

RESOLUTION NO. 2008-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ESTABLISHING PROCEDURES AND SETTING FEES FOR THE PROCESSING OF DEVELOPMENT AGREEMENTS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65864-65869.5

WHEREAS, the California Government Code sections 65864 through 65869.5 authorize cities to enter into binding development agreements for the development of real property and to establish the procedures and associated fees for processing development agreements pursuant to Government Code section 65865; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES HEREBY RESOLVE that the following procedures and fees shall apply to the City's processing of "65864 Development Agreements" filed pursuant to Section 65865 *et seq.* of the Government Code:

Section 1: APPLICATION.

Any person having a legal or equitable interest in real property for the development of such property may apply to the City of Los Altos for a "65864 Development Agreement" pursuant to Section 65865 of the Government Code.

Section 2: FILING FEE.

To recover City costs incurred in the administration, processing, negotiation and review of 65864 Development Agreements, an initial deposit shall be paid to the City of Los Altos prior to, or concurrent with, each application for a 65864 Development Agreement in the amount of \$5,000.00. All City-incurred costs shall be charged to the applicant, including but not limited to publishing and noticing costs, copying, and the like. Staff and consultant fees and attorney fees incurred in the processing shall be charged to the applicant at the established hourly rates. Said rates and the amount of the initial deposit are set and amended from time to time by City Council resolution.

Section 3: PUBLIC HEARINGS REQUIRED.

Prior to the City's approval of any 65864 Development Agreement, said Agreement shall first be the subject of public hearings held by the Planning Commission and by the City Council, with notice of intention to consider adoption of such an agreement given pursuant to the public hearing procedures set forth in Government Code section 65867.

Section 4. APPROVED BY ORDINANCE.

All approved 65864 Development Agreements shall be by ordinance of the City Council, and as such, shall be subject to referendum. A development agreement shall not be approved unless the Council finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

Section 5. CONFORMITY WITH GOVERNMENT CODE.

This Resolution is not intended to supersede or in any way conflict with the provisions of Government Code sections 65864 *et seq.* It is specifically intended that those provisions shall govern all matters relating to the content and enforceability of Development Agreements.

Section 6. AMENDMENT OR CANCELLATION.

Following public hearings pursuant to Section 3 above, a 65864 Development Agreement may be amended, or cancelled in whole or in part, by mutual consent of the parties to the Agreement or their successors in interest.

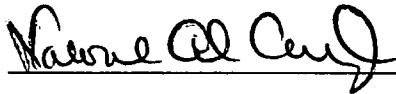
Section 7. RECORDATION.

No later than ten (10) days after the City enters into a 65864 Development Agreement, the City Clerk shall record with the County Recorder a copy of the Agreement, which shall describe the land subject thereto. From and after the time of such recordation, the Agreement shall impart such notice thereof to all persons as is afforded by the recording laws of California. The burdens of the Agreement shall be binding upon, and the benefits of the Agreement shall inure to, all successors in interest to the parties to the Agreement.

I HEREBY CERTIFY that the forgoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a regular meeting thereof held on the 12th day of August 2008, by the following vote:

AYES: PACKARD, SATTERLEE, CASAS, BECKER, CARPENTER
NOES: NONE
ABSENT: NONE

APPROVED:



Valorie Cook Carpenter, MAYOR

ATTEST:



Susan Kitchens, CITY CLERK