



Agreement entered into by the Cities of Lafayette, Orinda and the town of Moraga.”

Section 3. Amendment. Section 8-704 of the Lafayette Municipal Code is hereby amended to read as follows:

**“1-623 - Findings.**

The city council finds that:

- (a) There is a reasonable relationship between proposed uses for the fees imposed by this Article 3 and the types of development upon which the fees are imposed in that the developments will generate additional traffic on thoroughfares in the Lamorinda area, thus creating a need to expand, extend or improve existing thoroughfares and other transportation facilities or construct new ones to mitigate adverse traffic and infrastructure impacts otherwise resulting from those developments.
- (b) The fees will be used to pay for the administration, planning, environmental documentation, design, right-of-way acquisition and construction of transportation-related projects referred to in section 1-622. The fees will be used solely for eligible improvements approved by the parties to the Joint Exercise of Power Agreement.
- (c) The nexus findings, in conformity with Government Code section 66000, et seq. contained in the 2015 Lamorinda Fee Nexus Study (2015 Nexus Study) prepared for LFFA by DKS Associates., which is on file with the city clerk, are incorporated in this Article 3 by reference.”

Section 4. Amendment. Section 1-624 of the Lafayette Municipal Code is hereby amended to read as follows:

**“1-624 - Fee adoption.**

- (a) A fee is imposed on each land use type as set forth in the 2015 Nexus Study unless updated by resolution at such time as agreed upon by the LFFA.
- (b) The fee is imposed as a condition to and shall be collected before the issuance of a building permit.”

Section 5. Amendment. Section 1-625 of the Lafayette Municipal Code is hereby amended to read as follows:

**“1-625 - Fee exemptions, reductions and credits.**

- (a) Exemptions. The following exemptions apply to the fees noted in Section 1-624:
  - (1) A project that replaces an existing structure or development to the extent that it does not generate more daily vehicle miles traveled (VMTs) than the existing structure or development;
  - (2) A development agreement that is approved by an ordinance that is adopted before July 1 , 2016; and
  - (3) A subdivision map for which the final map was approved on or before June 30 , 2016, if the fee for the applicable land use category set forth in Section 1-624 was paid, the city shall provide a credit as follows:

(i) If at the time the subdivision map was approved a fee was imposed in an amount less than that provided in Section 1-624, the city shall provide a credit for the amount paid, and the balance measured by the difference between the amount set forth in Section 1-624 and the amount paid shall be imposed;

(ii) If at the time the subdivision was approved, the city required the developer to install improvements that were intended to improve or increase vehicular traffic capacity outside the boundaries of the subdivision, the city shall provide a credit against the amount of the fee imposed under Section 1-624 for each lot, based on the actual cost of such construction, divided by the number of lots in the subdivision.

(b) **Reductions.** In addition to the exemptions in subsection (a) above, the city may grant an exemption in the form of a full or partial reduction of fees as provided by rule or regulation adopted by the LFFA. The basis for a reduction must be based upon: (1) a finding that a development will generate lower daily VMTs than data that was used as the basis for the 2015 Nexus Study and (2) a traffic study that determines that the traffic impacts of the proposed development would generate fees that are less than those set forth in Section 1-624. The traffic study shall utilize trip calculation methodology within the 2015 Nexus Study and shall be reviewed by the Technical Advisory Committee for the LFFA. City shall determine the appropriate fee reduction based upon the proportionate reduction in trips demonstrated by the traffic study.

(c) **Credits.**

(1) The city may grant a credit against fees for the dedication of land for right-of-way or construction of improvements or traffic mitigation programs for specific major transportation-related improvements referred to in Section 1-622; if the dedication of right-of-way or construction or traffic mitigation programs exceeds that which would otherwise be required for approval of the proposed development.

(2) The city may grant a credit only upon its determination that the credit is exclusive of the dedication, setback, improvement or traffic mitigation measures, which is otherwise required by a provision of this municipal code or any ordinance, standard or other City requirement.

(3) The city shall calculate the credit upon the actual cost of construction or, in the case of dedication of land, an approved independent appraisal.”

**Section 6. Amendment.** Section 1-626 of the Lafayette Municipal Code is hereby amended to read as follows:

“1-626 - Disposition of fees.

The city shall collect each fee imposed and remit the non-setaside portion of the fees to the designated treasurer in accordance with the Joint Exercise of Powers Agreement and the bylaws adopted by the LFFA. The set-aside portion of the fee proceeds shall be retained by the city in a separate account to be used for the purpose described in Sections 1-622 and 1-623. Interest accumulated on the fees collected may be used only for the same purposes.”

**Section 7. Effective Date.** This Ordinance becomes effective upon the effective date of the fees imposed by Resolution No. 2016-09. This date is more than thirty (30) days from the adoption of this Ordinance.

