

RESOLUTION NO. 21-116

A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
APPROVING THE ANNUAL & FIVE-YEAR DEVELOPMENT IMPACT FEE  
REPORT FOR FY ENDING JUNE 30, 2021 AND MAKING REQUIRED  
FINDINGS

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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, 2021 (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, 2021, 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 21<sup>st</sup> day of December 2021, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Paul, Chao, Moore, Wei, Willey
NOES:	None
ABSENT:	None
ABSTAIN:	None

<p>SIGNED:</p>  _____ Darcy Paul, Mayor City of Cupertino	<p><u>11/2/2022</u> Date</p>
<p>ATTEST:</p>  _____ Kirsten Squarcia, City Clerk	<p><u>1/12/22</u> Date</p>

**City of Cupertino**  
**AB 1600 - Mitigation Fee Act**  
**Annual & Five Year Report for the fiscal year ending June 30, 2021**

**Dept.: Community Development**

**Project: Below Market Rate (BMR) Housing Mitigation Fee**

**Local Authority:**

Information on the City’s BMR Housing Mitigation Fee is provided as a courtesy. The City of Cupertino has collected BMR mitigation fees from commercial and residential developments since 1992 based on nexus studies conducted at that time. On May 5, 2015, the City Council adopted Resolution 15-036, accepting three reports from Keyser Marston Associates, Inc. (KMA) – Summary and Recommendations BMR Housing Mitigation Program, Non-Residential Jobs-Housing Nexus Analysis, and Residential BMR Housing Nexus Analysis – which collectively form the City’s Nexus Study justifying the current residential and non-residential Housing Mitigation Fees. Per Resolution 17-052, the City Council adopted the updated BMR residential and non-residential (office, research, and development, industrial, hotel, retail and commercial) Housing Mitigation Fees. On May 19, 2020, the City Council adopted Resolution 20-056, which increased the Housing Mitigation Fees for hotels and for offices to levels lower than the maximum amount needed to fully mitigate the burdens created by new development on the need for affordable housing as determined in the KMA Reports, based in part on an Economic Feasibility Analysis prepared by Strategic Economics concluding that increased fees would be feasible. On April 21, 2020, the City Council adopted Resolution 20-037, amending the BMR Housing Mitigation Fees to adopt fee categories and amounts for self-storage and warehouse uses based in part on a report from KMA dated January 2020 and entitled “Supplement to the Non-Residential Jobs-Housing Nexus Study” evaluating the impact of self-storage and warehouse land uses on demand for affordable housing in the City and determining the maximum amount of a fee needed to fully mitigate the burdens on affordable housing created by these types of development. The fiscal year 2020-21 BMR Housing Mitigation Fee amounts are being reported below.

**Voluntary Five Year Reporting & Findings Requirement:**

1. The purpose of the BMR Housing Mitigation Fee is to help mitigate the need for affordable housing as a result of new residential and non-residential development within the City of Cupertino. The requirements for applicability to the BMR Housing Mitigation Fees are set forth in the City’s adopted BMR Housing Mitigation Program Procedural Manual. The BMR Housing Mitigation Fee schedule is as follows:

Residential (per sq. ft.) -

Detached Single Family Residence	\$18.45
Small Lot Single Family Residence or Townhome	\$20.29
Multi-Family Attached Townhome or Condo	\$24.60
Multi-Family Rental Apartment (1 to 35 du/ac)	\$24.60
Multi-Family Rental Apartment (over 35 du/ac)	\$30.75

Non-Residential (Per sq.ft.) –

Office, Research & Development, or Industrial	\$24.60
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Hotel	\$12.30
Commercial or Retail	\$12.30

BMR Housing Mitigation Fees were used to fund staff and administrative time, legal and professional services, BMR housing placement services, rental mediation, contract services, Nexus Study update and a Consolidated Plan.

The fees in the BMR Fund include funds paid to the City as conditions of development agreements. When applicable, these fees are included in the tables below; however, there is no requirement to prepare a five-year report regarding fees obtained through a development agreement.

2. A reasonable relationship exists between the BMR Housing Mitigation Fee and the purpose for which the fee was charged. The need for the BMR Housing Mitigation fees, as they were identified when the fee was enacted, remains. *See*, Strategic Economics December 16, 2019, Economic Feasibility Study of Inclusionary Requirements.

