

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION ESTABLISHING AN IN-LIEU STORMWATER MITIGATION FEE FOR
THE GATEWAY CENTER PROJECT**

WHEREAS, the City of Salinas prohibits stormwater discharges into the City's storm drain system of any pollutant, wastewater, or any substance or material which will interfere with the operation or the performance of the storm drainage system or violate the City's National Pollutant Discharge Elimination System (NPDES) Permit or violate other applicable law or regulation (Salinas Municipal Code section 29-9); and

WHEREAS, development projects which occur in Salinas are required to mitigate their impacts on the City's stormwater system. All development must conform to low impact development (LID) standards and maximize the use of best management practices to filter stormwater runoff from the project site to the predevelopment case; and

WHEREAS, Rexford Title, Inc. is planning to develop the Gateway Center project on approximately 20.23 acres of real property in the city of Salinas which development will consist of a retail center anticipated to be anchored by a Lowe's home improvement store (Project); and

WHEREAS, the Project will result in the widening of Boronda Road by approximately 54,500 square feet, which will require approximately 2,180 square feet of area for water quality treatment to mitigate the impacts of stormwater runoff from the project site; and

WHEREAS, the City's NPDES Permit authorizes the payment of a fee in lieu of constructing the required stormwater treatment facility (NPDES Permit section j.4.g.i.2.b); and

WHEREAS, the Developer has requested the opportunity to pay a fee in lieu of developing the required stormwater treatment facility; and

WHEREAS, an analysis of the potential impacts has been completed by the City's Engineering staff and pursuant thereto a fee calculated as shown on Exhibit A, attached hereto and incorporated herein by this reference (In-Lieu Fee); and

WHEREAS, the In-Lieu Fee shall be used only for stormwater improvements; and

WHEREAS, the City Council finds and determines that the In-Lieu Fee for the Gateway Center project bears a reasonable relationship, in both intended use and amount, to the anticipated impact of the project.

NOW, THEREFORE, be it resolved by the Council of Salinas that the findings set forth above are incorporated herein in full by this reference.

BE IT FURTHER RESOLVED that the In-Lieu Fee applicable to the Gateway Center project for the projects anticipated impacts on stormwater resulting from the additional roadway

needed to support the project shall be as shown on Exhibit A, attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the In-Lieu Fee shall be paid in full prior to the issuance of a Certificate of Occupancy for the first use within the Gateway Center.

PASSED AND APPROVED by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk