

Public Tree Removal Fee:

The fee for each tree removed shall be based upon the unmodified value of the tree removed (based upon diameter), multiplied by the species rating, multiplied by the condition rating.

FEE = UNMODIFIED TREE VALUE x SPECIES RATING x CONDITION RATING

For inputs, use the following values:

UNMODIFIED TREE	Refer to Unmodified Tree Value Table
SPECIES RATING	Refer to Species Rating Table
CONDITION RATING	Good = 1.00, Fair = 0.75, Poor = 0.50

The fee for trees less than 4 inches in diameter shall not be reduced by species or condition rating.

Trees larger than 40" shall have the fee determined by the most recent edition of the 'Guide for Plant Appraisal', published by the Council of Tree and Landscape Appraisers, using the trunk formula method.

No additional costs, such as stump removal, trimming or replanting will apply.

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Unmodified Tree Value Table:

Tree size (diameter of trunk)

1" to 2"	\$348
2" to 3"	\$348
3" to 4"	\$1,039
4" to 5"	\$1,039
5" to 6"	\$1,404
6" to 7"	\$1,851
7" to 8"	\$2,378
8" to 9"	\$2,987
9" to 10"	\$3,677
10" to 11"	\$4,449
11" to 12"	\$5,301
12" to 13"	\$6,235
13" to 14"	\$7,249
14" to 15"	\$8,345
15" to 16"	\$9,522
16" to 17"	\$10,780
17" to 18"	\$12,120
18" to 19"	\$13,540
19" to 20"	\$15,042
20" to 21"	\$16,625
21" to 22"	\$18,290
22" to 23"	\$20,036
23" to 24"	\$21,862
24" to 25"	\$23,769
25" to 26"	\$25,758
26" to 27"	\$27,829
27" to 28"	\$29,980
28" to 29"	\$32,212
29" to 30"	\$34,527
30" to 31"	\$36,920
31" to 32"	\$39,396
32" to 33"	\$41,954
33" to 34"	\$44,593
34" to 35"	\$47,312
35" to 36"	\$50,113
36" to 37"	\$52,995
37" to 38"	\$55,958
38" to 39"	\$59,003
39" to 40"	\$62,128

Measurement shall be measured 4.5 feet above the ground level and rounded down to the nearest whole inch.

If the tree is multi-trunk, use 1.5 times the diameter of the largest trunk to determine fee.

If there is tree damage 4-5 feet above the ground, trunk diameter is to be measured 1 foot above ground level and 1 inch is to be subtracted from the diameter to determine fee.

If the tree is removed to the ground, tree inventory data will be used to determine the trunk diameter.

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Species Rating Table

Common Name	Species	Rating%
Acacia	ACACIA	60
Blackwoodacaia	ACACIA MELANOXYLON	60
Trident maple	ACER BUERGERIANUM	90
Big leaf maple	ACER MACROPHYLLUM**	100
Japanese maple	ACER PALMATUM	90
Red maple	ACER REBRUM	70
Silver maple	ACER SACCHARINUM	80
California buckeye	AESCULUS CALIFORNICA**	100
Red hoursechesnut	AESCULUS X CARNEA	90
Tree of heaven	AILANTHUS ALTISSIMA	0
Silk tree	ALBIZIA JULIBRISSIN	50
Black Alder	ALNUS GLUTINOSA	80
Strawberry madrone	ARBUTUS MARINA	90
Madrone	ARBUTUS MENZIESII	100
Hong Kong orchid	BAUHINIA BLAKEANA	75
Birch	BETULA ALBA	60
Incense cedar	CALOCEDRUS DECURRENS	80
Horsetail tree	CASUARINA EQUISETIFOLIA	75
Blue atlas cedar	CEDRUS ATLANTICA**	100
Deodora cedar	CEDRUS DEODARA**	100
Chinese hackberry	CELTUS SINENSIS	65
Carob tree	CERATONIA SILIQUA	70
Redbud(eastern)	CERCIS CANADENSIS	75
Camphor tree	CINNAMOMUM CAMPHORA	70
Citrus	CITRUS SP	40
English hawthorn	CRATAEGUS LAEVIGATA	70
Cypress	CUPRESSACEAE	80
Italian cypress	CUPRESSUS SEMPERVIREN	80
Japanese persimmon	DIOSPYROS KAKI	40
Loquat	ERIOTRYA DEFLEXA	60
Blue gum tree	EUCALYPTUS GLOBULUS	70
Eucalyptus	EUCALYPTUS SP	60
Misson fig	FICUS CARICA	40
Autumn purple ash	FRAXINUS AMERICANA	80
Raywood ash	FRAXINUS ANGUSTIFOLIA 'RAYWOOD'	80
Moraine ash	FRAXINUS HOLOTRICHA	80
Shamel ash	FRAXINUS UHDEI	80
Modesto ash	FRAXINUS VELUTINA 'MODESTO'	80
Australian willow	GELJERA PARVIFOLIA	80
Maidenhair	GINKO BILOBA	80
Honey locust	GLEDITSIA TRIACANTHOS	70
Silk oak tree	GREVILLEA ROBUSTA	70
English holly	ILLEX AQUIFOLIUM	40
Jacaranda	JACARANDA MIMMOSIFOLIA	70
Walnut	JUGLANS	70