### Five-Year Report

#### **Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost*</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Below Market Rate Housing Mitigation fee	\$160,300,000	\$6,111,827	100%	Additional Developer Contributions State and Federal tax credits, loans, and grants	<i>As projects develop/redevelop</i>	<i>Ongoing</i>	<i>Ongoing</i>

\* Based on current RHNA allocation and affordability gaps estimated in the nexus study (defined as the gap between what households can afford and the cost of producing additional housing in Cupertino): Very-low income units (356) x \$241,000/unit = \$87.8 million. Low income units (207) x \$213,000/unit = \$44.1 million. Moderate income units (231) x \$123,000/unit = \$28.4 million. Total = \$160.3 million.

On December 16, 2021, ABAG is considering revisions to the RHNA allocations. Based on information released by ABAG in November 2021, it is expected that Cupertino will receive an allocation of 4,588 units: Very-low income units (1,193), Low-income units (687), Moderate income units (755), and Above Moderate units (1,953). The estimates provided in this report will be updated next year to reflect approved RHNA allocations.

**Annual Report****Amount of Fee:** Based on adopted Fee Schedule

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>
Balance at 7/1/2020	\$6,551,494	
Fees Collected	\$204,931 *	
Interest	\$19,651	
	(\$206,461)	Staff and administration
	(\$68,170)	Legal and professional services
	(\$259,957)	Housing placement services
	(\$50,000)	Rental mediation services/contract services
Expended	(\$44,955)	Housing Strategies
	(\$25,000)	De Anza Housing Program
	(\$9,706)	Housing Survey
Subtotal	<b>(\$664,249)</b>	
Refunded	0	
Unrestricted balance at 6/30/2021	\$6,111,827	

\*- Includes funds collected by Development Agreement

**Dept.: Public Works**

**Project: Park Dedication In-Lieu Fee**

**Local Authority:**

City of Cupertino: Municipal Code, Chapter 13.08

**Five Year Reporting & Findings Requirement:**

1. The purpose of the Park Dedication Fee is to help mitigate the need for additional outdoor recreational area for new residential development within the City of Cupertino. The requirements for applicability to the Park Dedication Fees are set forth in the City's Municipal Code, Chapter 13.08, and the fee was adopted under the provisions of the Mitigation Fee Act. The Parkland Dedication Fee is based on the fair market value of land within the City of Cupertino. Land values are appraised bi-annually, and the Park Dedication Fees are updated accordingly. Park Dedication Fees are used to fund parkland acquisitions and improvements to park and recreational facilities.

The fees in the Park Dedication table below include funds paid to the City as a condition of development agreements. Although these fees are included in the tables below, there is no requirement to prepare a five-year report regarding fees obtained through a development agreement. In addition, this table includes adopted fees imposed as a condition of development.

2. A reasonable relationship exists between the Park Dedication Fee and the purpose for which the fee is charged, as additional parkland and facilities are needed to offset the increase in population that additional residential units impacts. The need for the Park Dedication fees, as they were identified when the fee was enacted, remains, as the City's current park area per resident does not yet meet the park acreage standard in the Park Dedication Fee ordinance and as development continues to occur.
3. The sources and amounts of funding anticipated to complete the financing of the Park Dedication are identified below:
  - Developer Fair-Share Contributions from all projects that add residences.
4. The approximate dates on which the funding for the needed park acquisition and improvements is expected to be deposited into the appropriate account are identified in the Five-Year Report on the next page.

Five-Year Report**Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Lawrence-Mitty Park	\$8,270,994	\$9,051,726	100%	Project is fully funded	Winter 2020	Spring 2015	Spring 2025

Annual Report

**Amount of Fee:** Based on Fair-Market Value of land, through land appraisal

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>
Balance at 7/1/2020	\$3,403,484	
Fees Collected	\$104,201*	
Interest	\$22,788	
Expended Subtotal	(\$9,541) (\$2,740,200)	Staff and Administration of Lawrence-Mitty Purchase Agreement for Lawrence Mitty
	<b>(\$2,749,741)</b>	
Refunded	0	
Reserved	(\$5,521,253)	Reserved for construction of Lawrence-Mitty Park (\$2,749,741 used for property purchase)
Balance at 6/30/2021	\$3,530,473	