**Section 8. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any

court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 9. Publication. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption, including the names of the council members who voted for and against its passage.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Lafayette held on March 28, 2016 and was adopted at a meeting of the City Council held on April 11, 2016 by the following vote:

**AYES: Mitchell, M. Anderson, B. Andersson, Reilly and Tatzin**

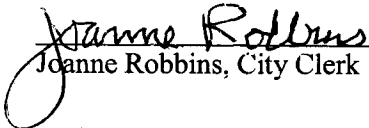
**NOES: None**

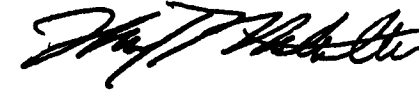
**ABSTAIN: None**

**ABSENT: None**

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Joanne Robbins, City Clerk

  
\_\_\_\_\_  
Mark Mitchell, Mayor

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

2010502

LAFAYETTE, CITY OF  
ATTN: ACCOUNTS PAYABLE  
3675 MT. DIABLO BLVD., #210  
LAFAYETTE, CA 94549-3793

## PROOF OF PUBLICATION

FILE NO. Joanne Robbins LFFA 3/14/16

In the matter of

### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/27/2016, 03/07/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 7th day of March, 2016.

Signature 

Legal No.

0005679228

### Notice of Public Hearing for Proposed Fee Adoption by the Lafayette City Council

At 7 p.m. on Monday, March 14, 2016, the City Council of the City of Lafayette will consider adoption of the revised Lamorinda Development Mitigation Fee Program at the Community Hall in the Lafayette Library and Learning Center (3491 Mt Diablo Blvd, Lafayette, CA 94549). Council adoption of the revised Fee Program would, in effect, also update the current Lafayette Transportation Development Fees schedule. The revised Fee Program is published in the Lamorinda Fee Nexus Study update, a copy of which is available upon request at Lafayette City Offices (3675 Mt Diablo Blvd, Suite 210, Lafayette, CA 94549).

The Lamorinda Fee and Financing Authority (LFFA) is the sub-regional governing body charged with administering the Fee Program. The purpose of the Fee Program is to collect fees in proportion to the level of impacts created by new development in the Lamorinda area. This policy derives from the 1988 county-wide transportation sales tax (Measure C) and continues through the current countywide sales tax, adopted in 2004 (Measure J). The LFFA supports adoption of the revised fees. Should the City Council adopt the revised fees, such fees will go into effect 60 calendar days after this public hearing.

For any questions associated with this public hearing, please contact James Hinkamp, Transportation Planner for City of Lafayette, at [jhinkamp@lovelafayette.org](mailto:jhinkamp@lovelafayette.org) or (925) 299-3229.  
CCT #5679228; Feb. 27; Mar. 7, 2016

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

2010502

LAFAYETTE, CITY OF  
ATTN: ACCOUNTS PAYABLE  
3675 MT. DIABLO BLVD., #210  
LAFAYETTE, CA 94549-3793

## PROOF OF PUBLICATION

**FILE NO. Joanne Robbins Ord 647**

In the matter of

### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.


I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

**04/15/2016**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.

On this 15th day of April, 2016.

  
\_\_\_\_\_  
Signature

Legal No.

**0005711060**

### NOTICE OF ADOPTION OF ORDINANCE 647 Amending Lafayette Municipal Code Sections 1-621 through 1-626 Regarding the Lamorinda Development Mitigation Fee Program

At its regular meeting on Monday, April 11, 2016, the City Council of the City of Lafayette adopted Ordinance 647.

The recorded vote of the City Council was as follows:

**AYES:** Mitchell, M. Anderson, B. Andersson, Rilly and Tatzin

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

The purpose of the proposed ordinance is to update Lafayette Transportation Development Fees, as set forth in Municipal Code Sections 1-621 through 1-626, to be consistent with the fee schedule and methodology in the approved Lamorinda Development Mitigation Fee Program, in addition to the First Amendment to the Lamorinda Fee & Financing Authority Joint Exercise of Powers Agreement (LFFA JPA). The revised Lamorinda Development Mitigation Fee Program is published as part of the 2015 Lamorinda Fee Nexus Study. That document, along with the First Amendment to the LFFA JPA, is available upon request at Lafayette City Offices (3675 Mt Diablo Blvd, Suite 210, Lafayette, CA 94549).

The fees will go into effect for the City of Lafayette 60 calendar days from the date of adoption. For any questions associated with the proposed ordinance, please contact James Hinkamp, Transportation Planner for City of Lafayette, at [jhinkamp@lovelafayette.org](mailto:jhinkamp@lovelafayette.org) or (925) 299-3229. A certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the City Clerk 15 days after adoption.

Joanne Robbins  
City Clerk

**CCT #5711060; Apr. 15, 2016**