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Species Rating Table
Common Name

Species

Rating%

Black walnut	<i>JUGLANS HINDSII</i>	70
Chinese flame tree	<i>KOELREUTERIA BIPINNATA</i>	80
Muskogee crape myrtle	<i>LAGERSTROMIA 'MUSKOGEE'</i>	80
Nanchez crape myrtle	<i>LAGERSTROMIA 'NANCHEZ'</i>	80
Tuscarora crape myrtle	<i>LAGERSTROMIA 'TUSCARORA'</i>	80
Sweet bay	<i>LAURUS NOBILIS</i>	80
Japanese privet	<i>LIGUSTRUM JAPONICUM</i>	30
American sweetgum	<i>LIQUIDAMBER STYRACIFLUA</i>	40
Tulip tree	<i>LIRIODENDRON</i>	60
Brisbane box tree	<i>LOPHOSTEMON CONFERTUS</i>	90
Magnolia	<i>MAGNOLIA GRANDIFOLIA RUSSET</i>	75
Magnolia (dwarf)	<i>MAGNOLIA GRANDIFOLIA ST MARY</i>	75
Saucer magnolia	<i>MAGNOLIA SOLINGIANA</i>	75
Crabapple tree	<i>MALUS FLORIBUNDA</i>	90
Apple	<i>MALUS SP</i>	40
Mayten tree	<i>MAYTENUS</i>	70
Malaleuca(broad leaf)	<i>MELALEUCA LEUCADENDRA</i>	60
Malaleuca(narrow leaf)	<i>MELALEUCA LINARIFOLIA</i>	60
Dawn redwood	<i>METASAQUOIA GLYPTOSTROBOIDES</i>	100
Fruitless mulberry	<i>MORUS ALBA</i>	40
Black mulberry	<i>MORUS NIGRA</i>	40
Myoprum	<i>MYOPORUM LAETUM</i>	70
Oleander tree	<i>NERIUM OLEANDER</i>	40
Olive	<i>OLEA EUROPAEA</i>	70
Devilwood	<i>OSMANTHUS AMERICANUS</i>	0
Palm	<i>PALM*</i>	40
Avocado	<i>PERSEA AMERICANA</i>	60
Red leaf photinia	<i>PHOTINIA GLABRA</i>	60
Spruce	<i>PICEA</i>	80
Colorado spruce	<i>PICEA PUNGENS</i>	80
Colorado blue spruce	<i>PICEA PUNGENS 'GLAUCA'</i>	80
Italian stone pine	<i>PINUS PINEA</i>	90
Pine	<i>PINUS SP</i>	30
Chinese pistacio	<i>PISTACIA CHINENSIS</i>	80
Lemonwood tree	<i>PITTOSPORUM EUGENIOIDES</i>	40
Japanese cheesewood	<i>PITTOSPORUM TOBIRA</i>	40
London plane 'colombiana'	<i>PLATANUS COLUMBIANA</i>	95
Western Sycamore	<i>PLATANUS RACEMOSA**</i>	100
London plane 'bloodgood'	<i>PLATANUS X HISPANICA 'BLOODGOOD'</i>	95
Yew pine	<i>PODOCURPUS MACROPHYLLUS</i>	75
Poplar	<i>POPULUS</i>	60
Flowering cherry	<i>PRUNUS AKEBONO</i>	80
Wild Plum	<i>PRUNUS AMARACANA</i>	40
Almond tree	<i>PRUNUS ALMOND</i>	50
Apricot tree	<i>PRUNUS APRICOT</i>	40