\*- Includes funds collected by Development Agreement and other developments



**Dept.: Public Works**

**Project: Transportation Impact Fee**

**Local Authority:**

City of Cupertino: Municipal Code, Chapter 14.02

**Five Year Reporting & Findings Requirement:**

1. The purpose of the Transportation Impact Fee is to help mitigate the impact to the City's existing transportation infrastructure due to new development, additions to existing structures or changes in use within the City of Cupertino. The requirements for applicability to the Transportation Impacts Fees are set forth in the City's Municipal Code, Chapter 14.02, and the fee was adopted under the provisions of the Mitigation Fee Act. The Transportation Impact Fee is based on the Transportation Impact Fee Nexus Study. Transportation Impact Fees are used to fund capital improvements to the City's transportation infrastructure.
2. A reasonable relationship exists between the Transportation Impact Fee and the purpose for which the fee is charged, as additional transportation infrastructure is needed to offset the increased demand that new development, additions to existing structures and changes in use create on the roadway network. The need for the Traffic Impact fees, as identified in the Nexus Study remain, as the infrastructure improvements have not yet been constructed.
3. The sources and amounts of funding anticipated to complete the financing of the Transportation Impact Fee are identified below:
  - Developer Fair-Share Contributions from all projects that create new vehicle trips.
4. The approximate dates, on which the funding for the needed transportation impact improvements is expected to be deposited, are identified in the Five-Year Report on the next page.

Five-Year Report**Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Projects in the Transportation Impact Fee Nexus Study	\$59,780,125	\$468,998	100%	Additional Developer Contributions, State and Federal grants, General Fund	Fall 2024	Winter 2019	Summer 2026

Annual Report

**Amount of Fee:** Based on Transportation Impact Fee Nexus Study

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>
Balance at 7/1/2020	\$241,119	
Fees Collected	\$226,728	
Interest Expended	\$1,151	
Subtotal	<b>0</b>	
Refunded	0	
Balance at 6/30/2021	\$468,998	

**Dept.: Public Works****Project: N. Stelling/I-280 Bridge Pedestrian Lighting & Upgrades****Local Authority:**

EXC-2007-06: Condition of Approval No. 21

TM-2007-02: Condition of Approval No. 24

**Five Year Reporting & Findings Requirement:**

1. The purpose of the N. Stelling/I-280 Bridge Pedestrian Lighting & Upgrades fee is to enhance the pedestrian walkway along the east and west side of the North Stelling Road bridge that crosses over Interstate 280. Public facilities to be funded with the fees were described in:
  - a. Villa Serra Apartments: ASA-2007-03: Condition of Approval No. 21, dated July 13, 2007, for Architectural Site Approval (\$25,000 collected)
  - b. Las Palmas Subdivision: TM-2007-02: Condition of Approval No. 24, dated July 18, 2007, for Tentative Map Application (\$25,000 collected)
2. A reasonable relationship exists between the North Stelling fee and the purpose for which the fee was charged in that new development in the vicinity of the bridge increases pedestrian traffic across the bridge. The need for improvements to the bridge, that were identified during the review of the two projects, remains, as the bridge experiences increased pedestrian traffic due to the two projects.
3. The sources and amounts of funding anticipated to complete the financing of the bridge improvements are identified below:
  - It is anticipated that the City of Cupertino General Fund will be used to supplement revenue from fees.
4. The approximate dates on which the funding for the bridge improvements is expected to be deposited into the appropriate account are identified in the Five-Year Report below.

**Five-Year Report****Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Pedestrian Lighting & Upgrades – N. Stelling/I280 Bridge	\$100,000	\$52,222	50%	Anticipated that City will fund the remaining cost of the project	Spring/2023	Summer/2023	Fall/2023

**Annual Report**

**Amount of Fee:** 25% Contribution to the total cost, based on estimated four projects contributing to improvement.

FY 2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$ 51,578			Amount	\$ -
Fees Collected	0		\$ 50,000	Repayment Date (est.)	na
Interest	\$644		\$5,772		
Expended	0		(\$3,550)		
Refunded	0		0		
Balance at 6/30/2021	\$ 52,222		\$ 52,222		

**Dept.: Public Works**

**Project: De Anza/McClellan/Pacifica signal modification**

**Local Authority:**

TM-2002-02: Condition of Approval No. 23

**Five Year Reporting & Findings Requirement:**

1. The purpose of the De Anza/McClellan/Pacifica signal modification is to study and redesign the traffic signal to improve the efficiency of the intersection. Public facilities to be funded with the fees were described in:
  - a. Cupertino Town Square: TM-2002-02: Condition of Approval No. 2, dated July 15, 2003 for Tentative Map application (\$145,700 collected)
2. A reasonable relationship exists between the De Anza/McClellan/Pacifica signal modification contribution and the purpose for which the fee was charged, in that the new development introduces additional vehicular and pedestrian traffic to the intersection. The need for improvements to the intersection and the traffic signal, as they were identified during the review of the project, remains. The intersection continues to run less efficiently than other intersections in the area.
3. The sources and amounts of funding anticipated to complete financing of the intersection improvements are identified below:
  - Developer Fair-Share Contributions from other projects that contribute traffic to the intersection.
  - It is anticipated that the City of Cupertino General Fund will be used to supplement revenue from fees.
  - Vehicle Emissions Reductions Based at Schools (VERBS) Grant funding.
4. The approximate dates on which the funding for the bridge improvements is expected to be deposited into the appropriate account are identified below.

**Five-Year Report**

**Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Traffic Signal & Intersection Improvements De Anza Blvd/ McClellan Rd/ Pacifica Ave	\$1,200,000	\$167,278	14%	Developer Contributions, General Fund, and VERBS Grants	<i>Funding has been provided. Summer/ 2019</i>	<i>Spring 2021</i>	<i>Fall 2022</i>

Annual Report

**Amount of Fee:** 12.5% Contribution to the total cost based on estimated contribution of four projects.

FY2020-21

Trust Fund Activity	Fiscal Year	Purpose of Expenditure	Inception To Date		Loans/Transfers
Balance at 7/1/2020	\$165,213			Amount	\$ -
Fees Collected	0		\$ 145,700	Repayment Date (est.)	na
Interest	\$2,065		\$21,578		
Expended	0		0		
Refunded	0		0		
Balance at 6/30/2021	\$167,278		\$167,278		

**Dept.: Public Works****Project: Stevens Creek Blvd. and Bandley Drive Signal Improvements****Local Authority:**

ASA-2011-12: Condition of Approval No. 43

**Five Year Reporting & Findings Requirement:**

1. The purpose of the Stevens Creek Blvd and Bandley Drive Traffic Signal Improvement fee is to partially fund upgrades to the traffic signal in order to improve the efficiency of the intersection. Public facilities to be funded with the fees were described in:
  - a. Cupertino Crossroads: ASA-2011-12: Condition of Approval No. 43 dated November 17, 2011 for Architectural Site Approval (\$25,000 collected)
2. A reasonable relationship exists between the Stevens Creek Blvd. and Bandley Drive Signal Improvements fee and the purpose for which the fee was charged, in that the new development has a driveway that connects directly to the signalized intersection and the development will introduce additional vehicular and pedestrian traffic to the intersection. The need for the improvements to the intersection, which were identified during the review of the project, remains.
3. The sources and amounts of funding anticipated to complete financing of the signal upgrades improvements are identified below:
  - Developer Fair-Share Contributions from other projects in the vicinity of the intersection.
  - It is anticipated that the City of Cupertino General Fund will be used to supplement revenue from fees.
4. The approximate dates on which the funding for the signal improvements is expected to be deposited into the appropriate account are identified below.

**Five-Year Report****Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Stevens Creek Blvd and Bandley Drive Signal Improvements	\$185,000	\$13,565	5%	Developer Contributions, and General Fund.	<i>Funding has been provided. Summer/2019</i>	<i>Spring/2020</i>	<i>Summer/2023</i>

**Annual Report**

**Amount of Fee:** Contribution from expected nearby developments, based on estimated addition of traffic to intersection.

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$13,398			Amount	\$ -
Fees Collected	0		\$ 25,000	Repayment Date (est.)	na
Interest Expended	\$167	Kimley Horn Contract	\$1,691		
Refunded	0		0		
Balance at 6/30/2021	\$13,565		\$ 13,565		



**Dept.: Public Works****Project: Traffic Mitigation at Homestead Rd and Lawrence Expressway****Local Authority:**

TM-2012-04: Condition of Approval No. 87

**Five Year Reporting & Findings Requirement: Provided for information only. Five years have not elapsed since initial deposit.**

1. The purpose of the Traffic Mitigation at Homestead Rd and Lawrence Expressway fee is to fund improvements to the intersection in order to address traffic impacts from the project. Public facilities to be funded with the fees were described in:
  - a. Main Street Cupertino: TM-2012-04: Condition of Approval No. 87, dated September 20, 2012 for Tentative Map application (\$400,000 collected)
2. A reasonable relationship exists between the Traffic Mitigation at Homestead Rd and Lawrence Expressway fee and the purpose for which the fee was charged, in that the development, in the vicinity of the intersection, introduces additional traffic to the intersection. The County of Santa Clara has estimated a cost to upgrade the intersection, and the Environmental Impact Report assessed a fair share contribution from the project to address its portion of the impact. The need for improvements to the intersection, as they were identified during the review of the project, remains.
3. The sources and amounts of funding anticipated to complete financing of the intersection improvements are to be identified by the County of Santa Clara.
4. The approximate dates on which the funding for the intersection improvements is expected to be deposited into the appropriate account are identified below.