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Species Rating Table
Common Name

Species

Rating%

Fruiting cherry	<i>PRUNUS AVIUM</i>	0
Carolina cherry	<i>PRUNUS CAROLINIANA</i>	60
Purple leaf plum	<i>PRUNUS CERASFERA KRAUTER VESUVIUS</i>	70
Peach tree	<i>PRUNUS PERSICA</i>	40
Douglas fir	<i>PSEUDOTSUGA MENZIESII</i>	80
Guava	<i>PSIDIUM GUAJAVA</i>	40
Pomegranate	<i>PUNICA GRANATUM</i>	40
Aristocrat Flowering pear tree	<i>PYRUS CALLERYANA 'ARISTOCRAT'</i>	75
Bradford flowering pear	<i>PYRUS CALLERYANA 'BRADFORD'</i>	75
Chanticleer flowering pear	<i>PYRUS CALLERYANA 'CHANTICLEER'</i>	75
Evergreen flowering pear	<i>PYRUS KAWAKAMII</i>	75
Asian pear	<i>PYRUS PYRIFOLIA</i>	40
Oak	<i>QUERCUS</i>	90
Coast live oak	<i>QUERCUS AGRIFOLIA**</i>	100
White oak	<i>QUERCUS ALBA</i>	90
Texas red oak	<i>QUERCUS BUCKEYI</i>	90
Sierra oak	<i>QUERCUS CAMBII</i>	90
Blue oak	<i>QUERCUS DOUGLASII**</i>	100
Forest green oak	<i>QUERCUS FRAINETTO</i>	90
Holly oak	<i>QUERCUS ILEX</i>	90
Black oak	<i>QUERCUS KELLOGGII**</i>	100
Valley oak	<i>QUERCUS LOBATA**</i>	100
Red oak	<i>QUERCUS SUBER</i>	90
Cork oak	<i>QUERCUS SUBER</i>	90
Southern live oak	<i>QUERCUS VIRGINIANA</i>	100
Interior live oak	<i>QUERCUS WISLIZENI**</i>	100
African sumac	<i>RHUS LANCIA</i>	70
Weeping willow	<i>SALIX BABYLONICA</i>	40
Wild willow	<i>SALIX SCOULERIANA</i>	0
California pepper tree	<i>SCHINUS MOLE</i>	40
Brazilian pepper tree	<i>SCHINUS TEREBINTHEFOLIUS</i>	40
Coast redwood	<i>SEQUIOA SEMPRIVIRONIS</i>	95
Giant sequoia	<i>SEQUIOIA DENDRON GIGANTEUM</i>	80
Japanese pagoda	<i>SOPHORIA JAPONICA</i>	70
Chinese tallow	<i>TRIADICA SEBIFERA</i>	50
Water gum	<i>TRISTANIA LAURINA</i>	70
Bosque chinese elm	<i>ULMAS PARVIFOLIA 'BOSQUE'</i>	90
Chinese elm	<i>ULMUS PARVIFOLIA</i>	70
Siberian elm	<i>ULMUS PUMILA</i>	60
Bay laurel	<i>UMBELLULARIA CALIFORNICA**</i>	100
Mexican fan palm	<i>WASHINGTON ROBUSTA</i>	0
Spanish dagger yucca	<i>YUCCA GLORIOSA</i>	0
Zelkova	<i>ZELKOVA SERRATA</i>	65

*All palms on Palm Avenue are protected heritage trees and will be rated @ 100%

**Protected tree species

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FEE DESCRIPTION	FY2017-18 FEE
Transportation Impact Fee	
- Single Family	\$5,968/Unit
- Multi-Family	\$3,700/Unit
Includes apartments, condos and townhomes	
- Retail	\$9.60/sqft.
- Office	\$16.81/sqft
- Hotel	\$3,272/room
- Other (per PM trip)	\$6,025/trip