**Five-Year Report****Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Traffic Mitigation at Homestead Rd and Lawrence Expressway Bridge	\$4,000,000	\$430,861	100%	To be determined by the County of Santa Clara	<i>When adequate funds have been acquired by the County to begin the project. Anticipated Summer/2021</i>	<i>Fall/2023</i>	<i>Summer/2024</i>

**Annual Report****Amount of Fee:** Based on Fair-Share Contribution assessed by Environmental Impact Report

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$425,542			Amount	\$ -
Fees Collected	0		\$400,000	Repayment Date (est.)	na
Interest	\$5,319		\$30,861		
Expended	0		0		
Refunded	0		0		
Balance at 6/30/2021	\$430,861		\$430,861		

**Dept.: Public Works**

**Project: Traffic Calming to Mitigate Impacts from Main Street Cupertino**

**Local Authority:**

TM-2012-04: Condition of Approval No. 93

**Five Year Reporting & Findings Requirement: Provided for information only. Five years have not elapsed since initial deposit.**

1. The purpose of the Traffic Calming to Mitigate Impacts from Main Street Cupertino fee is to help mitigate traffic impacts in the adjacent neighborhoods resulting from the project, for a period of 5 years following project occupancy. Public facilities to be funded with the fees were described in:
  - a. Main Street Cupertino TM-2012-04: Condition of Approval No. 93 dated 9/20/2012 for Tentative Map application (\$100,000 collected).
2. A reasonable relationship exists between the Traffic Calming fee and the purpose for which the fee was charged, in that the development introduces additional traffic to the surrounding neighborhoods. The City will utilize the funds as needed to address traffic impacts to the surrounding neighborhoods, for a period of 5-years after occupancy.
5. The sources and amounts of funding anticipated to complete financing of the traffic calming mitigations were collected with the project (\$100,000).
3. The approximate dates on which the funding for the improvements is expected to be deposited into the appropriate account are identified below.

### Five-Year Report

#### **Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Traffic Calming in Adjacent Neighborhoods	\$100,000	\$107,715	100%	Project fully funded	<i>Fees have been collected. Development Project completed June 2018</i>	<i>Fall/2021</i>	<i>June 2023</i>

**Annual Report****Amount of Fee:** Estimated Full Cost of the Study and potential improvements.

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$106,386			Amount	\$ -
Fees Collected	0		\$100,000	Repayment Date (est.)	June 2023
Interest	\$1,329		\$7,715		
Expended	0		0		
Refunded	0		0		
Balance at 6/30/2021	\$107,715		\$107,715		

**Dept.: Public Works**

**Project: Creek Trail Improvements along Calabazas Creek**

**Local Authority:**

TM-2012-04: Condition of Approval No. 47

**Five Year Reporting & Findings Requirement: Provided for information only. Five years have not elapsed since initial deposit.**

1. The purpose of the Creek Trail Improvements along Calabazas Creek contribution is to administer a creek trail plan, the necessary approvals, and improvements for a new trail along Calabazas Creek from Vallco Parkway to Interstate 280. Public facilities to be funded with the fees were described in:
  - a. Main Street Cupertino: TM-2012-04: Condition of Approval No. 47 dated September 20, 2012 for Tentative Map application (\$65,000 collected)
2. A reasonable relationship exists between the Creek Trail Improvements along Calabazas Creek Fee and the purpose for which the fee was charged in that development in the vicinity of the proposed creek trail introduces additional pedestrian traffic to the area, causing the need to provide additional and alternative means of pedestrian access and recreation to new residents and visitors to the development. The need for a new creek trail, as it was identified during the review of the project, remains.
3. The sources and amounts of funding anticipated to complete financing of the project are identified below:
  - Developer Fair-Share Contributions from other projects in the vicinity of the proposed creek trail location
4. The approximate dates on which the funding for the trail improvements is expected to be deposited into the appropriate account are identified in the Five-Year Report on the next page.

Five-Year Report**Incomplete Project that Was Identified When Imposing the Fee:**

Project Description	Total Estimated Cost	Fund Balance 6/30/2021	% Expected to be Funded by Fees	Sources and Amounts of Funding Anticipated to Complete the Project	Estimated Date for Funding to be Deposited in Fund	Estimated Beginning Date	Estimated Completion Date
Creek Trail Improvements along Calabazas Creek	\$195,000	\$70,016	100%	Additional Developer Contributions are needed to complete the project	<i>Developer contributions obtained when adjacent properties redevelop. Anticipated Summer/2022</i>	<i>Fall/2017</i>	<i>Winter/2023</i>

Annual Report

**Amount of Fee:** Contribution equivalent to 1/3 of the estimated cost of creek trail plan

FY2020-21

Trust Fund Activity	Fiscal Year	Purpose of Expenditure	Inception To Date	Loans/Transfers
Balance at 7/1/2020	\$ 69,152			Amount \$ -
Fees Collected	0		\$ 65,000	Repayment Date (est.) na
Interest	\$864		\$5,016	
Expended	0		0	
Refunded	0		0	
Balance at 6/30/2021	\$ 70,016		\$70,016	

**Dept.: Public Works****Project: Parking Conversion Fund along Vallco Parkway****Local Authority:**

TM-2012-04: Condition of Approval No. 67

**Five Year Reporting & Findings Requirement:**

1. The purpose of the Parking Conversion Fund along Vallco Parkway is to enable the City to convert the angled parking spaces along the south side of Vallco Parkway to parallel parking spaces and an additional east-bound traffic lane. Public facilities to be funded with the fees were described in:
  - a. Main Street Cupertino: TM-2012-04: Condition of Approval No. 67 dated 9/20/2012 for Tentative Map application (\$450,000 collected)
2. A reasonable relationship exists between the Parking Conversion Fund along Vallco Parkway and the purpose for which the fund was collected in that new development is adjacent to this section of Vallco Parkway, and the development reduced the number of east-bound lanes a part of their project. The Fund will permit the City to reestablish the east-bound lane that was lost, due to the development, should it be found that the additional lane is necessary to serve the public. The fund is based on the estimated cost to perform the work. The need for the funds, that were identified when the funds was imposed, remain, as the development project has not yet been completed, and the full impact of traffic to this portion of road has not yet materialized.
3. The sources and amounts of funding anticipated to complete financing of the conversion were collected with the project (\$450,000).
4. The approximate dates on which the funding for the conversion is expected to be deposited into the appropriate account are identified below.

**Five-Year Report****Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Parking Conversion Fund along Vallco Parkway	\$450,000	\$484,719	100%	No additional funds needed at this time.	<i>Fees have been collected. Development Project completed June 2018</i>	<i>June 2018</i>	<i>June 2023</i>

**Annual Report****Amount of Fee:** Estimated Full Cost of the potential improvements.

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$478,734			Amount	\$ -
Fees Collected	0		\$450,000	Repayment Date (est.)	June 2023
Interest	\$5,985		\$34,719		
Expended	0		0		
Refunded	0		0		
Balance at 6/30/2021	\$484,719		\$484,719		



**Dept.: Public Works**

**Project: Funding of Neighborhood Cut-through Traffic and Parking Intrusion Monitoring**

**Local Authority:**

TM-2011-03: Condition of Approval No. 49

**Five Year Reporting & Findings Requirement: Provided for information only. Five years have not elapsed since initial deposit.**

1. The purpose of the Funding of Neighborhood Cut-through Traffic and Parking Intrusion Monitoring Fee is to monitor and address traffic and parking intrusion, in neighborhoods adjacent to the project site, due to the practices of employees who will work at the project site. Public facilities to be funded with the fees were described in:
  - a. Apple Campus 2: Ordinance 13-2114: Resolution Approving Apple Campus 2 Development Agreement – Section 3.13 and TM 2011-03: Condition of Approval No. 49 dated 10/15/2013 for Tentative Map Application (\$850,000 collected)
2. A reasonable relationship exists between the Funding of Neighborhood Cut-through Traffic and Parking Intrusion Monitoring fee and the purpose for which the fee was charged in that the traffic from the development, for which the fee is to be used to monitor, has not yet materialized because the development has not been fully constructed or occupied. The City will begin monitoring activities in the fall of 2017. The \$850,000 fee was based on an estimate of the cost to perform the monitoring and make minor modifications to address traffic and parking intrusion concerns. The need for traffic and parking intrusion monitoring, as it was identified during the review of the project, remains. The traffic, for which the fees are to be used to monitor, has not yet materialized.
3. The sources and amounts of funding anticipated to complete monitoring and improvements were collected with the project (\$850,000).
4. The approximate dates on which the funding for the monitoring is expected to be deposited into the appropriate account are identified below.

**Five-Year Report**

**Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Funding of Neighborhood Cut-through Traffic and Parking Intrusion Monitoring	\$869,223	\$872,670	100%	No additional funds needed at this time.	Fall/ 2017	Summer/2017	Spring/2024

**Annual Report****Amount of Fee:** Estimated Full Cost of the Study and potential improvements:

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$861,897			Amount	\$ -
Fees Collected	0		\$850,000	Repayment Date (est.)	na
Interest Expended	\$10,773		\$64,148		
	0	IDAX & Stantec Consulting Contracts	(\$41,478)		
Refunded	0		0		
Balance at 6/30/2021	\$872,670		\$872,670		

**Dept.: Public Works****Project: Implement a Traffic-Adaptive Traffic Signal System along De Anza Blvd****Local Authority:**

TM-2011-03: MitigationTRANS-13c

**Five Year Reporting & Findings Requirement: Provided for information only. Five years have not elapsed since initial deposit.**

1. The purpose of the Traffic-Adaptive Traffic Signal System along De Anza Blvd fee is to implement traffic-adaptive technology to the traffic signals along De Anza Blvd within the jurisdiction of the City of Cupertino. Public facilities to be funded with the fees were described in:
  - a. Apple Campus 2: Ordinance 13-2114: Resolution Approving Apple Campus 2 Development Agreement – Section 3.13 and TM-2011-03: Mitigation TRANS-13c, dated 10/15/2013 for Tentative Map application (\$50,000 collected)
2. A reasonable relationship exists between the traffic-adaptive traffic signal system along De Anza Blvd fee and the purpose for which the fee was charged in that new development will introduce additional traffic to De Anza Boulevard, and more efficient traffic signal timing will be needed to address the additional traffic. The fee was based on a fair-share contribution of the estimated total cost to install the traffic-adaptive technology. The need for traffic-adaptive technology, as it was identified during the review of the project, remains.
3. The sources and amounts of funding anticipated to complete the traffic-adaptive technology upgrades will be provided through fair-share contributions from other developers that impact the corridor.
4. The approximate dates on which the funding for the traffic adaptive technology is expected to be deposited into the appropriate account are identified below.

**Five-Year Report****Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Traffic-Adaptive Traffic Signal System along De Anza Blvd	\$250,000	\$53,858	100%	Fair share contributions from other developers that impact the corridor	<i>Developer contributions obtained when adjacent properties redevelop. Anticipated Summer/2020</i>	<i>Fall/2019</i>	<i>Summer 2022</i>

**Annual Report****Amount of Fee:** Based on Fair-Share Contribution assessed by engineer's cost estimate

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$ 53,193			Amount	\$ -
Fees Collected	0		\$ 50,000	Repayment Date (est.)	na
Interest	\$665		\$3,858		
Expended	0		0		
Refunded	0		0		
Balance at 6/30/2021	\$ 53,858		\$53,858		

**Dept.: Public Works**

**Project: Interstate 280/Junipero Serra Channel Trail Improvements**

**Local Authority:**

TM-2011-03: Mitigation PLAN-3

**Five Year Reporting & Findings Requirement: Provided for information only. Five years have not elapsed since initial deposit.**

1. The purpose of the Interstate 280/Junipero Serra Channel Trail Improvements fee is to partially fund a feasibility study for a new trail along I-280/Junipero Serra Channel from N. De Anza Blvd to Calabazas Creek. Public facilities to be funded with the fees were described in:
  - a. Apple Campus 2: Ordinance 13-2114: Resolution Approving Apple Campus 2 Development Agreement – Section 3.13 and TM-2011-03: Mitigation PLAN-3, dated 10/15/2013 for Tentative Map application (\$250,000 collected)
  - b. Cupertino Property Development – Hyatt House – 10380 Perimeter Rd: DP-2014-04: Condition of Approval No. 21, dated October 21, 2014, for Development Permit application (\$66,000 collected).
2. A reasonable relationship exists between the I-280/Junipero Serra Channel Trail Improvements fee, and the purpose for which the fee was charged, in that the development in the vicinity of the proposed trail will introduce additional pedestrian and bicycle traffic between the new campus and the existing campus, causing the need to provide additional and alternative routes between the developments. The need for a new trail study, as it was identified during the review of the project, remains, as the study has not yet completed.
3. The sources and amounts of funding anticipated to complete financing of the study are identified below:
  - Developer Fair-Share Contributions from other projects in the vicinity of the proposed trail location.
4. The approximate dates on which the funding for the bridge improvements is expected to be deposited into the appropriate account are identified on the next page.

Five-Year Report**Incomplete Project that Was Identified When Imposing the Fee:**

Project Description	Total Estimated Cost	Fund Balance 6/30/2021	% Expected to be Funded by Fees	Sources and Amounts of Funding Anticipated to Complete the Project	Estimated Date for Funding to be Deposited in Fund	Estimated Beginning Date	Estimated Completion Date
Interstate 280/Junipero Serra Channel Trail Improvements	\$500,000	\$66,634	100%	Additional Developer Contributions are needed to complete the project	<i>Developer contributions obtained when adjacent properties redevelop. Ongoing.</i>	<i>Fall/2017</i>	<i>Winter/2023</i>

Annual Report

**Amount of Fee:** Contribution equivalent to approximately 60% of the estimated cost of implementation

FY2020-21

Trust Fund Activity	Fiscal Year	Purpose of Expenditure	Inception To Date	Loans/Transfers
Balance at 7/1/2020	\$65,812			Amount \$ -
Fees Collected	0		\$ 316,000	Repayment Date (est.) na
Interest Expended	\$822	Callander Assoc. Contract	\$14,959	
Refunded	0		0	
Balance at 6/30/2021	\$66,634		\$66,634	

**Dept.: Public Works****Project: Contribution towards Stevens Creek Blvd. Bicycle Lane Improvements****Local Authority:**

ASA-2018-01: Condition of Approval No. 43

**Five Year Reporting & Findings Requirement:**

5. The purpose of the Stevens Creek Blvd. Bicycle Lane Improvement fee is to partially fund upgrades to the bicycle lanes on Stevens Creek Blvd in order to enhance the safety of the bicycle lanes. Public facilities to be funded with the fees were described in:
  - a. Target Improvements: ASA-2018-01: Condition of Approval No. 22 dated August 14, 2018 for Architectural Site Approval (\$75,000 collected)
6. A reasonable relationship exists between the Stevens Creek Blvd. Bicycle Lane Improvements fee and the purpose for which the fee was charged, in that the new development abuts Stevens Creek Blvd., and will introduce additional traffic to the area. The need for the improvements to the bicycle lanes, which were identified during the review of the project, remains.
7. The sources and amounts of funding anticipated to complete financing of the signal upgrades improvements are identified below:
  - Developer Fair-Share Contributions from other projects along Stevens Creek Blvd.
  - It is anticipated that the City of Cupertino General Fund will be used to supplement revenue from fees.
8. The approximate dates on which the funding for the signal improvements is expected to be deposited into the appropriate account are identified below.

**Five-Year Report****Incomplete Project that Was Identified When Imposing the Fee:**

<b>Project Description</b>	<b>Total Estimated Cost</b>	<b>Fund Balance 6/30/2021</b>	<b>% Expected to be Funded by Fees</b>	<b>Sources and Amounts of Funding Anticipated to Complete the Project</b>	<b>Estimated Date for Funding to be Deposited in Fund</b>	<b>Estimated Beginning Date</b>	<b>Estimated Completion Date</b>
Stevens Creek Bicycle Lane Improvements (Wolfe Rd to Hwy 85)	\$2,800,000	\$78,140	3%	Developer Contributions, and General Fund.	Winter/ 2021	Spring/2021	Summer/2023

**Annual Report**

**Amount of Fee:** Contribution from developments, based on estimated costs to construct facilities along property frontages.

FY2020-21

<b>Trust Fund Activity</b>	<b>Fiscal Year</b>	<b>Purpose of Expenditure</b>	<b>Inception To Date</b>		<b>Loans/Transfers</b>
Balance at 7/1/2020	\$77,175			Amount	\$ -
Fees Collected	0		\$ 75,000	Repayment Date (est.)	na
Interest	\$965		\$3,140		
Expended	0		0		
Refunded	0		0		
Balance at 6/30/2021	\$78,140		\$ 78,140		